



SPECIAL INVESTIGATING UNIT



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The State's preferred and trusted anti-corruption forensic investigation and litigation agency

THIRD 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 July 2022 to 31 October 2022

15 December 2022

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ADDRESSEES:	
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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 third 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:

- 1st progress report covered the period 24 July 2020 to 28 August 2020 and was submitted on 1 September 2020;
- 2nd progress report covered the period 29 August 2020 to 2 October 2020 and was submitted on 14 October 2020;
- 3rd 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;
- 4th progress report covered the period 22 February 2021 to 16 April 2021;
- 5th progress report covered the period 17 April 2021 to 31 May 2021;
- 6th progress report covered the period 1 June 2021 to 9 July 2021;
- Final report covered the period 23 July 2020 to 30 November 2021; and
- Second final report covered the period 1 December 2021 to 30 June 2022.

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1. Number of contracts deemed to be under investigation at 31 October 2022

The number of contracts under investigation is **5 515**. These contracts were awarded to **3 058** service providers. As a percentage of the number of the contracts under investigation, 90.2% of these contracts have been finalised and 9.8% are ongoing.

Final number of contracts under investigation by the SIU at 31 October 2022				
Contracts' Investigation Status	No. of Service Providers	No. of Contracts awarded to service providers	Value of contracts awarded to service providers	Percentage of the number of contracts
Finalised	2 957	4 975	R15 631 529 742	90.2%
Ongoing	101	540	R2 203 164 689	9.8%
Total	3 058	5 515	R17 834 694 431	100%

Finalised Matters with type of irregularity			
Irregularity	Number of service providers	Number of contracts awarded to service providers	Value of contracts awarded to service providers
No irregularity	1 641	2 010	R6 733 994 053
Irregularity identified	1 316	2 965	R8 897 535 689
Out of scope	85	85	R174 951 133
Total	3 042	5 060	R15 806 480 875

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2. Steps Taken

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

SIU Outcome	Total at 15/07/2022	Total at 31/10/2022
Number of matters enrolled in the Special Tribunal	55	59
Value of matters enrolled in the Special Tribunal	R2 247 237 256	R2 469 834 346
Number of referrals made for Disciplinary Action against officials	387	456
Number of referrals made to the Relevant Prosecuting Authority	408	476
Number of referrals made for Executive Action	3	3
Number of referrals made for Administrative Action (which includes Blacklisting)	340	348
Rand value of potential cash and/or assets to be recovered	R553 182 247	R565 981 230
Rand value of actual cash and/or assets recovered	R35 775 376	R36 334 567
Value of potential loss prevented	R114 203 509	R118 867 254
Contracts set aside	R170 413 350	R729 029 063

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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;

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- 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.

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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 replaced 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 2016/17¹ and NT Practice Note No. 8 of 2007/2008² 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):
 - 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.

¹ 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.

² 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.

- 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

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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.
- 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

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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.

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- 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 contract 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:

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- 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 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 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.

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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 was set down for hearing on 3 February 2022. On 19 August 2022 the Court ordered that the agreement concluded between the 1st and 2nd respondents (the Matzikama Municipality and the Rural Impact Training Centre NPC), on or about 14 May 2020, is invalid and of no force or effect. Respondents were ordered to pay the legal costs of the SIU.

- 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. Application to join proceedings was dismissed.
- 4.1.1.4.** Digital Vibes - In this matter Dr Mkhize served issued a review application under case 52006/21 out of the Gauteng Division. Pleadings have been exchanged and the SIU had undertaken to comply with the R53 notice on 30 June 2022. The SIU filed the Rule 53 record and requested Applicant to file his supplementary papers failing which the SIU will serve and file its Answering/ Opposing Affidavit by 31 January 2023.
- 4.1.1.5.** Sibiyi - 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	<p>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.</p> <p>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.</p> <p>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 DoH from making any payments in respect of the contract. The matter is finalised.</p>

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2	ECP	The OR Tambo Municipality "Door-to-door" case: (EC06/2020)	R4 899 000	26/10/2020	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. 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 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.

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3	ECP	The Alinani Trading-matter (EC05/2020)	R2 785 276	30/10/2020	<p>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 SIU's legal costs.</p> <p>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</p>

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4	Free State Province (FSP)	SIU v MEC for Treasury in the Free State Province and 31 others (FS/01/2020)	R39 000 000	27/11/2020	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 was set down for trial on 10-21 October 2022. On the date of hearing, SIU was met with an application to postpone the matter from Defendants that were recently joined in the proceedings to allow them an opportunity to file their respective pleas, the court granted the order for postponement. Defendants to file papers as per dies in rules of court. Matter enrolled for case management and we are awaiting dates from the registrar of the Special Tribunal. 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,

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					<p>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 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 was to be filed 31 August 2022. The SIU through the office of State Attorney have engaged SABS to</p>

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5	FSP	SIU v C Squared Consumer Connectedness (PTY) LIMITED and 5 Others (including the Public Protector) Case no: FS/01/2022	R25 006 515	26/08/2022	conduct sampling and testing of the surgical gowns supplied by Service Provider. The SIU will file damages affidavit on 28 February 2023. Matter under case management.
6	Gauteng (GAU)	The SIU v Ledla Structural Development (Pty) Ltd and 43 Others: (GP07/2020)	R139 000 000	06/08/2020	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%. 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 R38 758 155 to the

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					<p>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> <ul style="list-style-type: none"> • The 1st to 39th Respondents were prohibited from dealing with the funds to the value of R26 449 526 that were frozen in their bank accounts; • The implementation of the contract between the Department and the 1st Respondent was suspended and

