

Following instructions not valid reason

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CLAIMING they were following instructions is unlikely to help the 10 public works officials escape the music over flouting tender processes during the controversial upgrades at President Jacob Zuma's Nkandla residence.

Labour experts also said the defence of ignoring regulations based on alleged instruction would not hold in the disciplinary hearings by the Department of Public Works.

The hearings stem from the Special Investigation Unit's (SIU) probe in 2014.

Pretoria-based director of projects Itumeleng Molosi has since pleaded guilty to irregularly appointing contractors and flouting procurement procedures. He received a two-month suspension.

However, this week, Claude Naicker of the Public Servants Association (PSA), the union representing the remaining 10 officials, told the Sunday

Public works officials facing disciplinary hearing

Jean Rindel – Project manager
BV Ngubane – Director finance of finance and supply chain
Rakesh Dhaniram – Director of key accounts management
Nelisiwe Hlengwa – Deputy director: disposals
Belinda Mlota – Director of prestige projects
Irene Nel – Deputy director: key accounts management
Trevor Watson – Project manager
Bheki Dlamini – Acting manager: supply chain management
Sibusiso Chonco – Deputy director: utilisation and contracts
Jayshree Pardesi – Director of key accounts management

Tribune none of them would plead guilty because they were acting on instruction.

The public works team, led by Durban-based project manager Jean Rindel, opted to use emergency delegation or nom-

inated procurement strategy instead of an open tender processes and the department's own roster system. Out of the 15 contractors and consultants appointed for the project, only two were awarded contracts after valid processes.

"They had nothing to gain by flouting the regulations so must ask themselves why they would go out of their way to do that? You must remember some of these officials have worked for the department for more than 20 years and have been part of the numerous tender committees so they clearly know the rules," Naicker said.

Naicker said some of the accused had been in acting positions when they attended meetings on the project. "There are those that were roped into meetings without any prior training on how the tender processes work," he said.

The SIU report claims the project cost the state more than R100 million in irregular

expenditure resulting from deviating from processes.

Rindel also told the SIU investigators that "no deviation in regards to the appointments of consultants and contractors were reported to the National Treasury or the auditor-general on the basis of "secrecy" of the project.

The officials have alleged pressure and political influence going up as far as Zuma, but he has denied this.

"When the ministers got involved... Again they came, they are my bosses, I listen to them, that is number one. I follow my orders... Even lines of communication, even processes were practically sidelined due to security reasons. That is the instruction I got."

There were also fears they could lose their jobs if they did not follow the alleged instruction from the office of former public works minister Geoff Doidge and his then deputy Hendrietta Bogopane-Zulu.

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