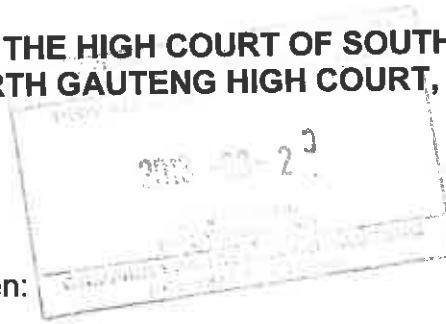


IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG HIGH COURT, PRETORIA)



52268/13
CASE NO

In the matter between:

MANDG CENTRE FOR INVESTIGATIVE JOURNALISM NPC Applicant

and

DEPARTMENT OF PUBLIC WORKS First Respondent

**DIRECTOR-GENERAL:
DEPARTMENT OF PUBLIC WORKS** Second Respondent

MINISTER OF PUBLIC WORKS Third Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to make application to the above Honourable Court for an order:

1. Reviewing and setting aside the respondents' decision to refuse the applicant's request for access to information (as described more fully in the founding affidavit attached hereto), in terms of the Promotion of Access to Information Act 2 of 2000 ("**the Act**");
2. Declaring that the applicant is entitled to access the requested record, in terms of the Act;

3. Directing the respondents to provide the applicant with a copy of the requested record within 15 days of the granting of this order;
4. Directing the respondents to pay the costs of this application on the scale as between attorney and own client; and
5. Granting the applicant further and/or alternative relief.

TAKE NOTICE FURTHER THAT the founding affidavit of **VINAYAK BHARDWAJ** and the confirmatory affidavit of **STEFAANS CONRAD BRÜMMER** will be used in support hereof.

TAKE NOTICE FURTHER THAT the applicant has appointed the address of the applicant's attorneys, **WEBBER WENTZEL c/o FRIEDLAND HART SOLOMON NICHOLSON**, as set out fully below, at which the applicant will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER THAT:

- (i) Notice of intention to oppose this application must be given within 15 days after receipt hereof and must contain an address within eight kilometres of the above Honourable Court, where notice and service of documents will be accepted.
- (ii) Answering affidavits, if any, must be filed within 15 days after service of the notice of intention to oppose the application.
- (iii) In default of your complying with Rule 3(5) of the Promotion of Access to Information Rules, the applicant may request the Registrar to place the

application before the above Honourable Court for an order in terms of section 82(b) of the Act.

- (iv) In default of your delivering a notice of intention to oppose, the matter will, without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (i) above, on a date to be fixed by the Registrar.

Dated at *Illovo* on *26 August 2013*



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Ref: Mr G Painter

To:
THE REGISTRAR
North Gauteng High Court
Pretoria

And to:
DEPARTMENT OF PUBLIC WORKS
First Respondent
CGO Building
Cnr Bosman and Vermeulen
Pretoria Central

SERVICE BY SHERIFF

And to:
DIRECTOR-GENERAL:
DEPARTMENT OF PUBLIC WORKS
Second Respondent
CGO Building
Cnr Bosman and Vermeulen
Pretoria Central

SERVICE BY SHERIFF

And to:
MINISTER OF PUBLIC WORKS
Third Respondent
CGO Building
Cnr Bosman and Vermeulen
Pretoria Central

SERVICE BY SHERIFF

**IN THE HIGH COURT OF SOUTH AFRICA
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CASE NO

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DEPARTMENT OF PUBLIC WORKS First Respondent

**DIRECTOR-GENERAL:
DEPARTMENT OF PUBLIC WORKS** Second Respondent

MINISTER OF PUBLIC WORKS Third Respondent

FOUNDING AFFIDAVIT

I, the undersigned –

VINAYAK BHARDWAJ

do hereby make oath and swear that:

1. I am an **adult** male employed by the applicant as its advocacy co-ordinator at Grosvenor Corner, 195 Jan Smuts avenue, Rosebank, Johannesburg.
2. I am duly authorised to depose to this affidavit and to make this application on behalf of the applicant. This is confirmed in the confirmatory affidavit of

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STEFAANS CONRAD BRÜMMER, a managing partner of the applicant, which will be filed with this application.

3. The facts and allegations herein are, save where the contrary is indicated by the context, all within my personal knowledge and are, to the best of my belief, both true and correct.
4. Where I make submissions of law, I do so on the basis of advice received from the applicant's legal representatives.

THE PARTIES

5. The applicant is the MandG Centre for Investigative Journalism NPC t/a, a Non-Profit Company duly incorporated under Registration No 2009/024323/08, with its head office at 13th Floor, Metropolitan Building, 7 Coen Steytler Avenue, Foreshore, Cape Town.
6. The applicant's object is to promote open, accountable and just democracy, and a free press capable and worthy of performing this duty. To do so, it develops investigative journalism in the public interest, inter alia by engaging in its best practice, by transferring investigative skills to other journalists, and by helping to secure the information rights investigative journalists need to do their work.
7. The *Mail & Guardian* newspaper is the primary publisher of the applicant's work.

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8. The first respondent is the Department of Public Works, a department in the national sphere of government ("**the Department**"). The record that forms the subject of this application is held by the Department.
9. The second respondent is the Director-General of the Department ("**the DG**"), cited in his capacity as its information officer, to whom any requests for access to information held by the Department in terms of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") are to be directed.
10. The third respondent is the Minister of Public Works ("**the Minister**"), cited in his capacity as the relevant authority of the Department, with whom internal appeals against decisions of the DG are to be lodged in terms of PAIA.

NATURE OF THE APPLICATION

11. This is an application in terms of section 78 of PAIA for access to a record held by the Department, which is a public body for the purposes of PAIA. Such access has been refused, despite the absence of any valid grounds for such refusal and despite the presence of a compelling public interest in the disclosure of the record requested.

BACKGROUND TO THIS APPLICATION

12. As is apparent from the material attached to this affidavit, the Department has been engaged, since May 2009 to date, in a project of upgrading the private residence of President Jacob Gedleyihlekisa Zuma and adjacent properties in rural Nkandla, KwaZulu-Natal ("**the Nkandla upgrade**").

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13. The Nkandla upgrade has attracted considerable public attention and has led to a number of exposes in the media. Two of the most significant exposés, which resulted in widespread public debate and discussion, were the following:
- 13.1 On 3 August 2012, in an article entitled "*Welcome to Zumaville*", a copy of which is annexed hereto marked "FA1", the *Mail & Guardian* reported, among other things, that the Department had confirmed it would be spending R36 million on security-related construction at the President's Nkandla residence;
- 13.2 On 30 September 2012, in an article entitled "*R200m splurge on Zuma homestead*", a copy of which is attached as annexure hereto marked "FA2", the *City Press* reported that, in March 2011, the Department had approved a budget of R203 079 677.18 for upgrading the President's Nkandla residence.
14. On 5 October 2012, the Minister issued a press release, a copy of which is attached hereto marked "FA3", where he noted that the Nkandla upgrade had "*raised enormous public interest*" but asserted that there was nothing "*unique*" about the project. He concluded that, "*although there were a few hiccups*", the Department had "*taken special care to allocate expenses to private and public entities, as appropriate*".
15. On 14 November 2012, reacting to the continued public outcry regarding the extent of the alleged expenditure, the Minister announced the appointment of a task team to investigate concerns regarding the procurement of goods and services for the Nkandla upgrade. The press

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release that was issued by the Minister, a copy of which is attached hereto marked "FA4", stated the following:

"In response to concerns about the cost of the security upgrade at the Nkandla residence, the Department has established a Task Team of professionals with legal, financial management control, auditing, security, physical protection and construction and maintenance expertise. This Task Team will conduct a preliminary investigation into aspects of procedural integrity, over-pricing and general supply chain prescripts."

16. On 27 January 2013, the Minister issued a further press release, a copy of which is attached hereto marked "FA5", in which he stated that the task team described above had concluded its investigation and had provided him with its findings ("the report"). He outlined the task team's terms of reference and summarised its findings, the most relevant of which, for present purposes, are the following:

"Without dealing in detail with each and every specific appointment, the investigation has found that the Supply Chain Management policy and prescripts were not fully complied with in procurement of goods and services in the project. ..."

It is very clear that there were a number of irregularities with regards to appointment of service providers and procurement of goods and services.

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The security upgrades done at the Nkandla residence amount to R71 212 621.79, including consultancy fees.

The operational needs for state departments amounted to R135 208 022.58, including consultancy fees.

The investigation [has] found that the amount paid by the state to date is R206 420 644.37.

Included in the total cost is the amount of R26 677 240.46 which constitute variation orders for the whole project."

17. The Minister did not, however, on this occasion nor on any other occasion, make the report public. When requested to do so by various civil, political and media organisations, he specifically declined.

THE APPLICANT'S REQUEST FOR ACCESS TO INFORMATION

18. On 31 January 2013, on behalf of the applicant, I submitted a request to the DG for access to the report, a copy of which is attached hereto marked "FA6" ("the request"). The request was submitted in the manner and form prescribed by the relevant provisions of PAIA.
19. The DG acknowledged receipt of the request in an email addressed to me on 4 February 2013, a copy of which is attached hereto marked "FA7". On the same day, the DG also forwarded to me an email, a copy of which is attached hereto marked "FA8", indicating that he had assigned the request to Mr Christopher Makgoba, a legal advisor in the Department.

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20. In terms of section 25(1) of PAIA, an information officer who receives a request for access to information is obliged to respond to the request "as soon as reasonably possible, but in any event within 30 days".
21. In terms of section 27 of PAIA, a request is deemed to have been refused if the information officer has failed to respond to it within 30 days after it was lodged.
22. On 28 February 2013, I telephoned Mr Makgoba and asked when the applicant could expect a response to the request. I was told that no indication could be given at that stage but that I should keep calling. I subsequently made several attempts to telephone Mr Makgoba between 4 and 8 March 2013, but none of these calls were answered.
23. The 30 day time period prescribed by PAIA lapsed on 2 March 2013. By that date no response had been received. Therefore the request was deemed to have been refused under PAIA.
24. On 11 March 2013, I telephoned Mr Makgoba and enquired whether the DG had made a decision on the request. I was told to phone back later that day, but my subsequent calls were not answered. On the same day, I addressed an email to Mr Makgoba, a copy of which is attached hereto marked "FA9", noting that the DG's response to the request was overdue and seeking an indication of when the response would be forthcoming.
25. On 22 March 2013, I telephoned Mr Makgoba to enquire about the status of the DG's response to the request. Mr Makgoba undertook to update me shortly. On the same day, I addressed an email to Mr Makgoba, a copy of

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which is attached hereto marked "FA10", in which I noted that under PAIA the DG's failure to respond to the request within the prescribed period may be deemed to be a refusal of the request, against which the applicant would appeal if no response was received shortly.