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					<p>the 1st to 42nd Respondents were interdicted from giving effect thereto;</p> <ul style="list-style-type: none"> The 43rd and 44th Respondents (i.e. the GEPP and GPAA) were interdicted from releasing the pension benefits due to the 42nd Respondent (a former Chief Financial Officer (“CFO”) of the Gauteng DoH), pending the outcome of a damages claim to be instituted against the 42nd Respondent; The Gauteng DoH was interdicted from making any further payments to the 1st Respondent. <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>

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					<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 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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					<p>(a) Reviewed and set aside the R139 million contract that was concluded between the Department and the 1st 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 declared the funds held in their bank accounts (i.e. a total amount of approximately R16 661 065) forfeit to the State;</p>

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					<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 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</p>

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					<p>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 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>

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					<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 2/06/2021, the SIU received a total of R23 588 881.73 in its trust account.</p> <p>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.</p>

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7	GAU	SIU v Kabelo Mantsu Lehloenyha, Professor Mkhululi Lukhele and MEC for Gauteng Health (GP11/2020)	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 Lehloenyha (i.e. the 42nd Respondent, who is a former 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 Lehloenyha (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

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8	GAU	SIU v Mlangeni Brothers Events CC (GP07/2021)	R24 000 000	15/03/2021	<p>down for hearing on 16/08/2021 to 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 matter will proceed upon receipt of the Constitutional Court judgment.</p> <p>The Gauteng DoH irregularly concluded a contract with Mlangeni Brothers Events CC for the procurement 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</p>

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9	GAU	SIU v Beadica 423 CC (GP08/2021)	R168 597 000	23/04/2021	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 hearing relating to just and equitable remedy was argued on 24 October 2022 and judgment was reserved and eventually delivered in favour of the SIU on 14 November 2022. The Respondents were divested of their profits.
					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 Application was issued in the Special Tribunal on 23/04/2021. The SIU applied for case management on 03/06/2021. The matter

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No	Province	Description	Value of outcome	Date instituted	Progress to date
10	GAU	SIU v Zakheni Strategic Supplies (Pty) Ltd (GP09/2021)	R103 770 000	23/04/2021	<p>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 Respondent brought an application to stay pending the Ledia Judgment. The judgment in respect of application to stay was reserved.</p> <p>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 16/09/2021. The case is set down for hearing from 01 – 02/02/2022. Judgment reserved. Contract set aside and respondent to give audited</p>

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11	GAU	SIU v Fikile and Others GP13/2021	R30 000 000 Review application R431 000 000	14/05/2021	statements. Respondents lodged an appeal to the High Court. 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 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.

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12	GAU	SIU v Lukhele, the GEPF and the GPAA (GP11/2021)	R17 000 000	19/05/2021	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. Practice notes and draft orders were filed and we await date of hearing in the unopposed motion court.
13	GAU	SIU V JOSHCO & 4 Others	R 500 000 000	28/05/2021	The SIU issued and 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

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14	GAU	SIU v Chachulani GP 15/2021	R22 400 000	31/05/2021	<p>application. The interim application was set down for 29/06/2021. The SIU withdrew the applications. The matter is finalised.</p> <p>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 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. This matter forms</p>

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15	GAU	SIU v Pro-Serve Consulting, Thenga Holdings and 3 Others (Anglo Gold Ashanti) (GP20/2021)	R8 000 000	17/09/2021	part of appeal lodged under GP13/2021 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 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. 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).

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					<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 was held on 4/10/2021, where it was directed that:</p> <ul style="list-style-type: none"> a) The Respondents will ask for further discovery in a letter dated 05/10/2021 (which was done); 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); 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); 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 respect of Thenga

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					<p>Holdings on 22/10/2021;</p> <p>e) The SIU would file Heads of Argument by no later than 29/10/2021;</p> <p>f) The Respondents would file Heads of Argument by no later than 8/11/2021; and</p> <p>g) The Hearing of the Application to Reconsider the Interim Interdict is set down for hearing on 16/11/2021.</p> <p>Matter set down for 14-18 November 2022. Judgment has been reserved.</p>
16	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. Awaiting date from Registrar Special Tribunal to hear matter.
17	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 for the judge to rule on the compliance of a R53 notice. Judgment was

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No	Province	Description	Value of outcome	Date instituted	Progress to date
18	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	reserved. Hearing date 6-7 March 2023. 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 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.

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19	National	SIU v Hlatswayo (Black Dot) (GP 20/2020)	R12 000 000	14/12/2020	<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 was set down for trial from 04 – 08/10/2021. Judgement was reserved.</p> <p>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.</p>
					<p>This is a matter from the Department of Land Reform and Rural Development. A PPE-contract was awarded to an</p>

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					<p>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. Hlatshwayo, who was involved in the SCM process. The Application was granted as an interim order and civil proceedings must 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. On the date of hearing the Defendant (Mr Hlatshwayo applied for postponement as he was hospitalised. The application was granted by the court. The case is under case management for allocation of new date of trial.</p>

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20	National	SIU v Digital Vibes and 11 others (KN03/2021)	R266 000 000 (including an interim order for R22 000 000)	04/06/2021	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. 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

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21	National	SIU & NHLS v Ndlovu and 5 Others (GP19/2021)	R172 742 175	25/08/2021	<p>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 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. The joinder was granted and matter under case management.</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,</p>

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22	KwaZulu-Natal (KZN)	Rosette Investments (KN01/2020)	R4 899 000	25/10/2020	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). 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. 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. Rosette Investment (KN01/2020) agreed to refund the KZN

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23	KZN	Gibela (KN02/2020)	R6 708 000	25/10/2020	<p>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 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</p>

