

# State goes easy on Nkandla scapegoats

By **BONGANI MTHETHWA**

● The Nkandla fall guys – public works officials implicated in the R246-million upgrades at former president Jacob Zuma’s homestead – have escaped with a written warning.

The officials had been facing internal disciplinary hearings for violating tender procedures by choosing preferred service providers to work on Zuma’s homestead instead of running an open tender process.

However, it has emerged that the disciplinary process – initiated against the officials in 2015 by the Department of Public Works – was abandoned after an offer to settle by the department.

A source close to the process confirmed that all 10 officials were given written warnings and required to undergo training on procurement.

“At the end they [public works] realised that these people were merely doing their duties and they had flouted regulations because they were given orders from higher up to do certain

things. They did not go for open tenders but chose the preferred bidder or service providers so that they would not compromise security. So they were merely following instructions.”

The source said the employees were sent e-mails by project managers with instructions on what was required to be done.

The employees, who are all back at work, reached the confidential settlement last year. Their legal fees were paid by the department in terms of the settlement.

Twelve officials were originally charged for their role in the awarding of the Nkandla contract to architect Minenhle Makhanya, who is being sued by the Special Investigating Unit for R155-million.

One official, identified as director of projects Itumeleng Molosi, pleaded guilty and was suspended without pay for three months. A second official, Belinda Matola, died in a car crash.

Each official was given a “final written warning and told not to be involved in any form of tender process until he has undergone training

on procurement”.

The department’s spokesman, Thabo Mchunu, said he could not reveal the nature of the settlement or the costs incurred. Mchunu said the fact that the employees were disciplined indicates that the department did not approve of their conduct.

The Public Servants Association declined to comment on the settlement agreement because of its nondisclosure clause.

Mchunu could not confirm whether any action was pending against the project manager who instructed the employees to disregard the tender protocols.

Former public protector Thuli Madonsela, whose probe into the Nkandla upgrades found maladministration, ethical violations and procedural failings by several ministers and Zuma, said: “The agreement seems rather lenient and ordinarily I would disapprove. However, the very prosecution of officials without similar accountability for the politicians that drove the process was unjust and inequitable.”