



# SPECIAL INVESTIGATING UNIT



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## **SECOND FINAL REPORT**

**to the President in terms of section 4(1)(f) of the Special Investigating Units and Special Tribunals Act No. 74 of 1996 In Re: Investigation into the procurement of, or contracting for goods, works and services, including the construction, refurbishment, leasing, occupation and use of immovable property, during, or in respect of the National State of Disaster, as declared by Government Notice No. 313 of 15 March 2020, by or on behalf of the State Institutions**

**Proclamation No R23 of 2020**

**1 December 2021 to 30 June 2022**

**15 July 2022**

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Copy 2 of 2	Advocate JL Mothibi: Head of the Special Investigating Unit

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## EXECUTIVE SUMMARY

The SIU is honoured to present the second final report to His Excellency, President Matamela Cyril Ramaphosa in terms of section 4(1)(g) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (“the SIU Act”) pursuant to the publication of Proclamation R23 of 2020 (“the Proclamation”)

On 23 July 2020, and with the publication of the Proclamation the President referred certain allegations of impropriety in connection with the affairs of all State institutions (as defined in the SIU Act) to the SIU and provided the SIU with its terms of reference, which are fully set out in the Schedule to the Proclamation.

The investigation spans primarily the period 1 January 2020 and 23 July 2020 (i.e. the date of publication of the Proclamation), but also authorises investigations into matters which took place prior to 1 January 2010 or after 23 July 2020, but are relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule to the Proclamation or involve the same persons, entities or contracts investigated under authority of the Proclamation.

The Proclamation further specifically tasked and authorised the SIU to exercise or perform all the functions and powers assigned to, or conferred upon it by the SIU Act, including the recovery of any losses suffered by State Institutions or the State, in relation to the said matters in the Schedule to the Proclamation.

In terms of the SIU Act, as read with Proclamation No. R118 of 2001 and the Proclamation, among the matters that the SIU was required to investigate were:

Any alleged –

- a) serious maladministration in connection with the affairs of the State Institutions;
- b) improper or unlawful conduct by officials or employees of the State Institutions;
- 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;

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- 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) (“PaCoCA Act”) and which offences were committed in connection with the affairs of the State Institutions; 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,

in relation to following matter(s) as envisaged in the Schedule to the Proclamation, which took place between 1 January 2020 and 23 July 2020 (i.e. the date of publication of the Proclamation) or which took place prior to 1 January 2020 or after 23 July 2020, 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 the Proclamation:

1. The procurement of, or contracting for, goods, works and services, including construction, refurbishment, leasing, occupation and use of immovable property, during, or in respect of the national state of disaster as declared by Government Notice No. 313 of 15 March 2020, by or on behalf of the State Institutions and payments made in respect thereof in a manner that was—
  - a) not fair, competitive, transparent, equitable or cost-effective;
  - b) contrary to applicable—
    - (i) legislation;
    - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the NT or the relevant Provincial Treasury; or
    - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the State Institutions;
  - c) conducted by or facilitated through the improper or unlawful conduct of—
    - (i) employees or officials of the State Institutions; or
    - (ii) any other person or entity,
 to corruptly or unduly benefit themselves or others; or
  - d) fraudulent,

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and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the State Institutions or the State.

2. Any improper or unlawful conduct by the officials or employees of the State Institutions or any other person or entity, in relation to the allegations set out in paragraph 1 above, including the causes of such improper or unlawful conduct and any loss, damage or actual or potential prejudice suffered by the State Institutions or the State.

Section 4(1)(f) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (“the SIU Act”) provides that among the functions of the Special Investigating Unit (“SIU”) are, from time to time as directed by the President, to report on the progress made in the investigation and matters brought before the Special Tribunal or any court of law.

When the Proclamation was issued, the President directed the SIU to report to him on a six weekly basis regarding the progress of the investigation. To date the SIU has submitted six individual progress reports, one interim report and a final report to the Presidency. The reports were submitted on the following dates:

- 1<sup>st</sup> progress report covered the period 24 July 2020 to 28 August 2020 and was submitted on 1 September 2020;
- 2<sup>nd</sup> progress report covered the period 29 August 2020 to 2 October 2020 and was submitted on 14 October 2020;
- 3<sup>rd</sup> progress report covered the period 6 October 2020 to 17 November 2020 and was submitted on 25 November 2020;
- Interim report covered the period 23 July 2020 to 31 January 2021 and was submitted on 26 February 2021;
- 4<sup>th</sup> progress report covered the period 22 February 2021 to 16 April 2021;
- 5<sup>th</sup> progress report covered the period 17 April 2021 to 31 May 2021;
- 6<sup>th</sup> progress report covered the period 1 June 2021 to 9 July 2021; and
- Final report covered the period 23 July 2020 to 30 November 2021.

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**1. Number of contracts deemed to be under investigation by the SIU as at 10 December 2021**

The number of contracts under investigation reported at 10 December 2021 was **5 467**. These contracts were awarded to **3 066** service providers. As a percentage of the number of the contracts under investigation, 82% of these contracts have been finalised and 18% were ongoing.

<b>Final number of contracts under investigation by the SIU after reconciliation completed</b>				
<b>Contracts' Investigation Status</b>	<b>No. of Service Providers</b>	<b>No. of Contracts awarded to service providers</b>	<b>Value of contracts awarded to service providers</b>	<b>Percentage of the number of contracts</b>
Finalised	2 590	4 503	R13 341 873 576	82%
Ongoing	476	964	R961 660 529	18%
<b>Total</b>	<b>3 066</b>	<b>5 467</b>	<b>R14 303 534 105</b>	<b>100%</b>

<b>Finalised Matters with type of irregularity</b>			
<b>Irregularity</b>	<b>Number of service providers</b>	<b>Number of contracts awarded to service providers</b>	<b>Value of contracts awarded to service providers</b>
No irregularity	1 313	1 655	R5 313 995 534
Irregularity identified	1 217	2 803	R7 872 752 561
Out of scope	91	91	R179 178 026
<b>Total</b>	<b>2 621</b>	<b>4 549</b>	<b>R13 365 926 121</b>

**2. Number of contracts deemed to be under investigation at 30 June 2022**

The number of contracts under investigation is **5 482**. These contracts were awarded to **3 042** service providers. As a percentage of the number of the contracts under investigation, 91% of these contracts have been finalised and 9% are ongoing.

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<b>Final number of contracts under investigation by the SIU at 30 June 2022</b>				
<b>Contracts' Investigation Status</b>	<b>No. of Service Providers</b>	<b>No. of Contracts awarded to service providers</b>	<b>Value of contracts awarded to service providers</b>	<b>Percentage of the number of contracts</b>
Finalised	2 960	4 977	R15 235 467 648	91%
Ongoing	82	505	R2 585 814 835	9%
<b>Total</b>	<b>3 042<sup>1</sup></b>	<b>5 482</b>	<b>R17 821 282 484</b>	<b>100%</b>

Note 1 – a number of service providers were listed separately with a number of contracts in the previous reconciliation. There were a number of service providers who were awarded contracts for the same type of PPE so these have now been consolidated.

<b>Finalised Matters with type of irregularity</b>			
<b>Irregularity</b>	<b>Number of service providers</b>	<b>Number of contracts awarded to service providers</b>	<b>Value of contracts awarded to service providers</b>
No irregularity	1 654	2 026	R6 950 669 931
Irregularity identified	1 306	2 951	R8 284 797 717
Out of scope	85	85	R8 284 797 717
<b>Total</b>	<b>3 045</b>	<b>5 062</b>	<b>R15 410 418 781</b>

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### 3. Steps Taken

The following outcomes have been achieved to date from inception of the investigation:

SIU Outcome	Total at 10/12/2021	Total at 30/06/2022
Number of matters enrolled in the Special Tribunal	45	55
Value of matters enrolled in the Special Tribunal	R2 101 075 696	R2 247 237 256
Number of referrals made for Disciplinary Action against officials	224	387
Number of referrals made to the Relevant Prosecuting Authority	386	408
Number of referrals made for Executive Action	3	3
Number of referrals made for Administrative Action (which includes Blacklisting)	330	340
Rand value of potential cash and/or assets to be recovered	R551 542 405	R553 182 247
Rand value of actual cash and/or assets recovered	R34 266 462	R35 775 376
Value of potential loss prevented	R114 203 509	R114 203 509
Contracts set aside	R170 413 350	R177 766 450

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## 1. BACKGROUND TO THE ISSUANCE OF PROCLAMATION R23 of 2020

On 15 March 2020, the Minister of Co-operative Governance and Traditional Affairs, as designated under section 3 of the Disaster Management Act, No. 57 of 2002, declared a national state of disaster having recognised that special circumstances exist to warrant the declaration of a national state of disaster.

The Minister's decision was informed by consideration of the magnitude and severity of the Covid-19 outbreak which had been declared a global pandemic by the World Health Organisation and classified as a national disaster by the Head of the (South African) National Disaster Management Centre.

Emergency procurement measures were subsequently implemented by the National Treasury ("NT"). A brief exposition of such measures is set out in the section of this Report which deals with the regulatory framework that is applicable to the matters under investigation.

Pursuant to the declaration of the national state of disaster, the allegations mentioned herein were reported to the SIU.

The allegations upon which the SIU's motivation for a proclamation was based emanated from:

- a) the Director-General ("DG") in the Office of the Premier ("OTP"), Gauteng;
- b) whistle-blowers whose identities are known to the SIU; and
- c) anonymous whistle-blowers via the SIU whistle-blowing hotline.

The allegations involved certain affairs of state institutions in the national, provincial and local spheres of government in relation to the procurement of goods, works or services in response to the Covid-19 pandemic.

The allegations reported to the SIU involved the procurement of Personal Protection Equipment ("PPE"), hospital and quarantine sites, catering services (food parcels), ventilators, disinfecting equipment and motorized wheelchairs.

It was alleged that-

- a) suppliers/service providers were paid in the absence of proof of delivery;
- b) duplicate payments were made to suppliers/service providers;

- c) suppliers/service providers did not have valid tax clearance certificates or were otherwise not tax compliant;
- d) PPE were procured at exorbitant prices; and
- e) officials disqualified legitimate service providers and replaced them with entities belonging to their friends and/or family.

In summary, it appeared that the procurement did not comply with section 217(1) of the Constitution of the Republic of South Africa, 1996 ("Constitution") as well as the applicable measures announced by the NT in relation to procurement undertaken by state institutions in response to the Covid-19 pandemic.

After careful consideration and assessment of the allegations, the SIU applied to the President for a proclamation to investigate maladministration and corruption regarding procurement by all state institutions across all three tiers of government, in response to the Covid-19 pandemic.

## 2. SIU'S MANDATE

### 2.1. KEY OBJECTIVES

The objectives of the investigation are as follows:

- Review compliance with the prescribed legislation, policies, procedures, directives and other relevant or applicable prescripts in respect of the procurement of goods and services by the State Institutions in response to the national state of disaster.
- Identify irregular/unlawful conduct on the part of the officials or employees of the State or any other person.
- Collect lawfully admissible evidence to institute civil proceedings to:
  - set aside contracts awarded by the State Institutions, if appropriate;
  - recover public money that was not due, owing or payable in respect of the procurement process that was followed by the State Institutions; and/or
  - prevent further losses to the State.
- Refer such evidence for the institution of appropriate disciplinary, administrative, executive and/or criminal proceedings against complicit parties.
- Provide recommendations on improvements of systemic weaknesses identified.

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## 2.2. KEY DELIVERABLES

The deliverables of the investigation are as follows:

- To investigate allegations pertaining to the procurement of goods and or services.
- To institute civil proceedings in the Special Tribunal for the recovery of losses and/or the prevention of further losses.
- To refer evidence in respect of criminal, administrative, executive and/or disciplinary action, and to make systemic recommendations.
- To compile and submit progress Reports and a final Report to the President in respect of the investigation conducted.

The key outcomes, which are underpinned by the need to ensure consequence management, may be illustrated as follows:



## 2.3. INVESTIGATION METHODOLOGY

The SIU investigation methodology includes the following:

- A review of all legislative prescripts governing the areas under investigation;
- The collection of documents utilizing the powers as set out in sections 5 and 6 of the SIU Act;

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- A review of all applicable documents against the legislative prescripts;
- Interviews with key witnesses, officials and whistle blowers;
- Conducting site visits;
- Obtaining computer forensic evidence through Cyber Forensic;
- Conducting Data analytics and searches on available data bases
- Quantification of losses for recovery/prevention of future losses through forensic accounting analysis.

### 3. REGULATORY FRAMEWORK

The measures applicable to procurement by State institutions may be divided into two broad categories:

- Those applicable to State institutions in general under “normal” circumstances.
- Those applicable to State institutions when they cannot procure by means of their normal procurement processes, and where they have to procure under the emergency circumstances resulting from the declaration of a national state of disaster on 15 March 2020.

Since the declaration of the national state of disaster, the NT has put certain measures in place to further regulate public sector procurement.

These additional measures include the issuance of a communication on 25 March 2020 to all Accounting Officers and Accounting Authorities advising that no new tenders be issued during the national lock-down period so as not to deprive a prospective bidder of the opportunity to be able to respond to such tender.

The communication, referred to above, was superseded by a further communication dated 5 May 2020, which provided, *inter alia*, that new bids could be issued during the lock-down period, but that such was required to be done in a manner that ensured that no prospective bidder was deprived of the opportunity to be able to respond to such tender, and without contravening the other lock-down restrictions such as social distancing etc.

This was to ensure that public procurement, under the circumstances, remains fair, equitable, transparent, competitive and cost-effective, as required by section 217(1) of the Constitution.

Further measures include the issuing of:

- a) Regulation 9 of the Disaster Management Regulations of 18 March 2020 stated that emergency procurement is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999) (“PFMA”), and the applicable emergency provisions in the Regulations or Instructions made by NT.
- b) NT Instruction No. 08 of 2019/2020: Emergency Procurement in response to National State of Disaster (“Practice Note No. 08 of 2019/2020”), which applied from 19 March 2020 to 14 April 2020. Practice Note No. 08 of 2019/2020 was repealed by NT Instruction No. 3 of 2020/21 – see paragraphs (c) and (l) below.
- c) NT Instruction No. 3 of 2020/21, dated 15 April 2020 (“Practice Note 3 of 2020/2021”) purportedly applied from 15 April 2020 to 27 April 2020. Practice Note 3 of 2020/2021 was repealed by Practice Note No. 5 of 2020/2021 – see paragraphs (d) and (m) below.
- d) NT Instruction No. 5 of 2020/2021, dated 28 April 2020 (“Instruction No. 5 of 2020/2021”) (as amended and supplemented from time to time) applied from 28 April 2020 to 31 August 2020. Instruction No. 5 of 2020/2021 was repealed by NT Instruction No. 11 of 2020/21.
- e) An Amendment to Instruction No. 5 of 2020/2021 “*Update of Price List and Supplier List*” dated 20 May 2020 (“Amendment to Instruction No. 5 of 2020/2021”) – see paragraph (o) below.
- f) NT Instruction No. 7 of 2020/21 “*Preventative measures in response to the Covid-19 pandemic that resulted in the national state of disaster*”, dated 26 May 2020 (“Instruction No. 07 of 2020/2021”) applied as from 1 June 2020 – see paragraph (p) below.
- g) GNR. 448 of 3 April 2020: Tribunal Rules for Covid-19 Excessive Pricing Complaint Referrals (Government Gazette No. 43205), which were issued by Ebrahim Patel, Minister of Trade, Industry and Competition in consultation with the Chairperson of the Competition Tribunal and in terms of section 27(2) of the Competition Act, 1998 (Act No. 89 of 1998) (“Competition Commission Excessive Pricing Regulations”). In terms of this notice, Regulations were issued relating to the functions of the Competition Tribunal – see paragraph (q) below.

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- h) MFMA Circular No. 100 is dated 19 March 2020 (emergency procurement in response to Covid-19 pandemic) gave directives to Accounting Officers of Municipalities and Municipal entities to facilitate emergency procurement to deal with Covid-19 and to avoid the abuse of the supply chain management system to deal with the Disaster. It applied from 19 March 2020 to 14 April 2020 when it was replaced by MFMA Circular 101.
- i) MFMA Circular 101 (Covid-19 bulk central procurement strategy for government institutions). Its purpose was to advise municipalities and municipal entities disaster management central emergency procurement process for PPE that may be implemented by accounting officers. It had to be read in conjunction with Circular 100. It states that it updates and replaces circular 100. It applied from 14 April 2020 to 5 May 2020 when it was repealed by MFMA Circular 102.
- j) MFMA Circular 102. The specific purpose of this Circular is to advise of emergency procurement procedures of Covid-19 PPE items and cloth masks for ease of supply by small, medium and micro enterprises (SMMEs) and create an environment for stimulation of local supply and manufacturing. It applied from 5 May 2020. It is stated in the circular that it served to withdraw Circulars 100 relating to Emergency Procurement in Response to Covid-19 Pandemic, and MFMA 101 relating to Covid-19 Bulk Central Procurement Strategy for Government Institution.
- k) MFMA Circular 103 was signed on 27 May 2020 (Preventative Measures in Response to the Covid-19 pandemic that resulted in the National State of Disaster. It took effect from 1 June 2020.
- l) Practice Note No. 08 of 2019/2020 applied from 19 March 2020 to 14 April 2020. In terms of this practice note:
- NT sought to regulate prices in order to avoid uncompetitive and inflated pricing, including price gouging (see Annexure “A” dated 19 March 2020).
  - Furthermore, the use of transversal contracts (as supplemented by additional PPE related items that were added by NT based on written quotations) for procuring items related to Covid-19 relief measures was prescribed in order to assist with Pre-

negotiated prices based on economies of scale; Security of supply; and Preventing rogue and panic buying.

- Any items not listed in Annexure A: Table 1 or Table 2 of Practice Note No. 08 of 2019/2020 cannot be procured under the Transversal Contract or the special arrangements made between the NT and the suppliers, in such cases, the State institutions had to:
  - Apply the normal Supply Chain Management (“SCM”) processes, which may include a SCM Deviation under Regulation 16A6.4 of the Treasury Regulations. In this regard, it must be emphasised that the emergency procurement provisions as contained in Regulation 16A6.4, as read with SCM Instruction Note 3 of 2016/17<sup>1</sup> and NT Practice Note No. 8 of 2007/2008<sup>2</sup> had to be complied with.
  - Report to the relevant Treasury within 30 days, any emergency procurement done.
- In as far as the State institutions can procure such items or any item listed in Annexure “A” under any existing contracts (including Facilities Management Contracts):

<sup>1</sup> In terms of paragraph 8 of SCM Instruction Note 3 of 2016/17, an Accounting Officer “must only deviate from inviting competitive bids in cases of emergency and sole supplier status”. Furthermore, emergency procurement may be invoked “when there is a serious and unexpected situation that poses an immediate risk to health, life, property or environment which calls an agency to action and there is insufficient time to invite competitive bids”. In addition, sole source procurement may occur when there is evidence that only one supplier possesses the unique and singularly available capacity to meet the requirements of the institution. The Instruction Note goes on to provide that the Accounting Officer must invite as many suppliers as possible and select the preferred supplier using the competitive bid committee system. Lastly, any other deviation will be allowed in exceptional cases subject to the prior written approval from the relevant treasury.

<sup>2</sup> Practice Note 8 of 2007/2008, issued on 29 November 2007, amplifies Practice Note 6 of 2007/2008 which was issued on 18 April 2007. Practice Note 6 deals with the procurement of goods and services by means other than through the invitation of competitive bids. It points out the following. First, the deviation permitted under Treasury Regulation 16A6.4 is “intended for cases of emergency where immediate action is necessary or if the goods and services required are produced or available from sole service providers”. Second, government institutions have abused it in order to circumvent the required competitive bidding process. Third, lack of proper planning by departments does not constitute a reason for dispensing with the prescribed bidding processes. Fourth, accounting officers and authorities are accordingly directed to ensure that Treasury Regulation 16A6.4 is “utilized strictly to procure goods and services of critical importance and only in specific cases when it is impractical to invite competitive bids.” To ensure compliance, Practice Note 6 henceforth requires accounting officers and authorities to report, within ten days to the relevant Treasury and the Auditor-General, all cases where goods and services above R 1 million were procured in terms of Treasury Regulation 16A6.4. The report must include the description of the goods or services, the names of the suppliers, the amounts involved and the reasons for dispensing with the prescribed bidding processes.

- The State institutions or the relevant Treasury is still bound by the terms and conditions of such existing contracts – i.e. they can and must still order under such existing contracts.
- NT waives the prescripts of Paragraph 9.2 of the NT SCM Instruction Note 3 of 2016/17 “*Preventing and Combating abuse in the Supply Chain Management System*”, dated 19 April 2016 (“SCM Instruction Note 3 of 2016/17”).
- As such, the State institutions can vary/expand those contracts to a contract value in excess of 15 % of the original contract value or R15 million (whichever is the lesser amount), when purchasing any items related to Covid-19.
- Furthermore, the State institutions may approach any other supplier to obtain quotes and may procure from any such supplier on condition that:
  - The items are according to the minimum Specifications as determined by the National Department of Health (“DoH”);
  - The prices are equal to or lower than the prices set out in Annexure “A”; and
  - The supplier is registered on the Central Supplier Database (“CSD”).
- Practice Note No. 08 of 2019/2020 was repealed by NT Instruction No. 3 of 2020/21 – see paragraph (m) below.
- m)** Practice Note 3 of 2020/2021 purportedly applied from 15 April 2020 to 27 April 2020. In terms of this practice note:
  - As the pandemic impacts both the public and private sectors, it was imperative to collaborate and join forces. Thus, a decision for a public and private sector central procurement strategy was made at the National Joint Operations and Intelligence Structure (“NATJOINTS”). The NATJOINTS accepted voluntary support from Business South Africa (“BSA”) to provide the services of Imperial Health Sciences (“IHS”) as the Central Implementing Agent for the public and private sector to utilise its logistical expertise and capabilities on a non-profit basis.
  - It is also important that Government sets the maximum price per product it will pay. In the current disaster environment, which is more akin to a war situation with serious shortages and where rationing and price controls may be required. The National DoH and the NT Procurement Team determines the prices that Government will pay for products (revised and updated Annexure “A”).

- In terms of Practice Note 3 of 2020/2021, the needs of the State institutions would be submitted to the National DoH and the NT Procurement Team, who will do the forecasts and identify the Net requirement of supplies. The Procurement Team approaches the Solidarity Fund for funding.
- A Purchase Requisition from the Procurement Team and approval of funding from the Solidarity Fund is sent to the IHS as the Central Implementing Agent. The IHS will execute the Purchase Order (“PO”) to the Approved SA Suppliers and/or Approved Global Suppliers (i.e. placing the order with such suppliers).
- The Approved Suppliers will deliver the goods to the IHS Warehouse, where the IHS will receive and inspect the goods received.
- The Solidarity Fund will provide working capital to the IHS – who is working on a non-profit basis.
- The Approved Suppliers will invoice the IHS and the IHS will make payment of such invoices to the Approved Suppliers.
- The goods will be stored, warehoused and distributed (including transport to state institutions) by IHS on a non-profit basis. All incoming stock of PPE items are centrally warehoused at IHS and proper inventory management is maintained. Ordering government institutions will receive products at specified delivery addresses, check goods against the order and sign the ‘Proof of Delivery’ note.
- IHS will invoice and recover the cost of the goods (on a non-profit basis) from the State institutions that placed the original Order Requisitions or from the State institutions that received the goods. Such recovered funds must be redeposited with the Solidarity Fund or used as working capital by IHS.
- The National DoH and NT Procurement Team will execute bulk procurement orders on behalf of the State from both local and global suppliers. The IHS will only execute orders on instructions from the National Department of Health and NT Procurement Team.
- All local suppliers have been invited through a NT Media Statement to provide their details and Covid-19 related health products, based on specifications provided by the National DoH to a central e-mail address.

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- If an item or service is not covered in Practice Note 3 of 2020/2021, and is considered to be a specific requirement for the State institution to combat Covid-19, the emergency procurement prescripts may be followed.
- Where a State institution already has a contract (including a Facilities Management Contract) in place, or order placed in terms of Practice Note No. 08 of 2019/2020 for the same items listed in this Treasury Instruction, the State institution must honour these contracts or orders. Contracts may be expanded or varied by up to 15 % of the original contract value or R15 million (whichever is the lesser amount). However, the State institutions must not pay prices in excess of the prices provided for in Annexure “A”.
- State institutions may approach [presumably only if the item or service is not covered by Practice Note 3 of 2020/2021] any other supplier to obtain quotes and may procure from such supplier on condition that:
  - the items are to the specifications as determined by the National DoH;
  - the prices are equal or lower than the prices in Annexure “A”; and
  - the supplier is registered in the CSD.
- According to NT: *“Mis information about the process, issues of local participation and process followed in appointing the private sector service provider, interference by interest parties and negative media publicity made this approach impossible to implement”.*
- Notwithstanding the statement by NT, as set out above, and the fact that the SIU found no proof of any goods having been procured under Practice Note 3 of 2020/2021 by the Gauteng DoH, the National DoH informed the SIU that:
  - Practice Note 3 of 2020/2021 was in fact implemented and used by a number of State institutions in other provinces;
  - IHS and BSA diligently performed quality assurance test via reputable Laboratories and Clinicians in respect of all goods procured by IHS for the State; and
  - Goods to the value of approximately R1.1 billion were procured by IHS, which was later changed into a donation by BSA, who has or is in the process of refunding all such payments to the State institutions concerned.



- Practice Note 3 of 2020/2021 was repealed by Practice Note No. 5 of 2020/2021, see paragraph (n) below.
- n) Instruction No. 5 of 2020/2021 (as amended and supplemented from time to time) applied from 28 April 2020 to 31 August 2020. In terms of this practice note:
  - The State institutions must comply with the normal procurement prescripts. However, Covid-19 will qualify as ‘emergency’ and procurement may be done in terms of a SCM Deviation as envisaged in Regulation 16A6.4 of the Treasury Regulations.
    - All the prescripts applicable to SCM Deviations must be complied with, including reporting within 10 working days any purchases above R1 million (Inclusive of VAT) to the relevant Treasury and the Auditor General of South Africa (“AGSA”).
    - SCM Deviations do not require prior approval by the relevant Treasury.
  - Extension of downstream contract price variations: Previous threshold of 15 % of the original contract value or R15 million (whichever is the lesser amount) may be increased for the national state of disaster to 25% of the original contract value or R25 million (whichever is the lesser amount), but only in respect of goods or services relevant to the national state of disaster. Any contract variations or increases above these thresholds may only be done with the prior written approval of the relevant Treasury.
  - During the national state of disaster, the supply of PPE items will be open to all suppliers, who can deliver PPE to the specification level.
  - NT has prescribed:
    - Minimum specifications for PPE goods and cloth masks. The Specifications for the PPE are set out in Annexure “B” to Instruction No. 5 of 2020/2021; and
    - Maximum prices per item for PPE goods and cloth masks, as set out in an updated and revised Annexure “A” to Instruction No. 5 of 2020/2021.
  - Paragraph 4.6 of Instruction No. 5 of 2020/2021 states that the State institutions may approach any supplier to obtain quotes and may procure from any such supplier on condition that:
    - The items are according to the minimum Specifications (i.e. those of Annexure “B” to Instruction No. 5 of 2020/2021);

- The prices are equal to or lower than the maximum prices prescribed by Annexure “A” to Instruction No. 5 of 2020/2021; and
- The supplier is registered on the CSD or any other database approved by NT.
- *“For the cloth masks, only suppliers that are registered with the Department of Small Business Development and are registered on CSD will be considered. The details of these suppliers will be updated and published on the NT Website on a weekly basis”* [Emphasis added]. This requirement seemed to have applied until 20 May 2020, when registration on the Small Business Development database was removed as a requirement, because their prices were higher than what was available in the market.
- If a State institution or the relevant Treasury has any existing contracts (including Facilities Management contracts) in place for the supply of PPE items, as listed in Annexure “A” to Instruction No. 5 of 2020/2021, then the State institution or the relevant Treasury is still bound by the terms and conditions of such existing contracts – i.e. they can and must still order under such existing contracts.
  - However, the State institution or relevant Treasury may not pay any price higher than the maximum price, as prescribed by Annexure “A” to Instruction No. 5 of 2020/2021 – except for an allowed deviation of 10 % more than the maximum price prescribed in Annexure “A” (but obviously only if the contract price is higher than that prescribed by Annexure “A”).
  - In addition, the increase to variations to the existing contact value would most probably also be allowed to the 25 % or R 25 million (whichever is the lesser amount).
- The State institutions may order PPE and other items provided for under any existing Transversal contracts that were arranged by NT or the relevant Treasury, even where the State institutions have not yet received permission to participate in such Transversal contracts.
  - Furthermore, even where the State institutions are already participating in a Transversal contract, the State institutions are not bound only to order PPE from under such a Transversal contract, but the State institutions can also procure PPE by other procurement means (this would normally not have been allowed).

- However, the State institutions may not pay any price higher than the maximum price, as prescribed by Annexure “A” to Instruction No. 5 of 2020/2021, except for an allowed deviation of 10 % more than the maximum price prescribed in Annexure “A”, but obviously only if the contract price is higher than that prescribed by Annexure “A”.
- Instruction No. 5 of 2020/2021 was repealed by NT Instruction No. 11 of 2020/21 with effect from 1 September 2020, but only in respect of new Letters of Commitment or Purchase Orders (POs) placed – old Letters of Commitment or POs must be processed under then applicable Practice note(s).
- o) An Amendment to Instruction No. 5 of 2020/2021 “*Update of Price List and Supplier List*” dated 20 May 2020. As from 20 May 2020, NT:
  - Issued an updated or revised fixed maximum price list for all PPE (Annexure “A” to Amended Instruction No. 5 of 2020/2021); and
  - Issued a directive of the required Local Contents (in terms of NT Instruction dated 16 July 2012) in respect of a number of PPE – most of which required 100 % Local content, while Furniture, beds and mattresses required 90 % Local content.
- p) Instruction No. 07 of 2020/2021 applies as from 1 June 2020. In terms of this practice note:
  - Emergency requirements may be addressed through the emergency procurement provisions as stipulated in Regulation 16A6.4 of the Treasury Regulations and NT Instruction 3 of 2016/17 and Instruction No. 07 of 2020/2021 reiterated the contents of Instruction No. 5 of 2020/2021.
    - Accounting Officer must only deviate from inviting competitive bids in cases of emergency and sole supplier status. These deviations do not require the approval of the relevant treasury.
    - Emergency procurement may occur when there is:
      - a serious and unexpected situation that poses an immediate risk to health, life, property or environment; and
      - insufficient time to invite competitive bids.

- The emergency procurement provisions provide for Accounting Officer to procure the required goods or services by other means, such as price quotations or negotiations in accordance with Regulation 16A6.4 of the Treasury Regulations. The reasons must be recorded and approved by the Accounting Officer or his/her delegate.
- Paragraph 3.4.3 of NT Practice Note No. 8 of 2007/08, requires Accounting Officer to report within 10 working days to the relevant treasury and the AGSA all cases where goods and services above the value of R1 million (VAT inclusive) were procured in terms of Regulation 16A6.4 of the Treasury Regulations.
- Emergency procurement must be limited to goods, services and works that addresses the programme of preventing the spread of the Covid-19 virus.
- Accounting Officer must ensure that audit of emergency transactions is made a priority to provide assurance on the value for money spent during emergency operations and to identify actions to strengthen controls in emergency transactions.

q) Competition Commission Excessive Pricing Regulations applies during the national state of disaster. In terms of these Regulations:

- The purpose of these Regulations is to provide for Competition Tribunal rules regulating complaint referrals for alleged contraventions of section 8(1)(a) of the Competition Commission Act, as read with Regulation 4 of the Customer Protection Regulations, the National Disaster Management Regulations and the relevant Directions, during the period of the declaration of a National State of Disaster in respect of Covid-19.
- Regulation 3 states that “...*Subject to subrule 3.4, these Rules shall be of no force or effect when the Covid-19 outbreak is declared to no longer be a national disaster. Unless the Tribunal directs otherwise, these Rules will apply to any complaint referral that has commenced before the Covid-19 outbreak is declared to no longer be a national disaster*”.
- Regulation 5 states, *inter alia* that “A complaint referral for an alleged contravention of section 8(1)(a) of the Act read with Regulation 4 of the Consumer Protection Regulations may be dealt with by the Tribunal on an urgent basis. ... A respondent who wishes to oppose the Complaint Referral must serve a copy of their Answering Affidavit

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on the Complainant within 72 hours of service of the Complaint Referral. The person who filed the Complaint Referral may serve a copy of their Reply within 24 hours after being served a copy of the Answering Affidavit. The Tribunal shall determine the date and time for the hearing of the complaint referral ...”

- Regulation 8 states that “The Tribunal may, *inter alia*, impose a pricing order on a respondent found to have contravened section 8(1)(a) of the Act. A respondent may apply to appeal or review such a pricing order on an urgent basis to the Competition Appeal Court provided that the pricing order will remain in force unless set aside by the court on appeal or review”.
- Regulation 8 states that “The Commission may any time before, during or after an investigation, conclude a consent agreement with a firm in respect of a complaint under s 8 (1) (a) in full and final settlement of the matter, including settlement of any civil proceedings. The Tribunal may confirm such a consent agreement without hearing any evidence”.
- The Competition Tribunal has imposed significant fines on any suppliers or retailers who sold PPE related goods at excessive prices during the national state of disaster. In one instance a supplier was ordered to pay one and a half times its excessive profit as a fine to the National Revenue Fund. Currently, the Competition Commission deems a profit of 30% as a reasonable profit margin, and any profit in excess thereof is deemed to be *prima facie* excessive, where the supplier or retailer must then prove that its expenditure during the national disaster increased to warrant any such price increases.

The SIU’s investigation is thus focused on testing procurement by State institutions after the declaration of the national state of disaster against the regulatory framework mentioned above.

## **4. OUTCOMES ACHIEVED TO DATE**

### **4.1. CIVIL LITIGATION CASES INSTITUTED**

#### **4.1.1. Civil litigation cases instituted in the High Court**

- 4.1.1.1.** On 23 October 2020, the Dr BEW Masuku, the former MEC of Gauteng Provincial Department of Health (“Gauteng DoH”) (“MEC”) filed an urgent application in the High Court of South Africa (Gauteng Division, Pretoria) under Case No. 55372/2020 to

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review and set aside the SIU referrals as being unlawful, unconstitutional and therefore invalid. The SIU opposed the application. The matter was set down for hearing on 21 January 2021 before the full bench of the High Court. On 21 January 2021, Sutherland ADJP, Raulinga J and Siwendu J presided over the hearing of the application that was brought by the former MEC, and judgment was reserved. The court on 12 April 2021 handed down judgment and dismissed Dr Masuku's application to review and set aside the SIU referrals with costs. **Impact: The court confirmed that SIU reports and or recommendations are subject to legality review. The Executive Authority can be held accountable for dereliction of duties.**

**4.1.1.2.** On 27 November 2020 the SIU instituted proceedings against the Matzikama Municipality in the Western Cape High Court under Case no WC 17797/20. The matter involves bid manipulation and leaked bid information, resulting in an unlawful procurement process. The Municipality irregularly concluded a contract with Rural Impact Training Centre to the value of R650 378 and the matter also involves the Municipal Manager. The SIU applied to court to have the contract set aside and recover losses suffered. The respondent filed its opposing affidavit and the SIU its replication on 13 August 2021. The matter is set down for hearing on 3 February 2022.

**4.1.1.3.** Proceedings were instituted in the Port Elizabeth High Court under case number ECP 2807/2020 by HT Paletona Projects against the Nelson Mandela Bay Metropolitan Municipality. The evidence obtained by the SIU reveals that the Municipality irregularly and unlawfully contracted with Pelatona to construct toilets to the value of R24 million. It is alleged that the service provider was appointed on the basis of a sole service provider under circumstances where this was not justified. Pelatona issued summons against the Municipality for payment in the amount of R4.3 million. The SIU through its investigation found that the amount claimed is not due and owing. The SIU is seeking to join the legal proceedings instituted in the High Court against the Municipality by

Pelatona. The parties exchanged pleadings and an application was set down for hearing on 19 August 2021. Judgement was reserved.

**4.1.1.4.** Digital Vibes - In this matter Dr Mkhize served issued a review application under case 52006/21 out of the Guateng Division. Pleadings have been exchanged and the SIU has undertaken to comply with the R53 notice on 30 June 2022.

**4.1.1.5.** Sibiya - In this matter issued Application against the SIU for defamation in the Gauteng Division- case no: 63973/2021. The cause of action is based on the content of the SIU report. The pleadings are closed and parties awaiting directive from court regarding the hearing matter.

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#### 4.1.2. Civil litigation cases instituted in the Special Tribunal

##### Rand value and number of matters instituted in the Special Tribunal

No	Province	Description	Value of outcome	Date instituted	Progress to date
1	Eastern Cape (ECP)	Department of Health: SIU v Fabkomp (Pty) (Ltd) and Others: (EC04/2020)	R10 148 750	18/09/2020	The cause of action is based on the irregular procurement by the Eastern Cape DoH of motorcycles with a "sidecar" to transport patients, which resulted in a process that was not fair, competitive or cost-effective.  The matter was heard in the Special Tribunal and the Eastern Cape DoH was interdicted from making any payments to the supplier and from accepting delivery of any goods from the supplier, pending the finalisation of Review proceedings to challenge the validity of the award and resulting contract.  The Review proceedings have been instituted in the Special Tribunal and the matter was heard on 22/04/2021. On 22/04/2021 the Special Tribunal set aside the contract and interdicted the Eastern Cape

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No	Province	Description	Value of outcome	Date instituted	Progress to date
2	ECP	The OR Tambo Municipality "Door-to-door" case: (EC06/2020)	R4 899 000	26/10/2020	DoH from making any payments in respect of the contract. The matter is finalised.  <b>Impact: Eastern Cape DoH interdicted from making payment to the service provider and the contract set aside as a result of the irregular procurement process undertaken by the Department.</b>
					This matter relates to an investigation into the irregular procurement of an awareness campaign that was conducted in the Eastern Cape. Civil proceedings were instituted against an entity called Phathilizwi Training in the Special Tribunal to review and set aside the award and the resulting contract. The matter was not opposed and was set down on the unopposed roll in the Special Tribunal. The matter was heard in the Special Tribunal on 2/03/2021. On 20/04/2021 the

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No	Province	Description	Value of outcome	Date instituted	Progress to date
					<p>Special Tribunal set aside the contract and interdicted the Municipality from making any payments in respect of the contract. On application by the respondent the Special Tribunal rescinded the order and will direct further trial procedures. Judgment was granted on 18 May 2022. The extension of Tender No: ORTD SCUM 05-18/19 (the tender) awarded to Phathilizwi Training Institute Registration Number: 2017/096970/07 (Phathilizwi) to conduct a Covid-19 campaign for the O.R. Tambo Municipality (Municipality) is declared unlawful and set aside. The Municipality is not liable to Phathilizwi for the tax invoices Phathilizwi issued under reference numbers: 452056876 and 4520156896 in the amount of R3 036 000.00 and R1 821 600.00 respectively. Phathilizwi is liable for the Special Investigating Unit's legal costs.</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
3	ECP	The Alinani Trading-matter (EC05/2020)	R2 785 276	30/10/2020	This matter relates to the procurement of PPE for the Eastern Cape DoE. The SIU successfully applied to the Special Tribunal to have the bank accounts of the first four Respondents frozen and to interdict the Eastern Cape DoE from making any further payments to them. The SIU is seeking to recover losses suffered by the Eastern Cape DoE. Summons was issued and the matter was enrolled in the Special Tribunal for case management on 25/06/2021. The matter was set down for trial on 20 – 27/09/2021. The trial was postponed and the SIU will apply to amend its particulars of claim. The SIU applied for Case Management on 14/10/2021 and awaits a date from the Registrar of the Special Tribunal. Matter set down for trial on 10-21 October 2022.

