**AFFIDAVIT**

I, the undersigned,

**RISHIGEN VIRANNA**

**8701215154084**

Hereby make oath and state that:

**AD DEPONENT**

**1.**

* 1. I am an adult **male** person of the above details and of full legal capacity, employed as **a Member of the KwaZulu Natal Provincial Legislature**, at **244 Langalibalele Street, Pietermaritzburg, 3201**, and residing in **Margate.**
	2. Unless specifically indicated otherwise, the facts contained in this affidavit fall within my personal knowledge and are to the best of my belief both true and correct.
	3. I do however point out that I rely upon the veracity of the Public Protector report referred to, and that I am deposing this affidavit on the presumption that the report are factually accurate. Other than what is reported in the report referred to, I have no personal knowledge of the events.

**AD PURPOSE**

**2.**

2.1This affidavit concerns possible criminal offences committed by various persons involved in actions that include allowing irregular expenditure and fruitless and wasteful expenditure to occur regarding KZN Tender ZNB9281/2012/H for the procurement and services regarding the 4 mobile hospital units.

2.2 I depose this affidavit in my capacity as a concerned citizen, and as a Member of the KwaZulu Natal Provincial Legislature representing a sizable constituency that is directly affected by the incidents detailed hereunder.

2.3 It is my belief that the acts detailed hereunder warrant further investigation by the South African Police Services, with the view to criminal prosecution.

**BACKGROUND**

**3.**

3.1 I will throughout my statement refer back to the content of the Public Protector’s Report 109/2019/2020.

3.2 I have attached a copy of the Executive Summary of the Public Protector’s report 109/2019/2020 hereto as **Annexure “A”**. A copy of the full report is available via the Public Protector’s website.

**THE ALLEGED OFFENCES**

**4.**

4.1 Regarding KwaZulu Natal Department of Health tender, ZNB9281/2012/H, that was awarded to Mzanzi LifeCare for 4 mobile hospital units, the Public Protector made the following findings:

4.1.1 The processes followed by the Department to lease and consequently purchase the mobile units were improper and not in accordance with a system that is fair, transparent, competitive and cost effective and in amounts to maladministration and improper conduct.

4.1.2 The expenditure incurred for both the expenditure and consequently the lease of the mobile units amounts to, irregular expenditure envisaged in the Public Finance Management Act (PFMA)

4.1.3 The expenditure incurred for the purchase of the mobile units further amounted to fruitless and wasteful expenditure to an amount of R32 million and maladministration as reasonable care was not exercised to ensure that Mobile units that were purchased complied with relevant regulations.

4.1.4 The HOD further failed to take full responsibility and ensure that proper control systems existed for the assets once purchased, as set out in Section 38 of the PFMA, resulted in financial loss to the Department.

4.2 Regarding the procurement and subsequent extension of services provided by Meditech SA, the Public Protector made the following findings:

 4.2.1 The Department improperly extended the 2001 contract and the subsequent extensions with Meditech SA, and failed to ensure that the procurement followed a process that is fair, transparent, competitive and fair and it amounts to maladministration and improper conduct.

 4.2.2 The expenditure incurred as a result of the irregular extensions amounts to irregular expenditure.

 4.2.3 The 2016 Project to implement the licences, included and increase the scope of work procurement of hardware at a substantial cost to the Department and amounts to irregular expenditure.

**5.**

5.1 It is my submission that, upon a thorough investigation of the allegations made in the Public Protector’s report, that former HOD Dr SM Zungu, the former CFO and other public officials currently unknown to me, failed to comply with section 38 of the PFMA may be charged with offenses in terms following section of the Public Finance Management Act:

*86 (1) An accounting officer is guilty of an offence,…, if that accounting officer willfully and in a grossly negligent way fails to comply with a provision in section 38, 39 or 40*

**12.**

I lastly believe that during the course of an investigation it may emerge that other persons, other than those mentioned above, may be implicated to the extent that charges may be brought against them.

**13.**

This is all I can declare.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DEPONENT: RISHIGEN VIRANNA**

**I CERTIFY THAT THIS AFFIDAVIT WAS SIGNED AND SWORN TO BEFORE ME AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ON THIS \_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2016. THE DEPONENT HAVING ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND I CERTIFY THAT THE REGULATIONS IN TERMS OF SECTION 10 OF ACT 16 OF 1963, AS PUBLISHED UNDER GN. R1258 OF 21 JULY 1972 AS AMENDED BY GN. R1648 OF 1977 AND GN. R1428 OF 1980 AND GN. R773 OF 1982, HAVE BEEN COMPLIED WITH.**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
COMMISSIONER OF OATHS**

**FULL NAMES : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DESIGNATION : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**AREA : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ADDRESS : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**