



**Dr Imran Keeka, MPL**

Representing the Democratic Alliance KZN:

**Education**

And the Standing Committee on the Quality of  
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31 January 2022

The Premier of KZN  
Hon. S. Zikalala, MPL  
*Per Email*

SIU Consolidated Report: KZN Department of Education

Sir,

The subject matter bears reference.

By now you would have already had sight of the report. I, however, attach a subjoined link to it for ease of reference. The particular portion I refer you to beings on page 551.

Of the 58 service providers of water tanks, no irregularities were found in the case of 6 providers. For the 52 others please see a screen shot of the findings:

**b) Summary of Findings**

The investigation into the above contracts revealed the following:

- Cover quoting between service providers who were awarded the contract and other bidders;
- Service providers did not declare on their bid documents that they had conducted work with other state institutions in the last 12 months which was a requirement when completing the bid documents;

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555

- Non-essential items such as 16 ltr spray pumps were purchased by the Department under Covid-19 emergency provisions;
- Fraud (fronting), forgery and uttering committed by service providers in the submission of the bid documents;
- Non-compliance with VAT Act in which service providers who were not already registered for VAT; were obliged to apply to SARS to be registered as VAT vendors within 21 days of receiving contracts exceeding R1 million;
- Under delivery of items by service providers; and
- Overpricing of items by service providers that were above the NT regulated prices.

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The findings are self-explanatory and damning. Disciplinary action was advised.

Further, for the procurement of 16-liter pump sprays involving 18 service providers [Value R68 129 339.80], referrals were made regarding 7 officials. This included the then HOD, Dr EV Nzama and the current CFO, among others.

The matter was referred to Hon KI Mshengu, MPL – MEC for Education, who in a spectacular move, to which he has often referred to, asked for the SIU to review their decision. In other words, despite being presented by an investigative finding of the SIU, he continued to try to have the findings changed. Fortunately, the SIU did not fold and continued to make plain their stance.

And then, even more disciplinary referrals were made against the then HOD and current CFO of the department for having failed to exercise due diligence in the awarding of contracts to a service provider to the value of R4 436 276.50. This company was, in effect, awarded irregular or possibly fraudulent contracts to investigate the awarding of PPE Contracts in KZN!! What irony is this?

With regards to civil litigation involving two service providers, please see this portion of the report [screenshot from page 562]. The amounts are indeed staggering.

### **Civil litigation**

Counsel was appointed on 29 September 2021 for the potential recovery of profits in respect of 2 contracts awarded to Njiki Yesizwe Projects and Mashibela Business Enterprise at a total contractual value of R32 321 565.60. Papers are being drafted for enrolment in the Special Tribunal. Engagements with Counsel are still ongoing.

Counsel appointed on 29 September 2021 for potential recovery of profits from Bulum Trading at a contractual value of R1 241 425. Papers are being drafted for enrolment in the Special Tribunal. Engagements with Counsel are still ongoing.

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And then, there were irregularities found in the awarding of contracts to Chemical Toilet suppliers who were also found to have charged the department for “services not rendered” .

Now I refer you to page 107 to 111 of the report. It provides the names of senior and other officials of the KZN DoE, including the former HOD, the current CFO, and other senior officials on top of those whose names are mentioned in the portion specific to the KZN DoE.

The DA has maintained a firm stance from the get-go, that PPE procurement was irregular, inflated and possibly fraudulent and filled with corruption. If anything, this report indicates that we were correct. It also indicates that the MEC’ s attempt to have this whitewashed were rejected by the SIU and, in the “progress to date” portion on page 109, it states, with regards to the serious findings that: “The matter is under further consideration by the MEC” . This tells us that that the MEC, if anything, is both defiant and is sitting on his hands and not acting on any of the information provided to him. Unless, of course, there is proof to the contrary. In which case, we will concede that he has acted and is not sitting on his hands. If he has not acted, the big question is why? It is for this reason that I write to you.

On top of this, when I raised the matter of substandard and possibly illegal PPE products supplied to the department, and sent questions to the MEC for health about the oversight of her department in the procurement of proper PPE and then saw for myself in schools, that products supplied were substandard and possibly illegal, these concerns were fobbed off. Now only that, The Education portfolio committee was informed that the DoH oversaw the quality of the products and vetted the suppliers. The SIU report confirms that 21 contracts to the value of R48 759 400.00 and one more for R4 million have been referred to the South African Health Products Regulatory Authority [SAHPRA] because there were not registered to provide and distribute PPE. The list of companies is in the report and there can be absolutely no excuse for this, nor can anybody now spin this to suggest that my initial averments were not correct. In fact, I am of there considered view that my concerns have been confirmed.

A large number of officials are implicated, by name, in this report. Starting with the then HOD who, in my considered view openly misled the education portfolio committee, the MEC and yourself about PPE procurement involving hundreds of millions of rands. Are the named officials still in the system? Has the MEC acted? Has the MEC for Health been asked about the vetting of PPE to the DoE? If the answer is no, then, Mr Premier you have no option but to act yourself. If the MEC for education remains defiant and in defense after these findings, only you can act.

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Sir, you' ve made public your stance to fight corruption in the government you lead, and you have made plain that during your tenure there will be "consequence management" . I am worried that there has been no action since the release of these findings.

The MEC' s position is very clear in all of this. The SIU report suggests his stance. I am hopeful that you will exercise your constitutional and lawful authority to act now. Even if it means putting this department under administration, given the large number of senior officials involved. And who knows what other matters there are that need to be investigated in the same way?

I have always called this department a cauldron of corruption. In reality, there is a corruption crisis that has just been confirmed.

I look forward to your urgent response.

Best regards,

Dr Imran Keeka, MPL

Cc: Hon KI Mshengu, MPL – KZN MEC for Education, Hon FA Rodgers, MPL – Leader of the DA., Hon ZM Mncwango, MPL – Chief whip of the DA.

<https://www.thepresidency.gov.za/content/final-consolidated-report-proclamation-r23-2020-122021-excluding-ongoing-matters>