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## PREMIER'S NOTICES

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No. 5, 2009

### MPUMALANGA COMMISSIONS OF INQUIRY ACT, 1998

#### APPOINTMENT OF COMMISSION OF INQUIRY: CERTAIN ALLEGED PROCUREMENT IRREGULARITIES

I, David Dabede Mabuza, Premier of the Province of Mpumalanga, hereby give notice that I have, in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the Mpumalanga Commissions of Inquiry Act, 1998 (Act No. 11 of 1998), appointed a Commission of Inquiry consisting of Ms. N.A. Engelbrecht (Chairperson) as well as Ms. M. Hendriks as a Member of the Commission of Inquiry.

The Commission is hereby instructed to investigate and report to myself (including *interim* reports as and when necessary), before or on 30 September 2009, pertaining to certain alleged procurement irregularities in the then Provincial Department of Public Works, as set out more fully in the terms of reference below.

The terms of reference of the Commission of Inquiry shall be as follows:

#### TERMS OF REFERENCE

*"To investigate and report to myself on alleged irregularities in respect of the procurement of service providers pertaining to the construction of the Provincial Archives Building as well as the construction of the Provincial Disaster Management Centre and the extent to which such conduct complied with the relevant prescribed Government procurement procedures in respect of building projects of this scope and magnitude, with specific reference to the following:*

- *The public servants / role players responsible for identifying the need for the construction of the above-mentioned building projects;*
- *The public servants / role players responsible for ensuring that the above-mentioned building projects were adequately budgeted for prior to and for the full duration of the above-mentioned building projects;*
- *The public servants / role players / Departments responsible for procuring the required services in respect of the above-mentioned building projects;*
- *The public servants / role players / Departments responsible for determining the specifications / requirements and the subsequent preparation and approval of the said specifications / requirements pertaining to the procuring of the required services in respect of the above-mentioned building projects;*
- *The public servants / role players / Departments responsible for determining the appropriate method for the calling of bid proposals to be followed in procuring the required services in respect of the above-mentioned building projects, including the reasons for such determination;*
- *The extent to which such specifications / requirements were included in the call for bid proposals or made available to interested potential service providers;*
- *The public servants / role players / Departments responsible for determining the responsiveness of all bid proposals received with reference to, for instance, timeous receipt before the closing date for bids, the validity of the required supporting bid documentation, e.g. valid tax clearance certificates, etc.;*
- *The role, responsibilities and conduct of the relevant Departmental Bid Evaluation Committee;*
- *The role, responsibilities and conduct of the relevant Departmental Bid Adjudication Committee;*

- *The role, responsibilities and conduct of the respective Heads of Department vis-à-vis the procurement process pertaining to the procuring of the required services in respect of the above-mentioned building projects;*
- *The extent to which the Department duly verified the bid proposals submitted by the successful service providers so as to ensure that the Department receives value for money in general and with specific reference to preliminaries, contingencies, escalation allowances and professional fees, in particular;*
- *The identification and appointment by the Department concerned, of all other role players (excluding public servants), in addition to the successful service providers, involved with or responsible for the proper and effective execution of the above-mentioned building projects;*
- *The extent to which the service level agreements entered into with the respective service providers are sound, comprehensive, detailed and ensure value for money for the Department;*
- *The compliance by the successful service providers with their respective obligations in terms of the service level agreements so entered into with the Department, as at the date of the Commission's final Report.*

*The Report must clearly indicate any instances of fraudulent or corrupt acts uncovered, instances of the abuse of the Department's supply chain management system as well as all irregular, unauthorized and fruitless and wasteful expenditure incurred in respect of the procuring of the required services pertaining to the above-mentioned building projects, including the identification of all persons or entities (including public servants) involved in, or responsible for such acts, abuse or expenditure. In this regard, firm recommendations as regards possible criminal or disciplinary steps should also be included in the report. Furthermore, the report must make firm recommendations in respect of the improvement / enhancement of the Departmental procurement system within the prescribed procurement framework.*

*All findings / recommendations / allegations contained in the report, must be accompanied by supporting documentation."*

Any further findings relevant to the above-mentioned terms of reference and which are uncovered or which are brought to the attention of the Commission during the course of the inquiry, should also be included in the Report to myself as a separate and concise part thereof.

It will be expected of the Commission to make firm and unambiguous recommendations to myself in its Report as far as each and every finding of the Commission is concerned.

In terms of section 3(4) of the Mpumalanga Commissions of Inquiry Act, 1998, I have appointed Mr. T. Schmahl as Secretary to the above-mentioned Commission of Inquiry. The Secretary can be contacted at telephone number 072 461 8665 or fax number (012) 346 8821.

Any person who wishes to submit evidence to the Commission of Inquiry either orally or by way of written submission, electronically or otherwise, is hereby invited to contact the Secretary, Commission of Inquiry: Alleged Procurement Irregularities at the following e-mail address: [Commission2@prem.mpu.gov.za](mailto:Commission2@prem.mpu.gov.za) (for attention: Mr. Schmahl).