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No	Province	Description	Value of outcome	Date instituted	Progress to date
24	KZN	LNA Communications (KN03/2020)	R3 960 000	25/10/2020	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 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. The applicant in the Rescission application failed to file replying affidavit, the SIU has applied for date of hearing. 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>KN03/2020 has been set down on the unopposed role 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. Respondents failed to file their answering affidavit. SIU applied that the matter be heard in an unopposed motion court. Awaiting court directives in this regard.</p>

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25	KZN	Zain Brothers (KN04/2020)	R4 800 000	25/10/2020	<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 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>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. Service provider paid and the matter is finalised.</p>

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26	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. SIU directed to file practice note and draft order for matter to be considered on an unopposed motion court. SIU complied with the directives and now awaits date of hearing from Registrar.
27	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 DSD flowing from the PPE

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28	KZN	SIU v Velakabusha General Trading (Pty) Ltd (KN05/2021)	R2 052 000	1/07/2021	<p>contract. The SIU and respondent are involved with settlement negotiations which will be finalized by 15/112021. 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. Practice notes file and SIU awaits date of hearing.</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 matter on unopposed role and directed by judge to file practice note</p>

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29	KZN	SIU v Ntente Trading (Pty) Ltd (KN06/2021)	R1 800 000	1/07/2021	by 24 August 2022. Practice notes filed and SIU awaits date of hearing. 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 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. Practice notes filed and SIU awaits date of hearing.
30	KZN	SIU v Ibusaphi Trading (KN07/2021)	R1 184 908	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

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31	KZN	SIU v Umunyeovou Trading (Pty) Ltd (KN08/2021)	R247 106	1/07/2021	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 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. Practice notes filed and SIU awaits date of hearing.
					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 allocation of the date

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32	KZN	SIU v Info Tech Evolution (Pty) Ltd (KN09/2021)	R1 335 380	1/07/2021	<p>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. Practice notes filed and SIU awaits date of hearing.</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 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. Practice notes filed and SIU awaits date of hearing.</p>

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33	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 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. Practice notes filed and SIU awaits date of hearing.
34	KZN	SIU v Umunyeovou Trading (Pty) Ltd (KN11/2021)	R450 724	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

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35	KZN	SIU v Ntente Trading (Pty) Ltd (KN12/2021)	R104 700	8/07/2021	<p>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. Practice notes filed and SIU awaits date of hearing.</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 matter on unopposed role and directed by judge to file practice note</p>

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36	KZN	SIU v Mpumelelo Dlaba (Pty) Ltd (KN13/2021)	R232 200	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. Practice notes filed and SIU awaits date of hearing.
37	KZN	SIU v Inqikithi Trading Enterprise CC	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

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		(KN14/2021)			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. Practice notes filed and SIU awaits date of hearing.
38	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 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

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39	KZN	SIU v Ngezolusha Trading (Pty) Ltd (KN16/2021)	R586 629	8/07/2021	<p>The Registrar of the Special Tribunal. Enrolled matter on unopposed role and directed by judge to file practice note by 24 August 2022. Practice notes filed and SIU awaits date of hearing</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 matter on unopposed role and directed by judge to file practice note by 24 August 2022. Practice notes filed and SIU awaits date of hearing</p>

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40	KZN	SIU v Youth Development 12 (Pty) Ltd (KN17/2021)	R440 080	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. Practice notes filed and SIU awaits date of hearing.
41	KZN	SIU v Beyond Hospitality Solutions (Pty) Ltd (KN18/2021)	R37 120	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

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42	KZN	SIU v Mabugana Group CC (KN19/2021)	R567 617	8/07/2021	<p>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. Practice notes filed and SIU awaits date of hearing</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 matter on unopposed role and directed by judge to file practice note</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
43	KZN	SIU v Henque 2200 CC t/a Zama Trading (KN20/2021)	R28 065	8/07/2021	<p>by 24 August 2022. SIU was further directed to file record after the court granted permission to the respondents to oppose the matter. SIU complied with the directives by filing record on the 26th of August 2022. The matter is now under case management.</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 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. Practice notes filed and SIU awaits date of hearing.</p>

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44	KZN	SIU v Henque 2200 CC t/a Zama Trading (KN21/2021)	R31 220	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 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. Practice notes filed and SIU awaits date of hearing.
45	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. Matter under case management.

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46	KZN	SIU v Czakhele Enterprise Pty Ltd and 19 Others (KN/04/2022)	R27 562 500 + R4 759 065	7/11/2022	All respondents are served and service affidavit filed on case line. Respondents to file papers and matter will be subjected to case management.
47	Limpopo (LIM)	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. Matter settled on the basis that contract is declared null and void. awaiting court order confirming settlement from honourable Judge Naidoo.
48	LIM	SIU v Dr Mhlongo (LP/03/2022)	R161 790 000	29/ 09/2022	Pension restrained. Matter under case management re the review application.
49	Mpumalanga (MPU)	SIU v Guwena Construction (GP23/21)	R865 000	7/12/2021	Summons was issued to recover losses suffered. Filed further particulars and special plea. Matter under case management.

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50	MPU	SIU v Siyanda and Thabo (MP01/21)	R1 029 000	7/12/2021	Summons was issued to recover losses suffered. Filed further particulars and special plea. Matter under case management.
51	MPU	SIU v Silvex 622 CC (MP/02/21)	R1 099 560	7/12/2021	Summons was issued to recover losses suffered. Filed further particulars and special plea. Matter under case management.
52	MPU	SIU v Zeelwa Trading (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. Matter finalised against SIU.
53	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. Impact: The pension benefits of the SCM manager were freed in lieu of action proceedings to claim losses of R2.8 million.