26. No response was ever received from Mr Makgoba or any other official of the Department.
27. On 2 April 2013, I submitted an internal appeal against the deemed refusal of the request ("the appeal"). The appeal was submitted to the DG by email and by fax, in the manner and form prescribed by PAIA. A copy of the appeal is attached hereto marked "FA11".
28. Together with the appeal, I addressed a letter to the DG, a copy of which is attached hereto marked "FA12", informing him that the applicant had not received a decision on the request, which had been lodged over 60 days prior, and that the applicant expected to receive a decision on the appeal within 30 days.
29. Between 3 and 9 April 2013, I made several attempts to telephone the DG, but no official was available to speak to me apart from the DG's personal assistant, who was not in a position to confirm whether the appeal had been received.
30. On 9 April 2013, I addressed an email to Mr Makgoba, a copy of which is attached hereto marked "FA13", attaching a copy of the appeal and requesting confirmation of its receipt. I received no response to this email.



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31. Between 10 and 15 April 2013, I made several additional attempts to telephone the DG, but again no official was available to speak to me apart from the DG's personal assistant, who was still not in a position to confirm whether the appeal had been received.
32. On 15 April 2013, I addressed an email to the DG and Mr Makgoba, a copy of which is attached hereto marked "FA14", attaching a further copy of the appeal and urgently requesting confirmation of its receipt.
33. On 22 April 2013, I received an email from Mr Maselaelo Matladi, an official in the office of the DG, a copy of which is attached hereto marked "FA15", formally acknowledging receipt of the appeal.
34. On 2 May 2013, I telephoned Mr Makgoba to enquire whether the Minister had made a decision on the appeal. Mr Makgoba told me that the appeal had been transferred to the Department's legal department. I asked Mr Makgoba to give me the contact details for the relevant officials in the legal department, but Mr Makgoba responded that he was the only permitted liaison to the legal department.
35. On 3 May 2013, at approximately 10h30, I telephoned Mr Makgoba to enquire whether a response to the appeal had been drafted, and he responded that I should call back after midday. On the same day, at approximately 13h00, I telephoned Mr Makgoba again, and he told me that he had sent an email to the legal department but had not yet received a response from them.

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36. In terms of section 77(3) of PAIA, the applicant was entitled to a decision on the appeal from the Minister within 30 days. That period expired on 2 May 2013.
37. Up to the date of signature of this affidavit, the applicant had not received a decision on the internal appeal.
38. Consequently, in terms of section 77(7) of PAIA, the appeal is deemed to have been dismissed by the Minister on 14 May 2013.

THE RIGHT OF ACCESS TO INFORMATION

39. Section 32 of the Constitution entrenches the right of access to information in the following terms:

"(1) Everyone has the right of access to -

- (a) any information held by the state; and*
- (b) any information that is held by another person and that is required for the exercise or protection of any rights.*

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state."

40. PAIA is the national legislation envisaged in section 32(2). According to its preamble, PAIA was enacted, among other things, to "*foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information*". Its objects include "*to promote*

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transparency, accountability and effective governance of all public and private bodies" (section 9(e) of PAIA).

41. The right of access to information is also rooted in the basic values that must be embodied in the public administration set out in section 195 of the Constitution. Section 195(1)(g) of the Constitution requires that -

"Transparency must be fostered by providing the public with timely, accessible and accurate information."

42. Indeed, the right of access to information further underpins the values of *"accountability, responsiveness and openness"*, which have been specially entrenched in section 1(d) of the Constitution as founding values of our democratic government.

43. Further argument regarding the above will be advanced at the hearing of this matter.

ABSENCE OF GROUNDS FOR THE REFUSAL

44. I am advised that, under both the Constitution and PAIA, the applicant is entitled to access any record held by a public body, unless there is a valid reason for refusing access. Specifically, section 11 of PAIA provides that a requester *"must"* be given access to a record if she or he has complied with the relevant procedural requirements and if none of the enumerated grounds for refusal are applicable.

45. The grounds on which access to information may lawfully be refused by a public body are enumerated in sections 34 to 45 of PAIA. When relying on

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any such grounds to refuse a request, the public body is required by PAIA not only to give the requester notice of such refusal but, crucially, to state "*adequate reasons for the refusal*", including the provisions of PAIA relied upon (section 25 of PAIA).

46. As explained above, neither the DG nor the Minister provided the applicant with any reason, let alone adequate reasons, for their refusal to provide the applicant with the report. Indeed, the request and the appeal were simply ignored. The respondents' failure to respond to the request and the internal appeal indicate a flagrant disregard for the provisions of PAIA and the constitutional precepts on which it is built.
47. In the present proceedings, section 81 of PAIA prescribes that the respondents bear the burden of proving, on a balance of probabilities, that lawful grounds for the refusal of the request are applicable in the circumstances. I submit that the respondents cannot discharge this burden, as neither the DG nor the Minister provided any grounds at all for the refusal, which leads to the irresistible inference that no such grounds exist.
48. Furthermore, the applicant asserts that no valid grounds of refusal in fact exist, for the following reasons.
- 48.1 On 14 June 2013, in a separate application before this Honourable Court under case number 67574/12, the applicant sought access to all records held by the Department from May 2009 to July 2012 in relation to the financial implications of the Nkandla upgrade. Attached hereto marked "FA16" is a copy of the founding affidavit in

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those proceedings. The annexures to that affidavit have been excluded to avoid burdening these papers unnecessarily.

48.2 In response to that application, the respondents tendered to the applicant some 12 000 pages of documents falling within the applicant's request, and conceded under oath that such documents were not protected from disclosure under PAIA (**"the disclosed documents"**). A copy of the affidavit in which such documents were tendered by the respondent is attached hereto marked **"FA17"**. In addition to the list of disclosed documents, the affidavit also includes as an attachment a table reflecting the names of the contractors and consultants employed by the Department for the Nkandla upgrade, as well as the amounts they were each paid.

48.3 The applicant collected the disclosed documents from the respondents on 21 June 2013. These documents comprise: bid adjudication minutes; contracts between the Department and services providers; invoices submitted to the Department by contractors; progress payment advices; variation order motivations; final accounts; and internal memoranda of the Department dealing with requests for funds and reallocation of funds.

48.4 After carefully scrutinizing the disclosed documents, the applicant published a number of articles, the content of which is dealt with in greater detail below. The content of the disclosed documents casts serious doubt as to whether there is any valid basis on which the

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details of the expenditure of public funds on the Nkandla upgrade can or should be shielded from public scrutiny.

49. I submit that it is factually inconceivable that, whereas the disclosed documents cannot be protected from disclosure under PAIA, the report, which is in all probability sourced substantially from those very same records and/or contains the same information, can be exempted from disclosure under PAIA. At the very least, any portion of the report which contains information that is already in the public domain, due to the release of the disclosed documents, must also be disclosed.
50. Section 28 of PAIA specifically provides that, even if a record contains information that may lawfully be protected from disclosure, the remaining parts of the record must be disclosed if they can reasonably be severed from the protected parts. This provision required both the DG and the Minister to consider carefully which parts of the report could lawfully be withheld from the applicant and to sever those from the report. The remainder of the report should then have been provided to the applicant. In light of the volume of information already disclosed to the applicant, the inference is irresistible that neither the DG nor the Minister applied their minds to the requirement of severance. I submit that this further casts doubt on their bona fides in failing to respond to the request and the appeal.

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PUBLIC INTEREST IN ACCESS TO THE REPORT

51. To the extent that any lawful grounds for refusing access to the report may be applicable, which the applicant denies and which the respondents bear the burden to prove, section 46 of PAIA nevertheless requires that the report be released.

52. Section 46 of PAIA (the so-called public interest override) provides that an information officer must grant access to a record, which could otherwise be refused under one of the grounds of refusal, if -

"(a) the disclosure of the record would reveal evidence of -

(i) a substantial contravention of, or failure to comply with, the law; or

(ii) an imminent and serious public safety or environmental risk; and

(b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question."

53. As is apparent from the Minister's press release attached as "FA5", the respondents have publicly conceded that the report reveals evidence of a substantial contravention of or failure to comply with the law. The Minister's statement unequivocally records that the report identifies several serious irregularities and departures from public procurement laws which took place during the Nkandla upgrade. I therefore submit that the first leg of the public interest override is clearly satisfied in that the report would reveal a substantial contravention of or failure to comply with the law.

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54. As to the second leg of the public interest override, I submit that there is a clear and compelling public interest in the disclosure of the report which outweighs any harm that could be caused by its disclosure. This public interest arises not only from the subject matter that the report addresses but also from the controversy surrounding the decision to classify the report as 'top secret'.
55. The contents of the report are clearly of profound public interest and importance, particularly as they concern the propriety of significant public spending on the President's private residence in a country with limited funds to meet the vast demands of a developing economy.
56. The documents that have already been disclosed to the applicant raise a number of concerns regarding the Nkandla upgrade:
- 56.1 On 5 July 2013, the *Mail & Guardian* published an extensive exposé prepared by the applicant after a thorough analysis of the disclosed documents. The exposé, a copy of which is attached hereto marked "FA18", included the following articles:
- 56.1.1 "*The Nkandla files: Project railroaded from the start*", in which it was shown why and how the total cost of the Nkandla upgrade escalated almost 1000% from an estimated R28 million in 2009 to a projected R273.8 million in 2012. The article also revealed that the drastic escalation in the cost of the Nkandla upgrade resulted from the Department's haste to meet the President's deadlines, which saw the circumvention of procurement processes and led one official to record in late 2010 that the

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"scope of works and costs have increased substantially on the project over the past few months, giving rise to serious concerns about what control mechanisms and parameters are in place

- 56.1.2 *"Number One emerges a clear winner"*, in which it was reported that according to a "top secret" March 2011 memorandum only 5% of the Nkandla upgrade costs would be funded by President Zuma. The secret memorandum apportioned R203 million to the state and R10.5 million to President Zuma. The state's portion of the costs would include outdoor landscaping, quoted at a cost of R14.3 million, as well as a *"higher quality"* cattle kraal costing R1 million.
- 56.1.3 *"What did the president know?"*, in which it was reported that, despite President Zuma's denial in Parliament that he was aware of the details and costs of the Nkandla upgrade, several of the disclosed documents reveal that he received regular updates on its progress and was instrumental in setting costly deadlines for the project.
- 56.1.4 *"Secrecy obsessions betray political sensitivities"*, in which it was reported that the 'top secret' classification of many disclosed documents seemed to be motivated not purely by security but also potential political embarrassment. This was revealed in a "top secret" March 2012 memorandum proposing special tendering and auditing procedures to shield *"prestige*

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projects" from the public eye, not only for security reasons, but also "because these projects are further targeted by journalists in an attempt to discredit the government in general".