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No	Province	Description	Value of outcome	Date instituted	Progress to date
4	Free State Province	SIU v MEC for Treasury in the Free State Province and 31 others (FS/01/2020)	R39 000 000	27/11/2020	This matter relates to the irregular procurement of PPE by the Free State DoH. It is alleged that the SCM process was flawed and that non-sterile isolation gowns were supplied, instead of sterile isolation gowns. An Application to recover losses was launched in the Special Tribunal on 27/11/2020. The Case Management hearing was scheduled for 3/05/2021. The matter was set down for 25 and 26/08/2021 and judgement was reserved. Judgment delivered on 31 January 2022. The review application succeeds. The respondent entities are divested of the profit they have derived or stand to derive from the RFQ. The Special Investigating Unit (SIU) shall enlist the services of an appropriate independent expert to assess the surgical gowns delivered to the Free State Departments of Treasury and Health (the Departments) in respect of

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No	Province	Description	Value of outcome	Date instituted	Progress to date
5	Gauteng (GAU)	The SIU v Ledla Structural Development (Pty) Ltd and 43 Others: (GP07/2020)	R139 000 000	06/08/2020	<p>the RFQ by the respondent entities which are still in the possession of the Departments to: (a) assess the quality of the surgical gowns and their appropriate use; (b) determine the fair value of the surgical gowns in light of their quality and appropriate use. Professional report to be filed 31 August 2022.</p> <p>In this matter a contract to deliver PPE was irregularly awarded by the Gauteng Department of Health, while unit prices were also artificially inflated by between 211% and 542%.</p> <p>Notwithstanding the fact that the Gauteng DoH was aware that the SIU was investigating the contract and the Gauteng DoH had stopped almost all payments in respect of suppliers under investigation by the SIU, on 3/08/2020, the Gauteng DoH made payment of</p>

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					<p>R38 758 155 to the supplier. This had immediate clearance and substantial amounts were moved from the bank account of the supplier to the bank accounts of two other entities, who in turn transferred/paid the funds to at least 36 other entities.</p> <p>On or about 06/08/2020, at the request of the SIU, the FIC implemented a directive to freeze a total of R26 449 526 in the bank accounts of 39 entities. This attachment was only valid for 10 working days.</p> <p>Civil proceedings were instituted in the Special Tribunal under Case No. GP 07/2020 and it was enrolled for 20/08/2020. On 20/08/2020, the Special Tribunal granted, <i>inter alia</i>, the following interim orders:</p>

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					<ul style="list-style-type: none"> <li>The 1<sup>st</sup> to 39<sup>th</sup> Respondents were prohibited from dealing with the funds to the value of R26 449 526 that were frozen in their bank accounts;</li> <li>The implementation of the contract between the Department and the 1<sup>st</sup> Respondent was suspended and the 1<sup>st</sup> to 42<sup>nd</sup> Respondents were interdicted from giving effect thereto;</li> <li>The 43<sup>rd</sup> and 44<sup>th</sup> Respondents (i.e. the GEFF and GPAA) were interdicted from releasing the pension benefits due to the 42<sup>nd</sup> Respondent (a former Chief Financial Officer (“CFO”) of the Gauteng DoH), pending the outcome of a damages claim to be instituted against the 42<sup>nd</sup> Respondent;</li> </ul>

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					<ul style="list-style-type: none"> <li>The Gauteng DoH was interdicted from making any further payments to the 1<sup>st</sup> Respondent.</li> </ul> <p>The return date for the interim order was 06/10/2020. A case management meeting was held by the Special Tribunal on 09/09/2020.</p> <p>The case was opposed by almost all the Respondents. On 06/10/2020, the Special Tribunal postponed the matter to 20 and 21/11/2020, and the interim order was extended to 20/11/2020.</p> <p>Prior to the hearing, the SIU withdrew the Application against:</p> <p>(a) the Twenty Sixth Respondent, after it agreed to refund the R2 000 000 that it received from the Third Respondent to the Third Respondent and for that amount to also be attached as part of the</p>

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					<p>funds frozen in the account of the Third Respondent (i.e. the amount frozen in the account of the Third Respondent increased from R9 670.37 to R2 009 670.37); and</p> <p>(b) the Thirty Fifth Respondent, because it had never received any payments from Ledla, and the relevant bank had erroneously provided the FIC and the SIU with incorrect information.</p> <p>The matter was heard on 20/11/2020 wherein judgement was reserved and the interim order was extended. Judgement was then handed down on 10/12/2020.</p> <p>On 10 December 2020 the Special Tribunal handed down its judgment:</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
					<p>(a) Reviewed and set aside the R139 million contract that was concluded between the Department and the 1<sup>st</sup> Respondent;</p> <p>(b) Extended its interim order made on 20 August 2020 to interdict the GEPP from paying out the pension benefits due to the 42nd Respondent (i.e. a former CFO of the Gauteng DoH) until the finalisation of the action proceedings that the SIU instituted against that former CFO in which the SIU seeks to hold the former CFO and one other liable for losses and damages allegedly suffered by the Gauteng DoH;</p> <p>(c) Confirmed the interim orders that were granted against the First Respondent, the Second Respondent, the Thirteenth Respondent and the Fourteenth Respondent, and the Special Tribunal</p>

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					<p>declared the funds held in their bank accounts (i.e. a total amount of approximately R16 661 065) forfeit to the State;</p> <p>(d) Discharged the interim orders that were granted against the Fifth Respondent, the Twelfth Respondent, the Twenty Second Respondent, the Twenty Eight Respondent, the Thirty First Respondent and the Thirty Seventh Respondent, and the funds held in their bank accounts (i.e. a total amount of approximately R173 945) were released; and</p> <p>(e) Ordered the SIU to obtain an independent audit report in respect of the remaining Respondents who may have sold PPE directly or indirectly to the 1st Respondent for delivery to the Gauteng DoH to quantify the loss suffered by the Department in</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
					<p>having paid more for PPE than the maximum prices prescribed by NT and to submit that report to the Special Tribunal no later than 22/01/2021, where after the Special Tribunal will consider making supplementary orders, and the interim order of 20/08/2020 was extended to 26/01/2021, and later again extended to 02/02/2021 and again to 04/02/2021.</p> <p>On 04/02/2021, and after considering the independent audit report and further submissions from the relevant Respondents, the Special Tribunal discharged its interim order, in terms of which certain funds were frozen in respect of 7 Respondents (i.e. the 3rd, 4th, 9th, 30th, 34th 38th and 39th Respondents). A total amount of R2 257 475 was released. The Special Tribunal, however confirmed its interim order in</p>

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					<p>respect of 20 other Respondents (i.e. the 6th, 7th, 8th, 10th, 11th, 15th, 16th 17th, 18th, 19th 20th, 21st, 23rd, 24th, 25th, 27th, 29th, 32nd, 33rd and 36th Respondents). A total amount of R7 401 705 was forfeited to the State. This brings the total amount forfeited to the State to R24 062 770. Leave to appeal was heard on 30/03/2021 and judgment was reserved.</p> <p>On 25/05/2021, the applications for leave of appeal by the 1st, 3rd, 8th, 13th, 14th, 27th, 33rd and 42nd Respondents were dismissed with costs in favour of the SIU. The 2nd and the 28th Respondents filed Notices of Appeal directly to the full bench of the High Court (Gauteng Division, Pretoria) under Case No. A60/2021, without seeking or obtaining leave to appeal. These appeals are still pending. Up to</p>

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					2/06/2021, the SIU received a total of R23 588 881.73 in its trust account.  <b>Impact: Contract to the value of R139 million was set aside and R26 million was forfeited to the State (further amount awaiting outcome of appeal). Respondent filed for leave to appeal in the Constitutional Court. The SIU filed and served its answering affidavit on 28/10/2021 and await a date from the registrar of the Constitutional Court. Matter heard on 24 May 2022 and judgment reserved.</b>
6	GAU	SIU v Kabelo Mantsu Lehloenya, Professor Mkhululi Lukhele and MEC	R43 532 709	11/09/2020	In the Ledla matter, the Special Tribunal interdicted the 43rd and 44th Respondents (i.e. the GEPF and GPAA) from releasing the pension benefits due to Ms Lehloenya (i.e. the 42nd Respondent, who is a former

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No	Province	Description	Value of outcome	Date instituted	Progress to date
		for Gauteng Health (GP11/2020)			CFO of the Gauteng DoH), pending the outcome of a damages claim to be instituted against her. On 11/09/2020, the SIU issued Summons in the Special Tribunal under Case No. GP11/2020 against Ms Lehloenyana (1st Defendant), Professor Lukhele (a former Head of Department for the Gauteng DoH) (Second Defendant) and the MEC for Gauteng DoH (3rd Defendant – who represents the Gauteng DoH as an interested party and against whom no relief is sought) in which the SIU seeks to recover losses suffered by the Gauteng DoH in the total amount of R43 532 709. Both Defendants are defending the civil case. The matter was initially set down for hearing from 01/06/2021 to 18/06/2021, but the parties could not get the case ripe for hearing in time. As such, the matter is now set down for hearing on 16/08/2021 to

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No	Province	Description	Value of outcome	Date instituted	Progress to date
7	GAU	SIU v Mlangeni Brothers Events CC (GP07/2021)	R24 000 000	15/03/2021	<p>20/08/2021. The matter was postponed for an interlocutory application (joinder) to be heard on 19/08/2021. The judgment in the aforesaid application would determine if the trial will proceed on 19/10/2021 to 29/10/2021. The Joinder application was dismissed on 25/10/2021. An application was filed to join the parties in the SIU v Beadica (GP 08/21) to this matter. The application is opposed and parties are exchanging pleadings. Hearing date will be assigned by the registrar of the Special Tribunal. The respondent appealed and requested that the matter stand over pending Constitutional court judgment in Ledla matter. The will proceed upon receipt of the CC judgment.</p> <p>The Gauteng DoH irregularly concluded a contract with Mlangeni Brothers Events CC for the procurement</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
8	GAU	SIU v Beadica 423 CC (GP08/2021)	R168 597 000	23/04/2021	of PPE in the total amount of R24 000 000. The Review Application was issued in the Special Tribunal on 15/03/2021. The SIU has applied for a date. The Registrar would advise of a date by 15/06/2021. The SIU applied for Case Management in the Special Tribunal on 15/07/2021. The matter was set down for trial/ hearing on 11 – 12/11/2021. Judgment was reserved. The Respondent challenged the adequacy of record of decision and judgment is reserved. Contract set aside by Special Tribunal. Case Management postponed to date to be arranged between the parties after 15 July 2022.
					The Gauteng DoH irregularly concluded a contract with Beadica 423 CC for the procurement of PPE in the total amount of R168 597 000. The Review

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No	Province	Description	Value of outcome	Date instituted	Progress to date
9	GAU	SIU v Zakheni Strategic Supplies (Pty) Ltd (GP09/2021)	R103 770 000	23/04/2021	Application was issued in the Special Tribunal on 23/04/2021. The SIU applied for case management on 03/06/2021. The matter was set down for trial on 9 - 10/09/2021. The matter was postponed sine die. The SIU applied to join the parties in the SIU v Beadica (GP 08/21) to SIU v Ms Kabelo Mantsu Lehloenyana, Professor Mkhululi Lukhele and MEC for Gauteng DoH (GP11/2020). Matter heard set down for 17 August 2002.  The Gauteng DoH irregularly concluded a contract with Zakheni Strategic Supplies (Pty) Ltd for the procurement of PPE in the total amount of R103 770 000. The Review Application was issued in the Special Tribunal on 23/04/2021. The SIU applied for Case Management in the Special Tribunal on

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No	Province	Description	Value of outcome	Date instituted	Progress to date
10	GAU	SIU v Fikile and Others GP13/2021	R30 000 000  Review application R431 000 000	14/05/2021	16/09/2021. The case is set down for hearing from 01 – 02//02/2022. Judgment reserved.  The SIU applied to the Special Tribunal for restraint order to attach proceeds in the bank accounts of the respondent. The application is based on the evidence obtained by the SIU. The evidence reveals that the Gauteng DoE irregularly and unlawfully procured deep cleaning and sanitation services from the respondents and that the respondents unlawfully benefitted from the award of tenders by the Gauteng DoE. Review application issued to set aside contract to the value of R431 000 000. An interim order was confirmed and the Case Management hearing date issued by the Special Tribunal was 27/08/2021. Case GP15/21 is joined under GP13/2021 and the review application was set

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11	GAU	SIU v Lukhele, the GEFP and the GPAA (GP11/2021)	R17 000 000	19/05/2021	<p>down for trial from 24 – 25/11/2021. Judgment reserved. Review application granted and appeal lodged by the Respondents. Awaiting further directives from the ST.</p> <p>On 19/05/2021, the SIU issued papers to apply for the freezing of the pension of Prof Lukhele (a former HoD and Accounting Officer of the Gauteng DoH) who has since resigned. The papers are being served and the SIU will place the matter on the roll if it remains unopposed by 10/06/2021. The respondents agreed to the order of the SIU and The SIU applied to have the matter heard on the unopposed roll and are awaiting hearing date from registrar of the Special Tribunal. SC to draft practice note for matter to be enrolled on the unopposed role.</p>

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12	GAU	SIU V JOSHCO & 4 Others	R 500 000 000	28/05/2021	The SIU issued an interim application against Joshco, City of Johannesburg Municipality, Rembu Construction cc, SKS Business Solutions and Pro Power Group (Pty) Ltd for an order interdicting Joshco from making any further payments to the three contractors pending the finalization of the review application. The interim application was set down for 29/06/2021. The SIU withdrew the applications. The matter is finalised.
13	GAU	SIU v Chachulani GP 15/2021	R22 400 000	31/05/2021	The SIU applied to the Special Tribunal for restraint order to attach proceeds in the bank accounts of the respondent. The application is based on the evidence obtained by the SIU. The evidence reveals that the Gauteng DoE irregularly and unlawfully procured deep cleaning and sanitation services from the respondents

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14	GAU	SIU v Pro-Serve Consulting, Thenga Holdings and 3 Others (Anglo Gold Ashanti) (GP20/2021)	R8 000 000	17/09/2021	and that the respondents unlawfully benefitted from the awards of tenders by the Gauteng DoE. An interim order was confirmed and the Case Management hearing date issued by the Special Tribunal was 27/08/2021. Case joined under GP12/2021 and the matter is set down for trial from 24 – 25/11/2021. The matter is proceeding under GP13/2021. The review application granted and the Respondents noted an appeal against whole judgment of the ST. The SIU will await further directives.
					Following a FIC blocking order that was set to expire on 17/09/2021, the SIU brought an Application for an Interim Preservation Order or Interdict to freeze a total of R7 940 667 held in FNB for the credit of Pro-Serve Consulting (Pty) Ltd (one of the Professional Service

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					<p>Provider(s)) in the amount of R1 706 302 and for Thenga Holdings (Pty) Ltd (one of the Contractors) in the amount of R6 234 365, pending the outcome of a Review Application that the SIU must institute within 60 days from the date of the Interim Interdict Order.</p> <p>The Interim Order was granted on 17/09/2021. As such, the SIU must serve and file the Review Application by no later than 14/12/2021 which will involve a total of 19 Respondents (including Anglo Gold, Harmony Gold and Golden Core, who are the owners and operators of the premises where the AngloGold Ashanti field Hospital is situated).</p> <p>On 28/09/2021, Pro-Serve Consulting and Thenga Holdings filed an Application for the Reconsideration of the Interim Order. A first Case Management Meeting</p>

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					<p>was held on 4/10/2021, where it was directed that:</p> <ul style="list-style-type: none"> <li>a) The Respondents will ask for further discovery in a letter dated 05/10/2021 (which was done);</li> <li>b) The SIU will consider the request for further discovery and if in agreement will make such further discovery by no later than 08/10/2021 (which was done);</li> <li>c) The Respondents will file their Answering Affidavits by no later than 11/10/2021 (which was done by Pro-Serve, but Thenga Holding only filed its papers on 18/10/ 2021, but it Applied for Condonation);</li> <li>d) The SIU will file a Replying Affidavit by no later than 15/10/2021 (which was done in respect of Pro-Serve, but the SIU only filed its Reply in</li> </ul>

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					respect of Thenga Holdings on 22/10/2021;
					e) The SIU would file Heads of Argument by no later than 29/10/2021;
					f) The Respondents would file Heads of Argument by no later than 8/11/2021; and
					g) The Hearing of the Application to Reconsider the Interim Interdict is set down for hearing on 16/11/2021. Judgment has been reserved. Matter set down for 14-18 November 2022.
15	GAU	SIU v Rich Soil Resources case no: GP02/22	R12 611 000	21/02/2022	Review application issued to set aside contract and claim losses suffered. Matter remains unopposed. Enrol on unopposed role on 27 June 2022.
16	GAU	SIU v LNG case no: GP 03/22	R113 000 000	11/04/2022	Application to review and set aside contract. The matter is opposed and was set down on 20 June 2022

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Rand value and number of matters instituted in the Special Tribunal

No	Province	Description	Value of outcome	Date instituted	Progress to date
17	National	National Department of Public Works and Infrastructure: The SIU v Caledon River Properties (Pty) (Ltd) and Others Beitbridge Border matter: (GP12/2020 and LP01/2020)	R40 800 000	18/11/2020	for the judge to rule on the compliance of a R53 notice. Judgment was reserved.  This matter relates to the procurement process of a service provider/contractor for the erection of a fence along the SA border with Zimbabwe, near Beitbridge. The SIU investigation found evidence that the procurement process was irregular. The contract has a value of R40 million. The SIU instituted civil proceedings in the Special Tribunal for an order to “freeze” the bank account of the First and Second Respondents, alternatively for the Respondents to provide bank guarantees of R21 819 878 (Magwa Construction) and R1 843 004 (Profteam CC). The parties agreed to an order that the Respondents undertake not to claim from the Department any

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**Rand value and number of matters instituted in the Special Tribunal**

No	Province	Description	Value of outcome	Date instituted	Progress to date
					<p>payments and the Department undertake not to make any further payments under the contract. The SIU thereafter instituted a review application in the Special Tribunal on 18/11/2021. In the application the SIU seeks to set aside the contract.</p> <p>The respondents raised points in law, challenging the jurisdiction of the Special Tribunal to grant the relief sought by the SIU. The hearing was held on 26/01/2021 and the judgement was reserved. Judgment will be delivered on 26/02/2021. The Special Tribunal dismissed the interlocutory application challenging the jurisdiction of the Special Tribunal. The review application was scheduled for case management and the parties met on 03/05/2021. Case management was set down for 25/06/2021. The matter</p>

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Rand value and number of matters instituted in the Special Tribunal

No	Province	Description	Value of outcome	Date instituted	Progress to date
18	National	SIU v Hlatswayo (Black Dot) (GP 20/2020)	R12 000 000	14/12/2020	<p>was set down for trial from 04 – 08/10/2021 .Judgement was reserved.</p> <p><b>Impact: The Special Tribunal ruled that it has the same competency as a court and has the jurisdiction to hear and make orders in terms of Section 217 of the Constitution. Appeal noted and judgment reserved.</b></p> <p>This is a matter from the Department of Land Reform and Rural Development. A PPE-contract was awarded to an entity called Black Dot. It is alleged that bid rigging took place and there appears to be no evidence of service delivery. The SIU brought an Application to freeze the pension of an official, Mr. Hlatswayo, who was involved in the SCM process. The Application was granted as an interim order and civil proceedings must</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
19	National	SIU v Digital Vibes and 11 others (KN03/2021)	R266 000 000 (including an interim order for R22 000 000)	04/06/2021	<p>be instituted before 01/03/2021. The matter is set down for 24/05/2021. A Final order was granted interdicting the pension fund. The SIU amended the summons and applied for Case Management on 22/07/2021. The matter was set down for trial on 22 – 26/11/2021. This matter was postponed and the SIU awaits a hearing date from the Registrar of the Special Tribunal. Matter set down for 22-26 August 2022.</p> <p>The Gauteng DoH irregularly concluded a contract with Digital Vibes (Pty) Ltd for the procurement of a media awareness campaign in respect of the National Health Insurance (“NHI”) for R141 million in terms of which R25 million was paid thus far, which was irregularly extended to include a Covid-19 awareness campaign in terms of which R125 million was paid thus far.</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
					<p>Between 04/06/2021 and 14/06/2021, at the request of the SIU, the FIC implemented a directive to freeze a total of R22 million held in 10 accounts. This attachment was only valid for 10 working days. On 17/06/2021, the SIU applied for and successfully obtained an Interim Preservation Order or Interdict to freeze a total of R22 million held in 10 accounts, pending the outcome of a Review Application to be brought by the SIU before 29/07/2021 to review and set aside the appointment of Digital Vibes in respect of both the NHI and Covid-19 media campaigns for a total value of R266 million. Review application were filed on 29/07/2021 and parties exchanged pleadings. The SIU applied for Case Management with the Special Tribunal on 16/09/2021. The SIU launched an application to join further respondents and pleadings</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
20	National	SIU & NHLS v Ndlovu and 5 Others (GP19/2021)	R172 742 175	25/08/2021	<p>are being exchanged by the parties. Hearings of the interlocutory and review application will be allocated by the registrar of the Special Tribunal. Respondents applied for leave to appeal the joinder order on 20 June 2022 and the Special Tribunal reserved judgment.</p> <p>The SIU launched a preservation and review application based on irregular procurement and subsequent contract for the supply of goods and services to the National Health Laboratory Services. The Pleadings have closed and the trial date has been set for 11-12/03/2022. The first, fourth, ninth, tenth and thirteenth respondent is declared liable to the NHLS to repay, and directed to pay, the sum of R172 742 175.00, less R13 891 253.87 = R158 850 921.13, including interest at the prescribed rate calculated from</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
21	KwaZulu-Natal (KZN)	Rosette Investments (KN01/2020)	R4 899 000	25/10/2020	<p>the date the NHLS made payment for the orders, less (i) the amounts recovered by the NHLS from each of the eleventh, twelfth, fifteenth and sixteenth respondent, and (ii) the proceeds from sale in execution of the assets forfeited to the State (after any execution steps, review or appeal proceedings).</p> <p>This matter relates to the irregular procurement of blankets for the KZN Department of Social Development (KZN DSD). The investigation revealed that in fact less blankets were distributed than the KZN DSD ad in its stores prior to embarking on the procurement process.</p> <p>Civil proceedings have been instituted against the suppliers in the Special Tribunal to review and set aside the award and the resulting contracts to the</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
22	KZN	Gibela (KN02/2020)	R6 708 000	25/10/2020	<p>value of R18.5 million, and to recover losses suffered by the KZN DSD.</p> <p>Rosette Investment (KN01/2020) agreed to refund the KZN DSD the profits in the amount of R864 000. The agreement is subject to the Special Tribunal making the settlement agreements an order of the Special Tribunal. The aforesaid parties further agreed that the contract be set aside. On 09/04/2021 the Special Tribunal set aside the contract in KN01/2020 and ordered the service provider to pay the KZN DSD R864 000. The matter is now finalised.</p> <p>This matter relates to the irregular procurement of blankets for the KZN DSD. The investigation revealed that in fact less blankets were distributed than the KZN</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
					<p>DSD had in its stores prior to embarking on the procurement process.</p> <p>Civil proceedings have been instituted against the suppliers in the Special Tribunal to review and set aside the award and the resulting contracts to the value of R18.5 million, and to recover losses suffered by the KZN DSD.</p> <p>KN02/2020 has been set down on the unopposed role for Default Judgment. The judge will allocate dates. The Special Tribunal heard the matters on 26/04/2021. In Gibela the parties must file a statement of account. The matter was re-rolled on 30/06/2021. The matter was opposed and the SIU applied for a Case Management date on 03/09/2021. The respondent has filed a rescission of judgement which the SIU has opposed. The SIU filed answering affidavits. The</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
23	KZN	LNA Communications (KN03/2020)	R3 960 000	25/10/2020	Applicant in the rescission application has to file replying affidavit and thereafter the Registrar will allocate a hearing date. Applied for Case Management and awaiting date from registrar of ST.  This matter relates to the irregular procurement of blankets for the KZN DSD. The investigation revealed that in fact less blankets were distributed than the KZN DSD had in its stores prior to embarking on the procurement process.  Civil proceedings have been instituted against the suppliers in the Special Tribunal to review and set aside the award and the resulting contracts to the value of R18.5 million, and to recover losses suffered by the KZN DSD.  KN03/2020 has been set down on the unopposed role

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No	Province	Description	Value of outcome	Date instituted	Progress to date
24	KZN	Zain Brothers (KN04/2020)	R4 800 000	25/10/2020	for Default Judgment. The judge will allocate dates. The Special Tribunal heard the matter on 26/04/2021. It was ordered that LNA papers must be reserved and set down. The matter was re-rolled on 30/06/2021. The matter was opposed and the SIU applied for a Case Management date on 03/09/2021. The SIU applied for a hearing date and awaits a date from the Registrar of the Special Tribunal. Applied for Case Management and awaiting date from registrar of ST.  This matter relates to the irregular procurement of blankets for the KZN DSD. The investigation revealed that in fact less blankets were distributed than the KZN DSD had in its stores prior to embarking on the procurement process.

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					<p>Civil proceedings have been instituted against the suppliers in the Special Tribunal to review and set aside the award and the resulting contracts to the value of R18.5 million, and to recover losses suffered by the KZN DSD.</p> <p>Zain Brothers (KN04/2020) agreed to refund the KZN DSD the amount R718 000. The agreement is subject to the Special Tribunal making the settlement agreements an order of the Tribunal. The aforesaid parties further agreed that the contract be set aside. On 29/01/2021 the Special Tribunal set aside the contract in KN04/2020 and ordered the service provider to pay the KwaZulu-Natal DSD R718 550. The matter is finalised.</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
25	KZN	SIU v Ngome Steam Pot (Pty) Ltd (KN02/2021)	R1 740 000	1/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The SIU applied for Case Management and awaits a date from the Registrar of the Special Tribunal. Applied for case management and awaiting dates from the registrar of the ST.
26	KZN	SIU v Bhomelela General Trading Enterprise (KN04/2021)	R1 759 200	1/07/2021	The KZN DSD unlawfully and irregularly PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN

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27	KZN	SIU v Velakabusha General Trading (Pty) Ltd (KN05/2021)	R2 052 000	1/07/2021	DSD flowing from the PPE contract. The SIU and respondent are involved with settlement negotiations which will be finalized by 15/11/2021. The SIU applied for a hearing date with the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.  The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remain unopposed and the SIU has applied for the matter to be heard in an unopposed

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No	Province	Description	Value of outcome	Date instituted	Progress to date
28	KZN	SIU v Ntente Trading (Pty) Ltd (KN06/2021)	R1 800 000	1/07/2021	<p>The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.</p> <p>The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remain unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the allocation of the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
29	KZN	SIU v Ibusaphi Trading (KN07/2021)	R1 184 908	1/07/2021	<p>directed by judge to file practice note by 24 August 2022.</p> <p>The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remain unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the allocation of the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.</p>

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Rand value and number of matters instituted in the Special Tribunal

No	Province	Description	Value of outcome	Date instituted	Progress to date
30	KZN	SIU v Umunyeovou Trading (Pty) Ltd (KN08/2021)	R247 106	1/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remain unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the allocation of the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
31	KZN	SIU v Info Tech Evolution (Pty) Ltd	R1 335 380	1/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an

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No	Province	Description	Value of outcome	Date instituted	Progress to date
		(KN09/2021)			application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The SIU and respondent are involved with settlement negotiations which will be finalized by 22/11/2021. The SIU has now applied for a hearing date from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
32	KZN	SIU v King Trading (KN10/2021)	R308 300	8/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses

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No	Province	Description	Value of outcome	Date instituted	Progress to date
33	KZN	SIU v Umunyeovou Trading (Pty) Ltd (KN11/2021)	R450 724	8/07/2021	suffered by the KZN DSD flowing from the PPE contract. The SIU and respondent are involved with settlement negotiations which had to be finalised by 14/12/2021 –if not the SIU will apply for hearing date with the Special Tribunal on 15/12/21. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.  The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed

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No	Province	Description	Value of outcome	Date instituted	Progress to date
34	KZN	SIU v Ntente Trading (Pty) Ltd (KN12/2021)	R104 700	8/07/2021	<p>The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.</p> <p>The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
35	KZN	SIU v Mpumelelo Dlaba (Pty) Ltd (KN13/2021)	R232 200	8/07/2021	matter on unopposed role and directed by judge to file practice note by 24 August 2022.  The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.

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No	Province	Description	Value of outcome	Date instituted	Progress to date
36	KZN	SIU v Inqikithi Trading Enterprise CC (KN14/2021)	R307 000	8/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
37	KZN	SIU v Siphwenonkosi Trading (Pty) Ltd (KN15/2021)	R425 000	8/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an

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No	Province	Description	Value of outcome	Date instituted	Progress to date
38	KZN	SIU v Ngezolusha Trading (Pty) Ltd (KN16/2021)	R586 629	8/07/2021	unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
					The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE

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No	Province	Description	Value of outcome	Date instituted	Progress to date
39	KZN	SIU v Youth Development 12 (Pty) Ltd (KN17/2021)	R440 080	8/07/2021	<p>The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.</p> <p>The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
40	KZN	SIU v Beyond Hospitality Solutions (Pty) Ltd (KN18/2021)	R37 120	8/07/2021	from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.  The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.

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No	Province	Description	Value of outcome	Date instituted	Progress to date
41	KZN	SIU v Mabugana Group CC (KN19/2021)	R567 617	8/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KZN DSD flowing from the PPE contract. The matter remains unopposed and the SIU has applied for the matter to be heard in an unopposed motion court. The SIU is awaiting the date of hearing from the Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
42	KZN	SIU v Henque 2200 CC t/a Zama Trading (KN20/2021)	R28 065	8/07/2021	The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an

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No	Province	Description	Value of outcome	Date instituted	Progress to date
43	KZN	SIU v Henque 2200 CC t/a Zama Trading (KN21/2021)	R31 220	8/07/2021	unlawful procurement process and to claim consequential relief for the recovery of financial losses suffered by the KwaZulu-Natal DSD flowing from the PPE contract. The respondent wishes to settle and the SIU is waiting for the settlement offer which is due on 09/12/2021. If no settlement the SIU will on 10/12/2021 apply for a hearing date with the registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
					The KZN DSD unlawfully and irregularly procured PPE from the service providers. The SIU issued an application to set aside PPE contracts pursuant to an unlawful procurement process and to claim consequential relief for the recovery of financial losses

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					suffered by the KZN DSD flowing from the PPE contract. The respondent wishes to settle and the SIU is waiting for the settlement offer which is due on 10/12/2021. If no settlement the SIU will on 14/12/2021 apply for a hearing date with the registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022.
44	KZN	SIU v Bulum Trading	R586 000	1/03/2022	Review application issued. Matter is opposed and the SIU applied for case management. The SIU is awaiting date for Case Management from registrar of the Special Tribunal.
45	Limpopo	SIU v Aventino case number LP01/22	R12 373 000	11/04/2022	Review application to set aside the contract and claim losses. Matter set down 22 August 2022.

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No	Province	Description	Value of outcome	Date instituted	Progress to date
46	Mpumalanga (MPU)	SIU v Guwena Construction case no: GP23/21	R865 000	7/12/2021	Summons was issued to recover losses suffered. Filed further particulars and special plea. The SIU await defendants response by 24 June 2022.
47	MPU	SIU v Siyanda and Thabo case no: MP01/21	R1 029 000	7/12/2021	Summons issued to recover losses suffered. Filed further particulars and special plea. The SIU await defendants response by 24 June 2022.
48	MPU	SIU v Silvex 622 CC case number MP/02/21	R1 099 560	7/12/2021	Summons issued to recover losses suffered. Filed further particulars and special plea. The SIU await defendants response by 24 June 2022.
49	MPU	SIU v Zeelwa Trading case no: MP/03/21	R798 000	14/12/2021	Summons issued to recover losses suffered. Pleadings are closed and the SIU applied for a trial date with the registrar of the Special Tribunal.

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No	Province	Description	Value of outcome	Date instituted	Progress to date
50	North West (NWP)	SIU v Modiko Thabang Selemale and another (GP19/2020)	R100 000	04/12/2020	The SIU brought an Application to freeze the pension of Mr Selemale, the SCM manager at JB Marks Municipality. The order was granted. <b>Impact: The pension benefits of the SCM manager were frozen in lieu of an action proceedings to claim losses of R2.8 million.</b>
51	NWP	SIU v Selemale (GP20/2020)	R2 796 537	01/02/2021	The SIU instituted civil proceedings against Mr. Selemale, the SCM Manager at JB Marks Municipality, with the aim of recovering losses suffered as a result of irregular PPE procurement on behalf of the Municipality. The SIU applied for case management on 30/04/2021. The matter was set down for trial from 04 – 08/10/2021. The trial was postponed and the SIU applied for a new date on 26/10/2021. The SIU awaits the trial date from the Registrar of the Special Tribunal.

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**Rand value and number of matters instituted in the Special Tribunal**

No	Province	Description	Value of outcome	Date instituted	Progress to date
52	NWP	SIU v Mothupi (NW03/2021)	R3 100 000	19/07/2021	Judge directed to re-service papers and case management to be held on 30 June 2022.  This matter relates to the North West Department of Public Works and Roads. An application was issued to interdict the pension fund from making payment of the benefits to the respondent. The application was heard on 16/08/2021 and judgment was reserved. The Special Tribunal ordered that the pension be restrained. The Special Tribunal issued summons by 24/09/2021 and the matters remains undefended. The SIU applied for default judgment on 14/11/2021 and is awaiting a hearing date from the Registrar of the Special Tribunal. Defendants defended and SIU applied for case management on 23 June 2022.

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**Rand value and number of matters instituted in the Special Tribunal**

No	Province	Description	Value of outcome	Date instituted	Progress to date
53	NWP	SIU v Redeyes Trading case no: NW/01/21	R1 200 000	3/05/2021	Review application to set contract aside. The SIU applied for case management on 17 June 2022 and is awaiting date from the registrar.
54	WCP	SIU v Kanga (WC 02/2021)	R3 400 000	23/08/2021	The SIU launched a review application to set the contract aside between the National Department of Environment, Fisheries and Forestry based on evidence obtained which reveals that the procurement of 3-ply surgical masks and hand sanitizers by the Department from Kanga was irregular and unlawful. The SIU has applied for a hearing date from the Registrar of the Special Tribunal. SIU to file practice note with registrar on 24 June 2022. Applied for matter to be heard on unopposed role.

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**Rand value and number of matters instituted in the Special Tribunal**

No	Province	Description	Value of outcome	Date instituted	Progress to date
55	Western Cape	SIU v Duneco case no:WC/05/22	R2 800 000	26/05/2022	Application to review to set aside contract and claim losses suffered. Matter is opposed and date of hearing 29 August 2022
<ul style="list-style-type: none"> <li>The total value of the 55 PPE matters instituted in the Special Tribunal is R2 247 237 256</li> </ul>					

**4.2. VALUE OF ORDERS GRANTED IN THE SPECIAL TRIBUNAL**

**Rand value and number of matters instituted in the Special Tribunal where orders have been granted**

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
1	ECP	Department of Health: SIU v Fabkomp (Pty) (Ltd) and Others: (EC04/2020)	R10 148 750	18/09/2020	The Eastern Cape DoH was interdicted from making payment against the contract and the Special Tribunal set the contract aside with costs.

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Rand value and number of matters instituted in the Special Tribunal where orders have been granted

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
2	ECP	The OR Tambo Municipality "Door-to-door" case: (EC06/2020)	R4 899 000	26/10/2020	The Municipality was interdicted from making payment against the contract and the Special Tribunal set aside the contract. On 25/08/2021 the Special Tribunal rescinded the order granted and directed that the matter be set down for trial. The SIU is awaiting the date of the hearing from the Registrar of the Special Tribunal.
3	FSP	SIU v MEC for Treasury in the Free State Province and 31 others (FS/01/2020)	Value to be determined by the Special Tribunal	27/11/2020	This matter relates to the irregular procurement of PPE by the Free State DoH. It is alleged that the SCM process was flawed and that non-sterile isolation gowns were supplied, instead of sterile isolation gowns. An Application to recover losses was launched in the Special Tribunal on 27/11/2020. The Case Management hearing was scheduled for 3/05/2021. The matter was set down for 25 and 26/08/2021 and judgement was reserved. Judgment delivered on 31 January 2022. The

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**Rand value and number of matters instituted in the Special Tribunal where orders have been granted**

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
					<p>review application succeeds. The respondent entities are divested of the profit they have derived or stand to derive from the RFQ. The Special Investigating Unit (SIU) shall enlist the services of an appropriate independent expert to assess the surgical gowns delivered to the Free State Departments of Treasury and Health (the Departments) in respect of the RFQ by the respondent entities which are still in the possession of the Departments to: (a) assess the quality of the surgical gowns and their appropriate use; (b) determine the fair value of the surgical gowns in light of their quality and appropriate use. Professional report to be filed 31 August 2022.</p>

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**Rand value and number of matters instituted in the Special Tribunal where orders have been granted**

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
4	GAU	The SIU v Ledla Structural Development (Pty) Ltd and 43 Others: (GP07/2020)	R139 000 000	06/08/2020	Judgement was granted by the Special Tribunal in favour of the SIU and R26m were forfeited to the State. A number of respondents appealed the decision and were awaiting dates from the SCA and the High Court. The appeals have been dismissed in the SCA and High Court and further appeals have been lodged with the Constitutional Court where the parties are awaiting hearing dates.
5	KZN	Department of Social Development: Rosette Investments (KN01/2020)	R4 899 000	25/10/2020	The Special Tribunal set aside the contract and ordered that the respondent pay the profit of R864 000. Payment has been received and the agreement made an order by the Special Tribunal.
6	KZN	Department of Social Development: Gibela (KN02/2020)	R6 708 000	25/10/2020	The Special Tribunal set the contract aside and ordered that the respondent file a statement of account. The SIU will apply for Case Management on 03/09/2021. The SIU

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**Rand value and number of matters instituted in the Special Tribunal where orders have been granted**

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
7	KZN	Department of Social Development: LNA Communications (KN03/2020)	R3 960 000	25/10/2020	is awaiting the date of the hearing from the Registrar of the Special Tribunal.  The Special Tribunal ordered that SIU must ensure personal service by 31/05/2021. The SIU will apply for Case Management on 03/09/2021. The SIU is awaiting the date of the hearing from the Registrar of the Special Tribunal.
8	KZN	Department of Social Development: Zain Brothers (KN04/2020)	R4 800 000	25/10/2020	The Special Tribunal set aside the contract and ordered that the respondent pay the profit of R718 550. Payment has been received and the agreement made an order by the Special Tribunal.
9	NWP	SIU v Modiko Thabang Selemaile and another (GP19/2020)	R100 000	04/12/2020	Final order granted to freeze pension. The SIU issued summons to recover damages/ losses under new case number.

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Rand value and number of matters instituted in the Special Tribunal where orders have been granted

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
10	National	SIU & NHLS v Ndlovu and 5 Others (GP19/2021)	R158 850 921	24/08/2021	The SIU launched a preservation and review application based on irregular procurement and subsequent contract for the supply of goods and services to the National Health Laboratory Services. The Pleadings have closed and the trial date has been set for 11-12/03/2022. The first, fourth, ninth, tenth and thirteenth respondent is declared liable to the NHLS to repay, and directed to pay, the sum of R172 742 175.00, less R13 891 253.87 = R158 850 921.13, including interest at the prescribed rate calculated from the date the NHLS made payment for the orders, less (i) the amounts recovered by the NHLS from each of the eleventh, twelfth, fifteenth and sixteenth respondent, and (ii) the proceeds from sale in execution of the assets forfeited to the State (after any execution steps, review or appeal proceedings).

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Rand value and number of matters instituted in the Special Tribunal where orders have been granted

No	Province	Description	Value of outcome	Date instituted	Outcome achieved
The total value of the 10 Orders granted is R333 365 671					

#### 4.3. NUMBER OF REFERRALS MADE FOR DISCIPLINARY ACTION AGAINST OFFICIALS

Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Amatola Water Board	Mr S Qweleka, Director: Planning and Development	Contravention of sections 195(1)(a) and 217(1) of the Constitution and the PFMA and the AWB SCM Policy	1	15/06/2022	The referral letter has been acknowledged
ECP DPWI	Ms Koko, Assistant Director Logistics	Contravention of section 45(c) of the PFMA Contravened Code of Conduct of the Public Service Regulations	1	30/06/2022	The employee received a final written warning

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**Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
ECP SASSA	Mr B Maqethuka, Regional Manager	Fraud and contravention of the PFMA	1	30/06/2022	Awaiting feedback from SASSA
ECP SASSA	Ms I Smith, Senior Manager SCM	Fraud and contravention of the PFMA	2	30/06/2022	Awaiting feedback from SASSA
ECP SASSA	Ms Kopele, Grant Administrator	Fraud and contravention of the PFMA	1	19/11/2022	Awaiting feedback from SASSA
ECP SASSA	Ms Memela-Kambule, CEO	Fraud and contravention of the PFMA	1	07/10/2021	Awaiting feedback from SASSA
ECP SASSA	Ms Setan, Acting Chief Procurement Officer	Fraud and contravention of the PFMA	1	07/10/2021	Awaiting feedback from SASSA
Nelson Mandela Bay Metropolitan Municipality	Ms Senekal, Senior Buyer	Failure to comply with MFMA Circulars	1	02/02/2022	The Municipality decided not to institute any disciplinary hearings against its officials as they decided that the SIU findings were irrational

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**Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
OR Tambo District Municipality	Mr Mafani, Accountant	Contravention of MFMA	1	08/11/2021	Awaiting feedback from the Municipality
OR Tambo District Municipality	Ms Sikiti, Manager: Wellness Department	Contravention of MFMA	1	08/11/2021	Awaiting feedback from the Municipality
OR Tambo District Municipality	Mr Hopa, Manager SCM	Contravention of MFMA	1	08/11/2021	Awaiting feedback from the Municipality
OR Tambo District Municipality	Mr Mphako, Director: Corporate Services	Contravention of MFMA	1	08/11/2021	Awaiting feedback from the Municipality
GAU DoH	Dr GS Maseko, Head of Infrastructure Development; Mr T Mosimanegape, Acting Chief Director - Health Infrastructure: GDID; Mr T Tabane, Acting CFO and Head of SCM: GDID;	Committed Financial Misconduct and gross and serious misconduct	9	29/12/2021	

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**Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mr R Makhumisani, Acting Head: GDID; Mr A Maluleke, Project Manager: GDID Ms N Makgae, Acting Director - Health Infrastructure: GDID; Mr M Raseboka, Acting DDG - Health Branch: GDID				
GAU DoH	Dr MLA Modisane, Acting DDG Hospital Services; Mr A Qolohle, Project Manager: Infrastructure Development	Committed Financial Misconduct and gross and serious misconduct	2		

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Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Free State Department of Correctional Services (FSP DCS)	Mr Marumule, Deputy Commissioner: SCM	Failure to comply with the provisions of section 45 (a) to (e) of the PFMA Failure to comply with the provisions of NT Instruction No. 03 of 2020/2021 and DCS SCM Circular 1 of 2020/21 dated 20 April 2020 Failure to comply with Par 14.4.2.2 and Par 14.4.2.4 of the DCS Procurement Procedure Manual	1	21/09/2021	Mr Marumule was given a sanction of Corrective Counselling in an informal process ito Chapter 7 of the SMS Handbook
FSP DCS	Ms Klokow, Assistant Director: Procurement	Failure to comply with the provisions of section 45 (a) to (e) of the PFMA Failure to comply with the provisions of NT Instruction No. 03 of 2020/2021 and DCS SCM Circular 1 of 2020/21 dated 20 April 2020 Failure to comply with Par 14.4.2.2 and Par 14.4.2.4 of the DCS Procurement Procedure Manual	1	21/09/2021	Mr Marumule was given a sanction of Corrective Counselling in an informal process ito Chapter 7 of the SMS Handbook

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Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
FSP DCS	Mr Bikane, Regional Head: Corporate Services	<p>Failure to comply with the provisions of section 45 (a) to (e) of the PFMA</p> <p>Failure to comply with the provisions of NT Instruction No. 03 of 2020/2021 and DCS SCM Circular 1 of 2020/21 dated 20 April 2020</p> <p>Failure to comply with Par 14.4.2.2 and Par 14.4.2.4 of the DCS Procurement Procedure Manual</p>	1	21/09/2021	No disciplinary action was taken against Mr Bikane
FSP DCS	Ms Ndlovu, Regional Coordinator: Human Resource Management and Support	<p>Failure to comply with the provisions of section 45 (a) to (e) of the PFMA</p> <p>Failure to comply with the provisions of NT Instruction No. 03 of 2020/2021 and DCS SCM Circular 1 of 2020/21 dated 20 April 2020</p> <p>Failure to comply with Par 14.4.2.2 and Par 14.4.2.4 of the DCS Procurement Procedure Manual</p>	1	21/09/2021	The employee received a written warning

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**Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021**

<b>State Institution</b>	<b>Name and Job Title</b>	<b>Charges</b>	<b>No of referrals</b>	<b>Date referred</b>	<b>Progress to date</b>
Lejweleputswa District Municipality	Ms Palesa Kaota, Municipal Manager	Financial misconduct as envisaged in section 171(1)(a), (b) and (c) of the MFMA (read with section 32(1)(b) and (d) of the MFMA) in that she deliberately or negligently made or permitted the Municipality to make irregular and fruitless and wasteful expenditure	1	08/03/2022	The Municipality is still considering disciplinary action
Lejweleputswa District Municipality	Mr Pantalo Pitso, CFO	Financial misconduct as envisaged in section 171(2)(a) and (c) of the MFMA (read with section 32(1)(c) of the MFMA) in that he deliberately or negligently made or permitted the Municipality to make irregular and fruitless and wasteful expenditure	1	08/03/2022	The Municipality is still considering disciplinary action
Lejweleputswa District Municipality	Ms Bankitsa Baloyi, SCM Manager	Financial misconduct as envisaged in section 171(3)(c) of the MFMA (read with section 32(1)(c) of the MFMA) in that she deliberately or	1	08/03/2022	The Municipality is still considering disciplinary action

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Newcastle Local Municipality	Mr Sithembiso Senzo Dlamini, Manager: Logistics and Expenditure; Mr SM Nkosi, Strategic Executive Director: Budget and Treasury	negligently made or permitted the Municipality to make irregular and fruitless and wasteful expenditure  Contravention of Clause 64.2 of the Municipality's SCM Policy's - Code of Conduct dated 29 May 2019. Contraventions of the Municipal Systems Act 32 of 2000.	8	31/05/2022	Referral recently submitted
Newcastle Local Municipality	Mr Sithembiso Senzo Dlamini, Manager: Logistics and Expenditure; Mr SM Nkosi, Strategic Executive Director: Budget and Treasury Ms S Shabalala, Procurement Officer	Contravention of Clause 64.2 of the Municipality's SCM Policy's - Code of Conduct dated 29 May 2019. Contraventions of the Municipal Systems Act 32 of 2000.	3	31/05/2022	Referral recently submitted

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekwini Metropolitan Municipality	Mr Sipho Oliver Cele, former Acting City Manager; Mr Andre Dean M Petersen, Head of SCM; Mr Martin Xaba, Head: Safer Cities; Mr Xolani Vilana, Manager Administration: Safer Cities; Mr Senzo Ngesi, Admini Officer: SCM; Mr Mduzuzi Tenza, Purchasing Officer: SCM; Ms Mandisa Shandu, Senior Clerk: SCM	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the <i>Municipal Systems Act 32 of 2000</i> . Contravention of the provisions of the <i>MFMA Act 56 of 2003</i>	21	10/05/2022	The Disciplinary for the Acting City Manager has been referred to the EXCO/Council to proceed. The other matters are currently under review by EMM's Financial Misconduct Board.
eThekwini Metropolitan Municipality	Mr Sipho Oliver Cele, former Acting City Manager;	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the <i>Municipal Systems Act 32 of</i>	6	31/03/2022	The disciplinary for the Acting City Manager has been referred to the EXCO/Council to proceed.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekweni Metropolitan Municipality	Mr Andre Dean M Petersen, Head of SCM; Mr Martin Xaba, Head: Safer Cities; Mr Xolani Vilana, Manager Administration: Safer Cities; Mr Senzo Ngesi, Admini Officer: SCM; Mr Mdluduzi Tenza, Purchasing Officer: SCM	2000. Contravention of the provisions of the MFMA Act 56 of 2003	18	22/12/2021	The other matters are currently under review by the Financial Misconduct Board.  The disciplinary for the Acting City Manager has been referred to the EXCCO/Council to proceed. The other matters are currently under review by the Financial Misconduct Board.