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No	Province	Description	Value of outcome	Date instituted	Progress to date
54	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. Judge directed to re-service papers and case management to be held on 30 June 2022. Matter subject to case management.
55	NWP	SIU v Mothupi (NW03/2021)	R3 100 000	19/07/2021	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

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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
56	NWP	SIU v Redeyes Trading (NW/01/21)	R1 200 000	3/05/2021	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. Matter subject to case management.
57	NWP	SIU v Red Spot Trading (NW/01/2022)	R2 680 767	21/06/2022	Review application to set contract aside. The SIU applied for case management on 17 June 2022 and is awaiting date from the registrar. Practice notes filed and SIU awaits date of hearing.
58	WCP	SIU v Kanga (WC02/2021)	R3 400 000	23/08/2021	Matter under case management. 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

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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
59	WCP	SIU v Duneco (WC/05/22)	R2 800 000	26/05/2022	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. Practice notes filed and SIU awaits date of hearing. Application to review to set aside contract and claim losses suffered. Matter is opposed and date of hearing was 29 August 2022 which has been postponed to 1-2 February 2023, to allow ST to allocate it to an Afrikaans speaking Judge.
<ul style="list-style-type: none"> The total value of the 59 PPE matters instituted in the Special Tribunal is R2 469 834 346 					

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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.
2	ECP	The OR Tambo Municipality "Door-to-door" case: (EC06/2020)	R4 899 000	26/10/2020	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 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

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No	Province	Description	Value of outcome	Date instituted	Outcome achieved
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 after just and equitable remedy hearing.	27/11/2020	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 SIU's legal costs. 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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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. The SIU through the office of State Attorney have engaged SABS to conduct sampling and testing of the surgical gowns supplied by Service Provider. The SIU will file damages affidavit on 28 February 2023.</p>

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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	GAU	SIU v Mlangeni Brothers Events CC (GP07/2021)	R4 100 000	15/03/2021	Disgorgement of profits
6	GAU	SIU v Zakheni Strategic Supplies (Pty) Ltd (GP09/2021)	R103 770 000	23/04/2021	Contract set aside.
7	GAU	SIU v Fikile and Others GP13/2021	R30 000 000	14/05/2021	Preservation order

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No	Province	Description	Value of outcome	Date instituted	Outcome achieved
8	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, less R13 891 254 = R158 850 921, 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).
9	National	National Department of Public Works and Infrastructure: The SIU v Caledon River Properties	R40 800 000	18/11/2020	Contract set aside and disgorgement of profits ordered

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10	KZN	(Pty) (Ltd) and Others Beitbridge Border matter: (GP12/2020 and LP01/2020) 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.
11	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 is awaiting the date of the hearing from the Registrar of the Special Tribunal.
12	KZN	Department of Social Development: LNA Communications (KN03/2020)	R3 960 000	25/10/2020	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.

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13	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.
14	LIM	SIU v Aventino case number (LP01/22)	R12 373 000	11/04/2022	Contract set aside
15	LIM	SIU v Dr Mhlongo (LP/03/2022)	R161 790 000 (Value of contracts)	29/09/2022	Value of pension restrained to be quantified
16	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.
17	NWP	SIU v Mothupi (NW03/2021)	R3 100 000 (Value of contracts)	19/07/2021	Value of pension restrained to be quantified.

The total value of the 17 Orders granted is R689 298 671

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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 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Buffalo City Metropolitan Municipality ("BCMM")	Ms Mandlana: Administrative Assistant (SCM)	Contravention of Schedule 2 of the MSA relating to the Code of conduct for Municipal staff members	2	02/08/2022	Referral delivered and acknowledged.
BCMM	Ms Du Plessis: Administrative Assistant (SCM)	Contravention of Schedule 2 of the MSA relating to the Code of conduct for Municipal staff members	2	02/08/2022	Referral delivered and acknowledged.
BCMM	Mr. S Gqiba: Senior Project Manager- Human Settlement Directorate	Contravention of Section 78(1)(a), (b) and (c), read with section 171(3) of the MFMA and Contravention of Schedule 2 of the MSA relating to the Code of conduct for Municipal staff members.	1	17/08/2022	Referral delivered and acknowledged.
BCMM	Mr. Sandile Xoseka: Senior Manager - SCM	Contravention of Sect 217 of the Constitution Contravention of Par 22(1)(a) of the BCMM SCM Policy, 2016/2017	1	02/08/2022	Referral delivered and acknowledged.
BCMM	Ms. Siphokazi Dlongwana: Low costs housing Inspector-	Contravention of Schedule 2 of the MSA Contravention of paragraph 17(gross negligence) of BCMM code of conduct	1	02/08/2022	Referral delivered and acknowledged on 02/08/2022

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Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Human Settlements Directorate				
ECP SASSA	Ms. Nomaza Masiza: General Manager Finance	Contravention of Sec 195 (1) of the Constitution Contravention of Sect 45 of the PFMA	1	07/09/2022	Awaiting feedback from SASSA
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 MSA. Contravention of the provisions of the MFMA.	7	31/05/2022	The matter is under review by the Municipality's Financial Misconduct Board. Awaiting outcome from the Chairperson of the Board.
eThekwini Metropolitan Municipality	Mr Andre Dean M Petersen, Head of SCM;	Contravention of the Code of Conduct for Municipal Staff Members as set out	2	29/06/2022	The matter is under review by the Municipality's Financial

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Number of referrals made for Disciplinary Action against officials – reported after final report submitted on 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mr Siphesihle Makhanya, Acting Senior Manager:Corporate Procurement	in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.			Misconduct Board. Awaiting outcome from the Chairperson of the Board.
eThekwini Metropolitan Municipality	Mr Siphoh 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 MSA. Contravention of the provisions of the MFMA.	7	29/06/2022	The matter is under review by the Municipality's Financial Misconduct Board. Awaiting outcome from the Chairperson of the Board.
eThekwini Metropolitan Municipality	Mr Siphoh Oliver Cele, former Acting City Manager; Mr Andre Dean M Petersen, Head of SCM;	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA.	7	22/07/2022	The matter is under review by the Municipality's Financial Misconduct Board. Awaiting