56.2 On 12 July 2013, the *Mail & Guardian* published two follow-up articles authored by the applicant:

56.2.1 "*Nkandla: How IDC splashed R10m on bailout*", a copy of which is attached hereto marked "FA19", in which it was reported that early in 2012, one of the contractors, Bonelena Construction CC, facing liquidation and the cancellation of its contract owing to underperformance, refused to relinquish the project. The company then received a R10 million bail-out from the state-owned Industrial Development Corporation and a R7 million settlement from the Department. A memorandum from the Durban Regional Office of the Department suggests that this approach was adopted because a public dispute over the cancellation would "*result in all the project information being subjected to public scrutiny*", which posed "*an unacceptable risk to this office and could result in political fallout that could possibly influence [President Zuma's] political position very negatively*".

56.2.2 "*Nkandla's money mine*", a copy of which is attached hereto marked "FA20", in which it was reported that a contractor favoured by President Zuma, Moneymine Enterprises, has received over R56 million from the Department to date, having

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been appointed to work on all three phases of the Nkandla upgrade without any of the requisite public procurement processes being followed.

56.3 The public interest is further demonstrated by the prolonged public concern over the sheer extent of expenditure on the Nkandla upgrade, as reflected in the extraordinary number of press releases and news reports on the issue, an extensive (though not exhaustive) schedule of which is attached hereto marked "FA21", and a sample of which is attached hereto marked "FA22", comprising the following:

56.3.1 a report in the *City Press* dated 10 November 2012, in which construction experts were quoted as saying that the costs of the Nkandla upgrade seemed to have been grossly inflated;

56.3.2 a report in the *Mail & Guardian* dated 28 January 2013, in which it was reported that, despite the Minister's announcement of the outcomes of the report the previous day, the Public Protector had decided to continue her investigation into possible impropriety in the Nkandla upgrade;

56.3.3 a press release by the Congress of South African Trade Unions ("COSATU") dated 29 January 2013, in which it stated that "*for the government to spend such a grotesque amount of public money on any one person is shocking and grossly insensitive to the workers, the poor and the homeless*";

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- 56.3.4 a press release by Lindiwe Mazibuko, leader of the Democratic Alliance in Parliament, dated 9 April 2013, in which she stated that, although two months had passed since the Minister had announced the referral of the report to the Special Investigating Unit, President Zuma had failed as yet to make a proclamation permitting the investigation to proceed, which is a legal prerequisite;
- 56.3.5 a report in the *Business Day* dated 5 June 2013, in which the Deputy Minister of Public Works, Jeremy Cronin, was quoted as saying that the amount of money spent on the Nkandla upgrade was "*clearly outrageous*" and "*clearly hard to justify*";
- 56.3.6 a report in the *Mail & Guardian* dated 12 July 2013, in which prominent political leaders were quoted as describing the Nkandla upgrade as "*a scandal of mega proportions*", which "*brings the office of the president of the republic into massive disrepute*"; and
- 56.3.7 a report in the *Business Day* dated 31 July 2013, in which the national secretary of the South African National Defence Union, Pikkie Greeff was quoted as saying that, while many air force units were being starved of resources for operations and training, considerable amounts of money were being spent on regular helicopter flights for President Zuma from King Shaka International Airport to his Nkandla residence.

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57. The secrecy surrounding the report has itself generated an intense public controversy. This controversy has generated, and continues to generate, widespread speculation that the report will reveal politically embarrassing impropriety at high levels of government administration. Indeed, I submit, it has cast into doubt the very methodology by which state secrets are classified.
58. The Minister's decision to classify the report, and to continue to withhold it from public view, initially appeared to stem from his view that, because the Presidents' Nkandla residence has been declared a national key point, the disclosure of any information relating to the Nkandla upgrade is prohibited under the National Key Points Act, 1980 ("**the National Key Points Act**"). The Minister invoked this justification for withholding the report in his press releases of 5 October 2012 and 27 January 2013 (copies of which are already attached hereto marked "FA3" and "FA5" respectively).
59. I submit, however, that this interpretation is erroneous, and is strikingly inconsistent with the Minister's own assertions in his press release of 14 November 2012 (a copy of which is already attached hereto marked "FA4"), that "*where public funds are involved, there must be accountability, transparency and value for money*" and that the Department "*is committed to applying state resources in an accountable and transparent way which gives effect to its constitutional imperatives*".
60. Moreover, the Minister's reliance on the National Key Points Act has been unambiguously abandoned, under oath, in the affidavit in which the

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disclosed documents were tendered (a copy of which is already attached hereto marked "FA17").

61. The magnitude of public concern over the secrecy surrounding the report is further reflected in the numerous press releases and news reports on the subject, a sample of which is attached hereto marked "FA23", comprising the following:

61.1 a press release dated 27 January 2013 by Lindiwe Mazibuko, the leader of the Democratic Alliance in Parliament, in which she stated that "*[t]he fact that this report will not be made public brings into question its independence and casts a further shadow on the entire scandal*";

61.2 a press release dated 28 January 2013 by Corruption Watch calling on the Minister to disclose the report and arguing that "*[c]onsidering the public money spent on the upgrade, it is appropriate for the Minister to reveal the details of the tendering process as well as explain how the amounts mentioned in Sunday's press briefing were arrived at and budgeted for. Transparency around these issues will go a long way towards establishing public trust in the government.*";

61.3 a press release by the Right2Know Campaign dated 17 February 2013, in which it commented that "*[t]he secrets hidden in the expenditure on the President's private homestead in Nkandla may be indicative of a much wider abuse of national-security secrecy*";

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- 61.4 a speech by the Deputy Minister of Public Works, Jeremy Cronin, dated 20 February 2013, during Parliament's debate on the State of the Nation Address, in which he described the National Key Points Act as an "*anachronistic and problematic piece of legislation*", which "*may well be unconstitutional*", and further described the public expenditure at Nkandla as "*probably excessive and undoubtedly extremely costly*";
- 61.5 a report in the *Mail & Guardian* dated 13 March 2013, in which the Speaker of the National Assembly, Max Sisulu ("**the Speaker**"), was quoted as announcing that the report would be tabled in Parliament but that the Minister had "*requested that as the residence has been declared a national key point, the report be considered with utmost sensitivity*", to which the Democratic Alliance Spokesperson on Public Works, Anchen Dreyer, responded that the report should be tabled in public view and that, as long as the Nkandla upgrade "*is concealed under the dark cloud of secrecy, Nkandla will forever remain a symbol of government corruption under the presidency of Mr Jacob Zuma*";
- 61.6 a report in the *Mail & Guardian* dated 14 March 2013, in which the African National Congress was quoted as proposing that the report "*be dealt with by a special committee and in-camera*";
- 61.7 a report in the *Mail & Guardian* dated 13 May 2013, in which it was reported that the Speaker had decided, after receiving legal advice, to refer the report to the Joint Standing Committee on Intelligence,

01 V.B

which is closed to the public, and which would decide whether, and to what extent, the report should be made public;

- 61.8 a report in the *Independent Online* dated 2 July 2013, in which it was reported that the Minister had written to the Speaker requesting, on behalf of the Minister for State Security Siyabonga Cwele, that the report be referred to the Joint Standing Committee on Intelligence, and also stating that he was "*unable to provide the Auditor-General and the Public Protector with copies of the report owing to its classification as 'top secret'*";
- 61.9 a report in the *City Press* dated 7 July 2013, in which it was reported that, after Minister Cwele clarified that he had not classified the report, and despite the Minister's previous version that the report had not been classified by him, the Minister's legal advisor conceded that "*the report was classified by Minister Nxesi*" after applying his mind to the matter; and
- 61.10 a report in the *Sunday World* dated 7 July 2013, in which Deputy President Kgalema Motlanthe was quoted as saying the following in relation to the classification of the report on the talk radio station Power FM the previous evening:

"Of course, you cannot divulge information that would make the occupants of that residence vulnerable, but I would have thought that the scope of the project would be made public.

v. B

Accountability and transparency are sides of the same coin. It is important to be accountable in the public space. Once there's a shroud of secrecy, it gives rise to speculation, suspicion, mistrust.

Once you have those three elements together you can't lead effectively - every word you utter, there are 101 questions and there are doubts because nobody believes [you].

Once there was clamour and an outcry about it [the Nkandla upgrade], there was no need to shroud it in secrecy."

62. It is important to note that the legal advice relied upon by the Speaker, to justify reserving the report for secret scrutiny by the Joint Standing Committee on Intelligence, was provided by a person who had not actually seen the report. In paragraph 8 of the opinion, a copy of which is attached hereto marked "FA24", the author described himself as being "*in an unenviable position, in that I am required to advise on a report that I have not had sight of*". I submit that the Speaker's reliance on the legal opinion only exacerbates, rather than eliminates, legitimate public doubt over the motivation for keeping the report secret.
63. I submit that the public interest in the release of the report overwhelmingly outweighs any harm that could conceivably be suffered by any party, given that the names of all the contractors and consultants whose services were procured by the Department in the Nkandla upgrade, as well as the amounts that they were paid, have already been released to the public in the form of the disclosed documents.

V. B

64. The continued secrecy surrounding the report on the Nkandla upgrade, amid regular detailed news reports that considerable sums of public funds have been paid to private contractors and consultants without the required tender procedures, has created one of the most serious public spending scandals in the post-apartheid political era. This scandal has the potential to undermine national confidence not only in the Department but in the President and the public administration as a whole.
65. Accordingly, there is manifest public interest in ascertaining the extent to which the public expenditure on the Nkandla upgrade was inconsistent with the applicable public procurement laws, as well as the extent to which this information has been improperly withheld from public view.
66. In circumstances where the respondents have not only refused access to the report but have further failed to give reasons for such refusal, the release of the report is essential to vindicate the constitutional right of access to information, as well as the founding constitutional values of openness, responsiveness and accountability.
67. Consequently, even if lawful grounds of refusal are theoretically available to the respondents, the overwhelming public interest in the release of the report trumps those grounds, in accordance with section 46 of PAIA.

RELIEF SOUGHT

68. For the reasons set out above, the applicant submits that the request was wrongly refused, and seeks an order from this Honourable Court in terms

01 v B

of section 82 of PAIA, setting aside the refusal of the request and directing the respondents to release the report to the applicant.

COSTS

69. In the event that this application is opposed by the respondents, I submit that they should be penalised with a punitive costs order, owing to the manner in which they have approached this matter from the outset.

69.1 I submit that it is self-evident from the background to the application, as set out above, that the applicant has been compelled to approach this Honourable Court by the respondents' obstructive, dismissive and unresponsive attitude to the applicant's request. The request was ignored by the DG; the appeal was ignored by the Minister; and my repeated and regular attempts to obtain updates from the DG, the Minister and their colleagues in the Department were to no avail.