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Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekweni Metropolitan Municipality	<p>Administration: Safer Cities;                      Mr Senzo Ngesi, Admini Officer: SCM;                      Mr Mduzuzi Tenza, Purchasing Officer: SCM</p> <p>Mr Sipho Oliver Cele, former Acting City Manager;                      Mr Andre Dean M Petersen, Head of SCM;                      Mr Martin Xaba, Head: Safer Cities; Mr Xolani Vilana, Manager                      Administration: Safer Cities;                      Mr Senzo Ngesi, Admini Officer: SCM;                      Mr Mduzuzi Tenza, Purchasing Officer: SCM;</p>	<p>Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the <i>Municipal Systems Act 32 of 2000</i>. Contravention of the provisions of the <i>MFMA Act 56 of 2003</i></p>	14	22/12/2021	The disciplinary for the Acting City Manager has been referred to the EXCO/Council to proceed. The other matters are currently under review by the Financial Misconduct Board.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekwini Metropolitan Municipality	Ms Mandisa Shandu, Senior Clerk: SCM  Martin Xaba, Head of Safer Cities	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the <i>Municipal Systems Act 32 of 2000</i> . Contravention of the provisions of the <i>MFMA Act 56 of 2003</i> .	1	14/12/2021	The matter is currently under review by the Financial Misconduct Board.
KZN DoE	Mr Mzikayifani Barney Mthembu, Deputy Director General; Ms Judy Dlamini, Deputy Director: IDS; Ms Thembelihle Angeline Gumede, Chief Director: Operations Management; Ms Zola Ngcobo, Acting Director: Demand and Acquisitions;	Contravention of Section 45 of the PFMA. Contravention of the provisions of PS Regulation 14(1). Contravention of Clauses C.1.4m C.4.4 of the Code of Conduct Policy.	17	20/12/2021	Presiding Officer appointed for the hearing. Hearing to be conducted in the month of June 2022.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	<p>Mr Sifiso Eugene Cyril Ngcobo, Deputy Director: Finance;</p> <p>Ms Nonjabulo Favourite Madiba, Actng Director: Finance;</p> <p>Ms Pretty Khayelihle Hadebe, Chief Education Specialist;</p> <p>Mr Vusumuzi Christopher Mavundla, Admin Clerk;</p> <p>Ms Nomalungelo Shiela Mngadi, Admin Clerk;</p> <p>Ms Govindamma Naidoo, Accounting Clerk;</p> <p>Mr Dorian Nhlanhla Mthethwa, Education Specialist;</p> <p>Mr Virendra Maharaj, Education Specialist;</p>				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
KZN DoE	Mr Selvan Reddy, Chief Admin Clerk; Ms Beatrice Mabaso, Provincial Admin Clerk; Mr Phumelela Horitius Nkosi, Education Specialist; Ms Sibongile Samukelisi Nkwanyana, Admin Clerk; Ms Sunita Brijlal, Admin Clerk	Contravention of Section 45 of the PFMA. Contravention of the provisions of PS Regulation 14(1). Contravention of Clauses C.1.4m C.4.4 of the Code of Conduct Policy.	17	20/12/2021	Presiding Officer appointed for the hearing. Hearing to be conducted in the month of June 2022.

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**Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	<p>Ms Zola Ngcobo, Acting Director: Demand and Acquisitions;</p> <p>Mr Sifiso Eugene Cyril Ngcobo, Deputy Director: Finance;</p> <p>Ms Nonjabulo Favourite Madiba, Actng Director: Finance;</p> <p>Ms Pretty Khayelihle Hadebe, Chief Education Specialist;</p> <p>Mr Vusumuzi Christopher Mavundla, Admin Clerk;</p> <p>Ms Nomalungelo Shiela Mingadi, Admin Clerk;</p> <p>Ms Govindamma Naidoo, Accounting Clerk;</p>				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
KZN DoE	Mr Dorian Nhlanhla Mthethwa, Education Specialist; Mr Virendra Maharaj, Education Specialist; Mr Selvan Reddy, Chief Admin Clerk; Ms Beatrice Mabaso, Provincial Admin Clerk; Mr Phumelela Horitius Nkosi, Education Specialist; Ms Sibongile Samukelisi Nkwanyana, Admin Clerk; Ms Sunita Brijjal, Admin Clerk	Contravention of Section 45 of the PFMA. Contravention of the provisions of PS Regulation 14(1).	15	20/12/2021	Presiding Officer appointed for the hearing. Hearing to be conducted in the month of June 2022.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	<p>Ms Judy Dlamini, Deputy Director: IDS;</p> <p>Ms Thembelihle Angeline Gumede, Chief Director: Operations Management;</p> <p>Ms Zola Ngcobo, Acting Director: Demand and Acquisitions;</p> <p>Mr Sifiso Eugene Cyril Ngcobo, Deputy Director: Finance;</p> <p>Ms Nonjabulo Favourite Madiba, Acting Director: Finance;</p> <p>Ms Pretty Khayelihle Hadebe, Chief Education Specialist;</p> <p>Mr Vusumuzi Christopher Mavundla, Admin Clerk;</p>	<p>Contravention of Clauses C.1.4m C.4.4 of the Code of Conduct Policy.</p>			

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	<p>Ms Govindamma Naidoo, Accounting Clerk; Mr Dorian Nhlanhla Mthethwa, Education Specialist; Mr Virendra Maharaj, Education Specialist; Mr Selvan Reddy, Chief Admin Clerk; Ms B Mabaso, Provincial Admin Clerk; Mr Phumelela Horitius Nkosi, Education Specialist; Ms Samke Nkwanyana, Education Specialist</p>				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
MPU Department of Public Works Roads and Transport (MPU DPWRT)	Ms Mbatha, Deputy Director: Demand and Acquisition Management	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	No date for hearing determined yet
MPU DPWRT	Mr Mkhabela, Deputy Director: Property Management	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	No date for hearing determined yet
MPU DPWRT	Mr Monareng, Acting Chief Director: Immovable Asset Management	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	No date for hearing determined yet
MPU DPWRT	Ms Molotsane, Director of SCM	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	No date for hearing determined yet
MPU DPWRT	Mr Sigudla, Deputy Director: Facilities	Section 4 and 13 of PRECCA;	1	28/9/2021	No date for hearing determined yet

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 KwaZulu-Natal: 214 Dr Pixley Kaeseme Street, Durban Central, Durban, 4001 | 1<sup>st</sup> Floor: Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
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MPU DPWRT	Mr Ngcobo, State Accountant: Property and Facility at the Department	Paragraph 14 of Public Service Regulations Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	No date for hearing determined yet
MPU DoH	Ms Sanderson, Secretary to Director : Communication	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations Fraud	2	28/9/2021	No date for hearing determined yet
Matzikama Local Municipality	Mr Jenner, the Senior Manager Legal and Administration	Failure to comply with the provisions of section 78(1)(a), (b) and (c) of the Municipal Finance Management Act, Act 56 of 2003 and section 2(a), (b), (c), (d) and (e) as well as section 3(c) of Schedule 2 the provisions of the Municipal Systems Act, Act 32 of 2000	1	23/11/2021	Mr Jenner has since resigned from the Municipality.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Cederberg Local Municipality	Mr Slimmert, the Municipal Manager; Mr Twigg, Public Participation Officer and Mr Mercuur, Manager Administration	Various contraventions of the MFMA, the Municipal Systems Act and the Cederberg Local Municipality's SCM policy.  Negligence in the performance of their (2 and 3) duties and failure to declare their (2 and 3) relationships with suppliers.	3	23/11/2020	On 25 May 2022 the charge sheet was served on IMATU on behalf of Mr Slimmert. Awaiting a trial date from IMATU. The initiator has been appointed in the case of Mr Twigg and Mr Mercuur. The Initiator will consult with the Investigation Officer in due course.
<b>Total</b>			<b>163</b>		

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Amatola Water Board	Ms N Mlungu, a buyer	Fraud, Corruption	1	03/03/2021	The official was dismissed on 27/10/2021
Amatola Water Board	Ms S Gwaleza, an intern	Fraud, Corruption	1	03/03/2021	Internship contract was not renewed
ECP DoE	Ms N Tembo, a Director: Logistics and Disposal Management.	Contravention of PFMA, Public Service Act and Code of Conduct, Fraud, Corruption	1	12/04/2021	Disciplinary process is ongoing
ECP DoE	Mr S Qhomfo, the Acting Director: Internal Control Unit.	Contravention of PFMA, Public Service Act and Code of Conduct, Corruption	1	16/04/2021	Found guilty and the SIU is awaiting formal communication from the Department of the sanction
ECP DoE	Mr M Harmse: Chief Director, SCM	Corruption and contravention of public service regulations and code of conduct	1	30/08/2021	Eastern Cape DoE referred the referral for a legal opinion. Awaiting further feedback.
ECP DoH	Mr T Mangoloti, a Vehicle Quality Management Officer.	Contravention of Reg 13 of Code of Conduct of the Public Service	1	28/04/2021	Sanction of a Final Written Warning was handed down on 29 July 2021

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ECP DoH	Dr T Mbengashe, the former SG of the Department of Health	Regulations and Section 32 of the Public Service Act Contravention of the Section 38 (1) and 81 (1) of the PFMA	1	01/02/2021	No disciplinary action has yet been instituted. The State Law Advisor is of the view that Dr T Mbengashe was employed as a Consultant and therefore the PSA is no applicable. We are awaiting a written response from the Acting HoD of Eastern Cape DoH.
ECP SASSA	Mr Lungile Qabisisa, Manager	Fraud and contravention of the PFMA	1	07/10/2021	The referrals were acknowledged, however, not yet actioned
ECP SASSA	Mr V Bukula, Senior Manager	Fraud and contravention of the PFMA	1	07/10/2021	The referrals were acknowledged, however, not yet actioned

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ECP SASSA	Mr Y Depha, Manager	Fraud and contravention of the PFMA	1	07/10/2021	The referrals were acknowledged, however, not yet actioned
ECP SASSA	Ms S Kimbili, Snr Admin Officer	Fraud and contravention of the PFMA	1	07/10/2021	The referrals were acknowledged, however, not yet actioned
ECP SASSA	Mr B Maqethuka, Regional Manager	Fraud and contravention of the PFMA	1	07/10/2021	The disciplinary hearing was scheduled for 20 – 21/07/2020.
Nelson Mandela Bay Metropolitan Municipality	Mr R Ferreira, Head of Logistics Management Section.	Failure to comply with MFMA Circulars	1	09/06/2021	The Municipality decided not to institute any disciplinary hearings against its officials as they decided that the SIU findings were irrational

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Nelson Mandela Bay Metropolitan Municipality	Mr M Mapu, the Acting Executive Director: Human Settlements Ms N Nqwazi, former Acting City Manager	Flouting of processes and failure to follow processes	2	31/03/2021	The official suspended and back at work In respect of Ms Nqwazi, the Municipality has referred the SIU report and its findings to Court to be reviewed and set aside. All findings are put in abeyance until the finalisation of the court matter
Nelson Mandela Bay Metropolitan Municipality	Mr S Nogampula, Deputy Director: Human Settlements	Financial misconduct in terms of Section 78(1) f the MFMA	1	27/09/2021	The Municipality decided not to institute any disciplinary hearings against its officials as they decided that the SIU findings were irrational
OR Tambo District Municipality	Mr J Gwadiso – Senior Manager: Whippery Services Unit	Contravention of MFMA	1	20/11/2020	The SIU evidence was presented at two Municipal Council meetings on the

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OR Tambo District Municipality	Mr T Tseane – Director: Legislative Services	Contravention of MFMA	1	20/11/2020	26/01/2021 and 19/03/2021 respectively.  No action has been taken by the Municipality due to political instability at the Municipality.
OR Tambo District Municipality	Mr O Hlazo – Municipal Manager	Contravention of MFMA	1	25/11/2020	The SIU evidence was presented at two Municipal Council meetings on the 26/01/2021 and 19/03/2021 respectively.  No action has been taken by the Municipality due to political instability at the Municipality.

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ECP DPWI	Ms B Mapisa-Jada: Assistant Director: Facilities Manager	Contravention of section 45(c) of the PFMA, Contravened Code of Conduct of the Public Service Regulations.	2	1/09/2021	Employee was charged and received a written warning
ECP DPWI	Mr S Diko: Quantity Surveyor and a Project Leader	Contravention of section 45(c) of the PFMA, Contravened Code of Conduct of the Public Service Regulations.	1	23/09/2021	Employee was given a final written warning
Free State Department of Human Settlements (FSP DHS)	Mr Mokhesi, Head of Department	Financial misconduct in terms of Section 81 of the PFMA Failure to comply with Regulation 11 and 14 of Chapter 2 of the Public Service Regulations	1	02/02/2021	Mr Mokesi's contract expired before disciplinary action could be instituted.
Free State Provincial Treasury	Mr Mokoena, former CFO	Misconduct in that he failed to comply with the provisions of section 45(a) – (e) of the PFMA	1	09/11/2020	Mr Mokoena resigned 30 June 2021 before

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(FSP PT)		Failure to comply with the provisions of regulation 11.(a), 11.(b), 11.(d) and 14.(a), 14.(d), 14.(f) and 14.(j) of Chapter 2 of the Public Service Regulations published in Government Notice No. R877 of 29 July 2016			disciplinary action could be instituted
GAU DoE	Mr JI van Coller; Mr S Mhlophe; Mr KH Baloyi; Mr VN Manggo.	Failure to ensure that the Department procured the services in a manner as required by Section 217(1) of the Constitution;  Contravention of section 45 of the PFMA;  Contravention of Chapter 14(f) of the Public Service Regulations of 2016 as amended.	4	22/07/2021	The disciplinary hearing against Mr. Mhlophe; Mr. Baloyi; and, Mr. Manggo started on 9/11/2021. The SIU testified during March 2022. The Counsel for the Department has informed the SIU that the hearings are ongoing and that the next sitting would commence on 31 May 2022.

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GAU DoH	Ms TL Pino, Chief Director: Supply Chain and Asset Management	Financial misconduct as envisaged in Section(s) 81 (2) of the PFMA; or alternatively committed gross and serious misconduct, which prejudiced the administration, discipline or efficiency of the GDoH	2 4 3 1	14/05/2021 21/04/2021 05/01/2021 18/09/2020	The Department has decided not to proceed with steps against Mr van Coller as his duties in respect of the day to day management of the SCM department is delegated to Mr Mhlophe.  The SIU was informed that Ms Pino was found guilty and dismissed from the Gauteng DoH.
GAU DoH	Ms KLN Diko, former Presidential Spokesperson	Material Misrepresentations to the Presidency in respect of declarations submitted to the Presidency 2018 and 2020 which resulted in: The Presidency and the State suffering actual financial loss	1	10/11/2020	The Presidency confirmed that action was instituted against Ms Diko and sanction of a warning was given.

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		suffering actual or potential prejudice and grave reputational damage and/or: committed acts and/or may have been responsible for omission in respect of her duty, declarations of interest and potential conflict of interest.			
GAU DoH	Professor M Lukhele, Head of Department	Gross financial misconduct in contravention of Section 86(1) read with section 38(1)(a)(i)(iii) (b) c (ii)(iii) (h)(i)(ii)(iii) (n) of the PFMA	2	23/09/2020 25/09/2020	Prof Lukhele resigned from the Gauteng DoH before the disciplinary process commenced.
GAU DoH	Mr A Gwabeni, Deputy Director General - Human Resources and Corp	Gross Negligence resulting in Contravention of Section 217 of the Constitution and Contravening of NT Contravening the sections of the PFMA Contravening Code of Conduct Contravening of the SCM Processes. Receipt attached to letter.	1	18/09/2020	Mr Gwabeni was found guilty but resigned before any sanction could be issued

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GAU DoH	Ms T Ravele, Acting Chief Director Supply Chain and Asset Management	Financial Misconduct of the PFMA and alternatively committed gross and serious misconduct.	1 1 1 1	21/09/2021 07/09/2021 22/06/2021 15/04/2021	The Gauteng DoH confirmed receipt of the referral made. Action is pending
GAU DoH	Ms N Msimanga, Assistant Director and Data Management Analyst	Gross Negligence contravening Section 217 of the Constitution contravening par. 3.3.1 of the NT Instruction SCM note 3 and par 26 of Gauteng DoH SCM. Contravening par 8.5 of NT Instruction SCM Note 3 of 2016/17. Contravening PFMA Section 45(a) PFM Section 45(b). Contravention of par 17 of SCM . Contravention of par 16A6.4 of Treasury Regulations with par 31 of SCM and Financial Misconduct of the PFMA	1 1	14/04/2021 30/03/2021	The Gauteng DoH confirmed receipt of the referral made. The completed sanction is outstanding.

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GAU DoH	Mr. M Modiba, Chief Director Communications	Committed financial misconduct and alternatively committed gross and serious misconduct	1	07/09/2021	The Gauteng DoH confirmed receipt of the referral made. Action is pending
GAU DoH	Mr E Ngcobo Deputy Director – Procurement	Failed to act in terms of the Safety Compliance Emergency Compliance and fire equipment compliance as provided for in terms. of the SANS 10400 part T of 2011	1	14/09/2021	The Gauteng DoH confirmed receipt of the referral made. Action is pending
GAU DoH	Mr S Sibisi, Logistic Support Officer Facility Management Unit	Failed to act in terms of the Safety Compliance Emergency Compliance and fire equipment compliance as provided for in terms. of the SANS 10400 part T of 2011	1	14/09/2021	The Gauteng DoH confirmed receipt of the referral made. Action is pending
GAU DoH	DR S Senabe, Chief Director – Employee Health Wellness Programme	Committed financial misconduct and alternatively committed gross and serious misconduct	1	07/09/2021	The Gauteng DoH confirmed receipt of the referral. The Gauteng DoH further informed that that he is currently on precautionary

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GAU DoH	Mr B Mgudiwa, ER Manager	Conflict of Interest policy document of SAA express	1	03/12/2020	suspension on another matter. Action in respect of the referral is pending  The SAA confirmed receipt of the referral but refused to take action as the SAA was under administration at the time.
City of Johannesburg	Ms B Lephadi, the Acting SCM Manager.	Misconduct: Contravention of Sec 105(1)(a) of the MFMA	1	07/06/2021	City Manager has acknowledged receipt and is considering SIU's recommendations
City of Johannesburg / Johannesburg Property Company JPC	Helen Botes, CEO; Imraan Bhamjee, CFO; Nandisa Zondo, Manager: SCM;	Committed financial misconduct, as envisaged in section(s) 172(1) of the MFMA:	5	30/03/2021	An external service providers has been appointed to assess the SIU's referral and advice the JPC board on how to proceed

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City of Tshwane Municipality	Fitzgerald Ramaboea, Senior Manager: SCM; Gowrie Sunker, General Manager: Special Projects. Mr T Mphedu, Division Head: SCM; Mr T Mekhoe, Group Head: Community Social Development Services.	Committed gross and serious misconduct which prejudiced administration discipline or efficiency of the Municipality	2	03/12/2020	The Municipality after legal advice declined to institute disciplinary proceedings against Mr Mphedu. Mr Mekhoe passed away before any disciplinary proceedings could start.
National DCS	Mr Marumule, Deputy Commissioner: SCM; Ms Motoma, Deputy Director: Regional Coordinator SCM;	Failure to comply with the provisions of section 45 (a) to (e) of the PFMA Failure to comply with the provisions of NT Instruction No. 03 of 2020/2021 and DCS SCM Circular 1 of 2020/21 dated 20 April 2020	6	21/09/2021	Recommendation under consideration by National DCS

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	Ms Klokow, Assistant Director: Procurement; Mr Bikane, Regional Head: Corporate Services; Ms Ndlovu, Regional Coordinator: Human Resource Management & Support.	Failure to comply with Par 14.4.2.2 and Par 14.4.2.4 of the DCS Procurement Procedure Manual			
National Department of Transport	Ms Reinette de Villiers, Director SCM; Ms Dalian Mabula, Acting Chief Financial Officer	SCM non-compliance in terms of Section 45 (a) and (b)	2	16/09/2021	The matters are currently with the Director- General for consideration.
National DPWI Investigation under secondment	Advisor to the Minister: Ms Whitehead; Director General: Adv. Vukela;	SCM non compliance	13	27/07/2020	The hearing of all implicated officials commenced on 8/11/2021. The matter was postponed to a further date not yet determined.

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Number of referrals made for Disciplinary Action against officials reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Deputy DG: Construction, Mr Mokhothu;				
	Director: Special Projects, Ms Mabaso (Project Manager);				
	Acting CFO and Chairperson of the NBAC: Ms Prinsloo;				
	Mr Mekwa;				
	Mr Sigwavhulimu;				
	Mr Makaurau;				
	Mr Sibeko;				
	Mr Rametse;				
	Mr Naidoo;				
	Mr de Klerk;				
	Mr Hadebe.				

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National DCS	Mr Nick D Ligege, CFO; Mr TV Netshimbupfe, Director: Procurement and Administration; Mr H Mapasa, Director: Logistics; Mr MP Rammai, Deputy Director: Procurement and Administration.	SCM non compliance	4	18/02/2021	The SIU testified in the disciplinary hearings during the week of 4 to 8/10/2021. The case was postponed to the week of 8 to 11/11/2021 for cross examination. The matter was postponed to 29 and 30/11/2021.
National Department of Employment and Labour	Ms L Briedenhann, Acting CFO; Mr M Buthelezi, Director: Communications and Marketing; Ms MM Ramoshaba, Director: SCM;	SCM non compliance	7	11/12/2020	The SIU attended and testified at the hearings of four officials. All four officials pleaded guilty to the charges. The disciplinary hearings of the other three officials will continue from 17/11/2021.

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	Mr V Moodley, Deputy Director: SCM; Mr VL Kwinika, Deputy Director: ICT; Ms AM Lodi, Deputy Director: Communications and Marketing; Ms ME Smith, Assistant Director: Purchasing and Stores.				
National Department of Employment and Labour	Mr TS Maruping, Commissioner of the UIF.	SCM non compliance	1	21/05/2021	The Department has confirmed receipt of the referral.
National Department of Employment and Labour	Mr T Puzi, CFO.	SCM non compliance	1	23/04/2021	The Department has confirmed receipt of the referral.

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National Health Laboratory Services	Mr T Mabundza, Head: SCM; Mr M Sass, CFO; Ms A Noganta, Manager: Procurement; Ms N Manaba, Procurement Supervisor; Ms F Mthembu, Procurement Officer; Ms K Ramosotho, Procurement Officer; Ms L Moleko, Procurement Officer; Ms M Thulo – SCM Administrator.	Dishonesty  SCM non compliance	8	10/02/2021	The hearing was set down for 27/09/2021 and 1/10/2021. Mr Mabundza resigned before the disciplinary hearings commenced.  Mr. Sass lodged an application for the postponement of his DC based on ill health). The outcome is pending Arbitration  Ms. Noganta resigned before the disciplinary hearings commenced.  Ms Manaba was suspended without pay for 3 months and has since been reinstated.

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South African National Defence Force (SANDF)	Ms N Tyibilika; Colonel TK Sibene; Captain LT Ngoepe; Lieutenant D Modise; Lieutenant Colonel VS Peu;	Dishonesty  SCM non compliance	11	02/09/2021	The outcome of the disciplinary hearing for Ms Mthembu is still pending.  Ms. K Ramosotho resigned before the disciplinary hearing commenced.  Ms Moleko has been dismissed.  A final written warning was issued to Ms Thulo and she has since been reinstated.  SIU briefed the Secretary of Defence. SIU have not been informed of any action taken by SANDF

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	Captain MA Tshikosi; Major N Sobekwa; S/Sgt. HS Letlape; Ms F Khumalo; Leading Seaman S Jiane; Brigadier General MR Mongo.				
KZN DoH	Mr Khondlo Eiben Mtshali, Chief Director: SCM Ms Michelle Govender, Acting Personnel Assistant / SCM Assistant Ms V Bently, SCM Clerk	Contravention of section 45 of the PFMA Act 56 of 2003, contravention of NT instruction Note 8 of 2019/2020	3	17/11/2021	Disciplinary finalised for Mr Mtshali with the sanction of a final written warning. Ms Govender was sanctioned with a written warning. Awaiting feedback on sanction for Ms Bently.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
KZN DoH	Mr Khondlo Eiben Mtshali, Chief Director: SCM  Ms Michelle Govender, Acting Personnel Assistant / SCM Assistant  Ms Govender, SCM Practitioner	Contravention of section 45 of the PFMA Act 56 of 2003, contravention of NT instruction Note 8 of 2019/2020	3	17/11/2021	Disciplinary finalised for Mr Mtshali with the sanction of a final written warning.  Ms Govender was sanctioned with a written warning.  Awaiting feedback on sanction for Ms Bently.
KZN DoE	Dr Nzama, Head of Department  Mr Rambarran, Acting CFO	Contravened section 38 (1) (a)(iii) and 38(1((c)(ii) of the PFMA	2	29/09/2021	MEC has requested legal opinion on the referrals made. Dr Nzama is deceased.
KZN DoE	Mr Mlambo, Chief Director;  Mr Mncube, Senior Admin Clerk;	Contravened section 45(a), 45(c) of the PFMA Act 1 of 1999. Contravened C.1.4. and C.4.4 of the Code of Conduct for the Public Service	4	28/07/2021	Charges are being drafted by DoE and dates are to be set for a hearing.

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	Mr Radebe, Deputy Director: Demand and Acquisitions; Ms Mvelase, Senior Admin Clerk				
KZN DoE	Mr Mhlongo - Financial Manager, KwaZulu-Natal DoE Infrastructure Department; Mr Sikhakhane – Admin Officer, KwaZulu-Natal DoE Infrastructure Department	Contravened section 4(a)(i)(aa) and (ii)(bb) and (cc) of the PACOCA Act. Contravention of the Public Service Act 103 of 1994, Public Administration Act 11 of 2014. Contravened clause C.1.3, C.1.4 of the Public Service Code of Conduct	2	13/05/2021	Both officials have been suspended.
KZN DoE	Ms Khumalo, Director: Demand and Acquisitions; Mr Radebe, Deputy Director: Demand and Acquisitions;	Contravened section 45(a) of the PFMA by failing to ensure that the system of financial management and internal control established for KwaZulu-Natal DoE was carried out within their area of responsibility. Contravened section 45(c) of the	7	11/02/2021	Ms Khumalo received a sanction of final written warning. Dr Nzama is deceased. Charge sheets being drafted for remaining

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	Dr Nzama, ; Mr Rambarran, Acting CFO; Mr Mlambo, Chief Director; Ms Bhengu, Administrative Officer; and Ms Mntambo, Administrative Officer	PFMA by failing to take appropriate steps to prevent, within their area of responsibility, any unauthorised, irregular or fruitless and wasteful expenditure. Contravened the Code of Conduct for the Public Service in terms of clause C.1.4 failed to familiarize themselves with and abide by all statutory and other instructions applicable to their conduct and duties; clause C.1.3 failed to loyally execute the policies of the Government in the performance of their official duties as contained in all statutory and other prescripts; clause C.4.4 failed to execute their duties in a professional and competent manner.			officials and hearing dates to be set.

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KZN DoE	Ms Khumalo, Director: Demand and Acquisitions; Ms Xulu, Director: Assets and Logistics; Ms Masinga, Deputy Director: Demand and Acquisitions; Ms A Mthembu, Deputy Director: Demand and Acquisitions; Ms G Hadebe, Deputy Director: Demand and Acquisitions; and Mr Radebe, Deputy Director: Demand and Acquisitions.	Contravened section 45(a) of the PFMA by failing to ensure that the system of financial management and internal control established for KwaZulu-Natal DoE was carried out within their area of responsibility. Contravened section 45(c) of the PFMA. Contravened the Code of Conduct for the Public Service in terms of clause C.1.4 , C.1.3 and C.4.4	6	05/11/2020	Ms Xulu has been dismissed. Ms Khumalo received a sanction of final written warning. Charge sheets are being drafted for the remaining officials and the remaining dates to be set.

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uMngeni Local Municipality	Ms T Cibane, the Municipal Manager	Contravention of clauses 2(a) and (b) of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA; and with sub-paragraphs 1, 5 and 13 of the Disciplinary Regulations for Senior Managers	2	13/05/2021 23/07/2021	Ms Cibane was suspended. The proceedings have been finalized and a settlement was reached and her employment terminated.
Limpopo DoH (LIM DoH)	Dr. TF Mhlongo, Head of Department	Contravention of Section 81(b) of the PFMA;	6	05/05/2021 11/05/2021 12/10/2021	Limpopo DoH is considering the SIU recommendations
LIM DoH	Mr MJ Mudau, CFO	Contravention of section 45(a), (b) and (c) of the PFMA, and paragraph 14(d) and (j) of the Public Service Regulations of 2016, Chapter 2, Part 1 Code of Conduct ("PSR 2016"); Contravention of section 13(a) and (f) of the PSR 2016 and paragraph 19.6(b) and (c) of the Departmental	7	05/05/2021 11/05/2021 29/06/2021 08/10/2021 20/10/2021	Officials of the Limpopo DoH are currently subjected to disciplinary hearings

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LIM DoH	Mr MS Khosa, Chief Director: SCM	SCM Policy dated 23 September 2016 Contravening section 45(a), (b) and (c) of the PFMA, and paragraph 14(d) and (j) of the Public Service Regulations of 2016, Chapter 2, Part 1 Code of Conduct ("PSR 2016")	5	05/05/2021 11/05/2021 08/10/2021 20/10/2021	Officials of the Limpopo DoH are currently subjected to disciplinary hearings
LIM DoH	Ms MP Ramakgoagoa, Director: SCM	Contravening section 45(a), (b) and (c) of the PFMA, and paragraph 14(d) and (j) of the Public Service Regulations of 2016, Chapter 2, Part 1 Code of Conduct ("PSR 2016")	5	05/05/2021 11/05/2021 08/10/2021 20/10/2021	Officials of the Limpopo DoH are currently subjected to disciplinary hearings
LIM DoH	Ms T Simango, Deputy Director: SCM	Contravening section 45(a), (b) and (c) of the PFMA, and paragraph 14(d) and (j) of the Public Service Regulations of 2016, Chapter 2, Part 1 Code of Conduct ("PSR 2016")	3	05/05/2021 11/05/2021 20/10/2021	Officials of the Limpopo DoH are currently subjected to disciplinary hearings

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LIM DoH	Dr. M Dombo, DDG	Contravening section 45(a), (b) and (c) of the PFMA, and paragraph 14(d) and (j) of the Public Service Regulations of 2016, Chapter 2, Part 1 Code of Conduct ("PSR 2016").	1	08/10/2021	Officials of the Limpopo DoH are currently subjected to disciplinary hearings
Sekhukhune District Municipality	Mr MJ Mofokeng, Acting Municipal Manager	Contravention of section 171 (1) of MFMA	1	30/09/2020	Mr Mofokeng resigned before the commencement of the disciplinary process.
Sekhukhune District Municipality	Mr T Maroga, Manager PMU	Contravention of paragraph 66.2(a) and (d) of the SDM SCM policy 2019-2021; Contravention of Schedule 2 of Municipal System Act	1	30/09/2020	Disciplinary process in progress
Sekhukhune District Municipality	Mr KD Rankwe, Deputy Director: Infrastructure & Water Services	Contravention of paragraph 66.2(a) and (d) of the SDM SCM policy 2019-2021; Contravention of Schedule 2 of Municipal System Act	1	30/09/2020	Mr Rankwe resigned before the commencement of disciplinary processes.

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Sekhukhune District Municipality	Mr V Masemola, Manager: SCM	Contravention of paragraph 66.2(a) and (d) of the SDM SCM policy 2019-2021; Contravention of Schedule 2 of Municipal System Act	1	30/09/2020	Disciplinary process in progress
Sekhukhune District Municipality	Mr F Phaswana, Acting Director: Infrastructure & Water Services	Contravention of paragraph 66.2(a) and (d) of the SDM SCM policy 2019-2021; Contravention of Schedule 2 of Municipal System Act	1	30/09/2020	Disciplinary process in progress
MPU DoE	MM Shogole; VM Makhuhleni; SMC Mpangane; PJ Shoba; SJ Chuene; SA Mashau;	The Project Manager submitted Practical Completion Certificates and project close out reports for various schools indicating 'No challenges encountered' and 'Work was delivered successfully' whereas the work was not fully not completed.	11	29/04/2021	The SIU has requested feedback from the Mpumalanga DoE but no feedback has been received. The SIU will make further follow ups.

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**Number of referrals made for Disciplinary Action against officials reported at 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	MS Hlangwane; WM Mabizela; MO Mophogoane; GT Ngwenya; GN Nkuna.				
Mpumalanga Economic Growth Agency (MEGA)	Ms C Mamefja, Acting CEO; Mr MM Gaffane, General Manager: Property Management.	Par 14 of PSR Section 45 of the PFMA	2	14/04/2021	The employees were found not guilty on 31/08/2021
MEGA	Mr E Potgieter, CFO; Ms Z Sibanda, Chief Risk Officer.	Sec 217 of the Constitution. Section 45 of PFMA Par 14 of PSR. Section 45 of PFMA	2	09/03/2021	The employees were found not guilty on 31/08/2021
MEGA	Mr MS Mkhabela, the Acting General Manager.	Par 14 of PSR. Section 45 of PFMA	1	21/01/2021	The employee was found not guilty on 31/08/2021

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
MPU DoH	Mr TD Moralo, Acting Director;	Par 14 of PSR.	4	03/11/2021	Date of disciplinary hearings are unknown.
	Mr LD Mahlalela, Chief Director: Financial Accounting.	Section 45 of PFMA	2	29/10/2020	
Mpumalanga Department of Culture, Sports and Recreation (MPU DCSR)	Mr P Bembe - Acting Manager: SCM;	Par 14 of PSR.	3	22/02/2021	The matters were finalised on 21/4/2021, Both received a written warning
	Mr M Thobela – CFO.	Section 45 of PFMA	1	09/03/2021	
MPU CoGTA	Mr Manzini, Deputy Director	Section 17 of PRECCA. Par 14 of PSR. Section 217 of Constitution	1	14/7/2021	In progress
NCP DoH	Dr Theys- the former Acting HoD	Contravention of Section 86(1) of the PFMA, 1999; Public Service Regulations 2016, Chapter 2, Section 14; Disciplinary Code and Procedures for the Public Service as	1	04/10/2021	Receipt was acknowledged

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NCP DoH	Mr Gaborone, CFO	<p>contained in Resolution No.1 of 2003 of the Public Service Co-ordinating Bargaining Council.</p> <p>Contravention of Section 45 (a), (b) and (c) of the PFMA;</p> <p>Public Service Regulations 2016, Chapter 2, Section 14;</p> <p>Disciplinary Code and Procedures for the Public Service as contained in Resolution No.1 of 2003 of the Public Service Co-ordinating Bargaining Council.</p>	1	04/10/2021	Receipt was acknowledged
City of Matlosana Local Municipality	NM Grond, the CFO.	<p>Section 217 of the Constitution</p> <p>Section 78 of the MFMA</p>	1	14/05/2021	He resigned from the Municipality on 30/04/2021. Counsel has been appointed to bring an urgent interdict to freeze his pension pending the

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
City of Matlosana Local Municipality	Mr Thebe Moeng, Store Manager.	Section 217 of the Constitution Section 78 of the MFMA	1	09/03/2021	finalization of the civil proceedings against him. Disciplinary hearing finalised and Mr Moeng was given a final written warning.
North West DoE	<ul style="list-style-type: none"> <li>PG Tsatsimpe – Deputy Director: SCM;</li> <li>G Molema – CFO; and</li> <li>MM Jansen – Chief Director: Financial Management Services.</li> </ul>	Sec 217 of the Constitution, Act 108/1996. Irregular appointment of service providers for PPE	3	23/04/2021	Disciplinary hearing for Ms Tsatsimpe started on the 18/10/21 and postponed to 11-12 Nov 2021. Disciplinary hearing for Mr Molema was finalised and he was found guilty and dismissed on 28/09/2021. The disciplinary of Ms Jansen commenced on 29/11/2021 and is underway.

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Number of referrals made for Disciplinary Action against officials reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
North West DoE	<ul style="list-style-type: none"> <li>Mr L Daanijie – Assistant Director.</li> <li>Ms JS Ditalame – Administrative Assistant: SCM.</li> </ul>	<p>Sec 217 of the Constitution, Act 108/1996.</p> <p>Irregular appointment of service providers for PPE</p>	1 1	30/09/2020 13/11/2020	<p>Disciplinary hearing for Mr Daanijie was finalised and he was dismissed on 24/08/2021.</p> <p>The hearing against Ms Ditalame was held and she was found not guilty on all charges.</p>
North West DoH	Mr JM Mokoena, the Station Manager at EMRS Matlosana.		1	15/12/2020	Proceedings in respect of this referral have not yet started and the SIU is awaiting a response from the North West DoH.
JB Marks Local Municipality in the North West	B Sekolopo, a Performance Management and Compliance Officer.	<p>Section 217 of the Constitution</p> <p>Section 78 section 171 of the MFMA</p> <p>Contravention of section 171 of the MFMA</p>	1	22/04/2021	Disciplinary hearing for Ms Sekolopo commenced on 05/10/21. Awaiting outcome of the hearing

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
JB Marks Local Municipality in the North West	Mr MSS Shuping - Side Manager	Section 217 of the Constitution Section 78 section 171 of the MFMA Contravention of section 171 of the MFMA	1	26/11/2020	Disciplinary hearing for Ms Shuping is underway.
JB Marks Local Municipality in the North West	Mr L Ralekgetho – Municipal Manager; and Ms TE Moeketsane – CFO.	Section 217 of the Constitution Section 78 section 171 of the MFMA Contravention of section 171 of the MFMA	2	08/10/2020	Disciplinary hearing for Mr Ralekgetho is underway. Disciplinary hearing for Ms Moeketsane has not yet commenced.
Ratlou Local Municipality in the North West	Ms MA Ledingoane – Acting: CFO; and Ms M Manja – Procurement Accountant.	Contravention of section 171 of the MFMA, section 217 of the Constitution; gross financial misconduct that resulted in an irregular expenditure.	2	06/10/2020	Consultation held with the employer representative on 13/10/21 and awaiting a hearing date for Ms Ledingoane. No action taken against Ms Manja yet.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Department of Forestry, Fisheries and the Environment	Ms NP Ngcobo, the Chief Director: Facilities Management	Contravention of Section 45 (a)(b) and (c) of the PFMA and/or negligence in the performance of her duties.	1	25/02/2021	The disciplinary hearing is completed to the extent that only the judgement of the Presiding Officer is outstanding and awaited.
Western Cape DoE	Mr LJ Ely, Deputy Director General: Finance; Mr W Jantjies, Director: Institutional Management and Governance; Ms L Schaffers, Deputy Director: SCM Operations	Contravention of Section 45 (a)(b) and (c) of the PFMA	3	01/10/2021	The disciplinary hearings was finalised on 08/04/2022 with the following outcomes: 1. Deputy Director General: Finance - The official was issued with a written warning on 31 March 2022, as per paragraph 2.5 of Chapter 7 of the SMS handbook. The written warning will remain valid for a period of six months from the date of receipt.