The Commission is conducting the said inquiry in terms of the above-mentioned Commissions of Inquiry Act, 1998 (Act No. 11 of 1998).

**D.D. MABUZA**  
**PREMIER: MPUMALANGA PROVINCE**  
**DATE: 24 July 2009**

No. 6, 2009

**MPUMALANGA COMMISSIONS OF INQUIRY ACT, 1998****APPOINTMENT OF COMMISSION OF INQUIRY: SCHOLAR TRANSPORT IN MPUMALANGA**

I, David Dabede Mabuza, Premier of the Province of Mpumalanga, hereby give notice that I have, in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the Mpumalanga Commissions of Inquiry Act, 1998 (Act No. 11 of 1998), appointed a Commission of Inquiry consisting of Ms. H.J. Groenewald (Chairperson) as well as Mr. S. Khumalo and Mr. C. Du Toit as Members.

The Commission is hereby instructed to investigate and report to myself (including *interim* reports as and when necessary), before or on 30 September 2009, on Scholar Transport in Mpumalanga, as set out more fully in the terms of reference below.

The terms of reference of the Commission of Inquiry shall be as follows:

**TERMS OF REFERENCE**

*"To investigate and report on Scholar Transport in Mpumalanga since 2000, with specific reference to –*

- *The approved Provincial Scholar Transport policy or policies;*
- *The approved procedure followed for determining routes in respect of scholar transport, including arrangements in respect of the budgetary implications thereof;*
- *The officials / role players involved in determining and overseeing the operation of such routes, including the specific functions to be performed by each such person;*
- *The original and subsequent bid specifications / requirements identified by the Department concerned in respect of or pertaining to scholar transport;*
- *How such original and subsequent bid specifications / requirements were determined and by whom;*
- *The extent to which such original and subsequent bid specifications / requirements were included in the call for bids;*
- *The annual budgetary allocations in this regard;*
- *The procurement procedures applicable since 2000, and whether such procurement procedures were duly complied with, in each instance;*
- *Full particulars of successful service providers;*
- *The procedure for determining additional / temporary routes in respect of scholar transport including arrangements in respect of the budgetary implications thereof;*
- *The officials / role players involved in determining and overseeing the operation of such additional / temporary routes, including the specific functions to be performed by each such person;*
- *Whether or not such arrangements in respect of such additional / temporary routes were adhered to, and if so, the extent to which, and if not, why not;*
- *Contracts / service level agreements entered into by the Department with successful service providers in respect of both permanent and additional / temporary routes;*
- *The compliance by successful service providers with their respective Contracts / service level agreements so entered into with the Department;*
- *The extent to which recommendations of previous investigations into scholar transport have been implemented.*

*The Report must clearly distinguish, on a month to month basis for the duration of the period under investigation,*

- *the approved routes and length of such routes as well as the number of learners and the distance each learner is transported on such routes;*
- *the actual routes operated and length of such routes as well as the number of learners and the distance each learner is transported on such routes;*
- *any additional / temporary routes and length of such routes as well as the number of learners and the distance each learner is transported on such routes;*
- *the approved budgetary expenditure in respect of each such route;*
- *the actual budgetary expenditure in respect of each such route;*
- *reasons for any deviation from approved routes and approved budgetary expenditure;*
- *the actual method / procedure followed in verifying the expenditure so incurred.*

*The Report must make firm recommendations in respect of the improvement / enhancement of the existing scholar transport programme currently being operated in Mpumalanga, which recommendations may include any innovative / alternative programmes. Furthermore the report must also clearly indicate all irregular, unauthorized and fruitless and wasteful expenditure incurred in respect of the existing scholar transport programme, including the identification of all persons (including officials) involved in, or responsible for such irregular, unauthorized and fruitless and wasteful expenditure. In this regard, firm recommendations as regards possible criminal or disciplinary steps should also be included in the report.*

*All findings / recommendations / allegations contained in the Report, must be accompanied by supporting documentation."*

Any further findings relevant to the above-mentioned terms of reference and which are uncovered or which are brought to the attention of the Commission during the course of the inquiry, should also be included in the Report to myself as a separate and concise part thereof.

It will be expected of the Commission to make firm and unambiguous recommendations to myself in its Report as far as each and every finding of the Commission is concerned.

In terms of section 3(4) of the Mpumalanga Commissions of Inquiry Act, 1998, I have appointed Ms. E. Simango as Secretary to the above-mentioned Commission of Inquiry. The Secretary can be contacted at telephone number 078 783 1583 or fax number 086 6630 682.

Any person who wishes to submit evidence to the Commission of Inquiry either orally or by way of written submission, electronically or otherwise, is hereby invited to contact the Secretary, Commission of Inquiry: Scholar Transport in Mpumalanga, at the following e-mail address: [Commission1@prem.mpu.gov.za](mailto:Commission1@prem.mpu.gov.za) (for attention: Ms. E. Simango).

The Commission is conducting the said inquiry in terms of the above-mentioned Commissions of Inquiry Act, 1998 (Act No. 11 of 1998).

**D.D. MABUZA**  
**PREMIER: MPUMALANGA PROVINCE**  
**DATE: 24 July 2009**

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