69.2 The applicant has never been provided with any reasons - let alone adequate reasons - for the respondents' refusal to release the report. The applicant accordingly had no way to ascertain whether good grounds existed for such refusal, and thus whether an application to this Honourable Court was warranted or indeed likely to succeed. If it had received convincing reasons for the refusal of the request, the applicant may have decided not to launch this application.

69.3 An additional factor that is relevant to this enquiry is the fact that the respondents have already been faced with a request for access to information relating to the Nkandla upgrade as detailed above. That

V. B

request was initially refused. It was only after the applicant launched a similar court application that the respondents applied their minds to the documents and decided to release approximately 12 000 pages of documentation that had initially been withheld for no good reason. I submit that in the face of the extensive disclosure already made by the respondents, the failure to provide any response to the request and the appeal is mala fide.

- 69.4 I submit that, the respondents' approach of requiring a requester for access to information to resort to the drastic, costly and lengthy process of pursuing a High Court application, before providing any response to the request, threatens to hollow out entirely the constitutional right of access to information.
- 69.5 Accordingly, I respectfully submit that, if the application is opposed and is granted by this Honourable Court, the respondents should be ordered to pay the applicant's costs on an attorney and own client basis.
- 69.6 If the application is opposed and is dismissed by this Honourable Court, the respondents should nevertheless be ordered to pay the applicant's costs on a party and party basis.
- 69.7 Further argument will be advanced in this respect at the hearing of this application.
70. Wherefore, the applicant prays for an order in terms of the notice of motion to which this affidavit is attached.

01 v. 6

V. Bhardwaj

VINAYAK BHARDWAJ

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at *Illovo* on *21 August 2013*, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

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Welcome to Zumaville

The government is planning a new R2-billion town in President Zuma's home village of Nkandla, and taxpayers will have to pick up half the tab.

03 Aug 2012 00:00 Jonathan Erasmus, Matuma Letsoalo, Phillip De Wet



The government is racing to finish plans for a new R2-billion town in President Zuma's home village of Nkandla, and taxpayers will have to pick up a huge chunk of the tab.

The first new town to be built in democratic South Africa will be just 3.2km from President Jacob Zuma's homestead in Nkandla in rural KwaZulu-Natal.

And it will be springing up in record time if the government department behind it has its way and its progress is lubricated with generous amounts of money.

Initial estimates are that the government will have to direct more than R1-billion of taxpayers' money into the development, which will require a further R1-billion from the private sector to make the project viable.

U.V.B

It is the brainchild of Masibambisane, a rural development organisation Zuma chairs, which the Democratic Alliance has described as a "hand-out scheme used by President Zuma to curry favour".

But the department of rural development and land reform has taken up the project with apparent enthusiasm.

New York City of KwaZulu-Natal

The rapid state-sponsored development of Zuma's hometown has already been criticised and he has been accused of putting his interests, and those of his family, above those of the people of South Africa.

In July, expelled ANC Youth League leader Julius Malema accused him of building a "New York City of KwaZulu-Natal" in Nkandla.

So the "Zumaville" plans could plague the ANC leader as politicking in the party heats up in the run-up to the party's elective conference in Mangaung in December.

But Zuma's spokesperson, Mac Maharaj, has described the criticism as reckless and without basis in fact. "Rural development is one of the priorities of the government and is not restricted to one area," he told the *Mail & Guardian*.

Officially, the Zumaville development project is known as the Umlalazi-Nkandla Smart Growth Centre, but this is no mere multipurpose community centre – of which the area already has two. A new one was built right across the road from an older but functioning centre at a cost of R12.8-million.

Government documents refer to it as an "emerging town", but covering 200 hectares, which could comfortably accommodate 10 000 middle-class homes, that may be selling it short.

- The envisaged project includes:
- Government facilities, including offices for home affairs and social development;
- New community facilities, including a library, theatre and recreation centre;
- A new school with boarding facilities;
- A community safety centre and additions to an existing clinic;
- A recreation centre featuring a swimming pool and tennis courts;
- Light industrial units, including an agricultural market; and
- Housing centred around community gardens.

The construction would transform what is a dusty backwater with basic government buildings scattered among isolated rural homesteads into tree-lined avenues and covered walkways connecting modern, architect-designed buildings.

But it will come at a high cost. An initial feasibility study dated November last year reveals that the area has no sewer or stormwater infrastructure and the electricity infrastructure would have to be upgraded substantially.

The study lists the components that are likely to be the most expensive as:

- Educational facilities at R178.8-million;
- Electrical infrastructure at R164.8-million;
- Agricultural and industrial facilities at R146.3-million;
- Housing at R136.2-million;
- New government and safety complexes at R127.6-million; and
- Community facilities at R80.1-million.

Documents show that the housing and street lights have been designed with their own solar panels. That, and a solar farm and a proposed wind-turbine installation, could see the town become independent of the national electricity grid.

According to the department of rural development, 100km of fencing has already been put up in the area and bush has been removed from 30 hectares.

Ground has already been broken on the project. In late May, Zuma went to Nkandla, accompanied by several Cabinet ministers and what the department described as "business bigwigs", to consult local traditional leaders about the project.

"In July, this town will begin to be built," he said at the time.

Two weeks before that trip, Rural Development Minister Gugile Nkwinti told Parliament that "feasibility studies and design work have been completed" and the site would be cleared for work by the end of July.

Tenders

Local residents and leaders have also been shown mock-ups of what they can expect.

But outstanding tenders suggest that primary work on the project could start, at the earliest, during 2014 if there are no major delays in the adjudication and awarding of big contracts.

If a proposed phased approach is followed, the residential units will not be built until 2016 at the earliest.

Potential town planners would meet department officials in Pietermaritzburg, KwaZulu-Natal, on August 3 to receive details of a tender for the planning of Zumaville. Three months from the time the tender is awarded is allocated for planning – a time frame those in the industry say borders on the impossible – and another seven months are allocated to consult the affected communities and gain the necessary planning permission – a process notorious for its bureaucracy and stumbling blocks.

Local residents may be even more surprised to learn that the entire project could still be scrapped or scaled down significantly. An initial environmental impact assessment found no immediate impediments to the development, but final clearance has not yet been granted.

Economic feasibility

Town planners will be required to do demand analysis and assessments of the economic feasibility of each component of the project. And, as the tender for their work makes clear, an adverse finding could still see major changes to what is actually built.

"The sequence of information sourced, work undertaken, reports and deliverables should be scheduled in such a way that the 'go/no go' gateways are very clearly identified in order that unnecessary work is avoided if it becomes apparent that the implementation of the master plan, as it stands, or components thereof, is or is not economically justified," the tender document states.

According to the department, the 200 hectares of land earmarked for the development is controlled by the Ingonyama Trust Board, a body King Goodwill Zwelithini chairs that was set up to manage government-owned traditional lands in KwaZulu-Natal.

But a survey of land rights and uses has yet to be done. Under a proposed structure, the land would be released to the control of Zuma's Masibambisane organisation, which could then lease parts of it to retailers and factories.

The residential component is expected to be a mixture of rental and long-lease properties.

Employment opportunities

Although Zumaville's projected total yearly income is still unknown, it is expected to create 500 "employment opportunities" during the construction phase, generating an expected R10-million and 400 permanent jobs, according to a basic assessment report completed by SSI Engineers and Environmental Consultants on behalf of the KwaZulu-Natal department of agriculture and environmental affairs.

The report estimates that the current value of the employment opportunities in the first 10 years will be about R2-billion.

Census figures from 2001 show a combined population of 354673 for the Nkandla and Umlalazi municipalities. Zumaville would straddle the border between the two, but it includes people served by established towns such as Eshowe and Mandini. According to the latest uThungulu district municipality quality of life survey undertaken in 2010, Nkandla's unemployment stands at 47.4% and the average household income is between R800 and R1500 a month.

In a 2006 KwaZulu-Natal spatial development strategic report, Nkandla was noted as one of 50 of the most-deprived regions in the province and was earmarked to become a part of three priority corridors that would link the town with Msunduzi (Pietermaritzburg), Nqutu, Vryheid, Weenen, Eshowe and Uhundi.

The department of rural development has said that similar initiatives are due to begin soon at May Flower in Mpumalanga and in Jane Furse in Limpopo.

The ANC cites these projects as other examples of planned rural development not linked to the president's homestead.

By the time of going to press, the department had not responded to questions, including about budget allocations for the projects.

ANC Youth League deputy president Ronald Lamola said the league would express its unhappiness to the ANC about selective development of South Africa.

"Our view is that rural development must prioritise all areas in the country. We cannot afford to create an impression that the developments are only done in certain areas [where ANC leaders come from]."

Department donates 'gift' to Zuma project

A non-profit organisation, which President Jacob Zuma established and chairs, recently received the latest in a tranche of big donations from individuals and groups who deal closely with his government. The latest donation came directly from a government department.

Two weeks ago, Tina Joemat-Pettersson, the agriculture, forestry and fisheries minister, announced the donation of R800-million to Zuma's Masibambisane rural development programme at a government function in Qumanco in the Eastern Cape.

A department official told the *Mail & Guardian* this week that in doing so Joemat-Pettersson had in effect diverted the R100-million budget for the department's Zero Hunger Programme to Zuma's project. The Zero Hunger Programme is a government initiative to support smallholder farmers and food security in rural areas.

"In essence, the department does not have a budget for the Zero Hunger Programme anymore," said the official. "There was a celebratory mood that, with this intervention, Tina has secured the Eastern Cape for JZ. Initially, the department availed R800-million towards the mechanisation programme of the department to buy tractors and implements. R100-million of this budget was meant for the Zero Hunger Programme, but Tina insisted it [all R800-million] must go to JZ's project."

According to information in the *M&G's* possession, the project, which is co-chaired by Zuma, is not a government initiative as claimed by the department of agriculture, forestry and fisheries, but a private entity owned by Deebo Mzobe, a businessman from KwaZulu-Natal.

In 2010, Masibambisane was officially launched at the Nkandla local municipality. Several businesspeople, including Patrice Motsepe, and government ministers attended the event where the government donated six tractors and the private sector 24.

Approached for comment about Zuma's influence, Mzobe said: "If you have a king who does something, it will carry weight. He is in overalls and getting busy. People appreciate this."

"Masibambisane doesn't have capacity to roll out projects. We facilitate public and private partnerships. We don't run the show. It is not about campaigning for Zuma. When he started this in 2010 he didn't have 2014 in mind. He is just doing his job, making people's lives better."

Zuma's opponents in the ANC have expressed concerns that he is using the rural programme to campaign for his re-election at the party's elective conference in Mangaung in December.