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Number of referrals made for Disciplinary Action against officials reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
					<p>2. Director: Institutional Management and Governance – The Head of Education, decided not to pursue any further disciplinary action against the official however the official is required to avail himself for training in emergency procurement prescripts and procedures.</p> <p>3. Deputy Director: SCM Operations - The Head of Education decided not to pursue any further disciplinary action against the official however the official is required to avail herself</p>

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**Number of referrals made for Disciplinary Action against officials reported at 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Kannaland Local Municipality	Mr E van Rooi, Kannaland: Manager SCM; Mr P Mingeni, Kannaland: Acting CFO	Failure to comply with the provisions of the Municipal Finance Management Act, Act 56 of 2003 and the provisions of the Municipal Systems Act, Act 32 of 2000	2	08/09/2021	for training in emergency procurement prescripts and procedures.  The Kannaland Local Municipality, has not taken disciplinary action against the implicated officials due to the current leadership instability at the Municipality. The disciplinary referrals was hand delivered to the acting, Municipal Manager, Mr Morne Hoogbaard on 08 September 2021.
<b>Total</b>			<b>224</b>		

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#### 4.4. NUMBER OF REFERRALS MADE TO THE RELEVANT PROSECUTING AUTHORITY

Number of referrals made to the National Prosecuting Authority – reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Amatola Water Board	Mr Bhana, former Manager SCM	Fraud and contravention of the PFMA	1	15/06/2022	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr Fokazi, former CFO	Fraud and contravention of the PFMA	1	15/06/2022	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr Qweleka, Acting Director: Planning and Development	Fraud and contravention of the PFMA	1	15/06/2022	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr Mabulu, Manager Project Management Unit	Fraud and contravention of the PFMA	1	15/06/2022	Referral has been acknowledged. The SIU is awaiting case number
Buffalo City Metropolitan Municipality	Coalition; Mr Silinga	Fraud, forgery and uttering	2	14/06/2022	Referral has been acknowledged. The SIU is awaiting case number

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Number of referrals made to the National Prosecuting Authority – reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Buffalo City Metropolitan Municipality	Vitsha Civils Mr Madikizela Ms A Sontsele	Fraud, forgery and uttering	3	14/06/2022	Referral has been acknowledged. The SIU is awaiting case number
GAU DoH	Mr K Lehleonya; Kushess Express	Fraud	2	10/05/2022	The NPA has confirmed receipt of the referrals. Prosecutors were appointed to the matter.
GAU DoH	Mr KN Mac Milliam; Olwe 2 Project Management	Fraud	2	16/05/2022	The NPA has confirmed receipt of the referrals. Prosecutors were appointed to the matters.
Lejweleputswa District Municipality	Ms Palesa Kaota (Municipal Manager)	The commission of offences in terms of the provisions of section 173(1)(a) of the MFMA	1	14/03/2022	The referral is under consideration by the NPA
MPU DCSR	Mr Vilikazi - Acquisition Officer	Fraud	2	22/9/2021	Matter with SAPS for further investigation

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
MPU DPWRT	Ms Mbatha, Deputy Director: Demand and Acquisition Management; Mr Mkhabela - Deputy Director: Property Management; Mr Monareng - Acting Chief Director: Immovable Asset Management; Ms Molotsane - Director of SCM; Mr Sigudla - Deputy Director: Facilities; Mr Ngcobo - State Accountant: Property and Facility at the Department	Section 4 and 13 of PRECCA	6	18/11/2021	Hand over to NPA. Nelspruit CAS 456/11/2021 refers
<b>Total</b>			<b>22</b>		

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Number of referrals made to the National Prosecuting Authority reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Amatola Water Board	Ms V Zitumane, former Chief Executive Officer at the AWB	Contravention of the PFMA, Fraud, corruption and money laundering	1	26/10/2021	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr C Bhana, former Manager: Supply Chain Management at the AWB	Contravention of the PFMA, Fraud, corruption and money laundering	1	26/10/2021	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr L Fokazi, former Chief Financial Officer at the AWB	Contravention of the PFMA, Fraud, corruption and money laundering	1	26/10/2021	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr S Qweleka, Acting Director: Planning and Development at the AWB	Contravention of the PFMA, Fraud, corruption and money laundering	1	26/10/2021	Referral has been acknowledged. The SIU is awaiting case number
Amatola Water Board	Mr M Mabulu Manager, Project Management Unit at the AWB	Contravention of the PFMA, Fraud, corruption and money laundering	1	26/10/2021	Referral has been acknowledged. The SIU is awaiting case number

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ECP DoE	Tanaka Soft Solutions Ms Linda Muthana, Director	Fraud	2	08/06/2021	Zwelitsha CAS: 81/08/2021. Hawks arrested the Director for Tanaka Solutions and they appeared in Court briefly. Remanded to 29 November 2021
ECP DoE	Ms Lukhophe, the Director of Tsunami Civils; Tsunami Civils; Lukhophe, the Director of Amabongwe Civils and Contractors; Amabongwe Civils and Contractors	Fraud	4	30/11/2021	Referral has been acknowledged. The SIU is awaiting case number

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Number of referrals made to the National Prosecuting Authority reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
ECP DoE	Mr T Chetty, the Director of Ukuakha Projects; Ukuakha Projects	Fraud	2	30/11/2021	Referral has been acknowledged. The SIU is awaiting case number
ECP DoH	Oshlanga Enterprise CC Ms A Naidoo	Referral against and director for fraud	2	25/08/2021	Referral has been acknowledged. The SIU is awaiting case number
ECP DoH	Vortex Healthcare; Mr J Naidoo	Fraud, forgery and uttering	2	19/07/2021	East London CAS 112/09/2021 Prosecutor still to be assigned
ECP DoH	Prometheus Capital; Mr X Zakhe; Mr R Meyer	Fraud	3	19/07/2021	East London CAS 111/09/2021 Prosecutor assigned
ECP DoH	Mr Matinise, a former messenger	The offence is fraud, alternatively forgery and uttering.	1	02/03/2021	A criminal case was registered under Mthatha CAS365/04/2021. The

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 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 13<sup>th</sup> Floor, PBD Building, Sutherland Street, Mthatha, 5100  
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ECP DoH	Ms Gomba, former Member of the Executive Council (MEC)	Corruption.	1	12/11/2020	A criminal case (CAS 08/09/2020) is under investigation by the Hawks and the SIU is collaborating with the NPA and the Hawks. An NPA Prosecutor was assigned to this matter. The Matter is still under investigation by the Hawks. Pending the NPA decision.
ECP DoH	Dr Mbengashe – former Superintendent- General	Corruption.	1	12/11/2021	A criminal case (CAS 08/09/2020) is under investigation by the Hawks and the SIU is collaborating

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatlas: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mithata, 5100  
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OR Tambo District Municipality	Mr Gwadiso – Senior Manager: Whippery Services Unit	The offence is fraud and contravention of section 61(1) and section 173 of the MFMA (financial misconduct).	1	13/11/2020	with the NPA and the Hawks. An NPA Prosecutor was assigned to this matter. The Matter is still under investigation by the Hawks. Pending the NPA decision.
OR Tambo District Municipality	Mr T Tseane, Director: Legislative Services	The offence is fraud and contravention of section 61(1) and section 173 of the MFMA (financial misconduct).	1	13/11/2020	A criminal case is already under investigation by the Hawks (CAS 64/07/2020). The Hawks arrested the Director of Phathilizwi Training Institute and Mr Gwadiso. The criminal case was remanded until 1 – 4 February 2022  Still awaiting update from NPA

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byes Technology Building Raaperberg Road Golf Park, Pindlands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithathai: 13<sup>th</sup> Floor, PFD Building, Sutherland Street, Mithata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
OR Tambo District Municipality	Mr Owen Hlazo, Municipal Manager	The offence is fraud and contravention of section 6(1) and section 173 of the MFMA (financial misconduct).	1	13/11/2020	The accused is now deceased
ECP SASSA	Mr Yanga Depha, Manager	Fraud	2	7/10/2021	Referral has been acknowledged. The SIU is awaiting case number
ECP SASSA	Mr V Bukula, Senior Manager	Fraud	2	7/10/2021	Referral has been acknowledged. The SIU is awaiting case number
ECP SASSA	Mr L Qabisisa, Manager	Fraud	2	7/10/2021	Referral has been acknowledged. The SIU is awaiting case number
ECP SASSA	Mr Bulelani Boo, Director.	Fraud	1	7/10/2021	Referral has been acknowledged. The SIU is awaiting case number

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mkhombela Centre, 4th floor, Mkhombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
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ECP SASSA	Mr P Mama, Director	Fraud	1	7/10/2021	Referral has been acknowledged. The SIU is awaiting case number
FSP DHS	Mr Mokhesi, Head of the Department	Faulure to comply with Section 38(1) of the PFMA and therefore he is guilty of an offence in terms of Section 86 of the PFMA	1	11/12/2020	The NPA has acknowledged receipt of the referral and a copy was also handed over to the Directorate Priority Crime Investigations. Park Road CAS 572/03/2021 was registered and is currently being investigated by the Directorate Priority Crime Investigations. A prosecutor has also been assigned to the matter
FSP PT	Mr Mokoena, Former CFO of FSP Provincial Treasury;	Fraud	3	30/09/2020 12/11/2020	Criminal cases were registered at Parkroad Police Station and are

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mr Moseme (CEO of C-Squared Consumer Connectedness (Pty) Ltd) C-Squared Consumer Connectedness (Pty) Ltd				currently being investigated by the Directorate Priority Crime Investigations under CAS 933/11/2020 (SCMQ608 & 609/20/21) and CAS 665/10/2020 (SCMQ3/2020). A prosecutor has been assigned to the matters
FSP PT	Abi Kundu (Pty) Ltd / Ms Hlohlolo Africa Hlahla Investments CC / Mr Makhalemele Andzile Group (Pty) Ltd / Mr Moloi Blaq Aig Trading CC / Mr Ludada	Fraud	54	20/04/2021	A criminal case (Park Road CAS 553/06/2021) has been registered and is currently being investigated by the Directorate Priority Crime Investigations. The matter has also been referred to the NPA for the appointment of a prosecutor

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
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 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatlas: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mithata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Bahurutsi Projects (Pty) Ltd / Mr Moliwa Basadzi Pele Management Consulting and Projects CC / Ms Mbokazi Bathosi Trading Enterprise (Pty) Ltd / Mr Ramokhoase Bazix First (Pty) Ltd / Mr Phooko DS Trading and Projects (Pty) Ltd / Ms Elliot Halcyon Import and Export (Pty) Ltd / Mr Florio Hero Investments (Pty) Ltd / Mr Nake Hope Med (Pty) Ltd / Mr Lebuso				

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 KwaZulu-Natal: 214 Dr Pixley Kasame Street, Durban Central, Durban, 4001 | 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0970 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthathatha: 1<sup>st</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Le Di Phaka Phaka (Pty) Ltd / Mr Motaung				
	Maphcon Consulting (Pty) Ltd / Mr Mathibela				
	Mohau and Son Investment (Pty) Ltd / Mr Mohlouca				
	Mphore 101 Trading (Pty) Ltd / Mrs Molete-Matlanyane				
	Newtongate (Pty) Ltd / Mr Motaung				
	NNMZ Trading and Projects (Pty) Ltd / Ms Radebe				
	Philetha Projects and Services (Pty) Ltd / Ms Mngomezulu				

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moodman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pletlands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mithata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Qwanthu Trading CC / Mr Thinda				
	Sehoholo Trading CC / Mr Moeletsi				
	Silver Power Medical (Pty) Ltd / Mr Lehoko				
	Slydeb (Pty) Ltd / Ms Debedu				
	Tribusat (Pty) Ltd / Ms Montwedi				
	Veseal Trading (Pty) Ltd / Mr Modise				
	VMD Innovations (Pty) Ltd / Mr Sesoga				
	Yatola Projects CC / Ms Bhengut				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
FSP PT	Abi Kundu (Pty) Ltd / Ms Hlohlolo Africa Hlahla Investments CC / Mr Makhalemele Andzile Group (Pty) Ltd / Mr Moloi Blaq Aig Trading CC / Mr Ludada Bahurutsi Projects (Pty) Ltd / Mr Moliwa Basadzi Pele Management Consulting and Projects CC / Ms Mbokazi Bathosi Trading Enterprise (Pty) Ltd / Mr Ramokhoase Bazix First (Pty) Ltd / Mr Phooko	Contravention of Sections 14, 19 and 22C(6) of the Medicines and Related Substances Act, Act No. 101 of 1965, as amended, which constitutes an offence in terms of Section 29	60	19/07/2021	A criminal case (Park Road CAS 351/09/2021) has been registered and is currently being investigated by the Directorate Priority Crime Investigations

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	DS Trading and Projects (Pty) Ltd / Ms Elliot Halcyon Import and Export (Pty) Ltd / Mr Florio Hero Investments (Pty) Ltd / Mr Nake Hope Med (Pty) Ltd / Mr Lebusho Le Di Phaka Phaka (Pty) Ltd / Mr Motaung Maphcon Consulting (Pty) Ltd / Mr Mathibela Mohau and Son Investment (Pty) Ltd / Mr Mohlouoa				

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	Mphore 101 Trading (Pty) Ltd / Mrs Molete-Matlanyane				
	Newtongate (Pty) Ltd / Mr Motaung				
	NNMZ Trading and Projects (Pty) Ltd / Ms Radebe				
	Philetha Projects and Services (Pty) Ltd / Ms Mngomezulu				
	Qwanthu Trading CC / Mr Thinda				
	Seholoholo Trading CC / Mr Moeletsi				
	Silver Power Medical (Pty) Ltd / Mr Lehoko				

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	Slydeb (Pty) Ltd / Ms Debedu				
	Tribusat (Pty) Ltd / Ms Montwedi				
	Veseal Trading (Pty) Ltd / Mr Modise				
	VMD Innovations (Pty) Ltd / Mr Sesoga				
	Yatola Projects CC / Ms Bhengut				
	Luyolwe Holding (Pty) Ltd / Mr Tsopo				
	Ral Corporation (Pty) Ltd / Ms Mosima				
	Rise Now Trading 34 (Pty) Ltd / Mr Govender				

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byes Technology Building Raaienberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthatha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoE	Ms AY Magodi Mr M Magodi Maita Solutions Pty Ltd Mr Manning	Section 3 of the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004	4	02/11/2021	
GAU DoH	Professor M Lukhele, Head of Department	Gross Financial Misconduct in Contravention of Section 86(1) read with Section 38(1)(a)(i)(iii) (b)(c)(ii)(iii) (h)(f)(ii)(iii) (h) of PFMA 1999 Act no.1	1 1 2 1 1 1 1 6 3 5	22/09/2020 25/09/2020 14/01/2021 29/03/2021 19/04/2021 06/05/2021 04/06/2021 08/06/2021 26/07/2021 01/07/2021	A criminal case was opened with reference Johannesburg CAS 484/12/2020. Prosecutors were appointed to the matters.

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 (College Square), Bloemfontein | Mpumalanga: 25 Sarmora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raaspenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatlas: 13<sup>th</sup> Floor, PID Building, Sutherland Street, Mithata, 5100  
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			3	19/07/2021 25/08/2021 06/09/2021 08/09/2021 11/11/2021 01/10/2021	
GAU DoH	Mr P Naidoo, Director; Beadica 423 CC	The offence is fraud.	2	23/10/2020	A criminal case was opened with reference Johannesburg CAS 360/12/2020. Prosecutors were appointed to the matter.
GAU DoH	Mr KN Dodkins, Director; Ms RJ Bathibeng, Director; Ikati Health (Pty) Ltd;	The offence is fraud.	4	17/12/2020	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters. Boksburg CAS 264/04/2021

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KwaZulu-Natal: 214 Dr Hdey Kaserne Street, Durban Central, Durban, 4001 | 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
(College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 1<sup>st</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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Number of referrals made to the National Prosecuting Authority reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Kat Laboratory and Medical				
GAU DoH	Mr ES Nkuna, Director; Mlangeni Brothers Events CC.	The offence is fraud.	2	09/12/2020	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.
GAU DoH	Ms M Pillay, Director; Future Advertising;	The offence is fraud, alternatively forgery and uttering.	2	17/03/2021	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.
GAU DoH	LNG Scientific; LT Lekoana; P Ben Lam; A Lin	The offence is money laundering, fraud, alternatively forgery and uttering.	4	17/03/2021	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.
GAU DoH	Ms K Radebe Ms NP Radebe	The offence is fraud.	2	08/09/2021	The NPA has confirmed receipt of the referrals

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byres Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatlas: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthatha, 5100  
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Number of referrals made to the National Prosecuting Authority reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Mr SJ Matlala Polkadots Properties 193 (Pty) Ltd	The offence is fraud, alternatively forgery and uttering.	2	08/09/2021	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.
GAU DoH	Mr DC Neaves Synopsis One (Pty) Ltd	Fraud	2	30/09/2021	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.
City of Johannesburg	Ms B Lephadi, the Acting SCM Manager	Financial misconduct.	1	11/06/2021	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.
City of Johannesburg / Johannesburg Property Company JPC	Helen Botes, CEO; Imraan Bhamjee, CFO;	Contravention of section 105(1) read with section 173(3) of the MFMA	5	30/03/2021	The NPA has confirmed receipt of the referrals made. Prosecutors were appointed to the matters.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
National DoT	Nandisa Zondo, Manager: SCM; Fitzgerald Ramaboea, Senior Manager: SCM; Gowrie Sunker, General Manager: Special Projects. Ecko Green (Pty) Ltd; Mistralog (Pty) Ltd; Recital Investment Corporation (Pty) Ltd; Pendowell (Pty) Ltd; Ms CL Buthelezi, representative of Mistralog (Pty) Ltd; Mr N Buthelezi, representative of Recital Investment Corporation	Fraud and corruption	8	16/09/2021	The matter is still under consideration by the NPA. The AFU is currently also dealing with the matter.

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North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthabha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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National Health Laboratory Services	(Pty) Ltd and Pendowell (Pty) Ltd; Ms MS Bhimjee, representative of Ecko Green (Pty) Ltd; Mr M Shivambo Mr Ndlovu, Director: Hamilton Holdings (Pty) Ltd; Mr K Mbewe, Director: Joritans (Pty) Ltd; Mr ML Lowa, Director: Joritans (Pty) Ltd; Mr LD Ndlovu, Director: Hamilton N Projects (Pty) Ltd;	Fraud, Corruption and Money Laundering	11	11/12/2020	The SAPS investigator from the HAWKS informed the SIU that the case will appear in court on 15/11/2021 for the first leg and the investigations are still ongoing.

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 Moodlan 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bynes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithathar: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	<p>Mr PC Rabosiwana, Director: Persto (Pty) Ltd;</p> <p>Mr GM Matlala, Director: Kgudomo (Pty) Ltd;</p> <p>Ms F Sekete, Director: Feilham (Pty) Ltd;</p> <p>Mr KT Kgame, Director: Bugatti Private Security and Projects (Pty) Ltd;</p> <p>Mr TO Kunene, Director: Abompetha (Pty) Ltd;</p> <p>Mr K Sekgaolelo, Director: Abompetha (Pty) Ltd;</p> <p>Mr STT Mokone, Director: Mok Plus One (Pty) Ltd.</p>	Fraud	7	28/09/2020	The SIU referred allegations pointing to the commission
National DPWI: Beitbridge Matter	Ms Mabaso, Project Manager: NDPWI;				

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(College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
Moolman 500 Building, 31 Mark Street, Polokwane, 0970 | Western Cape: 1<sup>st</sup> Floor, Bypass Technology Building Paapenberg Road Golf Park, Pinelands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 13<sup>th</sup> Floor, PBD Building, Sutherland Street, Mthatha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
SANDF	Mr W Hlabangwane, Chief Director: Construction NDPWI; Mr B Pringle, Director Magwa; Mr Ml Lejaka, Director Magwa; Mr KS Mtshali, Director Profteam; Profteam CC; Caledon River Properties.	Fraud and Corruption	1	17/03/2021	of fraud to the NPA. No case number has been allocated to the matter as yet.
	A matter was referred because of syndicates who were submitting false purchase orders and delivery to the SANDF and				Matter still under investigation by the SAPS

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(College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mboombela Centre, 4th floor, Mboombela, 1200 | Limpopo: Ground Floor,  
Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bynes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthathatha: 1<sup>3<sup>th</sup></sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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SANDF	<p>who were claiming for services not rendered</p> <p>Colonel TK Sibene; Lieutenant D Modise; Lieutenant Colonel VS Pieu; Esn VW Ratshivanda; Captain Lieutenant Ngoepe; Warrant Officer LD Masanabo; Captain TI Mengu; Captain MA Tshikosi; Staff Sergeant S Moeketsi; Major N Sobekwa;</p>	Fraud and Corruption	33	10/09/2021	Matter still under investigation by the SAPS

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Warrant Officer BG Mntambo; Captain M Bologo; Captain Thie; Captain KH Saal; Ms N Tyibiliika; Nzuribuhle Investments; NM Tyibiliika; LH Mavuba; JJ Madoda; Nyathela Consulting Pty Ltd; PLM Nyathela; HS Letlape; T Padayachy;				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekwini Metropolitan Municipality	Y&P Logistics CC; Silven Seeien Foundation Pty Ltd; Salusise Medical Supplies Pty Ltd; Ropad Tools and Industrial Supplies Pty Ltd; Y&P Trading CC; Mabasa Trading CC; Velepa Trading CC.	Contravention of Section 14 (3) of the National Building Regulations and Buildings Standards Act 103 of 1977 by submitting a false structural certificate as per section 14 (2A)	4	23/11/2021	Matter referred to SAPS to register a docket.

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eThekwini Metropolitan Municipality	Mr M Mahlangu, representative of A-Z Consulting  Drakewood Pinetown Simandlovu Trading Techno Zone Trading & CC  Mr Z Karrim; Mr MR Simamane; Mr P Mudaly; Mr T Mudaly.	Contravention of section 22c(1(b) and (6) of the MaRS Act for the supply of medical device without being registered with SAHPRA	7	05/11/2021	Matter referred to SAPS to register a docket.
eThekwini Metropolitan Municipality	Kuhle Kimi Trading Pty Ltd Mr PT Msomi, Director of Kuhle Kimi A-Z Consulting Civil and Structural Engineers	Contravention of Section 14 (3) of the National Building Regulations and Buildings Standards Act 103 of 1977 by submitting a false structural certificate as per section 14 (2A)	4	04/11/2021	Matter referred to SAPS to register a docket.

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eThekwini Metropolitan Municipality	Mr M Mahlangu, representative of A-Z Consulting A Way Group (Pty) Ltd Ms TS Mbuyazi, Director of A Way Group A-Z Consulting Civil and Structural Engineers Mr M Mahlangu, representative of A-Z Consulting	Contravention of Section 14 (3) of the National Building Regulations and Buildings Standards Act 103 of 1977 by submitting a false structural certificate as per section 14 (2A)	4	04/11/2021	Matter referred to SAPS to register a docket.
eThekwini Metropolitan Municipality	Bonokuhle and Busi Trading (Pty) Ltd Mr SS Thethwayo, Director of Bonokuhle A-Z Consulting Civil and Structural Engineers	Contravention of Section 14 (3) of the National Building Regulations and Buildings Standards Act 103 of 1977 by submitting a false structural certificate as per section 14 (2A)	4	04/11/2021	Matter referred to SAPS to register a docket.

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eThekwini Metropolitan Municipality	Mr M Mahlangu, Representative of A-Z Consulting	Contravention of Section 14 (3) of the National Building Regulations and Buildings Standards Act 103 of 1977 by submitting a false structural certificate as per section 14 (2A)	2	21/10/2021	Matter referred to SAPS to register a docket.
eThekwini Metropolitan Municipality	Degenesix Holdings (Pty) Ltd Mr K Serero, Director of Degenesix	Contravention of Section 14 (3) of the National Building Regulations and Buildings Standards Act 103 of 1977 by submitting a false structural certificate as per section 14 (2A)	3	21/10/2021	Matter referred to SAPS to register a docket.
KZN DoE	Blue Jay Development; Mr M Mahlangu, representative of A-Z Consulting	Contravention of section 22c(1(b) and (6) of the MaRS Act for the	21	05/10/2020	Dockets registered and Investigator allocated. Case

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	Mr SW van der Merwe; Mr JJ van der Merwe; Esomkhulu Trading; Ms ZW Mkhize; K & L Consulting; Mr MR Khumalo; Mr G Labuschange; Mahambayedwa Trading; Ms PR Miya; Neosta Electronic Distributors; Mr V Reathlall; Ogabazini Holdings; Oshlanga Enterprises; Ms A Naidoo;	supply of medical device without being registered with SAHPRA			planning scheduled for 06/06/2022

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 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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	RMSP Trading; Mr P Govender; Siphso Segugu Trading; Ms GM Ngcobo; Trufix Industrial Services; Ms S Ramsamy.				
KZN DoE	Njiki Yesizwe Projects; Mashibela Business Solutions; Ms T Hlengwa, Mr PS Mabaso; Ms S Xaba.	Contravention of section 3(a) and 3(b)(i)(aa) and 3(ii)(bb) and (cc) of the PACOCA Act	5	31/05/2021	Matter referred to SAPS to register a docket
KZN DoE	Bulum Trading; Ms NFM Mthembu, Director;	Contravention of section 3(a) and (b)(i)(aa) and (ii)(bb) and (cc) of the PACOCA Act.	4	13/05/2021	Docket has been registered and assigned to DPCI Investigator.

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 North West: 1<sup>st</sup> Floor; Protea Office Park, Sekame Road, Mahikeng | Mthathaba: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthatha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mr LS Mhlongo Manager, KwaZulu-Natal DoE Infrastructure;				
	Mr BS Sikhakhane, Admin Officer KwaZulu-Natal DoE Infrastructure.				
KZN DoE	Office Code Enterprise 20; Ms MJ Ndimande, Director; Sbal'Khulu Trading 1939; Ms JB Nzama, Director; Slovas Agencies 25; Mr MJ Ndimande, Director.	The offence is fraud, alternatively forgery and uttering	6	31/03/2021	Matter referred to SAPS and docket has been registered
KZN DoE	Esomkhulu Trading; Ms ZW Mkhize, Director; Mr S Mjwara, Manager;	The offence is fraud, alternatively forgery and uttering	3 3 3	15/10/2020 20/10/2020 27/10/2020	2 matters relating to Espani Labour Outsourcing - <i>nolle prosecute</i> (decline to prosecute). 1 matter under

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Espani Labour Outsourcing; Ms JB Nzama, Director; Mr MP Ndimande, Manager.				consideration for registration of docket.
uMngeni Local Municipality	Ms T Cibane, the Municipal Manager.	Contravention of the section 173(1) of the MFMA	1	13/05/2021	Meeting with investigator scheduled for 19/07/2022 to review matter
KZN DSD	Mr SG Ngubane, the Acting HoD.	The offence is financial misconduct.	1 1	07/12/2020 08/10/2020	Docket registered – PMB CAS 227/07/2020. 8 accused have been charged. Matter progressing in court
LIM DoH	Dr. T Mhlongo, HoD	Contravention of Section 38(1) of PFMA	6	10/05/2021 08/10/2021	DPCI is conducting further investigations
LIM DoH	Mr JM Mudau, CFO	Contravention of section 3,4 and 12 of PACOCA	1	24/06/2021	A case docket is under investigation by the DPCI

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Number of referrals made to the National Prosecuting Authority reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
LIM DoH	Mr U Mudau, CFO's son	Contravention of section 3,4 and 12 of PACOCA	1	24/06/2021	A case docket is under investigation by the DPCI
LIM DoH	Confidence Number 1	Contravention of section 3,4 and 12 of PACOCA	1	24/06/2021	A case docket is under investigation by the DPCI
LIM DoH	Ms N Mphephu, Confidence Director	Contravention of section 3,4 and 12 of PACOCA	1	24/06/2021	A case docket is under investigation by the DPCI
LIM CoGHSTA	Ms C Mohlala, Director of Aventino	Fraud	1	02/12/2020	Ms Mohlala was arrested by the Hawks
LIM CoGHSTA	Aventino	Fraud	1	02/12/2020	Ms Mohlala was arrested by the Hawks
Sekhukhune District Municipality	Mr MJ Mofokeng, Acting Municipal Manager	Contravention of 173(1) of MFMA.	1	30/09/2020	This matter is being investigated by the Hawks
Sekhukhune District Municipality	Mr T Maroga, Manager PMU	Fraud	1	30/09/2020	This matter is being investigated by the Hawks

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Mpumalanga DoE	Mr J Nkosi, Acting HoD	Section 38 and 86 of PFMA.	1	18/8/2021	Matter with SAPS for further investigation
Mpumalanga CoGTA	Mr R Manzini, Deputy Director	Section 17 of PRECCA	1	14/7/2021	Matter with SAPS for further investigation under CAS 212/8/2021.
Mpumalanga Department of Community Safety, Security and Liaison	Clifford Bheki Methule, Director; Amukelani Okuhle Trading	Fraud.	2	29/7/2021	Matter with SAPS for further investigation. NELSPRUIT CAS 355/8/2021 refers
NWP DoH	Mr Renier Botha, the Acting Depot Manager at the Medical Store.	Gross Financial misconduct in contravention of section 38 and 86 of the PFMA	1	04/02/2021	NPA returned the referral with queries. The amended referral was then sent on 27 October 2021
Ratlou Local Municipality	Mr T Chanda, Municipal Manager	Gross Financial misconduct in contravention of sections 173 and 174 of the MFMA	1	08/10/2020	NPA has made a decision to prosecute Mr Chanda and a case number has been opened with the HAWKS under CAS

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**Number of referrals made to the National Prosecuting Authority reported at 10 December 2021**

<b>State Institution</b>	<b>Name and Job Title</b>	<b>Charges</b>	<b>No of referrals</b>	<b>Date referred</b>	<b>Progress to date</b>
JB Marks Municipality	Mr L Ralekgetho, the Municipal Manager	Gross financial misconduct in contravention of sections 173 and 174 of the MFMA	1	23/04/2021	29/09/2020 and the prosecutor instructed the HAWKS to obtain further witnesses statements The NPA has requested further information from the Hawks and a case has been opened under CAS323/07/20
Department of Forestry, Fisheries and the Environment	Kanga Business Management; Mr KM Madima, the owner.	Fraud, forgery and uttering	2	08/10/2020	Summons' has been served on the accused to appear in court. The matter has been postponed to 28/07/2022.
Matzikama Local Municipality	Mr J Klazen, CEO of Duneco CC Duneco CC Ms T Cloete, owner of Tarryn Losper Trading	Fraud, forgery and uttering of false documents	9	08/09/2021	Three officials (Aldrick Hendricks, Jaffa Booysen, Izak Jenner) and one service provider (Jacobus Klazen) was arrested on 26 May 2022. They appeared

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Number of referrals made to the National Prosecuting Authority reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Tarryn Losper Trading Mr I Jenner, Manager: Administration & Legal, Matzikama				in the Vredendal Magistrate's Court following their arrest.
	M J Booyesen, Former CFO, Mzikama				The accused were released on R5 000 bail each with strict bail conditions. The case was postponed to 12/07/2022.
	Mr A Hendricks, former Municipal Manager				
	Mr A Blanckenberg, owner of Rural Impact Trading				
	Rural Impact Trading				
	<b>Total</b>		<b>386</b>		

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#### 4.5. NUMBER OF REFERRALS MADE FOR EXECUTIVE ACTION

Number of referrals made for Executive Action reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
ECP DoH	Ms Gomba: MEC of Eastern Cape DoH	A referral was made against Ms S Gomba, the MEC for Health, for the contravention of section 136(1) and 217(1) of the Constitution; Contravention of section 63(1)(b) and section 64(1)(2)(3) of the PFMA and contravention of section 2(2)(a)(i) (b)(iv)(v) of the Executive Members Ethics Act.	1	01/02/2021	The MEC was discharged from office by the Premier on 18 February 2021.
GAU DoH	Dr BEW Masuku, the former MEC	According to the SIU's investigation, he failed to fulfil his obligations to comply with the Constitution; with his general oversight responsibilities in respect of the Department which contributed thereto that the Department failed to comply with the prescripts of the Constitution,	1	18/09/2020	The MEC has since been discharged. On 23 October 2020, the former MEC filed an urgent application in the High Court of South Africa (Gauteng Division, Pretoria) under Case No. 555372/2020 to review and set aside the SIU referrals

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Number of referrals made for Executive Action reported at 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
		and his obligations in terms of the PFMA.			as being unlawful, unconstitutional and therefore invalid. The SIU opposed the application. The matter was set down for hearing on 21 January 2021 before the full bench of the High Court and on the same day judgment was reserved.
JB Marks Local Municipality	Mr Mr Kgotso Khumalo	A referral was made against the Executive Mayor, Mr Kgotso Khumalo, for disciplinary action to be taken against an office bearer in	1	12/11/2020	The court on 12 April 2021 handed down judgment and dismissed Dr Masuku's application to review and set aside the SIU referrals with costs.  No action taken yet against Mr Khumalo. He had subsequently resigned and vacated his position on

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**Number of referrals made for Executive Action reported at 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
		respect of the awarding of a donation to an entity. The SIU met with the newly appointed MEC of CoGHSTA who confirmed that they are taking the necessary steps. They will continue to update the SIU with the progress made.	3		12/05/2021. However, he has not resigned as a councillor and is thus still on the JB Marks's payroll. It is important that this matter is attended to. The SIU has raised this with the relevant MEC for attention.
<b>Total</b>			<b>3</b>		

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#### 4.6. NUMBER OF REFERRALS MADE FOR ADMINISTRATIVE ACTION

Number of referrals made for Administrative Action (which includes blacklisting) reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Nkane Projects and Supplies 2013/101871/07 Olee Telecom Solutions Pty Ltd 2012/163689/07 Ori Medical Supplies 2012/173913/07 Ikusasa Telecomms 2013/179925/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	4	19/01/2022	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

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**Number of referrals made for Administrative Action (which includes blacklisting) reported after final report submitted on 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Nkane Projects and Supplies 2013/101871/07 Olee Telecom Solutions Pty Ltd 2012/163689/07 Ori Medical Supplies 2012/173913/07 Ikusasa Telecomms 2013/179925/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	4	10/02/2022	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

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Number of referrals made for Administrative Action (which includes blacklisting) reported after final report submitted on 10 December 2021

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
FSP PT	C-Squared Consumer Connectedness (Pty) Ltd; Mr Moseme	Fraud	2	09/02/2022	The Free State Provincial Treasury has issued a letter to the service provider to provide reasons why they should not be placed on the database for Restricted Suppliers. The service provider's response is awaited.
<b>Total</b>			<b>10</b>		

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**Number of referrals made for Administrative Action (which includes blacklisting) reported at 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
FSP PT	Abi Kundu (Pty) Ltd / Ms Hloholo Africa Hlahla Investments CC / Mr Makhalemele Andzile Group (Pty) Ltd / Mr Moloi Blaq Aig Trading CC / Mr Ludada Bahurutsi Projects (Pty) Ltd / Mr Moliwa Basadzi Pele Management Consulting and Projects CC / Ms Mbokazi Bathosi Trading Enterprise (Pty) Ltd / Mr Ramokhoase	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	60	21/06/2021	The SIU was informed by Adv. Nthotso from SAHPRA that a meeting is scheduled to discuss the way forward in this matter

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Bazix First (Pty) Ltd / Mr Phoko				
	DS Trading and Projects (Pty) Ltd / Ms Elliot				
	Halcyon Import and Export (Pty) Ltd / Mr Florio				
	Hero Investments (Pty) Ltd / Mr Nake				
	Hope Med (Pty) Ltd / Mr Lebusho				
	Le Di Phaka Phaka (Pty) Ltd / Mr Motaung				
	Maphcon Consulting (Pty) Ltd / Mr Mathibela				
	Mohau and Son Investment (Pty) Ltd / Mr Mohlouoa				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mphore 101 Trading (Pty) Ltd / Mrs Molete-Matlanyane				
	Newtongate (Pty) Ltd / Mr Motaung				
	NNMZ Trading and Projects (Pty) Ltd / Ms Radebe				
	Philetha Projects and Services (Pty) Ltd / Ms Mingomezulu				
	Qwanthu Trading CC / Mr Thinda				
	Seholoholo Trading CC / Mr Moeletsisi				
	Silver Power Medical (Pty) Ltd / Mr Lehoko				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Slydeb (Pty) Ltd / Ms Debedu				
	Tribusat (Pty) Ltd / Ms Montwedi				
	Veseal Trading (Pty) Ltd / Mr Modise				
	VMD Innovations (Pty) Ltd / Mr Sesoga				
	Yatola Projects CC / Ms Bhengut				
	Luyolwe Holding (Pty) Ltd / Mr Tsopo				
	Ral Corporation (Pty) Ltd / Ms Mosima				
	Rise Now Trading 34 (Pty) Ltd / Mr Govender				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
FSP PT	Abi Kundu (Pty) Ltd / Ms Hlohlolo Africa Hlahla Investments CC / Mr Makhalemele Andzile Group (Pty) Ltd / Mr Moloi Blaq Aig Trading CC / Mr Ludada Bahurutsi Projects (Pty) Ltd / Mr Moolwa Basadzi Pele Management Consulting and Projects CC / Ms Mbokazi Bathosi Trading Enterprise (Pty) Ltd / Mr Ramokhoase	Fraud	54	28/04/2021	The SIU was informed by the Chief Director that a meeting is scheduled with their Legal Department for guidance on the process

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KwaZulu-Natal: 21/4 Dr Pbdley Kaserne Street, Durban Central, Durban, 4001 | 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
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Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bynes Technology Building Raapenberg Road Golf Park, Pnielands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mafikeng | Mthatha: 13<sup>th</sup> Floor, PiD Building, Sutherland Street, Mthatha, 5100  
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**Number of referrals made for Administrative Action (which includes blacklisting) reported at 10 December 2021**

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Bazix First (Pty) Ltd / Mr Phooko				
	DS Trading and Projects (Pty) Ltd / Ms Elliot				
	Halcyon Import and Export (Pty) Ltd / Mr Florio				
	Hero Investments (Pty) Ltd / Mr Nake				
	Hope Med (Pty) Ltd / Mr Lebusho				
	Le Di Phaka Phaka (Pty) Ltd / Mr Motaung				
	Maphcon Consulting (Pty) Ltd / Mr Mathibela				
	Mohau and Son Investment (Pty) Ltd / Mr Mohlouoa				

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Dynes Technology Building Raapenberg Road Golf Park, Pinalands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthathaba: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mphore 101 Trading (Pty) Ltd / Mrs Molete-Matlanyane				
	Newtongate (Pty) Ltd / Mr Motaung				
	NNMZ Trading and Projects (Pty) Ltd / Ms Radebe				
	Philetha Projects and Services (Pty) Ltd / Ms Mngomezulu				
	Qwanthu Trading CC / Mr Thinda				
	Seholoholo Trading CC / Mr Moeletsi				
	Silver Power Medical (Pty) Ltd / Mr Lehoko				

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 KwaZulu-Natal: 214 Dr Pixley Kaesene Street, Durban Central, Durban, 4001 | 1<sup>st</sup> Floor Liberty Towers, | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byres Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthatha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Slydeb (Pty) Ltd / Ms Debedu Tribusat (Pty) Ltd / Ms Montwedi Veseal Trading (Pty) Ltd / Mr Modise VMD Innovations (Pty) Ltd / Mr Sesoga Yatola Projects CC / Ms Bhengut Beadica 423 CC 2011/085389/23 Zakheni Strategic supplies 2015/365589/07 Mlangeni Brothers Events CC 2009/126190/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	3	09/11/2020	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

Pretoria: 74 Watermeyer Street, Reantmeester Building, Meyers Park, 0183 | Eastern Cape: Sanlam Park, 59 Western Avenue, Vincent  
KwaZulu-Natal: 214 Dr Pixley Kaeseme Street, Durban Central, Durban, 4001 | 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
(College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithathar: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Synopsis One Pty Ltd 2019/384062/07 Tuwo Rhodesia Pty Ltd 2019/450715/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	2	11/12/2020	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Royal Bhaca Projects Pty Ltd 2018/643405/07 Ledla Structural Development 2011/000486/24	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	2	17/02/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Bakuthi Trading CC 2007/233856/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	22/02/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

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KwaZulu-Natal: 214 Dr Phileas Kaserne Street, Durban Central, Durban, 4001 10<sup>th</sup> Floor, Liberty Towers | Free States: 195 Nelson Mandela Drive, Telkom House  
(College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
Moolman 500 Building, 31 Mark Street, Polokwane, 0270 | Western Cape: 1<sup>st</sup> Floor, Byres Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatba: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Best Enough Trading and Projects 412 CC 2010/133474/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	27/02/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Ixodox Pty Ltd 2012/037654/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	9/03/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	LNG Scientific Pty Ltd 2014/009577/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	11/03/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

Pretoria: 74 Watermeyer Street, Rentmeester Building, Meyers Park, 0183 | Eastern Cape: Senlam Park, 59 Western Avenue, Vincent  
 KwaZulu-Natal: 214 Dr Pixley Kasame Street, Durban Central, Durban, 4001 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telikom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 309 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byes Technology Building Raaienberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mthatha: 1<sup>st</sup> Floor, PRD Building, Sutherland Street, Mthatha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Afripam Holdings (Pty) Ltd 2013/102827/07 Gramendo Projects CC 2011/009011/23 Grassroots Development and Investments Pty Ltd 2012/094230/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	3	12/03/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Emanzini Construction Projects Pty Ltd 2017/482263/07 Nascency Medicals Pty Ltd 2013/107451/73 Vharanga Phanda Trading CC2007/004112/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	3	29/03/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Seebo Group Pty Ltd 2009/009599/23	Contravened Section 8(1)(a) of the Competition Commission act	1	30/03/2021	The Competition Commission confirmed

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 KwaZulu-Natal: 214 Dr Pixley Kaeseme Street, Durban Central, Durban, 4001 1<sup>st</sup> Floor Liberty Towers | Free States: 195 Nelson Mandela Drive, Telikom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Proteas Office Park, Sekame Road, Mahikeng | Mithatba: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Mokone Trading and Projects Pty Ltd 2015/013441/07	by providing goods and services but charging excessive, unfair and unreasonable prices.  Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	31/03/2021	receipt of the referrals and are reviewing the evidence provided.  The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	TIM 73 General Project Pty Ltd 2008/005204/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	16/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

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 KwaZulu-Natal: 214 Dr Pitydy Kasame Street, Durban Central, Durban, 4001 | 1<sup>st</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samosa Michel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor  
 Moodman 500 Building, 31 Mark Street, Polokwane, 0970 | Western Cape: 1<sup>st</sup> Floor, Byres Technology Building Raaipeberg Road Golf Park, Pinalands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mafikeng | Mthatha: 1<sup>st</sup> Floor, PRD Building, Sutherland Street, Mthata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Solsimtha Projects Pty Ltd 2019/405226/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	16/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Forest Furn Pty Ltd 2014/014005/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	16/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Kraft Medical Pty Ltd 2017/082671/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	19/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

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 KwaZulu-Natal: 214 Dr Pixley Kaeseme Street, Durban Central, Durban, 4001 | 1<sup>st</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0970 | Western Cape: 1<sup>st</sup> Floor, Byres Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mhata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Umnothozwide Trading Enterprise Pty Ltd 2009/167940/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	19/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	KD Supplies t/a Kwadines Pty Ltd 2019/493659/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	29/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

Pretoria: 74 Watermeyer Street, Rentmeester Building, Meyers Park, 0183 | Eastern Cape: Sanlam Park, 59 Western Avenue, Vincent  
 KwaZulu-Natal: 214 Dr Pitydy Kasame Street, Durban Central, Durban, 4001 | 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Modimane 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatha: 1<sup>st</sup>, 3<sup>rd</sup> Floor, PRD Building, Sutherland Street, Mithata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Maponya Medical Solutions Pty Ltd 2010/010938/07 Polkadots Properties 193 Pty Ltd 2012/011129/07 HSB Mercantile Investments Pty Ltd 2019/121105/07 Senatla Trading Enterprise 180 CC 2011/001880/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	4	10/05/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Future Advertising Pty Ltd 2005/009752/23 Bliss Pharmaceuticals Pty Ltd 2011/100593/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	3	21/05/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

Pretoria: 74 Watermeyer Street, Reinheits Building, Meyers Park, 0183 | Eastern Cape: Sanlam Park, 59 Western Avenue, Vincent  
 KwaZulu-Natal: 214 Dr Pixley Kaesene Street, Durban Central, Durban, 4001 | 1<sup>st</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Nkombele Centre, 4th floor, Nkombele, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithabha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mithabha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Be-Sure Events Pty Ltd 2014/096753/07				
GAU DoH	Macduke Trading and Projects CC 2011/019093/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	21/05/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	SAI Medicals Pty Ltd 2015/173530/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	20/07/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Opal Sky Pty Ltd 2015/297231/07 Baju Chemicals Pty Ltd 2016/212081/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	3	20/07/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0970 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithathath: 1<sup>st</sup> Floor, PRD Building, Sutherland Street, Mthatha, 5100  
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<b>State Institution</b>	<b>Name and Job Title</b>	<b>Charges</b>	<b>No of referrals</b>	<b>Date referred</b>	<b>Progress to date</b>
	Taste Africa Pty Ltd 2016/359768/07				
GAU DoH	Azania Infracon Pty Ltd	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	30/08/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Eubee Events Management 2012/103924/07	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	17/09/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Babonolo Holdings CC 2004/028793/23	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	11/10/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.

