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# Lucrative tender land on firm's lap despite an administrative 'glitch'

Similarity of names causes confusion in R8.7-million contract

By **Setumo Stone**

A Kimberley-based engineering company has scored a multi-million-rand contract with the public works department in the Northern Cape under dubious circumstances.

MVD Kalahari Consulting Engineers and Town Planners (Pty) Ltd was awarded the R8.7-million contract, even though it did not appear on the selected panel of service providers.

The contract related to the conversion or upgrading of the Old Boiler House into an EMS Station at Kuruman Hospital.

But in court papers filed last year, the director of the firm, Prodigy Tsholohelo Phepheng, blames the situation on an administrative "error" that the department repeatedly failed to "correct".

Phepheng told the court



Andries Goliath

Diedrik Jan Potgieter

Prodigy Phepheng

another company, MVD Kalahari Stads- en Streekeplanners en Aanverwante Dienste CC, whose name is similar to that of his entity, was incorrectly listed on the panel of service providers.

According to him, the company, which is owned by Nicolaas Haarhof, was incorrectly listed as number 172 on the panel of entities list instead of his firm or both. "I have contacted the department on numerous occasions to rectify this error, which has not been corrected to date.

"The company responded to

the tender in a legally compliant and honest manner," Phepheng wrote in court papers.

Haarhof told the court that except for sharing offices and email server, the two companies were mutually exclusive.

This information was inadvertently revealed in a contempt court application in which Samex Consulting Pty Ltd asked the court to suspend the appointment of MVD Kalahari and eight other companies until the department complies with a longstanding court order relating to a hospital maintenance

contract concluded in 2020.

According to records, Haarhof's entity was registered in 2005, and its directors were Adriaan Bekker van der Linde, Casper Hendrik Badenhorst, and Haarhoff himself.

Phepheng's entity was registered in 2015, and its directors were Diedrik Jan Potgieter, Andries Goliath, Petrus Jacobus Oosthuizen, and Phepheng himself. Phepheng said a request for documentation to be on the panel of service providers was issued on March 19, 2021, and his company complied.

However, Haarhof's company name was the only one on the internal memo of April 22, 2021.

Phepheng said that on March 28, 2023, the department, via email, incorrectly addressed a letter of appointment to Haarhof's entity, which, "in essence, offered an appointment to the company for the project".

Phepheng said when his company submitted its bid in response to a procurement document from the department, the directors understood the tender to constitute an invitation to submit a bid to render its professional services on a roster basis.

"The term 'roster basis' was, in essence, interpreted by the directors of Phepheng's company that various service providers were to be appointed to a panel by the department, and instructions would then be issued to the panel members on a project-by-project basis."

The government records show that his company invoiced the department on November 17 last year for R563 000 as part of the fees for the work already done in stages.