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekweni Metropolitan Municipality	Mr Martin Xaba, Head: Safer Cities; Mr Xolani Vilana, Manager Administration: Safer Cities; Mr Senzo Ngesi, Admini Officer: SCM; Mr Mduzuzi Tenzza, Purchasing Officer: SCM; Ms Mandisa Shandu, Senior Clerk: SCM	Contravention of the provisions of the MFMA.	7	13/09/2022	outcome from the Chairperson of the Board.
eThekweni 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 Tenzza, Purchasing Officer: SCM;	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.	7	13/09/2022	The matter is under review by the Municipality's Financial Misconduct Board. Awaiting outcome from the Chairperson of the 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 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, Admin Officer: SCM; Mr Mduzuzi Tenza, Purchasing Officer: SCM	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.	6	25/10/2022	The matter is under review by the Municipality's Financial Misconduct Board. Awaiting outcome from the Chairperson of the Board.
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;	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.	14	16/11/2022	The matter is under review by the Municipality's Financial Misconduct Board. Awaiting outcome from the Chairperson of the Board.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
	Mr Senzo Ngesi, Admin Officer: SCM; Mr Mduduzi Tenza, Purchasing Officer: SCM Ms Mandisa Shandu, Senior Clerk: SCM				
MPU DoE	Mr J Nkosi: Acting HoD	Contravention of National Notes and Section 38 of the PFMA	1	22/03/2022	Awaiting feedback from the Department
MPU DoH	Ms P Khoza Mr D Ndhlovu Mr B Ngomane Mr M Nienaber S Phalanndwa	Contravention of the PFMA and Public Service Regulations	5	12/04/2022	Awaiting feedback from the Department
Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MPU DARDLEA)	Mr I Silinda Mr M Letswalo	Contravention of the PFMA and Public Service Regulations	2	26/05/2022	Awaiting feedback from the Department

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Mpumalanga Department of Culture, Sports and Recreation (MPU DCSR)	M M Vilakazi	Contravention of the PFMA and Public Service Regulations	3	20/04/2022	Awaiting feedback from the Department
Total			69		

Number of referrals made for Disciplinary Action against officials – reported at 15 July 2022

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	No disciplinary action has been taken yet
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 Gwazela an intern	Fraud, Corruption	1	03/03/2021	Internship contract was not renewed

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Number of referrals made for Disciplinary Action against officials – reported at 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
ECP DoE	Ms N Tembo, 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 sentenced to two months without pay
ECP DoE	Mr M Harmse: Chief Director, SCM	Corruption and contravention of public service regulations and code of conduct	1	30/08/2021	Disciplinary process is underway and hearing postponed to a later date
ECP DoH	Mr T Mangoloti, a Vehicle Quality Management Officer.	Contravention of Reg 13 of Code of Conduct of the Public Service Regulations and Section 32 of the Public Service Act	1	28/04/2021	Sanction of a Final Written Warning was handed down on 29/07/2021
ECP DoH	Dr T Mbengashe, the former SG of the Department of Health	Contravention of the Section 38 (1) and 81 (1) of the PFMA	1	01/02/2021	Disciplinary process was finalised and awaiting sanction
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	17/01/2022	The employee received a final written warning

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
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
ECP SASSA	Mr B Maqethuka, Regional Manager	Fraud and contravention of the PFMA	2	04/07/2022 12/10/2021	Found not guilty on one charge. Referred to the CEO to absolve the employee on one count
ECP SASSA	Ms I Smith, Senior Manager SCM	Fraud and contravention of the PFMA	1	04/07/2022	The submission was sent to the Regional Executive on 30/09/2022 and the SIU is awaiting feedback
ECP SASSA	Ms Kopele, Grant Administrator	Fraud and contravention of the PFMA	1	23/11/2022	The referral was set to Labour Relations for processing

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ECP SASSA	Ms Memela-Kambule, CEO	Fraud and contravention of the PFMA	1	18/10/2021	Awaiting feedback from the Minister
ECP SASSA	Ms Setan, Acting Chief Procurement Officer	Fraud and contravention of the PFMA	1	14/10/2021	Awaiting feedback from the Minister
ECP SASSA	Mr Lungile Qabisisa, Manager	Fraud and contravention of the PFMA	1	12/10/2021	Disciplinary hearing was set for 16 – 30/09/2022. The SIU is waiting for an update
ECP SASSA	Mr V Bukula, Senior Manager	Fraud and contravention of the PFMA	1	12/10/2021	Disciplinary hearing was set for 26 – 30/09/2022. The SIU is waiting for an update
ECP SASSA	Mr Y Depha, Manager	Fraud and contravention of the PFMA	1	12/10/2021	Disciplinary hearing was set for 26 – 30/09/2022. The SIU is waiting for an update
ECP SASSA	Ms S Kimbili, Snr Admin Officer	Fraud and contravention of the PFMA	1	20/07/2021	The referral was set to Labour Relations for processing
Nelson Mandela Bay Metropolitan Municipality	Ms E 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

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Number of referrals made for Disciplinary Action against officials – reported at 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
Nelson Mandela Bay Metropolitan Municipality	Mr R Ferreira, Head of Logistics Management Section.	Failure to comply with MFMA Circulars	1	09/06/2021	they decided that the SIU findings were irrational The Municipality decided not to institute any disciplinary hearings against its officials as they decided that the SIU findings were irrational
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	1 1	31/03/2021 09/06/2021	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

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Number of referrals made for Disciplinary Action against officials – reported at 15 July 2022