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 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Bytes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithabab: 13<sup>th</sup> Floor, PRD Building, Surtheiland Street, Mthatha, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
City of Johannesburg / Johannesburg property Company JPC	KM Mashigo Trading CC; Triple SL Tech CC; Mizana Trading (Pty) Ltd; Omphile Turnkey Solutions (Pty) Ltd	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	4	01/04/2021	The Competition Commission confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Beadica 423 CC 2011/085389/23 Zakheni Strategic Supplies Pty Ltd 2015/365589/07 Mlangeni Brothers Events CC 2009/126190/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	3	24/11/2020	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Eubee Events Management Pty Ltd 2012/103924/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	12/02/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

Pretoria: 74 Watermeyer Street, Rentmeester Building, Meyers Park, 0183 | Eastern Cape: Sanlam Park, 59 Western Avenue, Vincent  
KwaZulu-Natal: 214 Dr Pixley Kasame Street, Durban Central, Durban, 4001 | 10<sup>th</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
(Collège Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
Moolman 500 Building, 31 Mark Street, Polokwane, 0970 | Western Cape: 1<sup>st</sup> Floor, Byes Technology Building Raapenberg Road Golf Park, Pinelands, 7405  
North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mafikeng | Mithathat: 1<sup>st</sup> Floor, PRD Building, Sutherland Street, Mithata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	LNG Scientific Pty Ltd 2014/009577/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	11/03/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	HSB Mercantile Investments Pty Ltd 2019/121105/07 MacDuke Trading and Projects CC 2011/019093/23 Polkadots Properties 193 Pty Ltd 2012/011129/07 Maponya Medical Solutions Pty Ltd 2010/010938/07 Senatla Trading Enterprise 180 CC 2011/001880/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	5	30/03/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

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 KwaZulu-Natal: 214 Dr Pixley Kasame Street, Durban Central, Durban, 4001 1<sup>st</sup> Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House  
 (College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,  
 Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1<sup>st</sup> Floor, Byres Technology Building Raaspenberg Road Golf Park, Pinelands, 7405  
 North West: 1<sup>st</sup> Floor, Protea Office Park, Sekame Road, Mahikeng | Mithatha: 13<sup>th</sup> Floor, PRD Building, Sutherland Street, Mithata, 5100  
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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Forest Furn Pty Ltd 2014/014005/07 TRC Africa Consultancy CC 2015/156388/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	2	20/04/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Nascency Medicals Pty Ltd 2013/107451/07 Vharanga Phanda Trading CC 2007/004112/23 Cibacon Consulting Solutions Pty Ltd 2017/288196/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	3	20/04/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Umnothozwide Trading Enterprise Pty Ltd 2009/167940/23 Kraft Medical Pty Ltd 2017/082671/07 Dinaane Consulting Services Pty Ltd 2016/200130/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	3	20/04/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Gramendo Projects Pty Ltd 2011/009011/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	27/05/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Modulelwa Holdings Pty Ltd 2013/153887/07 Afermall Pty Ltd 2019/222721/07 Dot Lighter Pty Ltd 2012/186646/07 Red Chair Holdings Pty Ltd 2013/113485/07 TRC Africa Consultancy CC 2015/156388/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	5	08/06/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Future Advertising and Marketing CC 2005/009752/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	24/05/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

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GAU DoH	OSC Med Solutions Pty Ltd 2013/204284/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	15/06/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Olwe 2 Project Management Consultancy Pty Ltd 2014/184445/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	13/08/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Kushesh Trading CC 2008/171904/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	16/08/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	3G Relocations and Transport CC 2006/124840/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	16/08/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Envirocon Instrumentations CC 1988/008931/23	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	16/08/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Grimshaw Supplies Pty Ltd 2017/216135/07	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	08/11/2021	The SAHPRA confirmed receipt of the referrals and are reviewing the evidence provided.
GAU DoH	Mr P Naidoo, Director Beadica 423 CC	Contravention of NT's Rules and Practice. Motivation to be placed on NT's Central Database/List of	2	10/02/2021	The SIU has recommended that the Gauteng DoH and/or the NT place(s) the above

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
		Restricted Suppliers/Service Providers			entity and director on the database/list of restricted suppliers, after having followed the required administrative process.
GAU DoH	Mr ES Nkuna, Director Mlangeni Brothers Events CC.	Contravention of NT's Rules and Practice. Motivation to be placed on NT's Central Database/List of Restricted Suppliers/Service Providers	2	10/02/2021	The SIU has recommended that the Gauteng DoH and/or the NT place(s) the above entity and director on the database/list of restricted suppliers, after having followed the required administrative process.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoH	Royal Bhaca Projects (Pty) Ltd; Ledla Structural Development (Pty) Ltd; Madzikane Diko, Director; Kgodisho Norman Lehong; Molatele Albert Lehong; Rhulani Lehong; Josephine Sizakele Lehong.	Contravention of NT's Rules and Practice. Motivation to be placed on NT's Central Database/List of Restricted Suppliers/Service Providers	7	24/02/2021	The SIU has recommended that the Gauteng DoH and/or the NT place(s) the above entity and director on the database/list of restricted suppliers, after having followed the required administrative process.
GAU DoH	Ms M Pillay Future Advertising CC 2005/009752/23	Contravention of NT's Rules and Practice. Motivation to be placed on NT's Central Database/List of Restricted Suppliers/Service Providers	2	30/07/2021	The SIU has recommended that the Gauteng DoH and/or the NT place(s) the above entity and director on the database/list of restricted suppliers, after having

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<b>State Institution</b>	<b>Name and Job Title</b>	<b>Charges</b>	<b>No of referrals</b>	<b>Date referred</b>	<b>Progress to date</b>
GAU DoH	Mr J Matlala Polkadots Properties 193 Pty Ltd 2012/011129/07	Contravention of NT's Rules and Practice. Motivation to be placed on NT's Central Database/List of Restricted Suppliers/Service Providers	2	02/09/2021	followed the required administrative process.  The SIU has recommended that the Gauteng DoH and/or the NT place(s) the above entity and director on the database/list of restricted suppliers, after having followed the required administrative process.
National DoT	Ecko Green (Pty) Ltd; Mistralog (Pty) Ltd; Recital Investment Corporation (Pty) Ltd; Pendowell (Pty) Ltd;	Contravention of NT's Rules and Practice. Motivation to be placed on NT's Central Database/List of Restricted Suppliers/Service Providers	7	16/09/2021	The matter is still under consideration by National DoT

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
SANDF	Ms CL Buthelezi, representative of Mistralog (Pty) Ltd;  Mr N Buthelezi, representative of Recital Investment Corporation (Pty) Ltd and Pendowell (Pty) Ltd;  Ms MS Bhimjee, representative of Ecko Green (Pty) Ltd;  Mr M Shivambo	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	2	25/03/2021	The Commissioner is attending to the referrals

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Umdoni Local Municipality	Khula-Gedeza Properties; Pre-Eminent Trading Enterprise; Accunomics (Pty) Ltd.	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	3	04/11/2021	Letter sent to SAHPRA for feedback on all matters referred, response awaited.
uMngeni Local Municipality	Paluflo (Pty) Ltd	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	04/11/2021	Letter sent to SAHPRA for feedback on all matters referred, response awaited.
KZN DoE	Njiki Yesizwe Projects; Mashibela Business Solutions; Ms Hlengwa, Director; Mr PS Mabaso, Director; Ms Xaba, teacher at KwaZulu-Natal DoE	Contravention of section 4(a)(i)(aa) and 4(ii)(bb) and (cc) of the PACOCA Act.  Recommendation to blacklist the entities and individuals.	5	03/06/2021	Email sent to DoE for feedback, response awaited.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
KZN DoE	Bulum Trading; Ms NFM Mthembu, Director.	Contravention of section 4(a)(i)(aa) and 4(ii)(bb) and (cc) of the PACOCA Act.  Recommendation to blacklist the entities and individuals.	2	13/05/2021	Email sent to DoE for feedback, response awaited.
KZN DoE	888 Business Solutions; African Grey Trading; Azucare; Bluejay Development; Bonganjalo Holdings; EGS Investments Solutions; Esomkhulu Trading; K & L Consulting t/a Gold Developments; Khanyisile Agency;	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	21 1	21/04/2021 06/12/2021	10 Criminal Referrals submitted after feedback was received from SAHPRA. Letter sent to SAHPRA for feedback on all matters referred, response awaited..

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	Ka-Myaluza; Magamedge Trading; Mahambayedwa Trading; Mobility Solutions; Neosta Electronic Distributors; Ogabazini Holdings; Oshlanga Enterprise; RMSP Trading; Sebenzani Trading 622; Sekakhona Trading Enterprise; Siphosegugu Trading; Trufix Industrial; Usuthu Group Pty) Ltd.				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
KwaDukuza Local Municipality	<p>Dhanasagri Trading and Projects;</p> <p>Get Smart Safety Medical and General Supplies;</p> <p>Impumelelo CKA Darnal;</p> <p>Life Employee Health Solution;</p> <p>Sgwerango Holdings 16;</p> <p>Shayimpi Security and Training;</p> <p>T and T Chemicals;</p> <p>Vesta Creations;</p> <p>Konkrit Business Solutions;</p> <p>Khehloz Wheel Projects.</p>	<p>Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965</p>	<p>8</p> <p>2</p>	<p>21/04/2021</p> <p>24/03/2021</p>	<p>Letter sent to SAHPRA for feedback on all matters referred, response awaited.</p>

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekwini Metropolitan Municipality	Simandlovu Trading; Dimed; Drager South Africa; Drakewood Pinetown; Technozone Trading 8; Tee's Industrial and General Supplies; Zumaan Group; Alert Stationers; Caliding Trading; Fastcomm Solutions; Inhlanhla Projects; Kayosi Trading; Lelanguka Trading;	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	7 15 1 1	24/03/2021 13/08/2021 04/11/2021 06/12/2021	Letter sent to SAHPRA for feedback on all matters referred, response awaited.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Magnet Electrical Supplies; Mavuka 010115 Trading; Phithizie Trading; Prostar Paints; Pure Stream Cleaning Services; Surgical and General Supplies; Umbuso Wamaqadi Investments; Vawdas Promotions; YNT Trading; Brandfin Trade 110; Bifood KZN.				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
LIM CoGHSTA	Ms CHS Mohlala, Director Aventino; Aventino Group CC.	The commission of a criminal offence of fraud. The SIU has recommended that the Housing Development Agency requests NT to place the above entity and director on the database after having followed the required administrative process.	2	27/01/2021	The Housing Development Agency has escalated the matter to NT for guidance.
LIM DoH	Ms Mphephu, Director; Confidence Trading No 1	The commission of a criminal offence of fraud. The SIU has recommended that the Housing Development Agency requests NT to place the above entity and director on the database after having followed the required administrative process.	2	21/07/2021	The Limpopo DoH has acknowledged receipt of the referrals.
LIM DoH	Tshivhe Trading Enterprise; Nomageba Medical;	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related	3 31	11/08/2021 10/03/2021	SAHPRA has referred these matters to the Hawks for further

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	Mmazwi Civil and Construction Services; Makhavhani Trading CC; R R A Trading CC; RIHM Media and Marketing (Pty) Ltd NMM Investment Solution (Pty) Ltd; Ngoako GM Holding (Pty) Ltd; King Kone Resources (Pty) Ltd; Confidence no 1 Trading (Pty) Ltd; Sedi Laka Trading Project Management CC;	Substances Act, Act No. 101 of 1965			investigation. The investigation is still ongoing.

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	Enpro Laboratories (Pty) Lt;				
	Rebantle Trading & Projects (Pty) Ltd;				
	Glen Life Group & Project (Pty) Ltd;				
	Ndia Business Trading (Pty) Ltd;				
	Pro Secure (Pty) Ltd;				
	Luhura Trading and General Suppliers CC;				
	Hudi Medical Equipment Solution (Pty) Ltd;				
	T7 Mash (Pty) Ltd;				
	Mizana Trading (Pty) Ltd;				
	Mmapadi Group (Pty) Ltd;				

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	<p>Mamello Clinical Solution (Pty) Ltd;</p> <p>C Matodzi (Pty) Ltd;</p> <p>Devine Catering and Events (Pty) Ltd</p> <p>Tshimangadzo Accommodation and Cash Loan (Pty) Ltd;</p> <p>Smandi Project Management CC;</p> <p>Tshiamiso Trading 135 (Pty) Ltd;</p> <p>Murunwa Consulting CC;</p> <p>Hipco Trading (Pty) Ltd;</p> <p>Lennymed Pharmacy Inc;</p> <p>Gigy's Trading (Pty) Ltd;</p>				

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Basani IT Solution (Pty) Ltd; North Siders Managers Consultations (Pty) Ltd; Kobuhla Engineering Building Services (Pty) Ltd				
LIM DoH	Mmazwi Civil and Construction Services; Mizana Trading	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	2	21/07/2021	The Commissioner is reviewing the referrals made
NCP DoH	Macronym 37 (Pty) Ltd MKV Investments (Pty) Ltd Asijiki Soundbytes (Pty) Ltd Revolt Headboy (Pty) Ltd	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	5	19/07/2021	Receipt was acknowledged on 19 July 2021. Awaiting feedback.

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NCP DoH	CMED Suppliers DNS Supplies Asijiki Soundbytes (Pty) Ltd CMED Suppliers	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	3	05/11/2021	Receipt was acknowledged.
Cederberg Local Municipality	Michlo Engineering Services	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	28/07/2021	The Competition Commission has acknowledged receipt of the referral.
Cederberg Local Municipality	Michlo Engineering Services	Contravention of Section 14, Section 19 and Section 22C (6) of the Medicines and Related Substances Act, Act No. 101 of 1965	1	04/10/2021	SAHPRA has acknowledged receipt of the referral.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Matzikama Local Municipality	Duneco CC	Contravened Section 8(1)(a) of the Competition Commission act by providing goods and services but charging excessive, unfair and unreasonable prices.	1	25/10/2021	The Competition has acknowledged receipt of the referral.
<b>Total</b>			<b>330</b>		

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#### 4.7. RAND VALUE OF POTENTIAL CASH AND/OR ASSETS TO BE RECOVERED

This is the rand value in cash and/or assets that is potentially recoverable. Acknowledgement of Debt documents (AoDs) are signed and the debtor agrees to repay the money in one lump sum or repays the money in month instalments until the debt is fully repaid. The SIU also makes recommendations to State institutions to withhold payments to service providers (usually where irregularities have been uncovered by the investigations and pending civil proceedings in the Special Tribunal or the High Court).

##### Rand value of potential cash and/or assets to be recovered since last report submitted on 10 December 2021

State Institution	Description	Value	Date Achieved	Amount repaid
ECP DoE	Letters of demand were issued to	R1 505 242	25/04/2022	Not yet paid
Newcastle Local Municipality	1 AoD was signed for Zokwenza Development and Training CC	R134 600	09/02/2022	
	<b>Total</b>	<b>R1 639 842</b>		

##### Rand value of potential cash and/or assets to be recovered reported at 10 December 2021

State Institution	Description	Value	Date Achieved	Amount repaid
ECP DoE	1 AoD was signed for PPE that was never delivered.	R98 415	30/04/2021	
ECP DoE	1 AoD was signed for PPE that was never delivered.	R52 159	8/11/2021	
ECP DoE	The SIU successfully applied to the Special Tribunal to have the bank accounts of the first four respondents frozen and to interdict the Department from making any further payments.	R2 785 276	30/10/2020	

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State Institution	Description	Value	Date Achieved	Amount repaid
ECP DoE	Letter of Demand has been served to Thembalabantu Security Cleaning and General Trading	R7 109	31/10/2021	
ECP DoE	Over payment in resepect of 202 delivery notes in respect of Secondary School in the Eastern Cape	R17 845	30/11/2021	
ECP DoE	Letter of Demand has been served to Unlocked Consultants	R6 174	30/11/2021	
ECP DoE	Letter of Demand has been served to Ngxiva Construction CC	R26 472	31/08/2021	
ECP DoH	The matter was heard in the Special Tribunal and the Department was interdicted from making any payments to the supplier and from accepting delivery of any goods from the supplier, pending the finalization of the review proceedings to challenge the validity of the award and the resulting contract.	R10 148 750	18/09/2020	
Nelson Mandela Bay Metropolitan Municipality	Letter of Demand has been served to Runto Trading Pty Ltd	R446 142	31/10/2021	
Nelson Mandela Bay Metropolitan Municipality	Letter of Demand has been served to Sizomanowethu General Trading (Pty) Ltd	R38 700	31/08/2021	

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State Institution	Description	Value	Date Achieved	Amount repaid
Nelson Mandela Bay Metropolitan Municipality	Letter of Demand and Summons to KaziForce	R606 300	9/06/2021	
Nelson Mandela Bay Metropolitan Municipality	1 AoD was signed for PPE that was never delivered.	R77 400	25/10/2021	
FSP PT	A recommendation was made to withhold payment to service providers who had received contracts to provide surgical gowns. The SIU has since instituted proceedings in the Special Tribunal to interdict and restrain the Provincial Treasury from making any further payments to the service providers, and to review and set aside the contracts that were awarded.	R39 150 739	07/10/2020	The amount is to be determined by an external expert appointed by the SIU to conduct an assessment on inter alia the value of the gowns that were supplied
GAU DoE	The SIU obtained an order in the Special Tribunal to freeze the bank accounts of service providers appointed by the Department to sanitize schools.	R4 600 403	23/06/2021	
GAU DoE	The SIU obtained an order in the Special Tribunal to freeze the bank accounts of service providers appointed by the	R43 294 118 R22 404 113	17/05/2021 01/06/2021	

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State Institution	Description	Value	Date Achieved	Amount repaid
	Department to sanitize schools.			
GAU DoH	1 AoD was signed because of an overpayment in respect of VAT that was made on an invoice submitted by a service provider. The service providers was contracted to supply surgical masks to the value of R129 358 500.	R320 000	29/06/2021	R320 000
GAU DoH	A recommendation was made to cancel a purchase order issued to a service provider.	R13 627	08/06/2021	
GAU DoH	Recommendations were made to withhold payments to 9 service providers. The Department have confirmed that no further payments will be made pending the finalization of the SIU investigations and civil proceedings.	R269 993 969	04/09/2020 16/09/2020 23/09/2020 12/11/2020 16/11/2020 22/12/2020 30/06/2021 21/07/2021	
GAU DoH	1 AoD was signed because of an overpayment in respect of Vat that was made on one invoice submitted. The service provider was contracted to supply surgical masks and the value of the contract is R7 256 606.	R247 500	15/10/2020	R247 500

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State Institution	Description	Value	Date Achieved	Amount repaid
GAU DoH	An interim Order was granted by the Special Tribunal which prohibits the 1st to 39th respondents from dealing with any property listed in the order, and the Government Employees Pension Fund (GEPF) and the Government Pensions Administration Agency (GPAA) from releasing to Ms Lehloenyia or any other party any money with represents pension and retirement benefits.	R26 999 390	20/08/2020	
City of Johannesburg / Johannesburg Social Housing JOSHCO	A recommendation was made to withhold payments to three service providers pending the institution of civil proceedings.	R65 929 505	29/03/2021	
City of Tshwane Metropolitan Municipality	A recommendation was made to withhold payments to service providers pending the institution of civil proceedings.	R19 793 897	30/09/2021	
Newcastle Local Municipality	1 AoD was signed for MSO Trading (Pty Ltd for over pricing on PPE	R246 500	25/11/2021	First instalment is due on 31/01/2022
Newcastle Local Municipality	1 AoD was signed for Zamanzunza Trading	R70 000	26/11/2021	First instalment is due on 31/01/2022

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eThekwini Metropolitan Municipality	1 AoD was signed for Ayabongamahlomuka Trading for overcharging for catering	R19 500	07/10/2021	First instalment was due on 25/10/2021 but no money has been paid
eThekwini Metropolitan Municipality	1 AoD was signed for Balikhulu Trading for invalid structural certificates	R2 600	07/10/2021	First instalment was due on 29/10/2021 but no money has been paid
eThekwini Metropolitan Municipality	1 AoD was signed for Khosku Trading and Projects for invalid structural certificates	R14 950	05/10/2021	R14 950
eThekwini Metropolitan Municipality	1 AoD was signed for Lukhona Projects and Development for supplying marquees that were not according to specifications	R75 000	30/08/2021	First instalment was due on 01/09/2021 but no money has been paid
eThekwini Metropolitan Municipality	1 AoD was signed for Central Hiring for supplying marquees that were not according to specifications	R40 000	18/08/2021	R40 000
eThekwini Metropolitan Municipality	1 AoD was signed for Afrizulu for supplying marquees that were not according to specifications	R50 000	11/08/2021	R50 000

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eThekweni Metropolitan Municipality	1 AoD was signed for Melody Street Trading 69 for charging above NT rates for PPE item	R135 088	02/06/2021	R20 000
KZN DoH	1 AoD was signed for Pro Secure for charging above NT rates for PPE item	R4 255 000	02/09/2021	R368 171
KZN DoH	1 AoD was signed for National Community Marketing for charging above NT rates for PPE item	R1 304 000	02/09/2021	R500 000
KZN DoE	1 AoD was signed for Sigencabagence as a result of irregularities in the service providers BBEEE certification.	R41 560	29/04/2021	R41 560
KZN DoE	Oshlanga Enterprise Azucare Neosta Electronic Distributors AfriVision Communications Amakhono Capital The above AoDs were signed for the under-delivery of goods supplied, for overcharging the Department for Value Added Tax (“VAT”) and for profits derived as a result of an irregular procurement process	R40 000 R176 191 R985 351 R184 275 R1 072 810	23/09/2020 09/10/2020 16/10/2020 04/12/2020 18/01/2021	R40 000 R176 191 R985 351 R184 275 R1 072 810
KZN DoE	2 AoDs were signed for Sebenzani Trading 622 for overpricing of PPE items	R3 286 000 R141 240	25/03/2021 25/03/2021	R3 286 000 R141 240

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**Rand value of potential cash and/or assets to be recovered reported at 10 December 2021**

State Institution	Description	Value	Date Achieved	Amount repaid
	supplied which were above NT regulated prices.			
KZN DoE	1 AoD was signed for New Track Enterprise as a result of irregularities in the service providers BBEEE certification.	R89 901	31/03/2021	R89 901
KZN DSD	A recommendation was made to withhold payment to LNA Communications. The Department have confirmed that no further payments will be made pending the conclusion of the litigation process that the SIU has instituted.	R2 040 000	25/09/2020	R0
KZN DSD	1 AoD was signed for Umunyeovou Trading for charging the Department VAT while they were not registered as VAT vendors.	R276 450	20/10/2020	R11 020
LIM DoH	1 AoD was signed for Mmazwi Civil and Construction Services.	R21 923	12/10/2021	R22 923
LIM CoGHSTA	A recommendation was made to withhold payment to a contractors. The Department have confirmed that no further payments will be made pending the conclusion of the SIU investigation.	R12 814 563	23/11/2020	R0
MPU DoE	A recommendation was made to withhold payment to contractors appointed for	R14 823 019	29/09/2020	

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**Rand value of potential cash and/or assets to be recovered reported at 10 December 2021**

<b>State Institution</b>	<b>Description</b>	<b>Value</b>	<b>Date Achieved</b>	<b>Amount repaid</b>
	maintenance projects for various schools. The Department have confirmed that no further payments will be made pending the conclusion of the SIU investigation.			
MPU DHS	1 AoD was signed because the service providers overcharged for PPE that was procured. The investigation revealed there was a difference between what was supposed to be charged and what they actually charged.	R2 135	24/05/2021	
MPU Department of Economic Development and Tourism	1 AoD was signed because the service providers overcharged for PPE that was procured. The investigation revealed there was a difference between what was supposed to be charged and what they actually charged.	R9 565	10/06/2021	
MPU DPWRT	1 AoD was signed because the service providers overcharged for PPE that was procured. The investigation revealed there was a difference between what was supposed to be charged	R16 354	24/06/2021	

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State Institution	Description	Value	Date Achieved	Amount repaid
	and what they actually charged.			
MPU DoH	7 AoDs were signed because the investigation revealed the service provider inflated the price of PPE. The AoD signed was for the difference they were supposed to charge and what they actually charged.	R107 348	01/09/2021	
		R400 000	27/07/2021	
		R126 594	27/07/2021	
		R15 000	27/07/2021	
		R24 800	13/10/2020	
		R50 800	12/10/2020	
		R100 000	09/10/2020	
MPU DSD	2 AoDs were signed because the service providers overcharged for PPE that was procured. The investigation revealed there was a difference between what was supposed to be charged and what they actually charged.	R59 735	06/05/2021	
		R76 090	27/10/2020	
Govan Mbeki Local Municipality	8 AoDs were signed because the investigation revealed that the service providers provided goods and/or services to the Municipality for a price more than what was regulated by NT.	R44 279	11/11/2020	
		R34 682	12/11/2020	
		R23 159	13/11/2020	
NWP DoH	5 AoDs were signed because the investigation revealed the service providers were paid VAT by the Department but were not registered VAT	R233 000	19/10/2020	
		R405 870	21/10/2020	
		R27 100	22/10/2020	
		R170 000	23/10/2020	

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<b>State Institution</b>	<b>Description</b>	<b>Value</b>	<b>Date Achieved</b>	<b>Amount repaid</b>
	vendors. 2 AoDs to the value of R19 592 have been repaid in full.	R177 000 R31 878	04/11/2020 19/03/2021	
NWP DoH	2 AoDs were signed because the investigation revealed the service providers were paid VAT by the Department but were not registered VAT vendors. Both these AoDs have been repaid in full.	R19 592	28/09/2020	
NWP DoE	One AoD was signed because the investigation revealed the service provider has quoted and charged the Department for face masks at inflated prices. The value of the AOD is the excess portion that the service provider charged in comparison to the guideline pricing included in NT Instruction 05 of 2020/21.	R43 500	09/11/2020	
Matzikama Local Municipality	A recommendation was made to withhold payment to 1 service provider. The Department have confirmed that no further payments will be made pending the finalization of the SIU investigations.	R80 000	08/09/2020	
	<b>Total</b>	<b>R551 542 405</b>		

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#### 4.8. RAND VALUE OF ACTUAL CASH AND/OR ASSETS RECOVERED

This is the rand value in cash and/or assets that has been recovered for the State and/or relevant third parties.

Rand value of actual cash and/or assets recovered reported after final report submitted on 10 December 2021			
State Institution	Description	Value	Date Achieved
KZN DSD	Repayments made in respect of AoDs signed	R4 400	22/02/2022
KZN DoH	Repayments made in respect of AoDs signed	R1 486 964	19/05/2022
eThekweni Metropolitan Municipality	Repayments made in respect of AoDs signed	R2 600 R14 950	06/11/2021 15/10/2021
<b>Total</b>		<b>R1 508 914</b>	

Rand value of actual cash and/or assets recovered reported at 10 December 2021			
State Institution / Matter	Description	Value	Date Achieved
ECP DoE	Repayment made in respect of AoDs signed	R17 666 R24 019	31/10/2021 30/11/2021
GAU DoH	Repayment made in respect of AoDs signed	R247 500	15/10/2021
GAU DoH	Repayment made in respect of AoDs signed	R320 000	29/06/2021
GAU DoH	The ST confirmed the interim order that was granted against 4 respondents and declared that the funds held in their bank accounts be declared forfeit to the State	R16 661 065	10/12/2020
GAU DoH	The Special Tribunal confirmed the interim order that was granted against 20 respondents and declared that the	R7 401 705	04/02/2021

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**Rand value of actual cash and/or assets recovered reported at 10 December 2021**

<b>State Institution / Matter</b>	<b>Description</b>	<b>Value</b>	<b>Date Achieved</b>
	funds held in their bank accounts be declared forfeit to the State		
KZN DoH	Repayments made in respect of AoDs signed	R370 771 R514 950 R368 171	30/11/2021 31/10/2021 23/09/2021
KZN DoE	Repayments made in respect of AoDs signed	R22 024 R21 560 R131 925 R3 471 288 R22 024 R1 094 833 R184 275 R22 024 R1 007 375 R40 000	06/07/2021 29/06/2021 03/05/2021 25/03/2021 01/02/2021 31/01/2021 11/12/2020 30/11/2020 19/10/2020 23/09/2020
KZN DSD	Repayments made in respect of AoDs signed	R5 470 R5 550	31/12/2020 30/11/2020
eThekweni Metropolitan Municipality	Repayments made in respect of AoDs signed	R50 000 R40 000 R20 000	30/09/2021 31/08/2021 28/06/2021
KZN DSD	Applications were lodged in the Special Tribunal seeking a declaration of invalidity in respect of the award of contracts and a just and equitable remedy in respect of the losses suffered by the Department. A Consent Order was granted by the Special Tribunal, and Zain Brothers	R718 550	29/01/2021

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**Rand value of actual cash and/or assets recovered reported at 10 December 2021**

<b>State Institution / Matter</b>	<b>Description</b>	<b>Value</b>	<b>Date Achieved</b>
	effected full payment of the profits derived.		
KwaZulu-Natal DSD	Applications were lodged in the Special Tribunal seeking a declaration of invalidity in respect of the award of contracts and a just and equitable remedy in respect of the losses suffered by the Department. A Consent Order granted by the Special Tribunal, and Rosette Investments effected full payment of the profits derived.	R864 000	29/01/2021
LIM DoH	Repayments made in respect of AoDs signed	R22 193	31/10/2021
MPU DoH	Repayments made in respect of AoDs signed	R175 600 R5 000 R5 000 R5 000 R12 000 R5 000 R204 560 R50 000 R7 000	31/10/2020 28/02/2021 31/03/2021 30/04/2021 30/06/2021 31/08/2021 30/09/2021 31/10/2021 30/11/2021
MPU DHS	Repayments made in respect of AoDs signed	R2 135	30/06/2021
MPU DSD	Repayments made in respect of AoDs signed	R59 735	30/06/2021
MPU DPWRT	Repayments made in respect of AoDs signed	R16 355	30/06/2021
Govan Mbeki Local Municipality	Repayments made in respect of AoDs signed	R1 700	30/06/2021

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**Rand value of actual cash and/or assets recovered reported at 10 December 2021**

State Institution / Matter	Description	Value	Date Achieved
			28/02/2021
NWP DoH	Repayments made in respect of AoDs signed	R19 592	30/09/2020
		R1 900	30/04/2021
		R1 900	31/05/2021
		R7 900	30/06/2021
		R4 900	31/07/2021
		R1 900	31/08/2021
		R3 400	30/09/2021
		R1 900	31/10/2021
		R3 700	30/11/2021
NWP DSD	Repayments made in respect of AoDs signed	R1 347	30/11/2021
	<b>Total</b>	<b>R34 266 462</b>	

**4.9. RAND VALUE OF POTENTIAL LOSS PREVENTED**

This is the rand value that could have been lost to the State that is averted through a range of interventions by the SIU or the State institutions by means of evidence that is provided by the SIU.

**Rand value of potential loss prevented reported at 10 December 2021**

State Institution	Description	Value	Date Achieved
OR Tambo District Municipality	The Special Tribunal reviewed and set aside the contract that was awarded to Phathilizwi Training Institute. The court ruled that all the tax invoices that were issued were invalid and should not be paid by the Municipality to the service provider.	R4 857 600	21/04/2021

**Rand value of potential loss prevented reported at 10 December 2021**

<b>State Institution</b>	<b>Description</b>	<b>Value</b>	<b>Date Achieved</b>
GAU DoH	The SIU recommended to the Department that they reduce the value of two outstanding invoices that were due to Botshelocla (Pty) Ltd, because they had overcharged the Department. The Department confirmed that they had implemented our recommendation.	R90 000	18/12/2020
GAU DoH	The SIU recommended to the Department that they make no payments to Prime Reason because the investigation found that their appointment was irregular or invalid in terms of Section 2 of the Constitution; Section 217(1) 45(a) 57(a) of the PFMA; Section 45(b) 57(b) of PFMA; Section 76 of PFMA and paragraphs 14 & 17 of the SCM Policies. The Department has confirmed that they have recalled all payments.	R300 000	15/02/2021
GAU DoH	The Special Tribunal reviewed and set aside the contract that was awarded to Ledla Structural Development (Pty) Ltd. The value of the contract was R139 million. At the time of the award approximately R100 million had not been paid to Ledla.	R99 241 842	10/12/2020
MPU DoE	A recommendation was made to withhold payment to contractors appointed for maintenance projects for various schools. The Department have confirmed that no further payments will be made as per the SIU recommendation.	R9 714 067	29/04/2021
<b>Total</b>		<b>R114 203 509</b>	

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#### 4.10. RAND VALUE OF CONTRACTS SET ASIDE

Rand value of contracts set aside since last report submitted on 10 December 2021			
State Institution	Description	Value	Date Achieved
Buffalo City Metropolitan Municipality	A recommendation was made to the Municipality to cancel the contract that was awarded to XX for non-performance. The municipality has confirmed that the contract was cancelled.	R7 353 100	10/05/2022

Rand value of contracts set aside reported at 10 December 2021			
State Institution	Description	Value	Date Achieved
ECP DoH	The Special Tribunal reviewed and set aside the contract that was awarded to Fabkomp (Pty) Ltd.	R10 148 750	28/05/2021
OR Tambo District Municipality	The Special Tribunal reviewed and set aside the contract that was awarded to Phathilizwi Training Institute.	R4 857 600	21/04/2021
GAU DoH	The Special Tribunal reviewed and set aside the contract that was awarded to Ledla Structural Development (Pty) Ltd.	R139 000 000	10/12/2020
KZN DSD	The Special Tribunal reviewed and set aside the contract that was awarded to: <ul style="list-style-type: none"> <li>• Zain Brothers</li> <li>• Rosette Investments</li> <li>• Gibela Investments</li> </ul>	R4 800 000 R4 899 000 R6 708 000	15/03/2021 05/04/2021 18/05/2021
<b>Total</b>		<b>R170 413 350</b>	

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## 5. MATTERS FINALISED

### 5.1. GAUTENG PROVINCE

#### 5.1.1. Gauteng DoH

##### 5.1.1.1. Infrastructure Projects

###### a) Nature of Allegation

This matter forms part of the allegations referred to the SIU by the Gauteng OTP on 5 June 2020. The alleged irregular procurement by the Gauteng DoH of, and contracting for the supply of infrastructure development at various hospitals by the Gauteng DoH and the Gauteng DID. The value of the contracts awarded are as follows:

- Condocor (Pty) Ltd (new build contract) - Kopanong Hospital additional 300 ICU Beds - R220 774 176
- Enza Construction (Pty) Ltd (new build contract) - Chris Hani Baragwanath Hospital additional 500 ICU Beds - R570 143 271
- Shomang Construction (Pty) Ltd (new build contract) - George Mkhari Hospital 300 ICU Beds - R233 590 803
- Concor Construction (Pty) Ltd (new build contract) - Jubilee Hospital additional 300 ICU Beds - R268 095 000
- QDS Projects CC (refurbishment contract) - Tshwane District Hospital - R54 762 231
- Maziya Construction CC (refurbishment contract) - George Mkhari Hospital - R186 006 274

###### b) Summary of findings

In respect of the various appointment processes the SIU investigation found that:

###### 1. *The appointment of the Professional Service Provider ("PSP")*

The appointed PSP was selected from the approved Departmental Panel of PSPs on an emergency basis. Although the appointment was done because of an emergency, no proper selection process was followed in terms of section 217 of the Constitution in that only one service provider was approached by the DID on behalf of Gauteng DoH.

2. *The appointments in respect of the contractors*

The SIU reviewed all documentary evidence that was provided in respect of the appointment of the contractors. All roleplayers and officials involved in the process were interviewed and affidavits obtained.

The SIU found that all SCM processes were followed with the appointment of the contractors. However, the SIU is still to determine whether the State received any value for money for the contract. The SIU is in the process of appointing a quantity surveyor (“QS”) to assist in the quantification and evaluation of refurbishment and construction costs related to the projects. The brief to the QS will also include commenting on the bill of quantities for each contractor

**c) Steps taken**

**Disciplinary referrals**

A recommendation to instituted disciplinary action against an official is currently under legal review and will be submitted once finalised.

**Civil Litigation**

The SIU will consider instituting civil proceedings when the QS report has been received and reviewed.

**5.1.1.2. Bas Medxpress CC (“Bas Medxpress”) [GAU\_PRO\_089]**

**a) Nature of Allegation**

This allegation relates to the procurement of, and contracting for the supply of concentrated anti-microbial fogging surface protection for 14 – 30 days by Bas Medxpress to the Gauteng DoH. The total value of the contract is R443 945.

**b) Summary of findings**

The appointment of Bas Medxpress to conduct fogging services at Kopanong Hospital was irregular as no SCM process was followed. The SIU investigation found that no appointment/award letter was issued and no purchase order documents could be found. No disciplinary action could be recommended against the official responsible for the irregular appointment because the official had already been dismissed as a result of a separate disciplinary hearing.

### 5.1.1.3. Laydene Pty Ltd (“Laydene”)

#### a) Nature of Allegation

This allegation relates to the procurement of, and contracting for the supply of hand liquid soap by Laydene to the Gauteng DoH. The total value of the contract is R4 158 560.

#### b) Summary of findings

The SIU investigation found that the appointment of the service provider was irregular in that the goods were delivered prior to the approval of the award to supply the goods.

#### c) Steps taken

##### Disciplinary referrals

In respect of this matter the SIU is in the process of preparing a referral against the official responsible for the irregular appointment process and it will be submitted to Gauteng DoH once finalised.

##### Civil litigation

The SIU is preparing to institute civil proceedings to set the contract aside.

## 5.2. EASTERN CAPE PROVINCE

### 5.2.1. Housing Development Agency (“HDA”)

#### 5.2.1.1. NJR Projects (Pty) Ltd (“NJR Projects”)

##### a) Nature of Allegation

On 5 May 2021, the SIU received a report from a whistleblower with allegations of procurement irregularities against the HDA and requested that the SIU conduct an investigation into the contracts awarded by the HDA during the Covid-19 pandemic.

The whistleblower’s allegations related to the contract awarded to a company known as G5 Group, trading as NJR Projects with company registration number being 2012/123584/07, for the construction of Temporary Residential Units (“TRU”) at Duncan Village, East London. From the information provided by the whistle-blower, the initial contract value was determined to be R75

million but was later increased by a further R86 million. The total value of the contract awarded to NJR was R173 108 265.