Responding to the *M&G's* questions, Joemat-Pettersson's spokesperson, Palesa Mokomele, said Masibambisane was "not the president's individual project, but a public-private partnership that has been running for three years to date. The initiative is a presidentially led public-private partnership, which is chaired by President Jacob Zuma with a broad spectrum of partners from the private sector. These companies include Walmart-Massmart, South African Breweries and other companies who share in the programme's view and intention to improve the lives of smallholder farmers, and especially rural communities, through skills provision, access to finance and access to markets.

"On the question of a budget for Zero Hunger, we wish to reiterate that there was never a budget for Zero Hunger because this was a campaign and not a government programme.

"Our participation [as the department of agriculture, forestry and fisheries] in Masibambisane does not fall out of our budget; instead, we have used money from projects that already had budgets to accelerate service delivery. It is discomfoting that projects that operate to speed up delivery end up being shrouded in gossip and untruths." – *Charles Molele & Jonathan Pienaar*

Zuma's swanky new pad

Since his election as South Africa's president in 2009, Jacob Zuma has embarked on a massive renovation of his homestead in Nkandla village in northern KwaZulu-Natal. Government officials estimate it will cost between R69-million and R400-million.

Among other things, the ostentatious Nkandla compound comprises underground living quarters with about 10 air-conditioned rooms, a clinic for the president and his family and a gymnasium.

There are 20 houses for security guards, underground parking, a helicopter pad, playgrounds and a visitor's centre.

Although it is not clear who is footing the bill, the department of public works has confirmed that it is spending R36-million on security-related construction. This includes 10 houses for air force personnel, 10 houses for South African Police Service staff, a military health facility, perimeter fencing, the helipad, landscaping, bulk infrastructure and water supply, and houses outside the compound for families who were relocated to build the compound.

According to architectural plans shown to the *Mail & Guardian*, the precinct also includes a garden with ancestral graves. The entire area will be cordoned off by a brick wall and will have only one

entrance. The three houses are kidney-shaped and contain his-and-hers bathrooms, living rooms, walk-in closets and a study. One house has four bedrooms and another has three. The homes have double-volume ceilings and thatched roofs in the same style as the old homestead.

Zuma and his family, according to construction workers at his house, will be able to enter the underground bunkers through a 200m-long tunnel running from under the helicopter pad to the main house.

Two lifts have been installed for the president and his family. – *Matuma Letsoalo*

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CHARL DU PLESSIS AND BIENNE HUISMAN

State says it's still murder even if Oscar mistook Reeva for intruder

The state has given short shrift to Oscar Pistorius' contention that he mistook Reeva Steenkamp for an intruder.

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1 Terry Crawford-Browne objects to

V.B

Documents seen by City Press show that payments of R43 963 005 have been made by public works for the "installation of security measures" by June this year.

It is not clear whether the entire contract has been paid for as yet.

The presidency and public works have declined to comment on the project, which is titled Prestige Project A, citing security concerns.

Earlier reports suggested that Zuma would foot the majority of the bill, but official documentation in the possession of City Press tells another story.

According to a public works memorandum sent to former public works minister Gwen Mahlangu-Nkabinde on March 28 last year, a "planning instruction" was issued to provide "security measures in line with Cabinet regulations" to Zuma's compound.

The purpose of the memorandum, written by Durban regional manager Kenneth Khanyile, was to clarify the "apportionment of cost between (the) state's responsibility and (the) private (cost to the owner)".

The scope of the work was divided as follows:

» The "public (state's) portion: R203 079 677.18"; and

» The "private (owner's) portion: R10 651 580.64".

Khanyile stated that work had begun in 2010 and that the department's head office assisted in apportioning costs between the department and Zuma, particularly over "shared services and new installations".

The scope of the work for which taxpayers would pay the R203 million was "approved and agreed in the meeting held (at head office) on 10 March 2011 and is in the process of being implemented and shall be concluded in line with the mandate given to the (department)," Khanyile wrote.

He further informed Mahlangu-Nkabinde that the department had already spent R205 000 on electrical cabling and lightning protectors – something that Zuma was supposed to fund.

"Please note that the implementation of some of these issues was unavoidable and some had already been completed."

closed sessions of arms deal commission

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VOTE

Cezanne Visser, dubbed "advocate Barbie", has been released on parole. I think ...

How is that possible? She only started serving her seven-year jail term in 2010?

Justice hasn't been served until Dirk Prinsloo has been tried

She deserves a chance to show that she has been rehabilitated

I wouldn't allow her near my children

As long as she met the requirements for parole, I'm happy

VOTE

VIEW

RESULTS

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The rest of the work – including extensive landscaping of Zuma’s residential compound – fell “outside the scope of security measures”.

Khanyile requested “written instruction” from “top - management” to proceed with work the state was not supposed to fund.

He suggested that Mahlangu-Nkabinde discuss this with Zuma, whom he refers to as the “principal”, because the “financial implication directly affects him”.

Khanyile wrote: “He may want to implement these issues himself without the interference of the department or else he may want to opt to reimburse the department after we complete the same.”

The memorandum recommends that work “falling within the mandate” should continue and that work “apportioned to the principal” should be discussed and that “guidance” should be given to the implementation team.

It is unclear what Mahlangu-Nkabinde and Zuma decided.

Khanyile refused to speak to City Press. Presidency spokesperson Zanele Mngadi referred City Press to public works for comment.

However, the department’s acting director-general, Mandisa Fatyela-Lindie, declined to comment on the amount that was spent.

“The Nkandla presidential residence, like all other presidential residences in South Africa, is a national key point.

As such, information related to the national key point is protected in terms of the National Key Point Act,” was all she said.

The “handling of information for this residence” is protected in terms of the 1982 Protection of Information Act and other state security prescripts, Fatyela-Lindie said.

The Nkandla compound was built by Zuma in 2000.

The corruption trial of Schabir Shaik, Zuma’s former financial adviser, heard that money from French arms dealer Thales was used to fund the building of the complex, which included several thatched houses and staff quarters.

OUR PLEA TO THE EXECUTI VE IS TO MAKE SURE THAT ALL THE DOCUME NTS, WHICH THE COMMIS SION

In 2009, the Mail & Guardian (M&G) revealed that the compound would be upgraded to the tune of R65 million – a bill that has since dramatically increased.

Plans included the construction of three sets of underground living quarters with 10 air-conditioned rooms, a clinic for Zuma and his family, 10 houses for security personnel, a helipad, houses for air force and police units, underground parking, playgrounds and a visitors' centre.

At the time of that report, public works said it knew nothing about the project.

Last November, the M&G quoted presidential spokesperson Mac Maharaj confirming that public works would be paying for security-related facilities, but that Zuma was renovating his compound out of his own pocket.

When City Press visited the presidential compound this week, there was no visible construction taking place apart from an additional field directly below the perimeter fence having been cleared recently.

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**PRESS STATEMENT ON SECURITY PROJECT NKANDLA FROM THE
MINISTRY OF PUBLIC WORKS**

IMMEDIATE RELEASE

05 OCTOBER 2012

The Security Project at Nkandla has raised enormous public interest. Although it is not the standard practice to comment on the security arrangements of dignitaries, it is now clear that certain parties will continue to make allegations about this project unless these serious misperceptions are refuted with facts. We are cognizant of the fact that by discussing some of these security arrangements openly, we endanger the very same security.

The Government has decided to give as many details as the maintenance of sound security arrangements allows.


At the outset we would like to state that the developments at Nkandla are by no means unique and are part of works undertaken and being undertaken at various security sites like Houghton, Qunu, Union Buildings, Tuynhuis, Parliament and King's House.

When President Zuma was elected President, it was a requirement understood by all that the security would have to be beefed up at places of high security risk. An expert team representing the Departments of Police Service, Defence (and Military Veterans) and State Security reviewed the circumstances surrounding our principal and addressed all shortcomings. As part of meeting international standards for the security of dignitaries, plans were drawn up and implemented. As part of this process, new capacity was requested for Nkandla, in and surrounding the private residence of President Zuma.

The approach to providing security at the Nkandla high risk area was based on a frank assessment of the security threat there and the requirements of the security forces. The security threat analysis pointed to a deep rural area in which there was basically none of the services we all take for granted in an urban area. The water supply was erratic with it being available for hours at a time and only for a few days of the week. There was no waterborne sewage. The Eskom pylons and the mountainous area made access by air (helicopter) hazardous. The steep terrain and the surrounding cliffs and mountains make any form of transport difficult in bad weather. The roads to the area were muddy and required good 4 x 4 driving skills and suitable vehicles.

Given that the area is on the leeward side of the surrounding escarpment and is generally dryer than surrounding areas, the threat of fire was high.

The security forces would need to be accommodated locally as a 24/7/365 service was required with force levels varying based on the current threat. The poor or non-existent roads would need to be improved.

 V.B

It was noted that the venue was the location of many diverse type of functions. There were meetings of heads of state, cabinet ministers, other high risk dignitaries, local communities, provincial and national government and many foreign and local other categories of dignitaries.

It was decided that the following principles would be adhered:

1. The residence of the President is a private residence which has been declared as a National Key Point (as are all other presidential residences). Our responsibility to protect should not unduly interfere in the privacy of the principal's household.
2. The security forces and other government employees would have to be accommodated locally. To base them themselves at the nearest town, Eshowe, was impractical. Parking for security vehicles would also be needed.
3. The security provision should be able to deal with any level of threat and be able to escalate to the level required.
4. Clear separation must be made of expenses that are for the private account of the principal and that which arose from the state's duty to provide appropriate security.
5. Instead of continuing to land in local veld, there should be proper helipads to allow for day and night landings with statutory approval for the safety features.
6. The health care provision should allow for proper health care to all government officials deployed on site (President and approved dependants, military, security) and the constitutional imperative to not turn away any health emergency by health care workers. Given the threat level, there should be adequate capacity to maximize medical interventions in the "golden first hour" of trauma management.
7. Occupational and environmental health requirements such as working conditions, food and water safety, proper refuse management were to be provided for relevant government employees.
8. Sufficient garaging was to be provided for.
9. Aircrew pavilion was to be provided for air force personnel to allow for standard inter flight rest areas.
10. Military and police assets were to be properly safeguarded.
11. Any new capacity should benefit the local community in the short term to the extent possible and then maximized when the principal was no longer President, for example, the clinic and security compound.

12. The President would continue to receive state support when no longer President and this must be factored in as with other retired Presidents.

These principles, among others, resulted in the following measures to satisfy the requirements of the security forces.

1. The reinforcing of barriers
2. The erection of high security fences
3. The provision of local fire fighting capability for the helipads
4. The creation of safe havens as with other sites all over the country
5. The relocation of pylons to allow a clear access flight path
6. Roads constructions in and around the precincts
7. The building of a security compound to house security and support staff
8. Improving and rendering the water safe
9. The provision of waterborne sewage systems
10. The provision of an air crew pavilion
11. The provision of a clinic in a lower security area to allow for both dignitary care and later conversion to part of the community health service in the area
12. Security guard houses and stations
13. Security systems for all areas
14. The provisions of interim accommodation arrangements with Park homes etc. while the construction was on-going.
15. Earthworks and barriers erection

We are pleased to announce that, although there were a few hiccups, as would be expected with this high security project and the difficult local circumstances, that most of the state requirements have been met. We have taken special care to allocate expenses to private and public entities, as appropriate.