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	05/11/2021	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	05/11/2021	The official resigned on the eve of the disciplinary process
OR Tambo District Municipality	Mr J Gwadiso – Senior Manager: Whippyery Services Unit	Contravention of MFMA	1	20/11/2020	The disciplinary hearing was scheduled for 16 – 17/11/2022 after numerous postponements. The SIU is waiting for an update.
OR Tambo District Municipality	Mr T Tseane – Director: Legislative Services	Contravention of MFMA	1	20/11/2020	Mr Tseane resigned on the eve of the disciplinary hearing.
OR Tambo District Municipality	Mr O Hlazo – Municipal Manager	Contravention of MFMA	1	25/11/2020	Deceased

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Number of referrals made for Disciplinary Action against officials – reported at 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
GAU DoE	Mr JI van Coller; Mr S Mhlophe; Mr KH Baloyi; Mr VN Manngo.	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 hearings against Mr. Mhlophe; Mr. Baloyi and Mr. Manngo are still ongoing. 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.
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; Mr R Makhumisani, Acting Head: GDID;	Committed Financial Misconduct and gross and serious misconduct	9	29/12/2021	One official was dismissed on 27/10/2021

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	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	21/12/2021	Waiting for feedback from the Department
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 or the GDoH	2 4 3 1	14/05/2021 21/04/2021 05/01/2021 18/09/2020	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	1	10/11/2020	The Presidency confirmed that action was instituted against

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		submitted to the Presidency 2018-2019 and 2020 which resulted in: The Presidency and the State suffering actual financial loss 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.			Ms Diko and sanction of a warning was given.
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	21/09/2021 07/09/2021 15/04/2021	The disciplinary hearing commenced on 15/11/2022 and will continue on a date to be announced.
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.
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

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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 disciplinary hearing was held on 28/10/2022 and was postponed to a later date which is still to be announced.
GAU DoH	Mr B Mgudiwa, ER Manager	Conflict of Interest policy document of SAA express	1	03/12/2020	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

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City of Johannesburg / Johannesburg Property Company JPC	Helen Botes, CEO; Imraan Bhamjee, CFO; Nandisa Zondo, Manager: SCM; Fitzgerald Ramaboea, Senior Manager: SCM; Gowrie Sunker, General Manager: Special Projects.	Committed financial misconduct, as envisaged in section(s) 172(1) of the MFMA:	5	30/03/2021	considering SIU's recommendations An external service providers has been appointed to assess the SIU's referral and advice the JPC board on how to proceed
City of Tshwane Municipality	Mr T Mphefu, 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 Mphefu. Mr Mekhoe passed away before any disciplinary proceedings could start.

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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	Waiting for feedback in respect of the outcomes of the disciplinary hearings
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; Deputy DG: Construction, Mr Mokhothu;	SCM non-compliance	13	27/07/2020	Waiting for feedback in respect of the outcomes of the disciplinary hearings

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	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.				
National Department of Employment and Labour	Ms L Briedenhann, Acting CFO; Mr M Buthelezi, Director: Communications and Marketing;	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.

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	Ms MM Ramoshaba, Director: SCM; 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.
National Health Laboratory Services	Mr T Mabundza, Head: SCM; Mr M Sass, CFO;	Dishonesty SCM non compliance	8	10/02/2021	Mr Mabundza resigned before the disciplinary hearings commenced.

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	Ms A Noganta, Manager; Procurement;				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. 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.
	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.				

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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; Captain MA Tshikosi; Major N Sobekwa; S/Sgt. HS Letlape; Ms F Khumalo; Leading Seaman S Jiane; Brigadier General IMR Mongo.	Dishonesty SCM non compliance	11	02/09/2021	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
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	1	21/09/2021	Mr Marumule was given a sanction of Corrective Counselling in an informal

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FSP DCS	Mr Bikane, Regional Head: Corporate Services	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	No disciplinary action was taken against Mr Bikane
FSP DCS	Ms Ndlovu, Regional Coordinator: Human Resource Management and Support	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	The employee received a written warning

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Free State Department of Human Settlements (FSP DHS)	Mr Mokhesi, Head of Department	Failure to comply with Par 14.4.2.2 and Par 14.4.2.4 of the DCS Procurement Procedure Manual 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 (FSP PT)	Mr Mokoena, former CFO	Misconduct in that he failed to comply with the provisions of section 45(a) – (e) of the PFMA 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	1	11/11/2020	Mr Mokoena resigned 30 June 2021 before disciplinary action could be instituted

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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 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

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eThekweni 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, Admin Officer: SCM; Mr Mduzuzi Tenzza, 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 MSA. Contravention of the provisions of the MFMA.	21	10/05/2022	The matter is under review by the Municipality's Financial Misconduct Board. The SIU is awaiting the outcome from the Chairperson of the Board
eThekweni 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;	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.	6	31/03/2022	The matter is under review by the Municipality's Financial Misconduct Board. The SIU is awaiting the outcome from the Chairperson of the Board

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eThekwini Metropolitan Municipality	Mr Senzo Ngesi, Admin Officer: SCM; Mr Mdluzi Tenza, Purchasing Officer: SCM	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.	18	22/12/2021	The matter is under review by the Municipality's Financial Misconduct Board. The SIU is awaiting the outcome from the Chairperson of the Board
eThekwini Metropolitan Municipality	Mr Siphon 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, Admin Officer: SCM; Mr Mdluzi Tenza, Purchasing Officer: SCM	Contravention of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 of the MSA. Contravention of the provisions of the MFMA.	14	22/12/2021	The matter is under review by the Municipality's Financial Misconduct Board. The SIU is awaiting the outcome from the Chairperson of the Board

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Number of referrals made for Disciplinary Action against officials – reported at 15 July 2022

