

Nkandla: following instructions not valid plea for officials

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

This is according to labour experts who said the defence of ignoring regulation based on alleged instruction was not going to hold in the ongoing disciplinary hearings by the Department of Public Works.

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

Pretoria-based director of projects Itumeleng Molosi pleaded guilty to irregularly



Former minister of public works Geoff Doidge.

appointing contractors and flouting procurement procedures. He received a two-month suspension.

However, this week Claude Naicker of the Pub-

lic Servants Association (PSA), representing the 10 officials, told Independent Media none would be pleading guilty because they were acting on instruction.

The team, led by Durban-based project manager Jean Rindel, opted to use emergency delegation or nominated procurement strategy instead of an open tender processes and the department's own roster system. Of the 15 contractors and consultants appointed, only two were awarded contracts after valid processes.

"They had nothing to gain by flouting the regulations so one 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 know the rules," Naicker said.

He said some of the accused had been in acting positions when they attended meetings on the project.

"There are also those that were roped into meetings without any prior training on how the tender processes work," he said.

According to the SIU report, the project cost the state more than R100 million in irregular expenditure resulting from deviating from procurement 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 AG (auditor-general) on the basis of 'secrecy' of the project.

The officials have alleged pressure and political influence going up as far as Zuma himself but the president has since denied this.

"When the ministers and everybody got involved... Again they came, they are my bosses, I listen to them, that is number one. I was even in the Navy and I follow my orders, that is what I identify... Even lines of communication, even processes were practically sidelined due to security reasons. That is the instruction I got," said Rindel to the SIU team.

There was also fear among them that 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 deputy at the time, Hendrietta Bogopane-Zulu.

"It was alleged he (Doidge) threatened DPW officials to appoint certain consultants and contractors immediately. The thrust of the threats was that if they did not act expeditiously and the president's life was endangered, the DPW officials would be held responsible and, in such circumstances, they would be redeployed or would lose their jobs" read the report.

However, Doidge and Bogopane-Zulu have repeatedly denied having issued instructions or threatening anyone regarding the project.