**b) Summary of findings**

During the investigation, the SIU obtained and analysed payment vouchers and other related documentation received from the HDA which confirmed all payments made by HDA to NJR Projects. The review of the payment documents revealed that NJR Projects' contract was for the urgent construction of 1 174 TRUs and associated services and are described hereunder as follows:

- Initial contract costs R75 653 734 (R64 441 per unit x 1 174);
- Variation of contract R11 348 060;
- Extension of contract to include Services' Costs: R86 106 471; and
- Total Project Cost amounting to R173 108 265 was awarded to NJR Projects.

The SIU further obtained and reviewed procurement documentation from the HDA which revealed that:

- The TRUs were to be constructed as emergency de-densification accommodation for residents of Duncan Village informal settlements.
- The procurement of the initial contract was found to be regular.
- The variation and extension of the contract to the value of R86 106 471 was irregular as it was more than the permitted 30% or R30 million threshold as set by paragraph 3.6 of NT Instruction No. 5 of 2020/2021 dated 28 April 2020. The process followed by HDA was in contravention of Section 217 of the Constitution as there was no open and competitive process to allow other service providers to bid for the additional work.
- Furthermore, the SIU investigation revealed that specifications for this contract were changed significantly to include building of roads and installation of electricity, water services, sewage and storm water drains for each TRU. Initially, each unit did not have its own electrical, water service and sewage and that there was only communal services that served the entire community.

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- In early April 2020, a group of Engineers, known as the Patriotic South African Engineers Consortium (“the Consortium”), was requested by the National Department of Human Settlements, to assist with the assessment of the identified erven on which the TRUs were to be built. The Consortium offered their project management and oversight services free of charge, with only specific disbursements claimed.
- Although appointed as the Consulting Engineer to oversee the construction of the top structure of the TRU’s and initially free of charge as part of the Consortium, M Kona Consulting Engineers (Pty) Ltd (“M Kona”) was later appointed to manage and oversee the Duncan Village project extension and NJR Projects’ work associated thereto. The cost of the contract awarded to M Kona amounted to R26 372 658 and was to oversee the extended contract awarded to NJR Projects. Mr Mbulelo Kona (“Mr Kona”) is the Director of M Kona. M Kona also had a sub-contractor agreement with Umtongata Holdings (Pty) Ltd (“Umtongata”) who assisted with the assessment of the identified sites. Mr Nkululeko Stephen Poya (“Mr Poya”) is the Director of Umtongata. On 1 July 2020, Mr Poya was appointed as Chief Operations Officer (“COO”) of the HDA and was involved in the approval of the all the variation orders related to the extensions.
- Out of the 1 174 TRUs that were supposed to be built only 486 have been built to date;
- It is the view of the SIU that HDA abused the procurement relaxation processes which resulted out of the National State of Disaster to justify the irregular variation and extension of the contracts.

**c) Steps Taken**

**Civil Litigation**

The SIU has referred evidence in order to brief Counsel to consider instituting civil proceedings to set aside both the extended contract to NJR Projects and the connected M Kona contract valued jointly at R112 479 130.

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## 5.2.2. Buffalo City Metropolitan Municipality (“BCMM”)

### 5.2.2.1. Vitsha Civils, SQT Construction & Civils and Coalition Trading

#### a) Nature of Allegation

On 12 November 2021, a whistleblower reported allegations of maladministration, fraud and corruption that took place at the BCMM during the period of May 2020 to June 2020. The whistleblower alleges that:

- The officials of the municipality are colluding with service providers who submitted bids/quotations for three tenders advertised during May 2020 under the National State of Disaster;
- The following three tenders were advertised by the BCMM on 8 May 2020:
  - COVID 19-2020-1: The Appointment of Service Provider to supply, deliver (train incumbents) and install 100 (300m square metre) mobile prefabricated structures with light steel FR;
  - COVID 19-2020-2: The Appointment of Service Provider to supply, deliver (train incumbents) and install 115 (300m square metre) mobile prefabricated structures with light steel FR; and
  - COVID 19-2020-3: The Appointment of Service Provider to supply, deliver (train incumbents) and install 115 (300m square metre) mobile prefabricated structures with light steel FR.

#### b) Summary of findings

The SIU obtained and reviewed procurement documentation from the BCMM which revealed the following:

- During the financial year 2019/2020, consequent to the outbreak of the Covid-19 pandemic, the Head of Department: Housing, motivated on 6 April 2020, for the procurement of 335 Temporary Housing Structures (“THS”) to be treated as an emergency.
- R340m additional funding was set aside by the National Department of Human Settlement for this programme on 27 March 2020.

- The authority to procure the 335 THS to support Covid-19 interventions was granted by the City Manager on 5 May 2020.
- Three service providers were appointed by the BCMM to execute the works and were allocated different number of units to build as follows:
  - SQT Construction and Civils (“SQT”) was appointed for COVID 19-2020-1- construction of 100 structures valued at R6 325 000.00;
  - Coalition (Pty) Ltd 203 cc (“Coalition”) was appointed for COVID 19-2020-2 - construction of 115 structures valued at R7 358 100.00; and
  - Vitsha Civils (“Vitsha”) was appointed for COVID 19-2020-3 - construction of 120 structures valued at R 7 728 048.30.

The SIU investigation further revealed that in respect of COVID 19-2020-1, the team established that out of 100 units, SQT built only 97 units.

The SIU found that in respect of COVID 19-2020-2, the team established that out of the 115 units, the Coalition did not deliver at all. The SIU sent a letter recommending the termination of the contract and BCMM confirmed that this contract was terminated.

The SIU investigation further revealed that in respect of COVID 19-2020-3, the team established that only built 47 out of the 120 units were built by Vitsha. Vitsha indicated that they are waiting for the BCMM to give them instructions to build structures in cases of emergency.

The SIU further established that there were duplicate payments amounting to R1 236 537.50 in respect of COVID 19-2020-1 made to SQT. In addition, SQT duplicated beneficiaries and was paid for this duplication in the amount of R161 179.50. The same service provider was overpaid an amount of R107 525.00 after they submitted incorrect completion certificates. The total value of these overpayments to SQT is R1 505 241.50.

The SIU’s investigation further established that Mr. Sandile Gqiba (“Mr Gqiba”), Senior Project Manager compiled and recommended the payments documents that were approved by Mr. Luyanda Mbula (“Mr Mbula”), the Head of Department: Human Settlements. The SIU investigation team conducted site verification visits of the temporary houses built and found that the condition of some of the houses were in a dilapidated state. The investigation also found that a few of the

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houses were still unoccupied even though they were supposedly built through an emergency procurement process.

### c) Steps Taken

#### Disciplinary referrals

The SIU is preparing disciplinary referrals against the following officials for the contravention of Section 78(1)(a), (b) and (c), read with section 171(3) of the MFMA and contravention of Schedule 2 of the Local Government: Municipal Systems Act relating to the code of conduct for Municipal staff members:

- Mr L Mbula: Head of Department - Human Settlements Directorate;
- Ms Sikelelwa Mandlana: Administrative Assistant (SCM);
- Ms Abrina Du Plessis: Administrative Assistant (SCM);
- Mr S Gqiba: Senior Project Manager- Human Settlement Directorate;
- Mr Sandile Xoseka: Senior Manager – SCM; and
- Ms Siphokazi Dlongwana: Low costs housing Inspector-Human Settlements Directorate.

#### Criminal referrals

The SIU referred evidence to the NPA on 14 June 2022 against:

- Coalition and/or Mr Nyaniso Silinga (“Mr Silinga”) in his capacity as a Director of the company for fraud, forgery and uttering by presenting a falsified NHBRC certificate to BCMM to mislead the BCMM into awarding a contract.
- Vitsha and/or Mr Xolani Madikizela, and/or Ms Asanda Innocentia Sontsele in their representative capacities as the Directors of Vitsha Civils for fraud, forgery and uttering on their intention to defraud the BCMM, did intentionally and unlawfully make a material misrepresentation to the BCMM.
- SQT and/or Ms Phumeza Mpengesi in her representative capacity as the Director of SQT for fraud for the presentation of false claims against the BCMM.

- Mr Gqiba, Senior Projects Manager: Human Settlement Directorate for Contravention of Section 78(1) (a), (b) and (c), read with section 171(3) of the MFMA.
- Mr Mbula, Head of Department: Human Settlements Directorate for contravention of Section 78(1)(a), (b) and (c), read with section 171(3) of the MFMA.

### **Contracts set aside**

The SIU advised the BCMM to terminate the contract for Coalition for Tender No: Covid 19/2020 - 2 valued at R7 353 100. The BCMM has provided the SIU with a letter confirming that this contract was terminated on 6 April 2022.

The SIU further wrote a letter to the BCMM advising them to terminate the contract for Vitsha for Tender No Covid 19/2020 – 3 valued at R7 728 048. The reason for the termination is because Vitsha has only built 47 out of the 120 TRUs. Though this intervention, the SIU will potentially save the BCMM an amount of R4 705 186 which are the monies that still need to be paid to the service provider. The SIU is awaiting a response from the BCMM.

### **Potential cash and/or assets to be recovered**

On 24 May 2022 the SIU served three Letters of Demand to SQT for the recovery of the R1 505 241 which was unduly paid to the service provider.

## **5.2.3. South African Social Security Agency (“SASSA”)**

### **5.2.3.1. AD Medical and 70 other service providers**

#### **a) Nature of Allegation**

On 1 November 2021, the SIU received allegations from the whistle-blower that 71 Service Providers were irregularly awarded tenders to the value of R4.5m in the Eastern Cape Province. The whistleblower further alleged that one of the service providers was a multiple recipient of the contracts.

#### **b) Summary of findings**

The SIU investigation found no irregularities on the following 80 contracts:

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1.	24/7 Services	1	R25 990
2.	AD Medical	1	R307 500
3.	Afriwaste Group	1	R156 147
4.	Agape Innovations	1	R2 998
5.	Allenco Medical and Dental Suppliers	2	R25 932
6.	Amawushe Trading & suppliers (Pty) Ltd	1	R12 210
7.	Asiphumeze Trading	1	R120 000
8.	BD Human Enterprise (Pty) Ltd	1	R3 654
9.	Beladin Primary cooperative	2	R3 000
10.	Buzwe Bethu Trading	1	R45 000
11.	Cador Multi purpose Co -op	1	R2 000
12.	Colirose and Cleaning Services	2	R168 084
13.	Dabane Solutions (Pty) Ltd	1	R8 2743
14.	DPD Nocawe Lodge & Sales Distributers	1	R135 760
15.	Emilux	1	R1 995
16.	Evergreen Latex	1	R4 500
17.	Ezabathembu Trading	1	R1 073
18.	Geemabie Trading & Projects	1	R3 813
19.	Gold Apple	1	R2 000
20.	Golden Stitches 1 Co Op	1	R9 590
21.	Hustlers Empowerment Empire	1	R6 336
22.	Imvelo Sewing Co -op	1	R11 900

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No	Name of service provider	No of contracts	Value of contract(s)
23.	In Your Tank Petroleum (Pty) Ltd	1	R43 400
24.	Iviama (Pty) Ltd	2	R3 976
25.	Junction Health care	3	R24 468
26.	K2012012150 South Africa	1	R1 998
27.	Kaisers Cleaning Services	1	R908 897
28.	Kaizen Primary Co -op	2	R6 980
29.	Khanyisiba	1	R2 000
30.	Khula Africa GSP	1	R3 500
31.	Kuboni Busines Solution	1	R257 574
32.	Kwakwasa Trading and Projects	1	R108 050
33.	Kwasa Food Suppliers	1	R13 000
34.	Lebshin GeneralTrading	1	R3 414
35.	Lucob Cleaning Services	1	R213 948
36.	Morale Trading	1	R54 000
37.	Mr Lee Trading	1	R51 940
38.	Multi Surge	1	R73 600
39.	On time projects cc	1	R6 351
40.	Othandwayo General Trading	1	R4 000
41.	Oyisii Engineering & Projects	1	R1 984
42.	Pegasus Sky Trading	1	R4 426
43.	Phumaphambili Agriculture Coop Ltd	1	R10 800
44.	Pison Gold Events Management	1	R18 206

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No	Name of service provider	No of contracts	Value of contract(s)
45.	Promed Tchnologies (Pty) Ltd	2	R109 259
46.	Putumuncumo 6369	1	R10 685
47.	QuezyM Holdings	1	R13 685
48.	QW Sounds	1	R4 305
49.	Regent Corporate Administrators 65 cc	1	R2 000
50.	Royi Empire Holdings (Pty) Ltd	1	R1 960
51.	Saramart	1	R7 990
52.	Savage wear Production	1	R11 970
53.	Sinesimo Trading	1	R2 000
54.	Sinozinto Multi Purpose Co - Op	1	R29 525
55.	Sonzwaca (Pty) Ltd	1	R41 020
56.	Thamtham Investments	1	R1 999
57.	Thandokazi Solutions	1	R8 900
58.	Thandonele Investment Holdings	1	R3 204
59.	Thansasana Trading	1	R171 925
60.	Thula Senze	1	R21 074
61.	Thula Senze Trading Enterprise	1	R21 074
62.	Vibe Dot Projects	1	R7 300
63.	Victory Tickect 809	1	R4 510
64.	Will Make It 18	1	R348 865
65.	Yalima Services	2	R20 252
66.	Zamazotsho Projects	1	R7 414

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No	Name of service provider	No of contracts	Value of contract(s)
67.	Zatodox	1	R9 775
68.	Zedek Cleaning Services	1	R188 244
69.	Ziphozihle Security	1	R12 744
70.	Ziphozihle Security & cleaning services	1	R19 296
71.	Ziphozihle Security and Cleaning Service	1	R6 552
<b>Total</b>		<b>80</b>	<b>R3 982 284</b>

### 5.2.3.2. My Peace Mali Investments (“My Peace”) and Xhobani Cleaning and Security Services (“Xhobani”)

#### a) Nature of Allegation

On 1 November 2021, the SIU received allegations from the whistle-blower that 82 Service Providers were irregularly awarded tenders to the value of R4.5m in the Eastern Cape Province. The whistle blower further alleged that one of the service providers was a multiple recipient of the contracts. The following service providers were investigated:

No	Name of service provider	Value of contract
1.	My Peace Mali Investments	R324 500
2.	Xhobani Cleaning and Security Services	R518 880
<b>Total</b>		<b>R843 380</b>

#### b) Summary of findings

The SIU’s investigation revealed that on 19 and 26 March 2020, Ms Smith the Senior Manager Supply Chain Management made a submission to Mr Maqethuka, Regional Manager requesting emergency procurement of hand sanitisers, masks and gloves for the SASSA office from Xhobani Xhobani and My Peace. Ms Smith made telephonic contact with the two service providers to

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confirm whether they will deliver within 48 hours as indicated in her submission. Mr Bandile Maqethuka (“Mr Maqethuka”) approved the emergency procurements and the submission made by Ms Ilse Smith (“Ms Smith”).

The SIU further established that Plumed Health who also tendered had submitted the cheapest quote of R248 672, compared to Xhobani who quoted R518 880, but was unable to deliver within 48 hours as required by SASSA. The prices charged by Xhobani were not within the price range of the NT threshold.

The SIU found that both service providers delivered the requested items around 16 April 2020 which was way after the required 48 hours as specified in the Request for Quotation. The SIU further found that the procurement processes in respect of the two contracts were circumvented thus preventing other service providers from competing which rendered the process not fair, equitable, transparent, competitive and cost-effective, as the procurement process was done inconsistent with the mandatory provisions of section 217 (1) of the Constitution.

#### **c) Steps Taken**

##### **Disciplinary referrals**

On 15 June 2022, the SIU referred evidence against Mr Maqethuka and Mrs Smith for the contravention of Section 195(1) and Section 217(1) of the Constitution; Section 45(a), (b) and (c) of the PFMA and Paragraph 14 of the Public Service Regulations read with Paragraph 6 of the SASSA Ethics and Code of Conduct.

#### **5.2.4. Amatola Water Board (“AWB”)**

##### **5.2.4.1. Sontinga Consulting Services and two other service providers**

#### **a) Nature of Allegation**

On 1 September 2021, the SIU received an allegation that certain service providers were appointed irregularly without submitting bids and that they were meant to be a panel of 37 service providers appointed on a rotational basis but work was not distributed fairly. It was further alleged that work was only given to the following three service providers without rotating them:

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No.	Name of Service Provider	Number of Contracts	Value of Contract
1.	Sontinga Consulting Services	1	R5 419 349
2.	Zinzame Consulting Engineers	1	R3 021 408
3.	BM engineers (JV Mizotech- excluded)	1	R11 188 034
<b>Total</b>		<b>3</b>	<b>R19 628 791</b>

It was also alleged that the procurement process was irregular as the bidders that scored the highest points were disregarded and the lowest scoring bidders were awarded. The following three service providers were prioritised for investigation:

#### b) Summary of findings

The SIU requested, uplifted and analysed tender and payment documents and interviewed Mr Michael Prince, Mr Garnet Gxaba, Mr Sandile Biyela who are the officials of AWB and Mr Yorick Grobber who represented BM Engineers. The SIU investigation found the following:

- The Bid Specification Committee never met to put specifications together for this tender;
- The tender was only advertised for six days and not the 21 days required by the NT Regulations before closure, and the following were not provided and approved:
  - The deviation approved for advertising less than prescribed days; and
  - The reasons were not recorded on any document provided.
- 37 service providers were recommended for appointment by the BEC and the BAC approved the recommendation on a rotation basis;
- Only three of these service providers were appointed and were never rotated with the rest as recommended and this was without any justification;
- Engineering Advice and Services Pty Ltd which was number 1 with 98 points and Naidoo Consulting which was number 2 with 86.48 points and KML Engineers and Innovation which was number 4 with 79.35 points were disregarded without any justification;

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- AWB appointed Sontinga, BM JV Mizotech and Zinzame who were number 3, 5, and 6 respectively according to the bid evaluation thereby overlooking number 1 and 2 in the bid evaluation without any justification and in contravention of the PPPFA;
- The SIU found that although BM JV Mizotech were appointed as a joint venture, they never worked together as a JV. BM engineers irregularly worked alone in this project under the JV appointment and without receiving a new appointment letter.
- The procurement for Establishment of Rapid Response Units/Teams to Provide Emergency Intervention Support to Eastern Cape Municipalities on a Call down Unit Basis was irregular- 3 Suppliers were awarded out of 37 that were recommended and approved for appointment;
- The SIU also found that the following suppliers who were also responsive as per the evaluation report, were lower in price than the first two awarded suppliers:
  - KML Engineers Innovation- R3 900;
  - Engineering advice and services (Ply) Ltd - R3 100; and
  - Naidu Consulting Engineers- R3 624.
- There are no reasons recorded and approved for only awarding three service providers and not 37 as approved by BAC;
- There was no predetermined scope of work for this tender; and
- There was no clear scope of work of what they were appointed to do and how they were expected to perform.

**c) Steps Taken**

**Disciplinary referrals**

The SIU is preparing evidence in support of disciplinary action against Mr. Sazile Qweleka; Director: Planning and Development for contravention of various sections of PFMA. Disciplinary action against other officials cannot be recommended as one official was dismissed and two others resigned.

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## **Criminal referrals**

The SIU is preparing evidence in support of criminal investigations of fraud, contravention of Section 217 of the Constitution and various sections of the PFMA to the NPA against the following:

- Mr. Clayton Bhana, former SCM Manager;
- Mr. Luyolo Fokazi, former CFO;
- Mr. Mlamli Mabhulu, former Manager: Project Management Unit; and
- Mr. Sazile Qweleka, Director: Planning and Development.

## **Civil Litigation**

The SIU will consider instituting civil proceedings to set aside the contracts and declare them invalid, unlawful and irregular.

The SIU is also considering engaging the services of a Hydrologist to assist with the quantification of the value for money in this case.

### **5.2.4.2. K2S Construction Afr and seven other service providers**

#### **a) Nature of Allegation**

On 1 September 2021, the SIU received an allegation from an anonymous whistle-blower that AWB has irregularly appointed eight service providers for borehole drilling but the bulk of the work was given to one service provider. It was further alleged that there was no fair distribution of work as some of the service providers have relatives working in SCM and the Finance Department. The following service providers were alleged to have been appointed on a rotational basis:

No.	Name of Service Provider	Number of Contracts	Value of Contract
1.	K2S Construction Afr	1	R4 252 725
2.	Diges Group	1	R5 550 502
3.	Mfuraa Projects	1	R5 846 773
4.	Devomix	1	R 400 449

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No.	Name of Service Provider	Number of Contracts	Value of Contract
5.	Kimopax (Pty) Ltd	1	R12 931 503
6.	Hlumisa Engineering	1	R3 171 430
7.	SNR Electrical and Mechanical	0	R2 085 498
8.	Steyns Drilling CC	0	R7 717 299
<b>Total</b>		<b>6</b>	<b>R41 956 179</b>

## b) Summary of findings

The SIU requested, uplifted and analysed tender and payment documents and interviewed several officials of the AWB. The SIU investigation found the following:

- The Bid Specification Committee did not meet to discuss specifications of this tender and the bill of quantities.
- The tender was only advertised for six days and not the 21 days required by the NT regulations before closure, and the following were not provided and approved:
  - The deviation approved for advertising less than prescribed days;
  - The reasons were not recorded on any document provided.
- There were no Bid specifications overview, compulsory clarification attendance register or compulsory clarification minutes.
- The Bid Specification Committee attendance register was signed few days after the tender was advertised and evaluated.
- There was no bill of quantities (BoQ) available at the time when the BEC first report was handed over to the BAC and Mr Mabhulu was the responsible person who was to make sure that there was a bill of quantities before the tender was advertised, evaluated and adjudicated. This did not happen until after the first BAC meeting.
- The BoQ was only provided on 2 July 2020 to the BEC and that was one month after the first BAC meeting.

- Ten Service providers were found responsive by the BEC but only 8 were approved by the BAC for appointment on an ad-hoc basis as per tender advertisement.
- Kimopax (Pty) Ltd was given the bulk of the work and paid far higher than the rest without any justification.
- Mr Mabhulu appointed Mr Prince as the initial project manager for the boreholes and he later replaced him with Mr Cwenga Stinte who was newly appointed by AWB.
- It has been found that Mr Cwenga Stinte is a brother to Mr Nkcubeko Stinte who works for Kimopax and both their ITC reports share one Mthatha address and the name of the same mother.
- Mr Cwenga Stinte is directly managing the allocation of work, performance and processing payments for Kimopax who is receiving the bulk of the work.
- This conflict of interest was never declared and Mr Cwenga Stinte directly allocates work, monitors performance and payments of Kimopax thereby directly project manages his brother's work.
- These eight service providers were appointed irregularly as proper procurement processes were not followed.
- There was no fair distribution of work as per the call down basis in the advert and this was without any justification.

### c) **Steps Taken**

#### **Disciplinary referrals**

The SIU is preparing evidence in support of disciplinary action against Mr. Sazile Qweleka; Director: Planning and Development for the contravention of Sec. 195(1)(a) and 217 (1) of the Constitution, Section 57 of PFMA and Chapter 7.2 of AWB SCM policy.

#### **Criminal referrals**

The SIU investigating team is busy preparing evidence in support of criminal investigations of fraud, contravention of Section 217 of the Constitution and various sections of the PFMA to the NPA against the following:

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- Mr. Clayton Bhana, former SCM Manager;
- Mr. Luyolo Fokazi, former CFO;
- Mr. Mlamli Mabhulu, former Manager: Project Management Unit; and
- Mr. Sazile Qweleka, Director: Planning and Development.

### **Civil Litigation**

The SIU will consider instituting civil proceedings to set aside the contracts and declare them invalid, unlawful and irregular.

The SIU is also considering engaging the services of a Hydrologist to assist with the quantification of the value for money in this case.

## **5.3. FREE STATE PROVINCE**

### **5.3.1. Lejweleputswa District Municipality (“Lejweleputswa”)**

#### **5.3.1.1. Biomass Equipment (Pty) Ltd (“Biomass”)**

##### **a) Nature of Allegation**

On 3 November 2020, the SIU received allegations from a whistleblower who alleged that municipal officials were abusing Covid-19 regulations in the appointment of service providers. Because of a lack of information and the fact that the whistleblower could not be located, the SIU was unable to proceed with the investigation at the time and the matter was preliminary closed. On 14 June 2021, the SIU managed to obtain further information pertaining the complaint by the whistleblower and other Covid-19 related allegations, pointing to the irregular appointment of service providers, by Lejweleputswa, for the provision of goods and services. The additional information received on 14 June 2021, enabled the SIU to reopen the matter and to proceed with the investigation.

The investigation into 24 of the contracts awarded to Biomass has been concluded and the outcomes have been reported in the previous report to the President. No irregularities were found in respect of these 24 contracts. However, the investigation into the remaining two contract (see table below) required further investigation.

No	PPE/Service	Value
1.	Electro static sprayer	R159 215.49
2.	Virus Gobbler	R39 577.25

**b) Summary of findings**

The procurement process followed by Lejweleputswa in procuring the goods from Biomass was irregular in that it was not fair, equitable, transparent, competitive and cost-effective and therefore not compliant with the prescripts of section 217(1) of the Constitution of the Republic of South Africa, 1996, for the following reasons.

The contravention of the provisions of section 2(1)(f) of the Preferential Procurement Policy Framework Act, Act 5 of 2000 ("PPPFA") read with regulation 6(1) of the Preferential Procurement Regulations, 2017 and paragraph 18(f) of Lejweleputswa's SCM Policy by failing to apply the formula for calculation of points for price and BBBEE status level contributor and awarding the bids to the bidder who scored the highest points.

The contravention of section 112(1)(l)(iii) of the MFMA read with Regulation 43 of the Municipal SCM Regulations, 2005 and paragraph 43 of Lejweleputswa's SCM Policy by failing to check the tax compliance status of Biomass before awarding it the contract to supply the 25L Virus Gobbler and consequently awarded the contract to Biomass whose tax matters had not been cleared by SARS.

The contravention of MFMA Circular 100 (issued 16 March 2020), by failing to ensure that the price charged by Biomass for the 25L Virus Gobbler was consistent with the prices determined by Treasury in terms of MFMA Circular 100.

The contravention of the provisions of paragraph 39(d) of Lejweleputswa's SCM Policy by approving payments to Biomass for the 25L Virus Gobbler, before goods were delivered or services were rendered.

This resulted in irregular expenditure amounting to R198 792.74 being incurred by Lejweleputswa, which is the total value of the contract/s.

## c) Steps Taken

### Disciplinary referrals

Three disciplinary referrals were made to the Executive Mayor of Lejweleputswa on 8 March 2022 in respect of two payments amounting to R39 577.25 and R159 215.49, which were made by Lejweleputswa to Biomass. The referrals were made against the following officials.

Ms Palesa Kaota (the MM) for acts of financial misconduct as envisaged in section 171(1)(a), (b) and (c) of the MFMA (read with section 32(1)(b) and (d) of the MFMA) in that she deliberately or negligently made or permitted Lejweleputswa to make irregular and fruitless and wasteful expenditure.

Mr Pantalo Pitso (the CFO) for acts of financial misconduct as envisaged in section 171(2)(a) and (c) of the MFMA (read with section 32(1)(c) of the MFMA) in that he deliberately or negligently made or permitted Lejweleputswa to make irregular and fruitless and wasteful expenditure.

Ms Bankitsa Baloyi (the SCM Manager) for acts of financial misconduct as envisaged in section 171(3)(c) of the MFMA (read with section 32(1)(c) of the MFMA) in that she deliberately or negligently made or permitted Lejweleputswa to make irregular and fruitless and wasteful expenditure.

The abovementioned referrals are under consideration by Lejweleputswa.

### Criminal referrals

A referral was made to the NPA on 14 March 2022 against Ms Palesa Kaota (the Municipal Manager) for the commission of offences in terms of the provisions of section 173(1)(a) of the MFMA. The referral is under consideration by the NPA.

### Civil litigation

The SIU is considering civil action to recover potential losses suffered by the Municipality.

#### 5.4. KWAZULU-NATAL PROVINCE

##### 5.4.1. Newcastle Local Municipality (“Newcastle”)

###### a) Nature of Allegation

The SIU received an allegation from a whistle-blower with regards to the 2019/2020 final AGSA Management report. The allegation was that Newcastle procured PPE at inflated prices that were not in line with NT regulated rates.

No	Name of Service Provider	No of Contracts	Rand Value
1.	Christensen Tools Natal (Pty) Ltd	1	R38 985
2.	Ingcebo Yam Trading	1	R125 000
3.	MSO Trading (Pty) Ltd	5	R1 234 500
4.	Newcastle Aluminium Products	1	R14 400
5.	Purangie Enterprise (Pty) Ltd	2	R245 845
6.	Zamanzunza Trading	1	R250 000
7.	Zizi Afrika Inspired (Pty) Ltd	1	R143 500
8.	Zokwenza Development and Training CC	2	R335 000
<b>TOTAL</b>		<b>14</b>	<b>R2 387 230</b>

###### b) Summary of Findings

The investigation revealed that five of the service providers charged a rate for the supply of the PPE in excess of the regulated pricing issued by NT. The SIU has engaged with these service providers and have signed AoDs for three of the service providers with a view to recover the losses incurred by Newcastle. Attempts to recover from two of the service providers is ongoing wherein the State Attorney has been engaged to issue letters of demand.

###### c) Steps Taken

###### Disciplinary referrals

Five disciplinary referrals has been submitted to Newcastle on 31 May 2022 against officials involved in the procurement process and awarding of contract to the following service providers:

- Ingcebo Yam Trading

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- Zokwenza Development and Training CC
- MSO Trading (Pty) Ltd
- Zamanzunza Trading
- Zizi Afrika Inspired (Pty) Ltd

The disciplinary referrals were against the following officials:

- Mr Sithembiso Senzo Dlamini, Manager: Logistics and Expenditure
- Mr SM Nkosi, Strategic Director: Budget and Treasury Office
- Ms S Shabalala, Procurement Officer

#### **AoDs signed**

- One AoD to the value of R246 500 was signed on the 25 November 2021 by MSO Trading (Pty) Ltd for a contract to the value of R1 234 500. The AoD was for over pricing of PPE. The AoD is being repaid in monthly instalments.
- One AoD to the value of R70 000 was signed on the 26 November 2020 by Zamanzunza Trading for a contract to the value of R250 000. The AoD was for over pricing of PPE. A payment of R31 500 has since been received and the balance is being repaid in monthly instalments.
- One AoD to the value of R134 600 was signed on the 09 February 2022 by Zokwenza Development and Training CC for a contract to the value of R335 000. The AoD was for over pricing of PPE. The AoD is being repaid in monthly instalments.

#### **Administrative action referrals**

Evidence was referred in respect of four contracts to the value of R375 105 to SAHPRA on 17 February 2022 and three referrals was submitted for a contract value of R795 000 on 2 June 2022 against the following suppliers who were not registered with SAHPRA to distribute medical devices, thereby contravening section 22(C)(6) of the Medicines and Related Substances Act of 1965, as amended.

- Ingcebo Yam Trading
- Zokwenza Development and Training CC

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- MSO Trading (Pty) Ltd
- Zamanzunza Trading
- Zizi Afrika Inspired (Pty) Ltd
- Purangie Enterprise
- Christensen Tools

## 5.5. MPUMALANGA PROVINCE

### 5.5.1. Nkomazi Local Municipality (“Nkomazi”)

The SAPS requested on 6 September 2021 the assistance of the SIU with the investigation of discrepancies relating to expenditure and pricing on Covid-19 PPE and to determine if the procurement process was in line with NTI. A desk top analysis was conducted to identify possible red flags. A total of 40 service providers who were awarded 86 contracts were identified for further investigation. The nature of the good and services included supply of PPE material / equipment and water delivery to communities.

#### 5.5.1.1. PPE Expenditure

The following 13 PPE contracts awarded by Nkomazi were identified for investigation:

No	Name of Service Provider	Items	Value of contract	No of contracts
1.	Chicateko Clothing Manufacturers	Masks	R73 196	2
2.	G Shekwa Trading	Sanitizer, masks and goggles	R2 393 049	1
3.	Kusile Busile Basadi Projects Management	Sanitiser	R31 625	1
4.	Malelane Towing and Field Services	Floor and surface sanitisers	R2 620 000	2

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No	Name of Service Provider	Items	Value of contract	No of contracts
5.	Nelipro	Overalls, gloves, masks and sanitizer	R766 450	1
6.	Oponated Trading Enterprises 138	Thermometer, AA batteries and coveralls	R621 370	1
7.	SNE Hope Projects	Sanitiser, soap and masks	R685 000	1
8.	Soapreme Clean T/A Marelize Marais/ Onderberg besproeiing	Sanitizer	R3 195 980	3
9.	Ummeli Wami Trading and Projects	Loudhailing equipment	R318 000	2
10.	Vuka VKA Trading	Sanitiser	R948 500	1
11.	Charinto Investments	Masks	R103 500	1
12.	Pumelela Interprises	Tents	R50 000	1
13.	Benguni Events	Tents	R51 000	3

#### a) Summary of findings

The appointment letters, invoices, payment vouchers and certificate of receiving of goods were requested and obtained. Bank statements of each service provider were analysed to identify the flow of money. The Municipal Manager, CFO and SCM Manager were interviewed to get an understanding how the process unfold within the municipality in respect of the appointment and payment to verify if all were in line with NTI.

Each service provider was requested to provide receipts of goods purchased as well as the invoice of those goods sold to the municipality. The reasons was to determine if prices were inflated and if goods and or service were indeed rendered to the municipality.

The result of the analysis and interviews conducted the following irregularities were identified:

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- The procurement process were not followed in that no Request for Quotation (“RFQ”) was send to the service providers and or only one quotation was requested and or service providers were not on the CSD
- The service providers TAX affairs were not in order in that the service provider either did not register for TAX and or VAT

**b) Steps taken**

**Disciplinary referrals**

A disciplinary referral against the CFO, Mr S Thobela, for misconduct has been prepared and will be sent to Nkomazi once finalised.

**Criminal referrals**

A criminal referral against the Municipal Manager, Mr Ngwenya has been prepared and will be sent to Nkomazi once finalised.

**Civil litigation**

The SIU has requested that council be briefed to recover the irregular payment made. The appointment of Senior Counsel is outstanding.

**5.5.1.2. Water expenditure**

The following 27 contracts awarded by Nkomazi were identified for investigation:

No	Name of Service Provider	Items	Value of contract	No of contracts
1.	Lazambela	Supply of water	R409 200	3
2.	Lihlandze Trading Enterprise	Water tank	R599 000	3
3.	Lihlola Kuvula Projects	Supply of water	R104 000	1
4.	Luyandalwethu	Supply of water	R567 400	3
5.	Mabotime	Water tanker	R569 400	3

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No	Name of Service Provider	Items	Value of contract	No of contracts
6.	Magonso General Trading	Supply of water	R263 120	1
7.	Mambonambi Project Development	Supply of water	R84 800	1
8.	Mashushane Business Enterprise & Projects	Supply of water	R80 000	1
9.	Maxwell and Sons Trading Enterprise	Supply of water	R565 890	2
10.	MJ Mondlane Transport	Supply of water	R928 970	6
11.	Mpheyi Trading	Water tanker	R177 600	2
12.	Ngetheni Projects	Water tanker	R198 720	2
13.	Nhanyane	Supply of water	R48 000	1
14.	Nkomazi Business Network	Water tanker	R373 750	2
15.	Sheu Trading and Projects	Supply of water	R807 540	3
16.	Siyathuthuka Sonke Trading and Projects	Water tanker	R618 240	3
17.	Sizampilo B Tempe	Supply of water	R956 800	2
18.	SNE Hope Projects	Supply of water	R210 000	1
19.	Sompresa Electrical	Supply of water	R609 400	4
20.	Tebakoena Trading	Supply of water	R527 800	2
21.	Tertius Engineers & Projects	Supply of water	R1 913 200	7
22.	Vlaktbult Trading Enterprise	Supply of water	R775 116	3
23.	Yozindaba	Water tanker	R430 820	2
24.	Charinto Investments	Supply of water	R762 450	2
25.	Mangoti Services	Supply of water	R489 600	3

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No	Name of Service Provider	Items	Value of contract	No of contracts
26.	Pamuty Consultants	Supply of water	R325 000	1
27.	Nkomazi Voice of Praise	Supply of water	R247 000	2

**a) Summary of findings**

The appointment letters, invoices, payment vouchers and certificate of receiving of goods were requested and obtained. Bank statements of each service provider were analysed to follow the flow of money. The Municipal Manager, CFO and SCM Manager were interviewed to get an understanding how the process unfolded within the municipality in respect of the appointment and payment to verify if all were in line with NTI.

Each service provider was requested to provide receipts of goods purchased as well as the invoice of those goods sold to the municipality. The reasons were to determine if prices were inflated and if goods and or service were indeed rendered to the municipality.

The result of the analysis and interviews conducted the following irregularities were identified:

- The procurement process were not followed in that no RFQ was send to the service providers and or only one quotation was requested and or service providers were not on the CSD
- The service providers TAX affairs were not in order in that the service provider either did not register for TAX and or VAT
- Pricing for water was determined by the Municipal Manager and thus not in line with the prices regulated by the National Department of Water and Sanitation.

**b) Steps taken**

**Disciplinary referrals**

A disciplinary referral against the CFO, Mr S Thobela, for misconduct has been prepared and will be sent to Nkomazi once finalised.

## Criminal referrals

A criminal referral against the Municipal Manager, Mr Ngwenya has been prepared and will be sent to Nkomazi once finalised.

## Civil litigation

The SIU has requested that council be briefed to recover the irregular payment made. The appointment of Senior Counsel is outstanding.

### 5.5.2. SAPS

#### 5.5.2.1. PPE procurement – no irregularities

##### a) Nature of Allegation

A media report dated 20 September 2021 published allegations of various discrepancies within the expenditure and pricing of PPE and that the procurement process was not followed. The SIU conducted a desktop analysis to identify any discrepancies relating to the expenditure of goods. The investigations conducted are to determine any price inflation and if the proper procurement process was followed as per NTI. The value of the contracts allocated to the 85 service providers amounted to R4 554 686.

The following 75 SAPS service providers were identified and investigated:

No	Service Provider	Items	Value of contract	No of contracts
1.	Frioso Hardware	Batteries	R5 050	1
2.	Zwelempilo Trading	Beverages	R4 955	1
3.	Vonipreme Trading	Refreshments: Roadblock	R25 158	1
4.	Tjheli Trading	Bottled water - Roadblocks	R42 000	1
5.	Mluroy Trading	500ml Water Bottles	R6 300	1
6.	Nyamash Trading And Projects	Catering Minister Of Police Visit	R9 775	1

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No	Service Provider	Items	Value of contract	No of contracts
7.	Phothwane	Beverages	R6 927	1
8.	Fana Focus	Cleaning Mobile Toilet	R27 840	1
9.	Dynanic Memory General Dealer	Cleaning And Maintenance Of Mobile Toilets: R23	R25 000	1
10.	Life Hector	Cleaning Of Mobile Toilet	R11 266	1
11.	Tirelo Stationery	Cleaning Mobile Toilet	R29 000	1
12.	Cockzan	Maintenance Mobile Toilet	R28 520	1
13.	Khapalaza Engineering	Cleaning Mobile Toilet	R28 860	1
14.	Mdungu Projects	Disinfecting	R21 194	4
15.	Mindlogic Solutions	Disinfecting	R92 585	5
16.	The Specialists Franchise Holding	Disinfecting	R11 446	1
17.	Specialist Cleaning	Disinfecting	R39 139	1
18.	Specialist Franchise	Disinfecting	R2 909	1
19.	Pest Control Spec	Disinfecting	R74 335	1
20.	Cleaning Specialist	Disinfecting	R26 410	1
21.	One Dollar Notion Concepts	Disinfecting	R19 863	1
22.	Khupe Motors	Fuel	R24 180	1
23.	Imbani Projects	Fuel	R13 950	1
24.	Nkuna TJ Business	Lights	R12 460	1
25.	Military Store	Tents: Roadblocks	R149 000	1
26.	Kelemu Trading	Lights for roadblocks	R39 083	1

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27.	Bakgaulele Projects	Jo-jo tanks: Hluvukani / Acornhoek / Mariti	R110 599	1
28.	Dellnest Trading	Steel for light stands	R26 741	1
29.	Booyesen B Technologies	Jo-jo tanks: Mayflower / Fernie	R94 280	1
30.	Howard Media Solutions	Electrical Cords	R29 451	1
31.	Jakilina Trading Enterprise	Foldable Tables and Urn	R83 000	1
32.	Future Perfect Inv	Perspex Screens	R29 785	1
33.	Limgas Trading	Rental Of Mobile Toilets	R52 650	1
34.	Mathuwezizwe	Rental Of Mobile Toilets	R45 000	1
35.	Golditorque	Rental Of Mobile Toilets	R47 430	1
36.	Pontshoana's Trading	Rental Of Mobile Toilets	R27 000	1
37.	Bonbrilliant	Rental Of Mobile Toilets	R52 800	1
38.	Soqeli Trading And Projects	Rental Of Mobile Toilets	R33 150	1
39.	Mbokondlovu Business Enterprise	Rental Of Mobile Toilets	R45 500	1
40.	M Junior Trading	Rental Of Mobile Toilets	R39 600	1
41.	Mondzo Supply	Rental Of Mobile Toilets	R50 600	1
42.	Jostines Interior	Rental Of Mobile Toilets	R55 500	1
43.	Lee Gold	Mobile Toilet Rental	R47 998	1
44.	Sihlangu Semnikati	Rental Of Mobile Toilets	R13 300	1
45.	Siphosenthando Construction And Projects	Rental Of Mobile Toilets - Verena	R45 000	1

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No	Service Provider	Items	Value of contract	No of contracts
46.	Rentexh	Rental Of Mobile Toilets	R48 000	1
47.	Thabamatha Trading	Rental Of Mobile Toilets	R48 255	1
48.	Elinah Trading	Rental Of Mobile Toilets	R45 900	1
49.	Highveld Toilet Hire	Rental Of Mobile Toilets	R58 006	1
50.	Brite Ideas Investments	Rental Of Mobile Toilets	R52 700	1
51.	Highveld Toilet Hire	Rental Of Mobile Toilets	R69 161	1
52.	Lundanda Z	Rental Of Mobile Toilets	R69 000	1
53.	Popotwana Entity	Rental Of Mobile Toilets	R30 250	1
54.	AVS Hire	Rental DSTV	R44 908	1
55.	Auto Carb	Repair Generator	R3 800	1
56.	Phukuhle Trading	Mobile Toilet Repair	R1 800	1
57.	MSV Holdings	Maintenance Of Mobile Toilets - Roadblocks	R56 580	1
58.	Phukuhle Trading	Mobile Toilet Repair	R1 800	1
59.	MSV Holdings	Maintenance Of Mobile Toilets - Roadblocks	R56 580	1
60.	TT Customs	Mobile Toilet Repair	R21 468	2
61.	Quick Volt Elektries	Trailer Repair	R3 702	1
62.	SWO Enterprise	Mobile Toilet Repair	R2 500	1
63.	Quick Volt Elektries	Hand Sanitizer	R12 765	1
64.	Triplen Medical Distr	Sanitizer	R211 511	1
65.	Lancelot Enterprise	Waste Disposal Bins	R161 750	1

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No	Service Provider	Items	Value of contract	No of contracts
66.	Compass Medical	Waste Disposal Bins	R111 527	1
67.	Bidvest Steiner	Waste Disposal Bins	R57 838	2
68.	Mkansi Holdings	Waste Disposal Bins	R153 489	1
69.	Cope Soap Family	Waste Disposal Bins	R114 538	1
70.	Guns Of Glory	Waste Disposal Bins	R215 633	1
71.	Tjheli Trading	Waste Disposal Bins	R225 380	1
72.	Maphaiza Trading And Projects	Waste Disposal Bins	R150 690	1
73.	Bomshika	Waste Disposal Bins	R222 258	1
74.	Masontos	Waste Disposal Bins	R232 840	1
75.	Elethu Snm Trading And Projects	Waste Disposal Bins	R142 750	1

## b) Summary of findings

SAPS officials within the SCM division were interviewed to get clarity in respect of the procurement process. Various Police stations were visited to verify if the goods were received in good standing. The SIU found that the proper procurement process was followed and the price of goods received was not inflated and in line with NTI. The SAPS received value for money and services were rendered. These matters were closed due to no irregularities found.