State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
eThekweni Metropolitan Municipality	Mr Xolani Vilana, Manager Administration: Safer Cities; Mr Senzo Ngesi, Admin Officer: SCM; Mr Mduduzi 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 MSA. Contravention of the provisions of the MFMA.	1	14/12/2021	The matter is under review by the Municipality's Financial Misconduct Board. The SIU is awaiting the outcome from the Chairperson of the Board
KZN DoE	Mr Mzikayifani Barney Mthembu, Deputy Director General; Ms Judy Dlamini, Deputy Director: IDS; Ms Thembelihle Angeline Gumede, Chief Director: Operations Management;	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	Awaiting feedback from the Department

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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, Acting 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 Mithethwa, Education Specialist;</p> <p>Mr Virendra Maharaj, Education Specialist;</p>				

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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	Awaiting feedback from the Department

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	<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>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> <p>Mr Selvan Reddy, Chief Admin Clerk;</p>				

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KZN DoE	<p>Ms Beatrice Mbaso, Provincial Admin Clerk; Mr Phumelela Horitius Nkosi, Education Specialist; Ms Sibongile Samukelisi Nkwanyana, Admin Clerk; Ms Sunita Brijjal, Admin Clerk</p> <p>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; Mr Sifiso Eugene Cyril Ngcobo, Deputy Director: Finance;</p>	<p>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.</p>	15	20/12/2021	Awaiting feedback from the Department

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	<p>Ms Nonjabulo Favourite Madiba, Acting Director: Finance; Ms Pretty Khayelihle Hadebe, Chief Education Specialist; Mr Vusumuzi Christopher Mavundla, Admin Clerk; 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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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	Dr Nzama is deceased. The disciplinary hearing against Mr Rambarran is currently underway
KZN DoE	Mr Mlambo, Chief Director; Mr Mncube, Senior Admin Clerk; Mr Radebe, Deputy Director: Demand and Acquisitions; Ms Mvelase, 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	Mr Mlambo is retired and no action has been taken and the matter is closed. The hearing is underway for Mr Mncube. The SIU is awaiting the sanctions for Mr Radebe and Ms Mvelase.
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	Mr Mhlongo was suspended without pay for 3 months. The disciplinary hearing for Mr Sikhakhane was provisionally withdrawn and the Department still has to set a new date for the hearing.

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State Institution	Name and Job Title	Charges	No of referrals	Date referred	Progress to date
KZN DoE	<p>Ms Khumalo, Director: Demand and Acquisitions;</p> <p>Mr Radebe, Deputy Director: Demand and Acquisitions;</p> <p>Dr Nzama;</p> <p>Mr Rambarran, Acting CFO;</p> <p>Mr Mlambo, Chief Director;</p> <p>Ms Bhengu, Administrative Officer; and</p> <p>Ms Mntambo, Administrative Officer</p>	<p>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.</p> <p>Contravened section 45(c) of the PFMA by failing to take appropriate steps to prevent, within their area of responsibility, any unauthorised, irregular or fruitless and wasteful expenditure.</p> <p>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</p>	7	11/02/2021	The Department obtained a legal opinion that gave the MEC discretion to review the SIU report. No disciplinary action was taken against all the officials involved.

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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; Mr Radebe, Deputy Director: Demand and Acquisitions.	their duties in a professional and competent manner. 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 and was suspended for two months without pay. Mr Radebe received a final written warning. Ms Masinga received a final written warning. Ms Hadebe received a final written warning and the SIU is awaiting the sanction for Ms Mthembu
KZN DoH	Mr Khondlo Elben Mtshali, Chief Director: SCM	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.

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	Ms Michelle Govender, Acting Personnel Assistant / SCM Assistant Ms V Bently, SCM Clerk				Ms Govender and Ms Bently were sanctioned with written warnings.
KZN DoH	Mr Khondlo Elben 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 and Ms Bently were sanctioned with written warnings.
Newcastle Local Municipality	Mr Sithembiso Senzo Dlamini, Manager: Logistics and Expenditure; Mr SM Nkosi, Strategic Executive Director: Budget and Treasury	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	Meeting held with the attorney appointed by the Municipality as initiator for the referral against Mr Nkosi on 10/11/2022. Matter still under consideration by the Council. Referrals for other officials under review by the Municipality.

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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	Meeting held with the attorney appointed by the Municipality as initiator for the referral against Mr Nkosi on 10/11/2022. Matter still under consideration by the Council. Referrals for other officials under review by the Municipality.
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.

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LIM COGHSTA	Mr S Maphisa: Chief Engineer Mr M Mokhine: Procurement and Contract Manager Ms E Mutale: Quantity Surveyor	Contravention of Section 217 of the Constitution Contravention of Section 57(c) of the PFMA Contravention of paragraph 8.3.2 of the Housing Development Agency policy	3	31/03/2022	Awaiting feedback from the COGHSTA
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	Dr Mhlongo resigned in June 2022 with immediate effect. On 13/10/22 the SIU obtained a preservation order to freeze her pension benefits
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)	6	05/05/2021 11/05/2021 29/06/2021 08/10/2021 20/10/2021	The disciplinary hearing has been completed and the SIU is awaiting the sanction.

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LIM DoH	Mr MS Khosa, Chief Director: SCM	and (c) of the Departmental SCM Policy dated 23 September 2016	4	05/05/2021 11/05/2021 08/10/2021 20/10/2021	The disciplinary hearing has been completed and the SIU is awaiting the sanction.
LIM DoH	Ms MP Ramakgoatsoa, Director: SCM	Contravening section 45(a), (b) and (c) of the PFMA, and paragraph 14(d) and (i) of the Public Service Regulations of 2016, Chapter 2, Part 1 Code of Conduct ("PSR 2016")	4	05/05/2021 11/05/2021 08/10/2021 20/10/2021	The disciplinary hearing has been completed and the SIU is awaiting the sanction.