Lastly, this government required changes were effected whilst the President was himself effecting, a major upgrade to his residence on his own private account.

Issued by the Departments of Public Works, in consultation with Safety and Security, Defence and Military Veterans and South African Police Service

MEDIA STATEMENT:

Security Upgrade of the President's Nkandla Residence

TW Nxesi, Minister of Public Works

14 November 2012

As Minister of Public Works it is incumbent upon me to clarify the Department's role and position in regard to the security upgrade of the President's residence at Nkandla. There are two aspects to the issue: the security of the President and accountability for public funds.

The security upgrade was undertaken by the Department of Public Works in terms of the National Key Points Act. This piece of legislation provides for the declaration of certain places as National Key Points whenever it is considered necessary for the safety of the Republic or in the public interest.

This declaration was made on the basis of a security risk assessment undertaken by a team drawn from the Departments of Defence, Police and State Security. There is nothing unusual about making such a determination which has been applied in respect of residences of past Heads of State. That security assessment still stands and therefore it remains the responsibility of Public Works to complete and implement the project at hand.

I have also said that where public funds are involved, there must be accountability, transparency and value for money. My Department has already requested the Auditor-General to conduct an audit in respect of all projects classified as "Prestige" – the first time that such a step has been undertaken by Public Works.

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In response to concerns about the cost of the security upgrade at the Nkandla residence, the Department has established a Task Team of professionals with legal, financial management control, auditing, security, physical protection and construction and maintenance expertise.

This Task Team will conduct a preliminary investigation into aspects of procedural integrity, over-pricing and general supply chain prescripts.

At the same time, the Department will give its full support to any investigation conducted by authorised state institutions.

These steps have been taken in order to establish the facts which will form the basis for swift and decisive action should such investigation point to illegal, corrupt or irregular activities. Wrong-doers will be held to account.

I will not pre-empt the findings of these investigations, nor will I act on the basis of speculation.

The Department of Public Works is committed to applying state resources in an accountable and transparent way which gives effect to its constitutional imperatives.

Issued by Thulas Nxesi, Minister of Public Works

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PRESS STATEMENT ON THE SECURITY UPGRADE IN NKANDLA

PRETORIA 27 January 2013.

A year ago, I as Minister of Public Works, announced a turnaround strategy to improve the department's governance systems and delivery models. Part of this was to deal with corruption and maladministration in the department.

Since the commencement of this process, various malpractices around non-adherence to supply chain, financial regulations and controls were uncovered. When reports surfaced around the security upgrade at President Jacob Zuma's private residence at Nkandla, this propelled the department to launch a probe. It is not a standard practice to comment on the security arrangements of members of the executive; however we deemed it necessary to inform the public about this upgrade without compromising any security arrangements.

Let us upfront state that, the private Nkandla residence of President Zuma, like the residences of former Presidents and former Deputy Presidents have been declared national key points in terms of the National Key Point Act, 1980. Therefore any information relating to security measures undertaken at a national key point is protected from disclosure in terms of this Act.

In November last year, I announced the establishment of a task team to investigate the matter. The team has concluded its investigation and we are here, to report on the findings as well as the way-forward.

Task Team Terms of Reference

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The task team's terms of reference are summarised as follows:

- 1.1. to establish whether President Zuma's Nkandla residence was declared a national key point and, if so, the process followed thereof;
- 1.2. to ascertain in detail the security assessments and recommendations made by the state security agencies, like the South African Police Services (SAPS), South African National Defence Force (SANDF) and other statutory role players in respect of the provision of security measures at the Nkandla Residence;
- 1.3. to determine in detail any other recommendation(s) made by statutory entities on the security upgrades of the Nkandla residence on non-security aspects (i.e. improvements proposed that were not related to the securing of the residence);
- 1.4. ascertain whether supply chain prescripts were followed in the procurement of services in this project;
- 1.5. ascertain whether there were any deviations from the above; and
- 1.6. determine whether deviations from the above were in accordance with the legal and procedural prescripts.
- 1.7. was further required to make any recommendations it deems necessary to assist the Department to consider appropriate action.

The scope of the investigation

- In May 2009 after the inauguration of President Zuma, the Department of Public Works in line with its obligation to effect security measures at the President's private residence which is regularly used by the President, became involved in the Nkandla residence.
- The responsibility of Public Works, in this regard is contained in the Ministerial Handbook and the Cabinet Decision of 20 August 2003 which is now known as the Policy on Security Measures at Private Residences of the President, Deputy President and former Presidents and Deputy Presidents.
- The Ministerial Handbook requires the Minister of Public Works to implement, in conjunction with the SAPS the recommended security arrangement at privately owned residences of various public officials. The Cabinet decision or Policy of 20 August 2003 referred to above, deals with the process according to which the SAPS and the Department of Public Works would investigate, fund and maintain security measures at the private residences of the President, Deputy President, former Presidents and former Deputy Presidents.
- Furthermore in terms of the policy, the main consideration shall be to ascertain to what extent the safety of the President, Deputy President, former Presidents or Deputy Presidents or their immediate families including their personal property, is compromised as a direct result of the public position or

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previously held. An evaluation by the security cluster must be done and be based on the findings of that analysis.

- After the assessment, a proposal on appropriate security measures that should be put in place by the State shall be submitted to Public Works which shall then prepare cost estimates of the proposed structural security measures and implement such measures as recommended. Public Works' obligation is to implement recommendations by the security cluster

The task team confirmed that the President's residence, like other residences of former Heads of State, was duly declared a National Key Point on 8 April 2010.

It is important to note that the investigation found that in 2008, before President Zuma became the President of the Republic of South Africa his residence was already undergoing renovations, including construction of other buildings. The security assessment by the security agencies, amongst others, included measures such as:

- Physical security system
- Evacuation mechanism
- Fire-fighting capabilities
- In addition to the above, the security assessment dealt with the operational needs of national departments which included amongst others, medical facilities and accommodation.

Task Team findings

Below are the findings of the task team:

- that there is no evidence that public money was spent to build the private residence of the President or that any house belonging to the President was built with public money.
- The investigation has further revealed that 15 service providers including consultants were contracted by the Department of Public Works to render various services ranging from bullet proof windows, security fence construction and many other services.
- The Supply Chain Management Policy of the Department of Public Works requires compliance with the principles of fair, equitable, transparent, competitive and cost effective process throughout acquisitions of goods and services. Without dealing in detail with each and every specific appointment, the investigation has found that the Supply Chain Management policy and prescripts were not fully complied with in procurement of goods and services in the project. As an example, the Treasury Regulations allow for a variation from an initial procurement order only up to 20%. However, in this case this was not observed.
- The investigation revealed that an approval was granted to the regional Bid Adjudication Committee (BAC) to adopt a negotiated and nomination procedure in appointing contractors despite this being a national project.
- It is very clear that there were a number of irregularities with regards to appointment of service providers and procurement of goods and services.

- The security upgrades done at the Nkandla residence amount to R71 212 621.79, including consultancy fees.
- The operational needs for state departments amounted to R 135 208 022. 58, including consultancy fees.
- The investigation have found that the amount paid by the state to date is R206 420 644.37.
- Included in the total cost is the amount of R26 677 240.46 which constitute variation orders for the whole project.

Way-forward

We took this unprecedented approach to inform the public about this specific project, to quell some of the misconceptions which have been falsely peddled in the public space. As we mentioned at the beginning, we do not disclose any security measures pertaining to the National Key Points as required by law.

As a way forward, we have decided on the following actions:

- In view of the irregularities found by the task team, the report will be referred to the law enforcement agencies, including Special Investigation Unit (SIU), Auditor General (AG) and South African Police Service (SAPS), with a view to investigate any possible acts of criminality.
- If there are any professionals who are found to have acted unethically will be reported to their respective professional bodies.

- to institute immediate disciplinary measures on implicated government officials where policies and procurement procedures have been flouted.
- Department of Public Works review as a matter of urgency the financial delegation of the Bid Adjudication Committee for any National Key Points.

Thank you.

Enquiries

Ms Nickelwa Tengimfene

Chief Director: GCIS

Cellphone: 0825745495

Date: 27 January, 2013

END

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FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18 (1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 2]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by: _____

(state rank, name and surname of information officer/deputy information officer)

on _____ (date) at _____ (place).

Request fee (if any): R.....

Deposit fee (if any): R.....

Access fee: R.....

SIGNATURE OF INFORMATION
OFFICER/DEPUTY
INFORMATION OFFICER

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B.

C. A. Particulars of public body

The Department of Public Works

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname Vinayak Bhardwaj

Identity/Passport number: AN541582

Postal address: M&G Media, 13th Floor, Metropolitan Life Building, 7
Coen Steytler Avenue, Cape Town,

Telephone number: 02140259028

E-Mail Address bhardwajvinayak@gmail.com

Capacity in which request is made, when made on behalf of another person: Made in my capacity as advocacy coordinator of the person in C below.

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

V.B

Company: M&G Centre for Investigative Journalism

Company registration number: 2009/024323/08

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

We request a copy of the full report compiled by the task team appointed by the Minister and/or Department of Public Works to investigate procurement in respect of the security upgrade at the President's Nkandla estate. The task team and report were referred to by the Minister at a press conference on Sunday 27 January 2013

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*

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- (c) *The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____ _____	Form in which record is required: _____ _____
----------------------------	--

Mark the appropriate box with an "X".

NOTES:

- (a) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in printed form:

X	Copy of record*		Inspection of record
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2. If record consists of visual images:

(this includes photographs, slides, video recordings, computer-generated

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images, sketches, etc).			
	view the images	X	copy of the images*
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine -- readable form:			
	Printed copy of record*	X	Printed copy derived from the record*
			copy in computer readable form*(stiffy or compact disc)
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			YES
A postal fee is payable.			NO
			X
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>			
In which language would you prefer the record? ENGLISH			

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary
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particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

PLEASE EMAIL TO vinayakb@mg.co.za

Signed at Cape Town this 31st day of January 2013

V. Bhardwaj

SIGNATURE OF REQUESTER on behalf of

CA V-B

Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:48
To: Sandile Mathenjwa
Subject: Fwd: PAIA Application

----- Forwarded message -----

From: Dg Pa <Dg.Pa@dpw.gov.za>
Date: Mon, Feb 4, 2013 at 10:14 AM
Subject: RE: PAIA Application
To: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>

Noted

From: Vinayak Bhardwaj [mailto:bhardwajvinayak@gmail.com]
Sent: 04 February 2013 10:01 AM
To: Dg Pa
Subject: Fwd: PAIA Application

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>
Date: Thu, Jan 31, 2013 at 3:32 PM
Subject: PAIA Application
To: dg.pa@dpw.gov.za
Cc: Stefaans Brümmer <stefaansb@gmail.com>

Dear Madam,

As per our earlier telephonic conversation, the PAIA form A request and accompanying cover letter is attached. Please acknowledge receipt of the application and kindly let us know the relevant details required to submit payment of the application fee. Additionally, a signed copy of this application will be submitted via fax tomorrow morning.

Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:14
To: Sandile Mathenjwa
Subject: EMAIL 2
Attachments: coverletterforPAIAonDPWreport-30Jan2013.pdf; PAIAFormADPW30Jan2013.pdf

----- Forwarded message -----

From: Dg Pa <Dg.Pa@dpw.gov.za>
Date: Mon, Feb 4, 2013 at 11:00 AM
Subject: FW: PAIA Application
To: bhardwajvinayak@gmail.com

From: Irene Nemasetoni
Sent: 04 February 2013 10:59 AM
To: Christopher Makgoba
Cc: Dg Pa; Popo Lelala
Subject: FW: PAIA Application

Chris, for your attention and further handling.

From: Dg Pa
Sent: Monday, February 04, 2013 10:14 AM
To: Irene Nemasetoni; Popo Lelala
Subject: FW: PAIA Application

From: Vinayak Bhardwaj [<mailto:bhardwajvinayak@gmail.com>]
Sent: 04 February 2013 10:01 AM
To: Dg Pa
Subject: Fwd: PAIA Application

Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:15
To: Sandile Mathenjwa
Subject: EMAIL 3

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>
Date: Mon, Mar 11, 2013 at 9:44 AM
Subject: PAIA response overdue
To: christopher.makgoba@dpw.gov.za

Dear Mr Makgoba,

I hope you are well. Please note that the response to our PAIA application for Minister Nxesi's task team report into the procurement processes in the President's private residence in Nkandla is now overdue. Kindly advise us on when the response is forthcoming.

Regards,

--

Vinayak Bhardwaj
Advocacy Coordinator
M&G Centre for Investigative Journalism
(amaBhungane)
[+27791658873](tel:+27791658873)

Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:18
To: Sandile Mathenjwa
Subject: EMAIL 4

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>
Date: Fri, Mar 22, 2013 at 12:02 PM
Subject: PAIA request latest update.
To: Christopher Makgoba <Christopher.Makgoba@dpw.gov.za>

Dear Mr Makgoba,

Following our telephonic conversations this morning, please kindly reply to this email with the latest update on the PAIA application submitted on 31 January 2013 for the Task team report. As you will note, the response to the application is overdue by nearly a month. According to PAIA we may regard this as a 'deemed refusal' and launch an internal appeal against this decision. We will do so if necessary after hearing from you.

Thanks,

Vinayak Bhardwaj
Advocacy Coordinator
M&G Centre for Investigative Journalism
(amaBhungane)
[+27791658873](tel:+27791658873)

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REPUBLIC OF SOUTH AFRICA

FORM B
NOTICE OF INTERNAL APPEAL
(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 8]

STATE YOUR REFERENCE NUMBER:
N/A.....

A. Particulars of public body

The Information Officer/Deputy Information Officer:

The Information Officer- Mr Dziwonke Dlabantu
Department of Public Works

B. Particulars of requester/third party who lodges the internal appeal

- | |
|--|
| <p>(a) The particulars of the person who lodge the internal appeal must be given below.
 (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
 (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.</p> |
|--|

Full names and surname: Vinayak Bhardwaj

.....
Identity number: AN 541582

Postal address:Mail and Guardian, Metropolitan Building, 7 Coen Steytler Avenue, Cape Town, 80000

Telephone number: (.....021...) ...4259028..... Fax number: (.....021...) ...4259028.....

E-mail address: ...vinayakb@mg.co.za.....

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Capacity in which an internal appeal on behalf of another person is lodged:

As advocacy Coordinator for M&G Centre for Investigative Journalism

FORM B: NOTICE OF INTERNAL APPEAL

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:
Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

<input checked="" type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

Our request was lodged on 31 January 2013. Over 60 days have elapsed since we lodged our request, yet we have not received notice of any decision on our request. Accordingly, our request is deemed to have been refused in terms of section 27 of the Promotion of Access to Information Act. We have not been informed of the reasons (if any) for the failure to grant our request and are accordingly unable to advance reasons why those reasons are incorrect.

State any other information that may be relevant in considering the appeal:

To the extent that the failure to grant our request was related to apprehensions about the disclosure of security-sensitive information, it is important to note that section 28 of Promotion of Access to Information Act specifically requires that, even if a record contains information to which access may or must be refused, the remaining parts of the record must be disclosed. Moreover, section 46 of the Act provides that, even if there are grounds for refusal of a record, it must still be disclosed if it would reveal evidence of a substantial contravention of law, and the public interest in disclosure outweighs the harm contemplated in the grounds for refusal. This applies to the record we have requested as the Minister of Public Works has stated that it reveals contraventions of law.

F. Notice of decision on appeal You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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M

Please send decision via electronic mail to vinayakb@mg.co.za

Signed this 3rd Day of April 2013

 V.B



Grosvenor Corner
195 Jan Smuts Avenue
Rosebank
2193 Johannesburg
South Africa

+27 11 2507300 ph JHB
+27 21 4259028 ph CT
+27 21 4259056 fax

amabhungane@mg.co.za
www.amabhungane.co.za

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The Information Officer
Department of Public Works
Mr Mziwonke Dlabantu
Director-General
CGO Building
Madiba Street
Pretoria

By email: dg.pa@dpw.gov.za

Your reference

Our reference

Date

Vinayak Bhardwaj

2 April 2013

Dear Sir

Internal appeal against deemed refusal of request for access to information

1. I am the advocacy co-ordinator of the Mail & Guardian Centre for Investigative Journalism ("**the Centre**"). In that capacity, on behalf of the Centre, I lodged a request for access to information held by the Department of Public Works on 31 January 2013.
2. In terms of the Promotion of Access to Information Act 2 of 2000, if no decision is received within 30 days of a request for access to information, that request is deemed to have been refused. To date, we have not received a decision on our request, which was lodged over 60 days ago.
3. Accordingly, on the behalf of the Centre, I hereby submit the attached internal appeal against your office's deemed refusal of the Centre's request for access to information.
4. We expect to receive a decision on the appeal from the relevant authority within 30 days of this letter, failing which the appeal will be deemed to have been dismissed.

Non-Profit Company 2009/024323/08

Directors: Tawana Kupe (chair), Anastacia Martin, Hoosain Karjieker, Nicholas Dawes,
Stefaans Brümmer, Stephen Sole

V. B. D



Grosvenor Corner
195 Jan Smuts Avenue
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+27 11 2507300 ph JHB
+27 21 4259028 ph CT
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amabhungane@mg.co.za
www.amabhungane.co.za

Yours sincerely

Vinayak Bhardwaj
Advocacy Co-ordinator
M&G Centre for Investigative Journalism

Non-Profit Company 2009/024323/08
Directors: Tawana Kupe (chair), Anastacia Martin, Hoosain Karjiekker, Nicholas Dawes,
Stefaans Brümmer, Stephen Sole

V.B

"FA13"
73

Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:20
To: Sandile Mathenjwa
Subject: EMAIL 5
Attachments: 130403MGCUJ_DPW Internal Appeal Cover letter.pdf; 130403MGCUJ_DPW_FormB-Internal appeal on Nkandla task team report (completed and submitted).pdf

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>
Date: Tue, Apr 9, 2013 at 11:24 AM
Subject: Fwd: Internal Appeal pertaining to PAIA on Nkandla task team report
To: Christopher Makgoba <Christopher.Makgoba@dpw.gov.za>

Dear Mr Makgoba,

Please find attached the internal appeal documentation submitted to the DG's office. Please kindly send us an official confirmation of receipt of the appeal.

Kind regards,

Vinayak Bhardwaj
Advocacy Coordinator
M&G Centre for Investigative Journalism
www.amabhungane.co.za
[+27791658873](tel:+27791658873)

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>
Date: Wed, Apr 3, 2013 at 5:13 PM
Subject: Internal Appeal pertaining to PAIA on Nkandla task team report
To: dg.pa@dpw.gov.za

Dear Sir,

Please find attached our internal appeal on our PAIA application for Minister Nxesi's task team report. Kindly note that you have 30 days in which to respond. Please also inform us if there are any fees outstanding in respect of this appeal. Do let us know if there is any further information you would like us to provide pertaining to our request for information as well as this particular appeal.

Kind regards,

 V.B

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Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:21
To: Sandile Mathenjwa
Subject: EMAIL 6

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>
Date: Mon, Apr 15, 2013 at 12:36 PM
Subject: Re: Internal Appeal pertaining to PAIA on Nkandla task team report
To: dg.pa@dpw.gov.za, Christopher Makgoba <Christopher.Makgoba@dpw.gov.za>

Dear Director-general and Mr Chris Makgoba,

Despite numerous phone calls requesting written confirmation of receipt of this application, thus far none has been forthcoming. May I urgently request that we receive a written confirmation of the internal appeal (attached to this email) as soon as possible. We hereby tender any fees that may be due to your offices.

Regards,


Vinayak Bhardwaj
Advocacy Coordinator
M&G Centre for Investigative Journalism
www.amabhungane.co.za
[+27791658873](tel:+27791658873)

On Wed, Apr 3, 2013 at 5:13 PM, Vinayak Bhardwaj <vinayakb@mg.co.za> wrote:
Dear Sir,

Please find attached our internal appeal on our PAIA application for Minister Nxesi's task team report. Kindly note that you have 30 days in which to respond. Please also inform us if there are any fees outstanding in respect of this appeal. Do let us know if there is any further information you would like us to provide pertaining to our request for information as well as this particular appeal.

Kind regards,

Vinayak Bhardwaj
Advocacy Coordinator
M&G Centre for Investigative Journalism
www.amabhungane.co.za
[+27791658873](tel:+27791658873)

 V.B

Sandile Mathenjwa

From: Vinayak Bhardwaj <bhardwajvinayak@gmail.com>
Sent: 21 August 2013 11:22
To: Sandile Mathenjwa
Subject: EMAIL 7
Attachments: Internal appeal against deemed refusal of request for access to information.pdf

----- Forwarded message -----

From: Maselaelo Matladi <Maselaelo.Matladi@dpw.gov.za>
Date: Mon, Apr 22, 2013 at 11:48 AM
Subject: Internal appeal against deemed refusal of request for access to information
To: vinayakb@mg.co.za
Cc: Dg Pa <Dg.Pa@dpw.gov.za>, Maxwell Sikhwari <Maxwell.Sikhwari@dpw.gov.za>, Christopher Makgoba <Christopher.Makgoba@dpw.gov.za>, Barnie Ntlou <Barnie.Ntlou@dpw.gov.za>

Dear Mr Bhardwaj,

Attached herewith find an acknowledgement to your PAIA request.