### 5.5.2.2. PPE procurement - with irregularities

The following two service providers were investigated to determine if they comply with NTI.

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No	Service Provider	Items	Value of contract	No of contracts
1	Howard Media	Fuel	9,900.00	1
2	Tara Health Care PTY	Sanitizer	268,750.00	1

#### a) Summary of findings

The SIU investigation found that Howard Media contravened sections 1(j) and 2A of the Petroleum Products Amendment Act, Act 58 of 2003 in that they sold bulk petroleum without the required licence. In addition to that, they inflated the price of the fuel they sold. The Siu investigation also found the Tara Health Care PTY inflated the price of the sanitiser they sold.

#### b) Steps taken

##### Criminal referrals

A criminal referral has been prepared against the director of Howard Media for contraventions of 1(j) and 2A of the Petroleum Products Amendment Act, Act 58 of 2003.

##### Administrative action referrals

Both service providers, Howard Media and Tara Health Care PTY were referred on 11 April 2022 to the Competition Commission in terms of section 8(1), due to overpricing of the petroleum products. Response from Competition Commission is outstanding.

### 5.5.3. Mpumalanga Regional Training Trust (“MRTT”)

#### 5.5.3.1. Deep cleaning

##### a) Nature of Allegation

The SIU received on 27 August 2020 allegation published in the MPT Covid-19 Procurement Disclosure Report. The investigations conducted are to determine any price inflation and if the proper procurement process was followed as per NTI and value for money.

The Education Infrastructure Grant (“EIG”) under the control of the Mpumalanga Department of Education (“MPU DoE”) was identified by the MPU DoE as a cornerstone of ensuring that schools

comply with the regulations of combating the Covid-19 spread. A total of 249 schools in Mpumalanga were identified as having challenges with inadequate water and or sanitation. The MRTT also embarked on another project whereby 15 service providers were appointed to conduct deep cleaning at various schools. For this project an amount of R5 494 889 was set aside.

The following 15 MRTT contracts were identified for investigation:

No	Name of Service Provider	Items	Value of contract	No of contracts
1	Boni Africa Events	Deep Cleaning	438,900.00	1
2	Glenton Trading Enterprise (Pty) Ltd	Deep Cleaning	308,700.00	1
3	Inyamatane Enterprise (Pty) Ltd	Deep Cleaning	288,000.00	1
4	Kwakhanya Langeni Trading (Pty) Ltd	Deep Cleaning	420,750.00	1
5	Lamatsamo Holdings (Pty)Ltd	Deep Cleaning	399,832.00	1
6	Malekwe Trading & Projects (Pty) Ltd	Deep Cleaning	405,450.00	1
7	Monwabisi Cleaning Services	Deep Cleaning	162,400.00	1
8	Ngamla Holdings (Pty) Ltd	Deep Cleaning	448,383.60	1
9	Nkomazi Business Works	Deep Cleaning	391,000.00	1
10	Nomaswazi Construction and Projects CC	Deep Cleaning	208,000.00	1
11	Power SN Investment (Pty) Ltd	Deep Cleaning	432,000.00	1

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No	Name of Service Provider	Service	Items	Value of contract	No of contracts
12	Sukumamfazi (Pty) Ltd	Trading	Deep Cleaning	345,276.00	1
13	TCS Mabandla (Pty) Ltd	Trading	Deep Cleaning	425,998.00	1
14	Uzalo Lwethu (Pty) Ltd	Trading	Deep Cleaning	355,200.00	1
15	Wozungithathe Enterprise CC	Business	Deep Cleaning	465,000.00	1

**b) Summary of findings**

Documents requested were analysed. The outcome of the analysis was that the contract for the procurement of deep cleansing services was split into multiple contracts and appointments were made as such. The SIU investigation found that in some cases the same quotations was utilised multiple times. Cases of cover quoting were also identified. The CFO and SCM manager were interviewed in respect of the outcome of the analysis. The outcome of the interviews and the SIU investigation found that the appointment of the service providers for the deep cleansing project was irregular.

**c) Steps Taken**

**Disciplinary referrals**

A disciplinary referral has been prepared and will be submitted to the MRTT for them to consider disciplinary action against Ms Eldah Phathwa, the Manager of Supply Chain and Administration. The evidence points to fraud and misconduct.

**Civil Litigation**

The SIU has requested that council be briefed to recover the irregular payment made. The appointment of Senior Counsel is outstanding.

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### 5.5.3.2. PPE expenditure

#### a) Nature of Allegation

A media report dated 19 August 2020 published allegations of various discrepancies relating to the expenditure and pricing of PPE and that the procurement process was not followed. The SIU conducted investigations to determine any price inflation and if the proper procurement process was followed as per NTI. One service provider, Yamakhosi Trading (Pty) Ltd (“Yamakhosi”), was appointed to supply all PPE items to various schools. The value of eleven contracts were R498,490.

#### b) Summary of findings

The procurement documents were requested from the Department which includes the application and mandatory documents to apply for a services. The outcome of analysis was that the appointment of Yamakhosi was irregular in that the application did not comply with procurement prescripts. The CFO and Manager of SCM were interviewed and it was found that the quotations from the unsuccessful bidders were found to be fraudulent.

#### c) Steps Taken

##### Disciplinary referrals

A disciplinary referral has been prepared and will be submitted to the MRTT for them to consider disciplinary action against Ms Eldah Phathwa, the Manager of Supply Chain and Administration. The evidence points to fraud and misconduct.

##### Civil Litigation

The SIU has requested that council be briefed to recover the irregular payment made. The appointment of Senior Counsel is outstanding.

## 5.6. NORTHERN CAPE PROVINCE

On 21 September 2020 the Office of the Premier of the Northern Cape Province (“NCP”) requested that the procurement of all PPE made by all Provincial Departments, including that of the Premier’s Office for Covid-19 be investigated in relations to allegations of corruption. The SIU was handed a report that was compiled by the NCP Provincial Treasury (“NCP PT”). The SIU initiated investigations based on some of the matters highlighted in the NCP PT report.

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## 5.6.1. Department of Social Development (“NCP DSD”)

### 5.6.1.1. Various service providers

#### a) Nature of Allegation

On request of the Office of the Premier and based on matters highlighted in the NCP PT report, 99 investigations in respect of PPE contracts at the NCP DSD in respect of procurement process and suppliers appointment were identified. The matters as stated in the table below had been concluded and will closed without any irregularities.

No	Name of Service providers	Value of contract	No of contracts
1.	Teho General Trading	R570 000	2
		R190 000	
2.	BKO Trading (Pty) Ltd	R570 000	1
3.	BLBP Group	R584 300	1
4.	Aaiera foods	R475 000	2
5.	KTKM Holdings	R209 800	1
6.	Malome Business Enterprise	R209 950	1
7.	Cosmic Force Holdings	R209 950	1
8.	Nchuteleng Recruit and Labour Consultants	R45 000	1
9.	KOB Agric	R209 950	1
10.	Kubs Suppliers and General Services	R247 000	2
		R247 000	
11.	Rubens Deliveries	R247 800	1
12.	JLL General Trading	R209 950	1
13.	Amor de Dios Traders (PTY) Ltd	R209 950	2
		R130 150	

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No	Name of Service providers	Value of contract	No of contracts
14.	PatJane Gen Supplier	R209 950	1
15.	Lehatsi General Trading	R209 950	1
16.	K20150533952(SA)	R209 950	1
17.	BNK Enterprises	R209 950	1
18.	Katlego Enterprises	R209 950	1
19.	Bosra General Trading	R130 180	2
		R209 950	
20.	Shaw Transport and Logistics	R130 150	2
		R209 950	
21.	Levao Trading (Pty) Ltd	R209 950	1
22.	Isago Entle Multipurpose	R209 950	1
23.	MFM Enterprise and Resources	R130 150	1
24.	Khu-The Distributors	R209 950	2
		R130 150	
25.	Kaneezah	R130 150	1
26.	Snow Line Trading 555	R209 950	1
27.	T.S General Trading	R209 950	1
28.	JR Engelbrecht	R209 950	
29.	Suemeka (Pty) Ltd	R131 100	2
		R209 950	
30.	Olo Empire	R209 950	1
31.	TFNP General Trading	R234 650	1

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No	Name of Service providers	Value of contract	No of contracts
32.	Makoloi Legacy & General Trading	R130 150	1
33.	Legane Trading Enterprise	R209 950	1
34.	Kebakantse Suppliers and Trading CC	R209 950	1
35.	Excellence House Keeping and cleaning	R209 950	2
		R209 950	
36.	Disapele Diamonds	R209 950	1
37.	3 Peat Distributors	R209 950	1
38.	CFM Traders CC	R209 950	1
39.	A to Z Fruit & Veg	R450 000	1
40.	Silogram Group	R131 000	1
41.	Khapike Holding	R130 150	2
		R131 000	
42.	Fepa Sechaba Trading and Projects	R130 150	2
		R131 000	
43.	Sheila Total Gas	R130 150	2
		R131 000	
44.	TGM Group of companies	R131 000	1
45.	ILC Trading and Projects	R131 000	2
		R131 000	
46.	Lunaka 1	R131 000	2
		R130 150	
47.	Bright Idea projects	R130 150	2

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No	Name of Service providers	Value of contract	No of contracts
		R131 100	
48.	Idevick Trading	R131 000	1
49.	S&F Employment Service	R131 000	2
		R131 000	
50.	Invuso Consulting	R209 950	
51.	The Hive Entertainment	R209 950	1
52.	Melpek Telecommunication	R131 000	2
		R131 000	
53.	UC Chemicals & Cleaning CC	R136 800	2
		R320 190	
54.	JAAM Trading	R131 000	1
55.	Reagilekitso	R131 000	1
56.	RozDK Suppliers	R131 000	1
57.	Shine the Way	R31 000	1
58.	Udo kona	R131 000	1
59.	Johannalee Enterprise	R111 000	1
60.	Phapang Management and Construction	R190 000	2
		R277 400	
61.	Invusa Trading 509 CC	R130 150	2
		R95 000	
62.	Makwaesilo Trading	R131 000	1
63.	Meretsile Trading & Projects	R131 000	1

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No	Name of Service providers	Value of contract	No of contracts
64.	Kakowa Holdings	R131 000	1
65.	Desmitrian Catering Services	R130 150	2
		R209 950	
66.	Omphemetse Kamohau Enterprises and Construction	R131 000	1
67.	Mabonobono Cleaning Services	R131 000	1
68.	Ceda Usizi Enterprise	R131 000	1
69.	Melias Trading	R183 000	1
70.	Tembiso Spotless Carwash	R209 950	1
71.	Thusanani Trading & Project	R570 000	1
72.	Noag Business Solutions	R319 800	1
73.	Bright Point Ltd	R570 000	1
74.	Kgomo Lore Supply	R570 000	1
75.	MSK & Trading Enterprise	R583 350	1
76.	Loago Institute	R573 000	1
77.	Tolleranza	R180 000	1
<b>PROVISION OF HEALTH &amp; ENERGY PACKAGES CHILDHOOD DEVELOPMENT</b>			
78.	Skyjet Marketing	R572 830	1
79.	Diskonto Trading (Pty) Ltd	R1 159 515	1
80.	JR Engelbrect Trading	R2 134 150	2
81.	Imvuso Consulting (Pty) Ltd	R625 375	1
82.	Ubunele Primary Cooperative Limited	R692 900	1
83.	Cool Idea 1368 CC	R496 500	1

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No	Name of Service providers	Value of contract	No of contracts
84.	Mamepe Energy	R320 850	3
		R131 000	
		R131 000	
85.	T4 Industries (Pty) Ltd	R622 780	1

## b) Summary of findings

Evidence was collected and analysed and the following officials were interviewed: -

- Mrs Hendrina Samson - Former HodD of Department of Social Development
- Mrs Shouneez Wookey - Chief Financial Officer
- Mr Thabiso Monyane –Director: Supply Chain Management
- Ms Nisa Jardine – Director: Financial Accounting
- Ms Kedibone Flatela – Deputy Director: SCM
- Ms Lizette Rabie - Admin SCM
- Mrs Tasmia Dodd – Finance Unit

The investigation did not reveal any evidence that sustained either the allegation concerned or any other irregularities. As a result, these investigations were closed without any outcomes.

## 5.6.2. Northern Cape Department of Roads and Public Works (“NCP DRPW”)

### 5.6.2.1. Various service providers

#### a) Nature of Allegation

During 2020/2021, the NCP DRPW conducted some adhoc assignment on behalf of the NCP DoH and NCP DoE. The NCP DoE requested the NCP DRPW on 26 April 2020 to sanitise schools for reopening on 5 May 2020. During this very short timeframe the NCP DRPW attempted to split the sanitisation into smaller projects to ensure equitable work allocation to different suppliers, but also

ensuring the project can be undertaken within the limitations of level 5 and 4 lock down regulations. The NCP DRPW t performed sanitisation based on user department requests and as Covid-19 positive cases were identified. The matters as stated in the table below had been concluded and are closed without any irregularities.

No	Name	Contracts	Value
1	DMZ Construction & Property	1	R1 631 625
2	Isibukiso Trading	1	R7 953 135
3	Malome Business Enterprise	1	R1 527 255
4	Ntaba Resources & Project Management	1	R2 237 623
5	V3 Consulting Engineers	1	596 807.00

#### b) Summary of findings

The investigation did not reveal any evidence that sustained either the allegation concerned or any other irregularities. As a result, these investigations were closed without any outcomes. Evidence was collected in the form of vouchers and analyzed. No batches could be obtained and no interviews were held.

### 5.6.3. Northern Cape Department of Health (“NCP DoH”)

#### 5.6.3.1. Macronym 37 (Pty) Ltd (“Macronym”)

##### a) Nature of Allegation

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The NCP DoH made an award on 9 June 2020 to the value of R26 960 025 (incl Vat) to Macronym for:

- Coveralls - R12 443 500 (excluding VAT);
- Surgical masks (disposable) - R3 000 000 (excluding VAT); and
- N95 masks R8 000 000 (excluding VAT).

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## b) Summary of findings

The contract concerned was preceded by an unlawful procurement process – *inter alia* in that it resulted on a flawed general approved deviation submission and/ or; In the alternative, technically there were no specific deviation submission/ or application made to the Accounting Officer for the procurement award.

On this premise, the Accounting Officer has not approve any procurement to be made on the basis of deviating from the normal prescribe procurement prescripts in respect of conducting a competitive bidding process for the procurement of the goods and or services.

The unauthorised departure from the required procurement system of Government and or the NCP DoH SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

A SCM report furnished to the SIU by the Director SCM explicitly indicated that Macronym was initially disqualified due to non-compliance. It is common cause that Macronym was later awarded an award and paid a total amount of R26 960 205.

Three delivery notes dated 22 June 2020, 7 July 2020 and 20 July 2020 indicated that delivery took place before the purchase order dated 27 July 2020 was signed.

There are also no supporting SCM documents on the payment batch such as quotations of other bidders and or scoring results of the evaluation process. The NCP DoH SCM Policy, V002, dated 23 July 2018 in paragraph 3.14.1 provides that *“a contract shall be awarded to the bidder whose offer is compliant to specifications...”*

## c) Steps taken

### Disciplinary referrals

The disciplinary proceeding for the former Acting Head of Department Dr Deon Garvey Theys are in progress. The final decision to institute the SIU’s disciplinary recommendation is under consideration by the Premier’s Office in respect of the CFO, Mr Mosimanegape Daniel Gaborone. The disciplinary was referred in October 2021. The SIU’s disciplinary recommendation in respect of any other department officials are still under consideration.

### **Administrative action referrals**

The appointed supplier's were referred to SAHPRA on 28 June 2021, for Macroym, MKV Investments and Asijiki Soundbytes. SAPHRA has confirmed that no license was issued to the service provider to distribute medical devices to a third party at the time of award.

This is a criminal offence in terms of the Medicines and related substances Act, Act No. 101 of 1965 (Section 22C(6) of the Amendment Act ,2015) and Regulation 5, together read with Regulation 19(1)(b) of the Regulations Relating to Medical Devices and In Vitro Diagnostic Medical Devices (IVD's), 2016.

### **Civil litigation**

A file with all the evidence has been handed over to the appointed Counsel. The SIU now awaits the first consultation with Counsel. The SIU investigation revealed that the procurement processes were floated and the tender awarded irregularly.

#### **5.6.3.2. MKV Investments (Pty) Ltd ("MKV")**

##### **a) Nature of Allegation**

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. On or about 18 August 2020 the NCP DoH procured the following goods to the total value of R16 906 678 (incl Vat) to MKV:

- Three ply surgical masks - R5 171 550;
- Protective disposable coveralls - R8 451 925; and
- Body bags with zip - R3 283 193.

##### **b) Summary of findings**

The contract concerned was preceded by an unlawful procurement process – *inter alia* in that it resulted on a flawed general approved deviation submission and/ or; In the alternative, technically there were no specific deviation submission/ or application made to the Accounting Officer for the procurement award.



On this premise, the Accounting Officer has not approve any procurement to be made on the basis of deviating from the normal prescribe procurement prescripts in respect of conducting a competitive bidding process for the procurement of the goods and or services.

The unauthorised departure from the required procurement system of Government and or the NCP DoH SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

There are no quotations from other service providers on the relevant payment batch, which is indicative of the fact that the process of awarding a contract to MKV was not a competitive process;

There is no evidence that the pricing of MKV was ever evaluated or that its items were submitted to the relevant committee for quality assurance.

The CSD report attached on MKV's payment batch, shows that the bank verification of the company had failed.

The requisition form attached on MKV's payment batch, indicates that Mr. Gaborone-the CFO, without any reasonable explanation, increased the quantities of body bags to 5,000.

#### **c) Steps taken**

##### **Disciplinary referrals**

The disciplinary proceeding for the former Acting Head of Department Dr Deon Garvey They are in progress. The final decision to institute the SIU's disciplinary recommendation is under consideration by the Premier's Office in respect of the CFO, Mr Mosimanegape Daniel Gaborone. The disciplinary was referred in October 2021. The SIU's disciplinary recommendation in respect of any other department officials are still under consideration.

##### **Administrative action referrals**

The appointed supplier's were referred to SAHPRA on 28 June 2021, for Macroym, MKV Investments and Asijiki Soundbytes. SAPHRA has confirmed that no license was issued to the service provider to distribute medical devices to a third party at the time of award. This is a criminal offence in terms of the Medicines and related substances Act, Act No. 101 of 1965 (Section 22C(6) of the Amendment Act ,2015) and Regulation 5, together read with Regulation 19(1)(b) of the Regulations Relating to Medical Devices and In Vitro Diagnostic Medical Devices (IVD's), 2016.

## Civil litigation

A file with all the evidence has been handed over to the appointed Counsel. The SIU now awaits the first consultation with Counsel. The SIU investigation revealed that the procurement processes were floated and the tender awarded irregularly.

### 5.6.3.3. DNS Suppliers (Pty) Ltd (“DNS”)

#### a) Nature of Allegation

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The NCP DoH awarded two emergency contracts on or about 06 April 2020 to DNS in the amount of R432 170 and R96 025 (incl Vat) for the purchase of 1 000 of 500 ml bottles of alcohol sanitisers and 4,000 large and medium examination gloves.

#### b) Summary of findings

The contract concerned was preceded by an unlawful procurement process – *inter alia* in that it resulted on a flawed general approved deviation submission and/ or; In the alternative, technically there were no specific deviation submission/ or application made to the Accounting Officer for the procurement award.

On this premise, the Accounting Officer has not approve any procurement to be made on the basis of deviating from the normal prescribe procurement prescripts in respect of conducting a competitive bidding process for the procurement of the goods and or services.

The unauthorised departure from the required procurement system of Government and or the NCP DoH SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

In respect to DNS, the quotation, invoice and delivery note number 4030 are all dated 6 April 2020. In addition, a purchase order HP-009177 dated 14 April 2020 have been generated after delivery and after the supplier invoiced for the goods.

The DNS payment batch for the transaction valued at R432 170 for the purchase of large and medium surgeon gloves has three quotations, which is in contravention of the NCDoh SCM Policy, par. (g) (iv) provides for, “a total of five price quotations shall be sourced for a transaction value of R200 000 up to R500 000”.

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The department further paid excessive prices in these two awards in contravention of Section 8 (1)(a) of The Competition Act, Act No 89/1998, as amended by the Amended Competition Act, Act No 18 of 2018, read with Regulation 4 of the Consumer and Customer Protection and National Disaster Management Regulations and Directions No. R.350 dated 19 March 2020 as stated in the table below.

Order number	Order date	Item description	Quantity ordered	Unit Price	National Treasury unit price
HP-009176	06 April 2020	Examination gloves	4,000	R108.04	R42.88 per box of 100
HP-009177	06 April 2020	Hand sanitizer	1,000	R83.50 per 500ml	R40.37 per 500ml

**c) Steps taken**

**Disciplinary referrals**

The disciplinary proceeding for the former Acting Head of Department Dr Deon Garvey Theys are in progress. The final decision to institute the SIU’s disciplinary recommendation is under consideration by the Premier’s Office. The final decision to institute the SIU’s disciplinary recommendation is under consideration by the Premier’s Office in respect of the CFO, Mr Mosimanegape Daniel Gaborone. The disciplinary was referred in October 2021. The SIU’s disciplinary recommendation in respect of any other departmental officials are still under consideration.

**Administrative action referrals**

The appointed supplier’s details was sent to SAHPRA on the 28 June 2021. SAHPRA has confirmed on verification of their database that no license was issued to the service provider to distribute medical devices to a third party at the time of award. The matter was also referred to the Competition Commission on on the 11 November 2021. This is a criminal offence in terms of the Medicines and related substances Act, Act No. 101 of 1965 (Section 22C(6) of the Amendment Act, 2015) and Regulation 5, together read with Regulation 19(1)(b) of the Regulations Relating to Medical Devices and In Vitro Diagnostic Medical Devices (IVD’s), 2016.

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## Civil litigation

A file with all the evidence has been handed over to the appointed Counsel. The SIU now awaits the first consultation with Counsel. The SIU investigation revealed that the procurement processes were floated and the tender awarded irregularly.

### **5.6.3.4. Asijiki Soundbytes (Pty) Ltd (“Asijiki”)**

#### **a) Nature of Allegation**

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The investigation focuses on how the NCP DoH awarded an emergency contract to the value of R13 918 100 on or about 4 June 2020 to the service provider for the following goods:

- Aprons lead (Double Sided) Large - R133 200;
- Disposable Gowns (Large) – R6 375 000;
- Disposable Theatre Gowns (X Large) – R6 375 000;
- Thermometer - R517 500;
- Safety laser Goggles - R517 400.

#### **b) Summary of findings**

The contract concerned was preceded by an unlawful procurement process – *inter alia* in that it resulted on a flawed general approved deviation submission and/ or; In the alternative, technically there were no specific deviation submission/ or application made to the Accounting Officer for the procurement award.

On this premise, the Accounting Officer has not approve any procurement to be made on the basis of deviating from the normal prescribe procurement prescripts in respect of conducting a competitive bidding process for the procurement of the goods and or services.

The unauthorised departure from the required procurement system of Government and or the NCP DoH SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

According to SCM records, an entity know as Mellow-Live was the service provider that undergone the process of quality assurance of items, pricing and scoring and evaluation. There is no documentation that Asijiki had gone through the aforementioned processes;

According to a National Assembly question for reply document dated 17 April 2020 “No 11-2020” 2nd Session; 6th Parliament, Ms S Gwarube requested a breakdown in the total amount that the NCP DoH has spent on PPE and the cost attached per item. The Northern Cape response at page 12 provides that Mellow-Live was contracted to provide “100 000 disposable gowns, 10 000 goggles, 300 infra-red thermometer and 180 000 aprons. It must be noted that the aforementioned response was a deliberate misrepresentation of facts, since the details outlined in the response are in accordance to purchase order HP-009337 valued at R13 918 100, which was issued and awarded to Asijiki and not the supplier Mellow-Live as reported.

Again according to the National Assembly’s question for reply document dated 5 June 2020 “No 19-2020”, 2nd Session; 6th Parliament, a Ms MD Hlengwa requested that the NCP DoH provide a list of suppliers used to procure PPE, total number of the PPE that was supplied and what total monetary value did the PPE cost. The NCP DoH response provided Mellow-live as the supplier awarded to items to the department. The details are again in line with purchase order HP-009337 valued at R13 918 100 which was issued and awarded to Asijiki.

The investigation had revealed email correspondence and or a formal complaint lodged with the NCP DoH through the office of the CFO, whereby the Director of Mellow-Live is alleging that there may have been collusion, fraud and corruption by officials namely “Mr Nyokong and Mr Boo” in taking a unilateral decision by issuing a purchase order totalling R13 918 100 under Asijiki’s name.

The NCP DoH further procured items from the service provider at a price that was in contravention of Section 8(1)(a) of The Competition Act, Act No. 89/1998, as amended by the Amended Competition Act, Act No. 18 of 2018, read with Regulation 4 of the Consumer and Customer Protection and National Disaster Management Regulations and Directions No. R.350 dated 19 March 2020 as stated in the table below:

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Order number	Order date	Supplier name	Item	Quantity	Unit price	NT unit price
HP- 009337	4 June 2020	Asijiki	Disposable gowns	100,000	R127.50	R11.40

The LOGIS System Controller confirmed that a level 7 official performed the final authorisation of the Asijiki transaction with Purchase Order Number "HP-00937 and SR Number-012165", a function that is normally performed from a level 8 to level 11 graded official.

**c) Steps taken**

**Disciplinary referrals**

The disciplinary proceeding for the former Acting Head of Department Dr Deon Garvey Theys are in progress. The final decision to institute the SIU's disciplinary recommendation is under consideration by the Premier's Office. The final decision to institute the SIU's disciplinary recommendation is under consideration by the Premier's Office in respect of the CFO, Mr Mosimanegape Daniel Gaborone. The disciplinary was referred in October 2021. The SIU's disciplinary recommendation in respect of any other departmental officials are still under consideration.

**Administrative action referrals**

The appointed supplier's details was sent to SAHPRA on the 28 June 2021. SAHPRA has confirmed on verification of their database that no license was issued to the service provider to distribute medical devices to a third party at the time of award. The matter was also referred to the Competition Commission on the 11 November 2021. This is a criminal offence in terms of the Medicines and related substances Act, Act No. 101 of 1965 (Section 22C(6) of the Amendment Act, 2015) and Regulation 5, together read with Regulation 19(1)(b) of the Regulations Relating to Medical Devices and In Vitro Diagnostic Medical Devices (IVD's), 2016.

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## **Civil litigation**

A file with all the evidence has been handed over to the appointed Counsel. The SIU now awaits the first consultation with Counsel. The SIU investigation revealed that the procurement processes were floated and the tender awarded irregularly.

### **5.6.3.5. Revolt Headboy (Pty) Ltd (“Revolt Headboy”)**

#### **a) Nature of Allegation**

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The investigation focuses on how the NCP DoH awarded an emergency contract to the value of R2 947 200 on or about 4 June 2020 to the service provider for 240 000 three ply surgical face masks.

#### **b) Summary of findings**

The contract concerned was preceded by an unlawful procurement process – *inter alia* in that it resulted on a flawed general approved deviation submission and/ or; In the alternative, technically there were no specific deviation submission/ or application made to the Accounting Officer for the procurement award.

On this premise, the Accounting Officer has not approve any procurement to be made on the basis of deviating from the normal prescribe procurement prescripts in respect of conducting a competitive bidding process for the procurement of the goods and or services.

The unauthorised departure from the required procurement system of Government and or the NCP DoH SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

#### **c) Steps taken**

### **Disciplinary referrals**

The disciplinary proceeding for the former Acting Head of Department Dr Deon Garvey Theys are in progress. The final decision to institute the SIU's disciplinary recommendation is under consideration by the Premier's Office. The final decision to institute the SIU's disciplinary recommendation is under consideration by the Premier's Office in respect of the CFO, Mr Mosimanegape Daniel Gaborone. The disciplinary was referred in October 2021. The SIU's

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disciplinary recommendation in respect of any other departmental officials are still under consideration.

### **Administrative action referrals**

The appointed supplier's details was sent to SAHPRA on the 28 June 2021. SAPHRA has confirmed on verification of their database that no license was issued to the service provider to distribute medical devices to a third party at the time of award. The matter was also referred to the Competition Commission on the 11 November 2021. This is a criminal offence in terms of the Medicines and related substances Act, Act No. 101 of 1965 (Section 22C(6) of the Amendment Act, 2015) and Regulation 5, together read with Regulation 19(1)(b) of the Regulations Relating to Medical Devices and In Vitro Diagnostic Medical Devices (IVD's), 2016.

### **Civil Litigation**

A file with all the evidence has been handed over to the appointed Counsel. The SIU now awaits the first consultation with Counsel. The SIU investigation revealed that the procurement processes were floated and the tender awarded irregularly.

#### **5.6.3.6. C-MED Suppliers CC ("C-MED")**

##### **a) Nature of Allegation**

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. On 08 April 2020, the NCP DoH made an award to the value of R8 112 034 to C-Med to supply the following items:

- 200 000 Surgical masks;
- 30 000 KN 95 Respiratory Masks;
- 5 000 x 500 ml Hand sanitiser;
- 5 000 Disposable gowns (medium);
- 1 000 Goggles;
- 1 000 Facial shield masks;
- 2 000 Protective bodysuits; and

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- 100 Handgun thermometers.

**b) Summary of findings**

The contract concerned was preceded by an unlawful procurement process – *inter alia* in that it resulted on a flawed general approved deviation submission and/ or; In the alternative, technically there were no specific deviation submission/ or application made to the Accounting Officer for the procurement award.

On this premise, the Accounting Officer has not approve any procurement to be made on the basis of deviating from the normal prescribe procurement prescripts in respect of conducting a competitive bidding process for the procurement of the goods and or services.

The unauthorised departure from the required procurement system of Government and or the NCP DoH SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

There were no three quotations on the payment batch. The department also procured items in contravention of Section 8(1)(a) of the Competition Act, Act No. 89/1998, as amended by the Amended Competition Act, Act No. 18 of 2018, read with Regulation 4 of the Consumer and Customer Protection and National Disaster Management Regulations and Directions No. R.350 dated 19 March 2020 as set out in the table below:

Order number	Order date	Supplier name	Item description	Quantity ordered	Unit price	NT unit price
HP-009245/ HP-009247	12 May 2020	C-MED Supplies	Surgical masks	200,000	R17.89	R12.48
			Face piece respirators	30,000	R81.82	R37.80

**c) Steps taken**

**Disciplinary referrals**

The disciplinary proceeding for the former Acting Head of Department Dr Deon Garvey They are in progress. The final decision to institute the SIU's disciplinary recommendation is under consideration by the Premier's Office. The final decision to institute the SIU's disciplinary

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recommendation is under consideration by the Premier's Office in respect of the CFO, Mr Mosimanegape Daniel Gaborone. The disciplinary was referred in October 2021. The SIU's disciplinary recommendation in respect of any other departmental officials are still under consideration.

### **Administrative action referrals**

The appointed supplier's details was sent to SAHPRA on the 28 June 2021. SAHPRA has confirmed on verification of their database that no license was issued to the service provider to distribute medical devices to a third party at the time of award. The matter was also referred to the Competition Commission on the 11 November 2021. This is a criminal offence in terms of the Medicines and related substances Act, Act No. 101 of 1965 (Section 22C(6) of the Amendment Act, 2015) and Regulation 5, together read with Regulation 19(1)(b) of the Regulations Relating to Medical Devices and In Vitro Diagnostic Medical Devices (IVD's), 2016.

### **Civil Litigation**

A file with all the evidence has been handed over to the appointed Counsel. The SIU now awaits the first consultation with Counsel. The SIU investigation revealed that the procurement processes were floated and the tender awarded irregularly.

#### **5.6.4. Northern Cape Department of Education ("NCP DoE")**

##### **5.6.4.1. Tshela Bophelo Wellness Solutions ("Tshela Bophelo")]**

###### **a) Nature of Allegation**

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The NCP DoE made an award on or about 3 June 2020 to the value of R6 564 315 to a service provider known as Tshela Bophelo for:

- Covid-19 training and supply of materials;
- Provision and distribution of training manuals;
- Provision and distribution of training DVDs; and
- Provision of Training to School Management Teams, Provincial Covid co-ordinating Teams, District Co-ordinating Teams and Food Handlers.

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## b) Summary of findings

The above contract was preceded by an unlawful procurement process – inter alia in that it resulted on a flawed approved deviation submission and/ or:

- A flawed procurement process in that no competitive bidding process was followed;
- No approval was seek from the Accounting Officer to request written price quotations from an approved list of service providers;
- A flawed deviation procurement process, as on the facts it appears that the service provider was appointed on a sole provider basis, which they were clearly not;
- No evidence which points to a single provider- as required by Paragraph 8 of the NC DoE SCM Policy, (November 2017); and
- The unauthorised departure from the required procurement system of Government and or the NCP DoE SCM policy is contrary to the provisions of Section 217(1) of the Constitution.

## c) Steps taken

### Civil litigation

The appointed Counsel has provided a preliminary opinion and advice. The SIU are attending to Counsel's queries. The SIU investigation revealed that the procurement processes were flouted and the tender awarded irregularly.

## 5.7. NORTH WEST PROVINCE

### 5.7.1. North West Department of Public Works and Roads ("NWP DPWR)

#### 5.7.1.1. Various service providers

##### a) Nature of Allegation

The SIU received information from a whistleblower on 03 September 2021 that there were discrepancies and irregularities in the appointment of service providers for the supply of PPE. A desktop analysis was conducted to identify any discrepancies relating to the expenditure of goods and the NWP Covid-19 Procurement Disclosure Report-2020 was also perused. The investigations

conducted were to determine if the PPE sold were for more than the prescribed amount, and/or whether or not the proper procurement process was followed as per NT instructions. A total of 61 service providers were appointed who received 72 contracts to the value of R7 564 901.92. The names of the service providers who received contracts are shown below:

Name of service provider	Value of contract
Leneo Suppliers	R58 000
Lekoncha Suppliers	R129 445
Taung Properties	R251 116
Biz at Trading`	R189 000
Vero n Caro Trading	R216 000
Elliot & Eldah Construction and Catering	R162 000
Mabero	R63 000
Hope to Success	R150 000
Luchem Trading	R111 268
Vapormax Trading	R63 479
Echo Trading Logistics	R46 410
Larona Gab Construction	R95 232
Echo Trading Logistics	R71 298
Kebitsamang Distribution	R133 879
Shipelana Holdings	R13 842
Lea Nukeri Oils	R59 409
Redspot Trading	R25 953.27
Pfumola Ndwa Services	R29 125
Motsweding Health Care	R38 985

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Name of service provider	Value of contract
Abangani	R69 431
Lamtha Trading Enterprise	R49 375
Redspot Trading	R89 700
Redspot Trading	R5 994
Redspot Trading	R33 517
Redspot Trading	R35 181
KWR Group	R9 000
Motsweding Health Care	R7 438
Naledi ya Moso Primary Co-op	R93 667
Vhuso General Trading	R14 873
Naledi ya Moso Primary Co-op	R18 200
Pfumola Ndwa Services	R24 300
FC Destruction	R13 008
JP Canci Trading	R3 142
MSP Global Trading	R9 745
MJA Brothers	R85 053
PP Boikanyo	R473 865
EM Star Supplier	R120 000
Boitshepokopano Trading	R29 250
African Poncho	R37 700
Vinny vie Enterprise	R475 000
Lerato T88 Holdings	R426 000

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Name of service provider	Value of contract
Diapela Trading	R25 632
PP Boikanyo	R138 800
Lechoba Medical Technologies	R65 000
Tara Healthcare	R362 250
Modzimai Projects	R71 750
Doko's Design Clothing	R225 000
Doko's Design Clothing	R90 000
Tebocent Trading	R68 250
Itireleng Barolong Trading	R71 550
Isago M Holdings	R70 900
Mararea Consulting & Projects	R72 000
Thebe ya Africa	R610 590
Kedigorositse Construction Project	R8 328
Senna Pest Control	R10 005
Kedigorositse Construction Project	R10 029
Kevali Chemical Group	R112 125
Leratogapile GS	R220 800
Genplay	R42 665
Leseka Techguard	R16 100
Agoti Consulting	R469 248
Pest Control Specialist as Rasmie	R141 790
Supra Health Care	R30 222

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Name of service provider	Value of contract
Promed Technologies	R51 750
BioTech Laboratories	R172 500
African Poncho	R113 100
Omnipresent Holdings	R5 125
Reamo Business	R12 108
Kedigorisitse Construction Project	R233 760
Rasmie	R12 650
TOTAL	R7 564 857

#### b) Summary of findings

The investigation covered several service providers appointed to render services during the national state of disaster. The procurement documents regarding disinfection/fumigation of buildings and purchase of PPE were obtained from the NWP DPWR and they were analysed. Interviews were conducted with Director SCM and some members of the evaluation committee of the department. One irregularity was found in respect of the appointment of service provider by the name of Thebe Ya Africa for fumigation of various buildings for the amount of R610 590, as it was appointed without following department SCM policy and contrary to section 217 of the Constitution. No evidence of overpricing was found regarding the PPEs procurement, mainly the fumigation of government buildings by Thebe Ya Africa, as the Treasury set no prescribed price and the disciplinary referral in respect of the Director of Supply Chain, Mr Moipolai is due to be sent to the Department by 22 July 2022.

#### c) Steps Taken

One disciplinary referral against Director, SCM, Mr Moipolai to be sent to the Department by 22 July 2022, for gross financial misconduct in failing to procure the services of Thebe Ya Africa through the prescribed procurement processes.

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**5.7.2. North West Department of Community Safety and Transport Management (“NWP CSTM”)**

**5.7.2.1. Various service providers**

**a) Nature of Allegation**

A request was received from the office of the Administrator, Mr Mathabatha Mokonyama on 16 November 2021. A list of contracts for the supply of PPE was provided and the request was to determine if these contracts had been properly awarded. 20 service providers were awarded 28 contracts with a total value of **R4 415 753.07**.

<b>Name of service provider</b>	<b>Value of contract</b>
African Poncho	R100 000
Supra Health Care	R313 822.96
Triple Medical Distribution	R500 380
Lechoba Medical Services	R554 682.74
Boikanyo Stationery	R147 500
KD Sechogo	R369 150
	R 95 603.95
Phenyo TU Enterprise	R160 000
	R1800
	R21000
	R21000
	R36400
Azarro Trading	R83 500
	R6000
D Molefi Logistics	R58 000
Ulundzi	R101 500

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Name of service provider	Value of contract
Malebelela Trading Enterprise	R337 203
Masizithobeni Trading Enterprise	R250 000
Marobathotha Trading	R72 500
Batsini Pty Ltd	R201 161.22
Wagakholani Pty Ltd	R92 400
DT Profound	R75 500 R74 500
Gina & Tshego	R18 400 R30 000
Pluky Projects	R144 750
DIXOWORK	R60 900
<b>TOTAL</b>	<b>R4 415 753.07</b>

**b) Summary of findings**

The procurement documents for PPE were obtained from the NWP CSTM and they were analysed. During analysis of documents it was established that two service providers Zekile Holdings (Pty) Ltd and Pheny Tu Enterprise charged the NWP CSTM more for surgical gloves, contrary to pricelist prescribed by NT Note no: 05 of 2020. The SIU investigation revealed that during the valuation phase for appointment of the two service providers, the Director of SCM failed to adhere to NT Note no: 05 of 2020 as he recommended the appointment of these service providers despite their prices being higher than those prescribed by NT Note No: 5 of 2020. By recommending their appointment, he further violated section 217 of the Constitution. No irregularities were found in respect of the other service providers.

## c) Steps Taken

### Disciplinary referrals

A disciplinary referral against the CFO, Ms Kutlwano Phatudi is currently being drafted, for violation of National Treasury Note: 05 of 2020 and section 217 of the Constitution in the appointment of Zekile Holdings and Phenyu Tu Enterprise.

### Civil litigation

Civil litigation referral in relation to Zekile Holdings to the value of R106 668.00 is being prepared and will be sent to the state attorney by 31 July 2022 to institute civil action for the recovery of overpayment made to Zekile Holdings.

### AoD signed

Mr Phenyu Mojanaga signed an AoD on 17 March 2022 to the value of R102 808.40 on behalf of his company, Phenyu Tu Enterprise. The said company overcharged the NWP CSTM whilst it was contracted to provide PPE.