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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	The disciplinary hearing has been completed and the SIU is awaiting the sanction.
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	The disciplinary hearing has been completed and the SIU is awaiting the sanction.
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	The disciplinary hearing has been completed and the SIU is awaiting the sanction.

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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.
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	Mr Masemola was sanctioned and the case was closed. The SIU is awaiting the details of the sanction
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	Mr Phaswana has resigned from the Municipality
MPU DoE	MM Shogole; VM Makhuhleni; SMC Mpangane; PJ Shoba; SJ Chuene;	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	All officials pled guilty on 25/10/2022. The SIU is awaiting the sanctions.

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	SA Mashau; MS Hlangwane; WM Mabizela; MO Mophogoane; GT Ngwenya; GN Nkuna.				
Mpumalanga Economic Growth Agency (MEGA)	Ms C Mametja, 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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MPU DoH	Mr T Baloyi	Contravention of the PFMA and Public Service Regulations	1	02/06/2022	Awaiting feedback from the Department
MPU DoH	Mr TD Moralo, Acting Director; Mr LD Mahlalela, Chief Director: Financial Accounting.	Par 14 of PSR. Section 45 of PFMA	4 2	03/11/2021 29/10/2020	The disciplinary hearing for Mr Moralo will be held on 4-5/12/2022. Mr Mahlalela resigned before the disciplinary hearing commenced.
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	The disciplinary hearing is scheduled for 5-6/12/2022
MPU DCSR	N Dladla	Contravention of the PFMA and Public Service Regulations	1	20/04/2022	Awaiting feedback from the Department
MPU DCSR	Mr P Bembe - Acting Manager: SCM; Mr M Thobela – CFO.	Par 14 of PSR. Section 45 of PFMA	3 1	22/02/2021 09/03/2021	The matters were finalised on 21/4/2021, Both received a written warning

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MPU CoGTA	Mr Manzini, Deputy Director	Section 17 of PRECCA. Par 14 of PSR. Section 217 of Constitution	1	14/7/2021	The officials were found guilty on 28/10/2022 and the SIU is awaiting the sanction.
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	The disciplinary hearing is scheduled for 5-6/12/2022
MPU DPWRT	Mr Mkhabela, Deputy Director: Property Management	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	The disciplinary hearing is scheduled for 19-20/12/2022
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	The disciplinary hearing is scheduled for 23-24/12/2022
MPU DPWRT	Ms Molotsane, Director of SCM	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	Ms Molotsane resigned before the disciplinary hearing commenced

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MPU DPWRT	Mr Sigudla, Deputy Director: Facilities	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	Mr Sigudla resigned before the disciplinary hearing commenced
MPU DPWRT	Mr Ngcobo, State Accountant: Property and Facility at the Department	Section 4 and 13 of PRECCA; Paragraph 14 of Public Service Regulations	1	28/9/2021	The disciplinary hearing was scheduled for 25/11/2022
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 contained in Resolution No.1 of 2003 of the Public Service Co-ordinating Bargaining Council.	1	04/10/2021	The SIU is awaiting the signing of the charge sheet by the Premier.
NCP DoH	Mr Gaborone, CFO	Contravention of Section 45 (a), (b) and (c) of the PFMA; Public Service Regulations 2016, Chapter 2, Section 14; Disciplinary Code and Procedures for the Public Service as contained in	1	04/10/2021	The official was suspended for two months without pay and also received a final written warning in respect of two of the nine counts.

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		Resolution No.1 of 2003 of the Public Service Co-ordinating Bargaining Council.			
City of Matlosana Local Municipality	NM Grond, the CFO.	Section 217 of the Constitution Section 78 of the MFMA	1	14/05/2021	He resigned from the Municipality before disciplinary proceedings could commence.
City of Matlosana Local Municipality	Mr Thebe Moeng, Store Manager.	Section 217 of the Constitution Section 78 of the MFMA	1	09/03/2021	Disciplinary hearing finalised and Mr Moeng was given a final written warning.
City of Matlosana Local Municipality	Mr Thembu Motlengi, Assistance Director SCM	Section 217 of the Constitution Section 78 of the MFMA	1	28/07/2021	Awaiting feedback from the Municipality
North West Department of Community, Safety and Transport Management	Mr S Maduma	Failed to perform his duties which resulted in the Department incurring fruitless and wasteful expenditure	1	11/11/2021	Awaiting feedback from the Municipality
North West DoE	PG Tsatsimpe – Deputy Director: SCM; G Molema – CFO; and	Sec 217 of the Constitution, Act 108/1996. Irregular appointment of service providers for PPE	3	23/04/2021	Disciplinary hearing for Ms Tsatsimpe has been finalised and the SIU is awaiting the sanction.

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	MM Jansen – Chief Director; Financial Management Services.				Disciplinary hearing for Mr Molema was finalised and he was found guilty and dismissed on 28/09/2021. He is challenging his dismissal at the CCMA. The disciplinary of Ms Jansen was scheduled for 05/09/2022 and was postponed <i>sine die</i> .
North West DoE	Mr L Daantjie – Assistant Director. Ms JS Ditalame – Administrative Assistant: SCM.	Sec 217 of the Constitution, Act 108/1996. Irregular appointment of service providers for PPE	1 1	30/09/2020 13/11/2020	Disciplinary hearing for Mr Daantjie was finalised and he was dismissed on 24/08/2021. The hearing against Ms Ditalame was held and she was found not guilty on all charges.
North West DoH	Mr JM Mokoena, the Station Manager at EMRS Matlosana.	Gross negligence	1	15/12/2020	The matter was scheduled for 24-26/10/2022 but it was postponed <i>sine die</i> .

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