## 5.7.3. Ngaka Modiri Molema District Municipality

### 5.7.3.1. Various service providers

#### a) Nature of Allegation

The SIU received information from a whistleblower on 19 January 2022 that there were discrepancies and irregularities in the appointment of service providers for the supply of PPE. A desktop analysis was conducted to identify any discrepancies relating to the expenditure of goods and the NWP Covid-19 Procurement Disclosure Report-2020 was also perused. The investigations conducted were to determine if PPE was sold for more than the prescribed amount, and/or whether or not the proper procurement process was followed as per Municipal circulars. A total of 20 service providers were awarded contracts to the value of R58 569 892.83. The list of service providers is shown below:

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Name of service provider	Value of contract
Tasmica Construction and Plant Hire (Pty) Ltd	R3 565 200
AK –Distributers	R5 779 440
Boitshepegi Investments	R13 392 985
Themak Consulting CC	R3 882 665
Rensch Trading CC	R25 884 435
Bosa Projects and Consulting	R73 112
C.N .Fire and Safety	R244 950
Four ways Project Development	R244 950
Solid Sweet	R850 000
Phetgo Construction and Projecta	R725 000
Pulaneo (Pty) Ltd	R200 000
Lekubu M2K Development and Project	R480 000
Biologica Pharmaceuticals	R156 000
Whiskey Holdings (Pty) Ltd	R84 993
Atheha Consulting and Projects	R152 325
Setlagole Farm Guest House	R525 525
Kwa-Nobantu B&B	R423 125
Lees Haven	R832 053
Lhord Heff Messy	R350 000
Lowatle Guest House	R786 235

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## b) Summary of findings

The procurement documents related to purchase of PPE, accommodation for employees of the municipality who were working during hard lock down and leasing of Tractor loader Backhoe (TLBs) which were going to be used by water services department of the municipality were analysed. The interviews were conducted with Manager Water Services, Director Technical, SCM Manager, CFO and Municipal Manager. More than 10 service providers were also interviewed by the SIU and affidavits obtained regarding their appointments by the municipality. Site visits were also conducted in order to verify the job done by service providers appointed by the municipality. The Guest houses which were appointed to provide accommodation to officials of the municipality, Lees Haven and Kwanabantu were found to have overcharged the municipality but they agreed to return the money through signing of AoDs. The investigation has been finalised and the SIU is packaging the evidence pack for civil and criminal referral which will sent by 31 July 2022.

The SIU investigation has revealed that four service providers, namely, CN Fire Safety, Four Ways Projects, Pulaneo and Biological Pharmaceuticals and Whiskas Holdings, were appointed to provide PPE such as latex Gloves, surgical masks, and sanitizers to the Municipality. From the documents obtained it appears that the service providers have overcharged the Municipality for the PPE supplied for a total amount of R411 138.70 CN Fire Safety overcharged by R24 000; Four Ways Projects overcharged by R161 480; Pulaneo overcharged by R48 765; Biological Pharmaceutical overcharged by R150 035 and Whiskas Holdings overcharged by R26 858.70.

The SIU investigation into the appointment of the service providers who leased six Tractor Loader Backhoe ("TLBs") to the Municipality revealed that the rental prices were charged at an hourly rate. The SIU investigation also found that some of the TLB's logsheets that were submitted by the service provider namely, Tasmica Construction and Plant Hire, had the registration of small vehicles which are not TLBs but the municipality paid the amount of R752 020 to the service provider for TLBs, based on that fraudulent misrepresentation, and this amount stands to be recovered and the criminal referral to be done for fraud.

The SIU investigation further established that the municipality irregularly appointed the following service providers: Bosa Projects as well as Rensch Trading, in contravention of Municipal SCM Policy, MFMA and section 217 of the (Constitution) Act 108 of 1996.

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Bosa Projects was appointed for the installation of sewer line at Delayrey Fire Station for R73 102. The purchase order was issued seven days after the service provider has rendered a service. It was found that:

- Bosa Project and Consulting is not on listed on the transversal account and no request and approval was sought and or granted by NT nor the Accounting officer as required per Circular 100.
- There was no Request for Quotation with specification.
- There were no Standard Bidding Document which form part of all bids invited to serve as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system namely:
  - (a) MBD 8: Declaration of Bidder's Past Supply Chain Management. Practices.
  - (b) MBD 9. Certificate of Independent Bid Determination.
  - (c) MBD 4: Declaration of Interest.
  - (d) MBD 6.1. Preference Points Claim Form In Terms Of The Preferential Procurement Regulations 20
- There was no certificate of compliance from internal audit /risk management for having conducted audit checks prevent irregularities pro-actively before payment as outlined in Circular102 for general emergency procurement.

The Rensch Trading was contacted telephonically by the Director of Technical, Mr Rassool, for repair of pump stations in Ditshobotla and Delareyville for R25 884 435, without any procurement process followed. This contract came as a result of an approval memo to perform emergency repairs as follows:

Plant	Amount
Biesiesvlei Pump Station	R4 196 902.60
Boikhutso Pump Station	R3 974 066.80
Blydville Pump station	R 3 441 051.60

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Plant	Amount
Blydville 3 Pump Station	R2 978 136.60
Lichtenburg WWTW	R11 233 726.80

These services by Rensch Trading were found to be irregular in that:

- The same or similar contract was already concluded by Public work & Basic Service to Rensch Trading on the 04 April 2018 which seems to be duplication of services under tender No MMB/2014/039 EC for 24 months consulting in 20 January 2020
- There was no clear guidelines on the services and prices as per applicable Treasury Regulation circulars
- There was no Request for Quotation with specification.
- There were no Standard Bidding Document which form part of all bids invited to serve as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system namely:
  - (a) MBD 8: Declaration of Bidder's Past Supply Chain Management. Practices.
  - (b) MBD 9. Certificate of Independent Bid Determination.
  - (c) MBD 4: Declaration of Interest.
  - (d) MBD 6.1. Preference Points Claim Form In Terms Of The Preferential Procurement Regulations 20
- There was no certificate of compliance from internal audit /risk management for having conducted audit checks to prevent irregularities pro-actively before payment as outlined in Circular102 for general emergency procurement.

The awarding of the contracts to Rensch Trading and Bosa Projects by the municipality were found to be irregular and stands to be reviewed and set aside.

## d) Steps Taken

### Disciplinary referrals

The referrals for the Municipal Manager, Mr Allan Losaba was sent to the MEC of Cogta was sent on 04 July 2022 for gross financial misconduct.

The DC referral for the CFO, Mr Sicelo Mphato and SCM Manager, Mr Patric Masombuka, was sent on 30 June 2022. The DC referral for Director: Technical Services, Mr Mohamed Rassool and that of Manager: Transport, Mr Kabelo Pulenyana are due to be sent by 22 July 2022.

### Criminal referrals

The NPA referral for the MM, CFO and Mr Rassool; as well as for the service providers, Tasmica Construction & Plant Hire to be sent to NPA by 31 July 2022.

### Civil Litigation

Civil referral to review and set aside the awarding of the contract to Rench and Tasmica to be sent to state attorney by 31 July 2022.07.12. Civil proceedings to recover the overpayments made CN Fire Safety, Four Way Projects, Pulaneo, Biological Pharmeceutical and Whiskas Holdings to be sent the state attorney by 31 July 2022.

### AoDs signed

Two AoDs in relation to Lees Haven to the value of R102 808.40 and Kwa Nobantu B&B to the value of R2 280 had been signed on 19 May 2022 and 09 May 2022 respectively.

## 5.8. WESTERN CAPE PROVINCE

### 5.8.1. Western Cape Provincial Department of Health (“WCP DoH”)

#### 5.8.1.1. Greenstar Power Solutions

##### a) Nature of Allegation

On 30 July 2021, the FIC, following an alert received from Mercantile Bank in respect of suspicious transactions, identified in an account held in the name of Mr. Wayne Stephen Willemse trading as Greenstar Power Solutions. The FIC established that the funds in the account emanated from the Western Cape Government. Subsequent to an interrogation of the relevant Basic Accounting

System ("BAS") data, it was established that Greenstar supplied PPE in the form of 500,000 N95 masks, valued at R22 915 000, to the Western Cape Department of Health.

The FIC suspected possible fraud and/or money-laundering due to the fact that Greenstar on receipt of the payments from the WCP DoH, transferred large amounts to several bank accounts not linked to the entity. The FIC consequently referred the matter to the SIU for consideration and investigation.

**b) Summary of findings**

The evidence obtained by the SIU revealed that the WCP DoH initiated preparations for the procurement of essential PPE by means of a deviation from normal procurement processes prior to the publication of the National Treasury's Instruction No. 8 of 2019/2020 dated 19 March 2020.

Following an analysis of the relevant procurement documentation, no irregularities were identified as relates to the procurement process followed by the WCP DoH.

The evidence further revealed that, as the entity's name suggests, Greenstar's core business relates to the provision of electrical engineering, including energy sufficient power solutions. In light of the aforementioned, Greenstar sourced the entire consignment of masks via several third party business connections. Despite various constraints, Greenstar honoured the contract and delivered the entire consignment of masks in three batches during May 2022. The evidence further revealed that, on receipt of payments from the WCP DoH, Greenstar made payments to the respective sources from whom the masks were procured and in line with tax invoices raised by same for services rendered.

No evidence was obtained which points to irregularities in respect of the WCP DoH's processes and emergency procurement procedures or wrongdoing and/or criminal conduct on the part of Greenstar.



## **6. MATTERS ONGOING**

### **6.1. NATIONAL DEPARTMENTS**

#### **6.1.1. Transnet SOC Limited (“Transnet”)**

##### **6.1.1.1. Ramoyadi Air Conditioning, and Electrical CC Ndzalo2 Trading (Pty) Ltd and Eagle Ropes (Pty) Ltd**

###### **a) Nature of Allegation**

This matter was referred to the SIU on 25 October 2020 reported by Mr Erich Neething, a Corporate Manager at Transnet. The complainant alleged that Ms Lerato Makenete (“Ms Makenete”): Executive Manager: Group Business Continuity and Disaster Risk Management and Mr Landela Madubane (“Mr Madubane”): Executive Manager: Safety, both employees of Transnet, had inflated straw prices during the National State of Disaster.

Subsequent to the decision of Transnet Task Team to use straws, Mr Madubane addressed a Memorandum dated 16 March 2020 to the Chief Procurement Officer in terms of which he requested approval for the emergency procurement of 1 053 200 straws at a cost of R31 585 468, which represented R29.99 per straw instead of 0.29 cents per straw. Transnet would have paid R305 428 for 1 053 200 straws had Mr Madubane not inflated the price from 0.29 cents to R29.99 per straw.

The three service providers appointed to provide the straws to Transnet were:

- Ramoyadi Air Conditioning and Electrical CC (“Ramoyadi”), whose sole member is Jacob Malosi Ramayodi.
- Ndzalo2 Trading (Pty) Ltd (“Ndzalo2”); whose director is Kenneth Jan Rikhotso; and
- Eagle Ropes (Pty) Ltd (“Eagle Ropes”), whose directors are Siyamkela Kevin Jonas, Azola Nyingwa and Nomfundo Shandu.

###### **b) Progress to date**

The SIU obtained and perused the Transnet Supply Chain Management (SCM) Policy and Procurement Procedures Manuals for 2015 and 2020. A Forensic Investigation Report, dated 3 May 2021, was also obtained from Transnet and relates to the procurement of straws during the National State of Disaster. The findings of the report are that both Mr Madubane and Ms Madubane

colluded to channel contracts to service providers they were associated with. The report concluded that Mr Madubane had incorrectly calculated the cost of straws and had intentionally claimed that the service providers had supplied and charged per packet of 100 straws, whereas in fact the service providers charged per straw. Various email communications between Mr Madubane, Ms Makenete and the abovementioned service providers were also obtained.

The SIU issued section 5(2)(b) notices and received the bank statements in respect of Ms Makenete, Mr Madubane and the abovementioned three service providers. The analysis of the bank statements revealed that, in respect of all three service providers that monies received from Transnet had been transferred to Pearly Ways (Pty) Ltd ("Pearly Ways") and NJM Trust. The director of Pearly Ways is Nelisiwe Pearl Ndelela ("Ms Ndelela"). The trustees of NJM Trust are Nyambeni Jones Maphalaphathwa ("Mr Maphalaphathwa"), David Kalisirila, Bethuel Mudau, Mpariseni Diskee Mugovhani and Mulalo Fancy Maphalaphathwa. The SIU thus requested and obtained the bank statements of Pearly Ways and NJM Trust.

The analysis of Pearly Ways bank statements reveal that R7 800 000 was transferred from Pearly Ways bank account to Ms Ndelela's FNB personal investment account. The analysis of NJM Trust bank statement reveal that R11 000 000 was transferred from NJM Trust to Pearly Ways, Mr Maphalaphathwa and other entities connected to Mr Maphalaphathwa.

5(2)(b) & (c) hearings were conducted with Mr Madubane, Ms Makenete and a director of Ramoyadi. Interviews were conducted with four Transnet employees including Senior Manager at the Supply Chain Department. An affidavit was obtained from Raw Straws, the manufacturer who supplied Ramoyadi with straws. The hearings revealed that Mr Madubane had drafted an approval with inflated straw prices and that Ms Makenete had obtained quotations directly from the abovementioned three suppliers without involving Transnet SCM Department. The SCM Manager advised that Ms Makenete was supposed to have referred the Approval to the SCM Department to start with the procurement process.

### **c) Summary of findings**

The SIU established that the abovementioned service providers were directly appointed by Ms Makenete. Ms Makenete contacted them directly and did not issue any Request for Quotation (RFQ) and did not involve Transnet's Supply Chain Management Department. The service providers submitted quotations to Ms Makenete's Transnet email address.

The abovementioned three service providers quoted R29.99 per straw instead of 0.29 cents, as required by NT Regulations. According to the Payment Advices obtained from Transnet, the SIU established that the following payments were made:

- Ramoyadi was paid R15 328 931.90 on 21 May 2020;
- Ndzalo2 was paid R9 901 534.50 on 29 April 2020; and
- Eagle Ropes was paid R8 604 232 on 13 May 2020.

Transnet paid a total of R33 834 698.40 to the three service providers.

- The SIU found that there were serious irregularities in the SCM in that no open and transparent process was followed;
- When the 16 March 2020 memorandaum was approved, Ms Makenete contacted the three service providers directly and source quotations without involving Transnet Procurement Department;
- This was contrary to Transnet Procurement Procedures Manual Guide of 2015 which requires Procurement to invite Bids from the suppliers;
- From the documents and interviews conducted with manufacturers, the SIU established that the three service providers sold the straws at inflated prices to Transnet, in that:
  - Ramoyadi purchased 459 400 straws for 0.27 cents each, from Raw Straws (manufacturer) and in turn sold them for R28,99 each to Transnet. Therefore Ramoyadi paid R124 038.00 (VAT excluded) for 459 400 straws and sold them for R13 329 506 (VAT excluded) to Transnet;
  - On 27 May 2020, Eagle Ropes purchased 26 000 straws for 0,52 cents each from Run Rite (manufacturer) and in turn sold them for R28,99 each to Transnet;and
  - On 1 April 2020 Eagle Ropes purchased 22 000 straws for 0,25 cents each from Chempac (manufacturer) and in turn sold them for R28,99 each to Transnet.
  - All the above purchases by Eagle Ropes were cash sales.
- The SIU is in the process of calculating the profit made by these entities.

- The SIU established that there was a corrupt relationship between Mr Madubane and Pearly Ways in that 30 September 2020, Pearly Ways transferred an amount of R350 000 into the Discovery Bank Account of Mr Madubane. At this stage the SIU has not established payments made to Ms Makenete.

**d) Timelines**

The investigation commenced in December 2021 and it is anticipated that it will be finalized by July 2022. The following activities are outstanding:

- To serve 5(2)(b) & (c) Notice on Nelisiwe Ndlela, the director of Pearly Ways and interview same;
- To serve 5(2)(b) & (c) Notices on five Trustees of NJM Trust and interview same;
- To interview and obtain an affidavit from Transnet SCM Department;
- To refer the matter to the Special Tribunal to set aside the contract;
- To refer the matter to the NPA for possible corruption.

**e) Steps Taken**

On 2 March 2022, the SIU referred the three service providers to SARS for tax non-compliance.

**6.1.2. South African Police Services (“SAPS”)**

**6.1.2.1. Mainstreet 699 (Pty) Ltd (“Mainstreet 699”)**

**a) Nature of Allegation**

The matter was referred to the SIU on the 15 November 2021, during which it was alleged that the South African Police Service (SAPS) SCM Department had requested approval from NT to deviate from the normal SCM processes for the procurement of PPE. The SCM Department encountered problems because it appeared that there were no suppliers who were able to provide SAPS with the correct protective equipment or medical supplies. On 28 March 2020, Major General J Riet of SAPS wrote to Mr Molefe Fani of NT to request assistance with identifying a service provider.

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Included in the letter was the list of the non-responding suppliers and the problems with regards to the exorbitant prices asked by the suppliers.

It was also alleged that Mrs Duiker: Executive Manager : at NT, had verbally agreed, after she was approached by Lieutenant General J. Riet of SAPS, to approve the deviation from the normal prescribed procurement process as per NT Practice Note no 08 of 2020/21 paragraph 3.7.6 , to purchase goods and services under the emergency delegations. This resulted in Mainstreet 699 receiving a Purchase Order from the SAPS dated 1 April 2020 to supply various PPE items to the SAPS. A contract to the value of R596 720 800, under purchase order AG 883268 was awarded to Mainstreet 699 Pty Ltd without following SCM processes and was approved by Brigadier Mahlangu.

The whistleblower alleged that there was a complete dereliction of duties and complete disregard of accountability by two senior managers. The SCM Department is alleged to be involved in collusion, price inflation, flouting procurement processes and policies. The whistleblower also alleged that the following officials were involved in perpetrating these irregularities:

- Lieutenant General J. Riet : SAPS” Acting Divisional Commissioner : Supply Chain Management ; and
- Mrs Duiker: Executive Manager: NT.

The table below illustrates the PPE description, their quantity and cost as per the purchase order:

Description	Quantity	Unit Price	Amount Required
Hazmat Suits non-woven	40 000	R 549	R 21 960 800
Digital Body Thermometer	2 000	R 2 200	R 4 400 000
Protection Face Mask (3ply unwoven)	12 000 000	R 12.28	R 147 360 000
Hand Sanitiser (25l container)	90 000	R 4 700	R 423 000 000
		<b>Total</b>	<b>R 596 720 800</b>

**b) Progress to date**

The SIU investigation established that Mainstreet 699 was on the NT database. The available information indicates that Mainstreet 699, through its Director: Mr Mario Pillay, wrote an email to

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Mr Fani Molefe: Chief Director Transversal Contracting: NT, informing him that the company wished to assist the country with supplying PPE to mitigate the spread of Covid. As such, this was an unsolicited bid by Mainstreet 699. Mr Pillay advised Mr Fani that his company had been informed that there was a team in China who were ready to package the items and fly them to South Africa if they were given purchased order. The SIU established that Mainstreet 699 had misrepresented to NT and SAPS that they had an Airbus ready in China once an order was issued. The SIU found that there was no Airbus that took off from China to South Africa to supply Mainstreet 699 with protective equipment. Mainstreet 699 had in fact purchased the PPE from Dis-Chem Pharmacy in South Africa.

At the time that Mainstreet 699 approached NT, communications were ongoing between SAPS and NT regarding the approval of funds for PPE and clarity was also being sought on what relevant policy had to be followed during the procurement process. Mr Fani referred Mr Pillay to Major-General Riet, the Chief Procurement Officer: SAPS to facilitate this transaction.

To date, the SIU has conducted 24 interviews with members of SAPS and NT. A section 5(2)(a) notice was issued for Dis-Chem Pharmacy to request the invoices for all medical products that were bought by Mainstreet 699 between 1 April 2020 until 30 May 2020. The invoices from Dis-Chem Pharmacy were received and analysed by the SIU. They reflect that Mainstreet 699 purchased 25 litres of hand sanitiser and face masks.

The SIU has issued section 5(2)(b) & (c) notices to Standard Bank, ABSA Bank, Nedbank and First National Bank. Bank statements from ABSA bank were received and these will be analysed

**c) Summary of findings**

- The quotation by Mainstreet 699 was an unsolicited proposal because it happened outside the normal SAPS procurement process, and is in contravention of NT Practice Note 11 of 2008/2009 because Mainstreet 699 is not a sole service provider and they were not supplying unique goods and or services.
- The SAPS received approval to procure goods through an emergency procurement processes but they failed to request quotations from more than one service provider and by doing so they were in contravention of NT Instruction Note 3 of 2016/2017, which requires a minimum of three quotes.

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- The Mainstreet 699 charged the SAPS R5 400.05 per 25l hand sanitiser which include airfreight, clearance, customs and VAT while they bought their 25l sanitisers locally at Dis-Chem Pharmacy for R1 150 including VAT.
- Mainstreet 699 purchased their surgical masks at Dis-Chem Pharmacy for R10.76 and sold them to the SAPS for R12.28.
- The SIU requested the transversal pricing of the above PPE's from NT, in order to calculate the overcharging and any profits made.
- These PPE were over and above the PPE which had already been purchased by the SAPS to the value of R161 114 875. A document dated 31 March 2020, prepared by Major General Japie Riet, addressed to Lieutenant General PP Dimpane, requesting approval of funds, suggest that the SAPS had already procured PPE and that it was presumed that SAPS had sufficient PPE items for their members.
- Section 217(1) of the Constitution was not complied with by the SAPS, because the PO issued to Mainstreet 699 was not in line with the five pillars of procurement which provides that the procurement of goods and services must be procured in a manner that is transparent, fair, equitable, competitive and cost effective.
- The SIU found that two SAPS officials, namely Brigadier Mahlangu and Lieutenant General Riet contravened section 45 of Public Finance Management Act which reads as follows:
  - *“Responsibilities of other officials – An official in a department, trading entity or constitutional institution –*
    - (a) *must ensure that the system of financial management and internal control; established for that department, trading entity or constitutional institutions is carried out within the area of responsibilities of that official;*
    - (b) *is responsible for the effective, efficient, economical and transparent use of financial and other resources within that official's area of responsibility;*
    - (c) *must take effective and appropriate steps to prevent, within that official's area of responsibility, any unauthorised expenditure, irregular expenditure and fruitless and wasteful expenditure and any under collection of revenue*

due;

- (d) *must comply with the provision of this Act to the extent applicable to that official, including any delegations and instructions in terms of section 44; and*
- (e) *is responsible for the management, including the safe-guarding, of the assets and the management of the liabilities within that official's area of responsibility."*

- Brigadier Mahlangu as Acting Component Head for procurement and contracts SCM and Lt. General Riet as Divisional Commissioner SCM, failed to request three quotations on an emergency procurement and to take all reasonable steps to ensure that irregular expenditure is prevented.
- Lt. General J Riet took an early pension at the end of April 2022 from the position of Divisional Commissioner Supply Chain Management and as such, disciplinary action cannot be instituted against him.

**d) Timelines**

The investigation commenced in April 2022 and it is anticipated that it will be finalised by end of July 2022. The following activities are planned for June

- Serve 5(2)(b) & (c) Notice on Francina Vuma, the Deputy National Commissioner at SAPS. The hearing is scheduled for 20 June 2022;
- Serve 5(2)(b) & (c) Notice on Blessing Qwabe, the CEO of Mainstreet 699 Pty Ltd and interview same, The hearing is scheduled for 21 June 2022;
- Interview and obtain affidavits from SAPS Steering Committee;
- Refer the matter to the Special Tribunal to set aside the contract;
- Refer the matter to the NPA for possible corruption; and
- Refer the matter to SAPS for disciplinary action.



## 6.2. KWAZULU-NATAL PROVINCE

### 6.2.1. KwaZulu-Natal Department of Health – Infrastructure (“KZN DoH”)

No	Name of Service Provider	No of Contracts	Rand Value
1.	CV Projects SA	1	R80 965 509
2.	D Construction	2	R17 081 923
3.	Durban Maintenance	1	R36 466 749
4.	Enza Construction	1	R62 370 554
5.	Extreme Events Infrastructure (Pty) Ltd	1	R36 027 684
6.	GVK Siya Zama Building Contractors (Cape) (Pty) Ltd	2	R307 723 720
7.	Highpana Projects	3	R219 706 458
8.	ISU Engineering	2	R117 573 204
9.	Iyaxhasana Construction cc	1	R28 959 989
10.	Lakeshore Trading	2	R138 627 374
11.	Leomat JJS JV	1	R98 966 973
12.	LionBee Investment	1	R12 608 453
13.	MMQSMACE Consultancy	1	R42 534 073
14.	Mthabane Civils and Paint	1	R4 439 830
15.	RGZ Projects	4	R284 286 137
16.	Rods Construction	1	R84 746 000
17.	Royal Agricultural Society	8	R60 338 832
18.	Siqu Group	2	R78 515 351
<b>Total</b>		<b>35</b>	<b>R1 711 938 813</b>

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**a) Nature of Allegation**

The allegation emanated from information contained in the First Special Report of the AGSA on the financial management of Governments Covid-19 initiatives relating to costs to the value of R251 000 000 incurred in the preparation of quarantine sites as well as the irregular procurement, fruitless and wasteful expenditure in the appointment of service providers. The SIU received the allegation to investigate and identified that the allegation erroneously attributed responsibility for the project to the KZN DPW.

The SIU reviewed the AGSA report and identified that the report focused on the costs associated with the provision of properties used as quarantine and self-isolation sites by the KZN DoH. The KZN DPW was the implementing agent for KZN DoH on some of the contracts.

**b) Progress to date**

The investigation is ongoing with the following activities having been conducted, or are underway:

- Meeting with Mr Khondlo Elben Mtshali, Chief Director: SCM of KZN DoH to discuss the process followed in the awarding of contracts to service providers and drafting of affidavit.
- Procurement documentation was uplifted from Mr Mtshali.
- Introductory meeting with Mr Majola, Acting Head of KZN DPW to discuss the SIU investigation into the KZN DoH infrastructure and the role played by KZN DPW.
- KZN DPW procurement documentation uplifted.
- Checked SARS compliance.
- Confirmed CSD and CIPC registration and ITC information on service providers and its Directors.
- Data capture of documents.
- Analysis of documents and identifying of “red flags”.
- Interviews conducted with KZN DoH officials Ms Vuyo Khanyile –Project Leader, Mr Xaba – Chief Director Infrastructure, Mr Raswai Potsane – Project Leader / Quantity Surveyor. Ms Michelle de Goede –Director of Planning, Ms Tia Katsikoyiannis – Chief Architect infrastructure Development.

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- Drafting of affidavits.
- Interview conducted with Co-Director of Iyaxhasana Construction CC, Mr Sanjay Bennie.
- Verification of payment certificates with supporting invoices and Bills Quantities

**c) Timelines**

The SIU investigation commenced on 1 November 2021 and is expected to be completed by 31 October 2022. The following activities are ongoing:

- Data capturing of procurement documents;
- Desktop analysis to identify “red flags”;
- Interview KZN DPW and KZN DoH officials and obtain affidavits;
- Interview project leaders and obtain affidavits;
- Interview service providers;
- Uplift documents and review plans with project leaders;
- Verify Bills of Quantities;
- Verify invoices, labour charges and payments invoices and annexures;
- Site visits and inspections;
- Financial analysis and all transactions identified; and
- Analyse financial transactions and payments made to service provider.

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### 6.3. MPUMALANGA PROVINCE

#### 6.3.1. Mpumalanga Regional Training Trust (“MRTT”)

##### 6.3.1.1. School Water and Sanitation Projects

###### a) Nature of Allegation

The SIU received on 27 August 2020 allegation published in the MPT Covid-19 Procurement Disclosure Report. The investigations conducted are to determine any price inflation and if the proper procurement process was followed as per NTI and value for money.

The Education Infrastructure Grant (“EIG”) under the control of the Mpumalanga Department of Education (“MPU DoE”) was identified by the MPU DoE as a cornerstone of ensuring that schools comply with the regulations of combating the Covid-19 spread. A total of 249 schools in Mpumalanga were identified as having challenges with inadequate water and or sanitation. As a result the MRTT was identified, through its artisan training programme to attend to the water and sanitation and the installing of the water fountains and hand wash basins. For this purpose a total of 39 service providers were appointed to provide building material to a value of R6 430 921.

The following 28 MRTT contracts were identified for investigation:

No	Name of Service Provider	Items	Value of contract	No of contracts
1	Jel Forest (Pty) Ltd	Building material	R77 216	1
2	Masikhane Civil Contractors CC	Building material	R266 386	2
3	Greatlinking Management Services	Building material	R141 914	2
4	Fountain Square Construction (Pty) Ltd	Building material	R328 489	2
5	Makhosana Investment (Pty) Ltd	Building material	R179 932	2

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No	Name of Service Provider	Items	Value of contract	No of contracts
6	Kewukewu Investment Projects (Pty) Ltd	Building material	R178 400	1
7	Sontran Trading 173 CC	Building material	R330 682	2
8	Sinengilosi Trading (Pty) Ltd	Building material	R158 204	1
9	Msundizwa Trading Enterprise	Building material	R271 355	2
10	Mfuyase Trading and Projects (Pty) Ltd	Building material	R336 654	2
11	Valotech 15 (Pty) Ltd	Building material	R415 580	2
12	Reikemetse Projects CC	Building material	R287 753	
13	Hlalitho Transportation and Other Projects CC	Building material	R396 881	2
14	Sno Aluhle Projects and Services (Pty) Ltd	Building material	R414 324	2
15	Dudu & Sibusiso Trading & Projects CC	Building material	R360 076	2
16	Ingculugculu Trading and Projects CC	Building material	R364 140	1
17	Guqa Phansi Trading Enterprise CC	Building material	R361 670	2
18	Don't Forget to Dream	Building material	R93 535	1
19	Netcom Trading	Building material	R80 132	1

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No	Name of Service Provider	Items	Value of contract	No of contracts
20	Nduks Trading Enterprise (Pty) Ltd	Building material	R146 692	1
21	Diemeisie (Pty) Ltd	Building material	R23 646	1
22	NPK Décor & Hire Solution (Pty) Ltd	Building material	R265 230	1
23	Exacure CC	Building material	R171 247	1
24	Arnesto Investment (Pty) Ltd	Building material	R357 178	1
25	Kravibyte (Pty) Ltd	Building material	R128 000	1
26	Mbombenhle Trading and Projects (Pty) Ltd	Building material	R310 596	1

**b) Progress to date**

Documents and payment packs were requested and analysed. The schools and communities were visited and interviewed as well as verification done by the investigator to determine if work was done / goods installed. An application was submitted on 11 November 2021 to procure and render the service of a specialist in order to determine if:

- Pricing of goods / equipment were in line with market related prices
- Is goods / equipment installed in a structure
- Is all in good operation

**c) Summary of findings**

The renovations and the 249 schools were either not done at all or they were only partially completed therefore the MPU DoE received no value for money. The delivery of building material could also not be confirmed at some of the schools. The outcome of the analysis of the documents

was that some quotations were similar in terms of price and other quotations show possible overpricing.

#### **d) Timelines**

The investigation commenced on May 2021 and will be completed when a Quantity Surveyor (“QS”) verified that the services were delivered and if the pricing of the goods were market related. The anticipated date of completion for this investigation is 31 December 2022.

### **6.3.2. Department of Human Settlements (“MPU DHS”)**

#### **6.3.2.1. Infrastructure Projects**

##### **a) Nature of Allegation**

A media report dated 19 August 2020 published allegations of various discrepancies within the expenditure and pricing of PPE and that the procurement process was not followed. The investigations conducted were to determine any price inflation and if the proper procurement process was followed as per NTI. The total budget for this project was R33 065 361.

##### **b) Progress to date**

Documents and payment packs were requested and analysed. The schools and communities were visited and interviewed as well as verification done by the investigator to determine if work was done / goods installed. The challenge the SIU faced was that they are not specialist in order to determine if:

- Pricing of goods / equipment were in line with market related prices
- If goods / equipment installed in a structure
- If all is in good operation

A total of 387 contracts were awarded to four service providers for the:

- Drilling of boreholes and installation of storage tanks (JoJo) at 247 schools. The total budget for this project was R63 350 333; and
- Drilling of boreholes, installation of storage tanks (JoJo) and the installation of large steel water reservoirs in 11 communities.

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The following four MPU DHS contracts were identified for investigation:

No	Name of Service Provider	Items	Value of contract	No of contracts
1	Lihuzu Projects (Pty) Ltd	Drilling of boreholes, installation of storage tanks and the installation of steel water reservoirs	78 836 940	110
2	Keratame Consulting Engineers	Drilling of boreholes, installation of storage tanks and the installation of steel water reservoirs	16 440 315	137
3	KMSD Consulting Engineers	Drilling of boreholes, installation of storage tanks and the installation of steel water reservoirs	10 348 260	129
4	Hydra Arc (Pty) Ltd	Drilling of boreholes, installation of storage tanks and the installation of steel water reservoirs	69 912 885	11

**c) Summary of findings**

The technical evaluation of the work that has been done is still to be determined by a specialist.

**d) Timelines**

The investigation commenced on May 2021 and will be completed when a QS verified that the services were delivered and if the pricing of the goods were market related. The anticipated date of completion for this investigation is 31 December 2022.

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## 6.4. NORTHERN CAPE PROVINCE

### 6.4.1. NCP DSD

#### 6.4.1.1. Various Service Providers

##### a) Nature of Allegation

On request of the Office of the Premier and based on matters highlighted in the NCP PT report, 84 investigations in respect of PPE contracts at the NCP DSD in respect of procurement process and supplier's appointment were identified. The investigation is proceedings against three service providers only.

	Name of supplier	Description of service	Contract amount
1	Asijiki Sound bytes	3 ply masks	R300 000
2	Auto Race Carwash	3 ply masks	R142 500
3	PricemartTechnology	3 ply masks	R18 918

##### b) Summary of Findings

The SIU are currently preparing the evidence for a contravention of Section 8(1)(a) of the Competition Act, Act No. 89/1998, as amended by the Amended Competition Act, Act No. 18 of 2018, read with Regulation 4 of the Consumer and Customer Protection and National Disaster Management Regulations and Directions No. R.350 dated 19 March 2020 againsts three service providers. The SIU investigation revealed that there is a possibility of price inflation, which is against Treasury Instruction Note 8 of 2019/2020. The interviews with the officials and analysis of information is still ongoing, and which may lead to potential disciplinary referrals.

##### c) Timelines

The investigation is expected to be completed by 31 July 2022.

## 6.4.2. NCP DoE

### 6.4.2.1. Shireway Projects (Pty) Ltd (“Shireway”)

#### a) Nature of Allegation

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The NCP DoE on or about 22 May 2020 made an award to the service provider for the procurement of 30 000 face cloth masks to the value of R714,000.

#### b) Progress to date

The investigation has now revealed that this procurement were part of a bigger procurement process by the NCP DoE for the procurement of facemasks that includes approximately 20 service providers who received awards to the total value of approximately R12 million.

#### c) Summary of findings

Nine of these service providers are flagged with possible irregularities concerning their tax compliant status. Letters are being drafted to NCP PT and SARS as to confirm the tax compliancy at the time of awards.

#### d) Timelines

The investigation commenced on 6 April 2021 and the anticipated end date of the investigation is 30 September 2022. This matter will now be investigated in conjunction with the 19 other service providers identified. The following is a list of the main activities that are still to be performed:

- Obtain outstanding documentations as revealed through a series of interviews with officials;
- Analysis of documentation obtained
- Interview additional officials and or other individuals;
- Draft outstanding affidavits;
- Profile Service Providers and Officials through the Fusion Centre; and
- Obtain relevant bank statements.

### 6.4.3. NCP DRPW

#### 6.4.3.1. Various service providers

##### a) Nature of Allegation

On request of the Office of the Premier and based on matters highlighted in the NCP PT report. The NCP DRPW has incurred expenditure to the value of R3 175 329 relating to:

- Wash/clean detergents- R2 003 553;
- Medical supplies- R868 875;
- Other- R269 655;
- Paper/ Plastic - R19 408 and
- Pest Control/ fumigation services- R13 874

During 2020/2021, the NCP DRPW conducted some adhoc assignment on behalf of the NCP DoH and NCP DoE. The NCP DoE requested the NCP DRPW on 26 April 2020 to sanitise schools for reopening on 5 May 2020. During this very short timeframe the department attempted to split the sanitisation into smaller projects to ensure equitable work allocation to different suppliers, but also ensuring the project can be undertaken within the limitations of level 5 and 4 lock down regulations. The department performed sanitisation based on user department requests and as Covid19 positive cases were identified.

The following 16 entities were appointed in the NCP DoH and NCP DoE by the NCP DRPW:

No	Name	Contracts	Value
1	DMZ Construction & Property	1	R1 631 625
2	Isibukiso Trading	1	R7 953 135
3	J H Pest Control	1	R1 397 728
4	Katkay Trading and Projects	1	R397 728
5	Mahne Productions	1	R6 450 360
6	Malome Business Enterprise	1	R1 527 256

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No	Name	Contracts	Value
7	Masedi Star	1	R3 063 206
8	Mohina Solutions	1	R127 087
9	Moloi Group of Companies	1	R2 533 723
10	Ntaba Resources & Project Management	1	R2 237 623
11	OTP Logistics	1	R1 835 090
12	Silver Stream Industries	1	R3 897 419
13	The ISJX Group	1	R17 513 964
14	Uniqo	1	R1 270 651
15	V3 Consulting Engineers	1	R596 807
16	Best Enough Trading Projects 287	1	R5 097 098
	<b>Total</b>		<b>R57 530 500</b>

#### b) Progress to date

The SIU investigation commenced as soon as the requested documentation was received. Some documentation were received on 30 June 2021 and an analysis was done. A meeting was arranged with the SCM Director to understand the procurement process followed by the NCP DRPW. The drafting of the SCM Director procedural affidavit statement is being finalised. The SIU also met with the SCM Director with a view to obtain bid documents for all other appointed services providers for the disinfection and deep cleaning of schools in the NCP including approved deviation for projects.

On 3 August 2021, all requested information was collected from the NCP DRPW including the list of SCM officials responsible for sourcing quotations from the CSD. The SIU analysed the documents received from the NCP DRPW with regard to disinfection and cleaning of schools and for renovations of the hospitals during Covid-19 period. A desktop analysis of documentation revealed that:

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- A blanket deviation letter was used for the Covid-19 state of emergency procurement. Deviation letter did not contain details of procurement, pricing or parameters;
- Non-VAT vendors were charging VAT;
- The under reporting of Covid-19 related expenditure to NCP PT to the value of R459 842 was identified;
- CSD reports were not attached on the payment batches;
- The DRPW nominated Moloi Group of Companies from Bloemfontein only, for an emergency works (Covid-19) minor repairs at Colesburg Hospital amounting to R205 190. The nomination letter dated 23 April 2020 was compiled and signed by Manager SCM; and
- A second letter of appointment nominating Moloi Companies to render Emergency General Services Building minor works (Covid-19) repairs at Colesburg Hospital, compiled by Manager SCM on 23 April 2020 and signed by CFO on 24 April 2020 were identified.

There was a general deviation compiled by SCM Director, undated for “procurement for the minor repairs at various DoH facilities in the Province. It was recommended and signed by the CFO without a date and signed and approved by Mr K. Nogwili the accounting officer also without a date. Analysis of all available documentation is now ongoing. A further Notice in terms of Section 5 (2)(a) of the SIU Act, 1996 had been served on A/HOD for certain outstanding documentation.

**c) Timelines**

The investigation commenced on 03 March 2021 and the anticipated end date of the investigation is 31 August 2022. The SIU is waiting for the requested documentation from CIBD, SARS, Provincial Treasury and some financial institutions.

**6.4.4. Renosterberg Municipality (“Renosterberg”)**

**a) Nature of Allegation**

The SIU received allegations in respect of PPE Covid-19 SCM irregularities at Renosterberg, by an anonymous individual. The SIU was handed an Internal Audit Report (“the Internal Report”) on

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the Covid-19 expenditure of Renosterberg Municipality for 2020 on 6 August 2021. The Internal Report highlighted the following:

No	Name	Contracts	Value
1	Ribilwa Trading Enterprise	10	R1 606 455
2	ISJX Group	1	R185 006
3	Mzondis Lounge (Pty) Ltd	1	R235 000
4	BT Jacobs IT Consultant	2	R267 000
5	Black J Styles	1	R8 800
6	Eyabathembu Holding & Investment	1	R26 400
7	Komeng Building	1	R34 000
8	Van der Kloof Pharmacy	1	R660
9	CJ Ferreira	1	R11 000
10	A-Z general trading	1	R89 975
	<b>Total</b>	<b>20</b>	<b>R2 464 796</b>

- Renosterberg made 20 awards to different 10 service providers between April 2020 and February 2021 to the value of R2 464 796.
- Some suppliers were not registered for VAT;
- No CSD reports attached to the payment vouchers;
- All payments were made without following proper SCM processes;
- All payments made were not authorised by the relevant senior official, CFO or Municipal Manager;
- Deviations attached to the payment vouchers were not properly explained and approved by the CFO and Municipal Manager; and

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- Significant payments for PPE and mobile toilets were made to only one supplier amounting to R1 614 455.

**b) Progress to date**

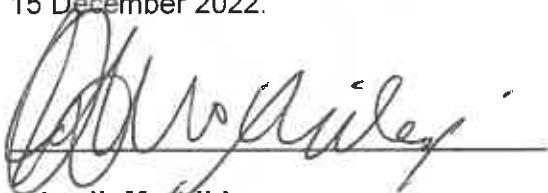
The investigation team are currently preparing the evidence for a contravention of Section 8(1)(a) of the Competition Act, Act No. 89/1998, as amended by the Amended Competition Act, Act No. 18 of 2018, read with Regulation 4 of the Consumer and Customer Protection and National Disaster Management Regulations and Directions No. R.350 dated 19 March 2020

**c) Timelines**

The investigation commenced on 10 August 2021 and the anticipated end date of the investigation is 31 August 2022. The investigation team will perform the following functions:

- The referral of service providers to the Competition Commission due to excessive prices charged;
- The consideration of an recommendation to institute disciplinary proceedings against certain municipal officials for financial misconduct;
- The consideration to institute civil proceedings to set aside irregular awards made by the municipality and to recovery for losses suffered by the State;
- The consideration of referring alleged conduct by municipal in terms of the MFMA.

The final report in respect of the investigations that are still ongoing will be submitted by 15 December 2022.



**Adv. J.L. Motlhabi**

**Head of the Special Investigating Unit**

Date: 15 JULY '22

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