Hope the above is well

Regards

Mr. Maselaelo Matladi

National Department of Public Works

Office of the Director-General

Cnr Bosman & Vermeulen Street

CGO Building – Office No: A726

Tel No: [012 406 1986](tel:0124061986)

Fax: 086 276 8534/ 086 650 9759

Mobile: [074 303 5078](tel:0743035078)

E-mail: maselaelo.matladi@dpw.gov.za

"Ke Mpodumokgalaka, Ngwana a mmamafalela lekhwiti ya tsoga e le bolemi byo bo khwibidu"

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IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

CASE NO

PH

In the matter between:

MANDG CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and


THE MINISTER OF PUBLIC WORKS First Respondent

**THE INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS** Second Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the applicants intend to make application to this court for an order in the following terms:

1. Declaring that the decision by the respondents to refuse the applicants' request for access to information (as defined in the Founding Affidavit attached hereto) in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA") is unlawful and unconstitutional.

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2. Reviewing and setting aside the refusal of the applicants' request in terms of section 11, section 78 and section 81 of PAIA.
3. Directing the respondents to supply the applicants with a copy of the requested records within 15 days of the granting of this order.
4. Directing the respondents to pay the costs of this application.

Take notice that the accompanying affidavits of VINAYAK BHARDWAJ, DARIO MILO and STEFAANS BRUMMER will be used in support hereof.

Take notice further that the applicants have appointed the address of the applicants' attorneys, Webber Wentzel, of 10, 16 and 18 Fricker Road, Illovo Boulevard, Johannesburg at which the applicants will accept notice and service of all process in these proceedings.

Take notice further that if you intend opposing this application:

- (a) Notice of intention to oppose this application must be given within 15 days after receipt hereof.
- (b) Answering affidavits, if any, must be filed within 15 days after service of the notice of intention to oppose the application.
- (c) In default of your complying with rule 3(5) of the Promotion of Access to Information Rules, the applicant may request the clerk of the court, or the registrar as the case may be, to place the application before the court for an order in terms of section 82(b) of PAIA.

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(d) In default of your delivering a notice of intention to oppose, the matter will without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (a) above, on a date fixed by the clerk of the court or the registrar as the case may be.

Dated at Johannesburg on **22 November 2012**

WEBBER WENTZEL
Applicants' Attorneys
10, 16 and 18 Fricker Road
Illovo Boulevard
Johannesburg 2196
Tel : 011 530 5232
Fax: 011 530 6232
Ref : Dario Milo / Emma Sadleir
2328295

**c/o Friedland Hart Solomon
Nicholson**
79 Steenbok Avenue
Monument Park, Pretoria
Fax: 012 424 0207
Tel: 012 424 0200
Ref: Mr G Painter

To:
The Registrar
North Gauteng High Court
Pretoria

And to:
Themaleni Thulas Nxesi
Minister of Public Works
First Respondent
The Department of Public Works
CGO Building
Cnr Bosman and Vermeulen
Pretoria Central

Received copy hereof on _____
_____ 2012

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And to:
Mandisa Fatyela-Lindie
Information Officer: Department of Public Works
Second Respondent
The Department of Public Works
CGO Building
Cnr Bosman and Vermeulen
Pretoria Central

Received copy hereof on _____
_____ 2012

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**IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)**

CASE NO:

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In the matter between:

MANDG CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and

THE MINISTER OF PUBLIC WORKS First Respondent

**THE INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS** Second Respondent

FOUNDING AFFIDAVIT

I, the undersigned:

VINAYAK BHARDWAJ

do hereby make oath and swear that

1 I am the second applicant and the advocacy co-ordinator of the first applicant, which has its head office at 13th Floor, Metropolitan Building, 7th Coen Steytler Avenue, Foreshore, Cape Town.

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- 2 The facts and allegations herein are, save where the contrary is indicated by the context, all within my personal knowledge and are, to the best of my belief both true and correct.
- 3 Insofar as the factual allegations made in this affidavit relate to the applicants' attorneys of record, Webber Wentzel, they are confirmed by Dario Milo, a partner at Webber Wentzel, in his confirmatory affidavit. Mr Milo's affidavit will be filed with this application.
- 4 Where I make submissions of law, I do so on the basis of advice received from my legal representatives.
- 5 I am duly authorised to make this application and depose to this affidavit on behalf of the applicants. This is confirmed in the confirmatory affidavit of Stefaans Brümmer, a managing partner in the first applicant. Mr Brümmer's affidavit will be filed with this application.

THE PARTIES

- 6 The first applicant:
- 6.1 is the MandG Centre for Investigative Journalism NPC t/a M&G Centre for Investigative Journalism, a Not For Profit Company incorporated under Registration No 2009/024323/08, operating from 13th Floor, Metropolitan Building, 7th Coen Steytler Avenue, Foreshore, Cape Town;

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6.2 was founded to promote open, accountable and just democracy by developing investigative journalism in the public interest by engaging in the best practice of investigations; transferring investigative skills to other journalists; and helping to secure the information rights investigative journalists need to do their work; and

6.3 has a relationship the *Mail & Guardian* newspaper which is the primary publisher of its work.

7 Sam Sole and Stefaans Brümmer are the joint managing partners of the first applicant.

8 The first respondent:

8.1 is the Minister of Public Works;

8.2 is the minister of state responsible for the Department of Public Works ("the Department");

8.3 is responsible for the records that were subject to the first applicant's request for information under the Promotion of Access to Information Act 2 of 2000 ("PAIA"), as more fully described below;

8.4 is cited in his official capacity;

8.5 has, through the second respondent, refused the first applicant's request for information under PAIA, as more fully described below.

9 The second respondent:

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- 9.1 is the Information Officer of the Department;
- 9.2 is cited in her official capacity as such;
- 9.3 is an officer to whom requests for access to documents in the office of the Department are made in terms of PAIA, and who deliberates upon and decides such requests;
- 9.4 refused the first applicant's request for information under PAIA, as more fully described below.

OVERVIEW OF THIS APPLICATION

- 10 This is an application in terms of the provisions of the PAIA for access to certain records held by the first respondent. The records relate to expenditure by the Department on the improvement of the Nkandla Estate of the President of the Republic of South Africa, Mr Jacob Gedleyihlekisa Zuma ("the Nkandla Estate of the President"). The request for information was clear that no security-sensitive information was required but that the applicants' request related only to financial and procurement considerations. Despite this, the Department responded by letter dated 13 August 2012 refusing access on the grounds that the Nkandla Estate of the President was a National Key Point and that therefore any information relating to it was protected.
- 11 The first applicant next filed an internal appeal to the second respondent on 10 September 2012 against the refusal of access to the information sought. No response has been received to this appeal and accordingly, in

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- (a) *any information held by the State; and*
 - (b) *any information that is held by another person that is required for the exercise or protection of any right.*
- (2) *National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the State."*

15 PAIA is the national legislation envisaged in section 32(2) of the Constitution. It was enacted in order to give effect to access to information and to promote the values of openness, transparency, accountability and good governance – principles foundational to the Constitution.

16 The preamble of PAIA provides that the system of government in South Africa before 27 April 1994 "*resulted in a secretive and unresponsive culture in public and private bodies which often led to an abuse of power and human rights violations*". The preamble continues that PAIA is enacted to "*foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information*".

17 Section 9 of PAIA describes as its object, *inter alia*, the promotion of:

"... transparency, accountability and effective governance of all public and private bodies by including, but not limited to, empowering and educating everyone

- (i) *to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;*
- (ii) *to understand the functions and operation of public bodies;*
- (iii) *to effectively scrutinise... decision-making by public bodies that affects their rights."*

18 I am advised and submit that:

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18.1 In terms of PAIA, public bodies are now under a duty to provide access to a requested record, or part of it, unless refusal of the request is permitted or required by one or more of the grounds listed in PAIA.

18.2 Every request for access to information in terms of PAIA is an invocation of the section 32 right in the Constitution and entitles the requestor to access to the requested record, or part thereof, if that requestor complies with all the procedural and statutory requirements set out in the statute unless there is a valid ground of refusal which the private or public body may rely on.

18.3 The Constitutional Court has repeatedly made clear that the right of access to information is fundamental to the realisation of the rights guaranteed in the Bill of Rights. More specifically, in relation to the role of the media in seeking access to information, the Constitutional Court has said that "*Access to information is crucial to accurate reporting and thus to imparting accurate information to the public.*"

19 It is in this context that the response received from the Department must be evaluated. I am advised and submit that the failure by the Department to engage meaningfully or at all with the provisions of PAIA indicates a failure to comply with the obligations imposed on public bodies by the statute. Legal argument will be addressed to the Court in this regard.

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JURISDICTION

- 20 Each of the respondents is a "*public body*" within the meaning of that term as contemplated by section 1 of PAIA. The applicants have exhausted the relevant internal appeal procedures in PAIA. Section 77(7) of PAIA provides that where the relevant authority fails to give notice to the requester of its decision in relation to an internal appeal, such authority is regarded as having dismissed the internal appeal.
- 21 Accordingly, the applicants now bring this application in terms of section 78(2) read with section 82 of PAIA.
- 22 I am advised and submit that this Court has jurisdiction to hear this application by virtue of the fact that the respondents' offices are situated within the jurisdiction of this Honourable Court and by virtue of section 82(2) of PAIA which provides that the court hearing an application of the present sort may grant any order that is just and equitable including orders:
- "(a) confirming, amending or setting aside the decision which is the subject of the application concerned;*
 - (b) requiring from the information officer or relevant authority of a public body or the head of a private body to take such action or to refrain from taking such action as the court considers necessary within a period mentioned in the order;*
 - (c) granting an interdict, interim or specific relief, a declaratory order or compensation; or*
 - (d) as to costs."*

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BACKGROUND TO THIS APPLICATION

23 The applicants understand that the Department is spending at least R248 million on the Nkandla Estate of the President, but the details of how this money is to be spent are unknown to the general public and indeed to the readers of the *Mail & Guardian* newspaper.

The request

24 On 6 July 2012, I lodged a PAIA request on behalf of the first applicant, requesting access to various documents held by the first respondent relating to the upgrade of the Nkandla Estate of the President ("the request"). The request was in the manner and form prescribed by the relevant provisions of PAIA. An unsigned copy of the request was emailed to the Department on 6 July 2012 and a signed copy was faxed to the Department on 9 July 2012. A copy of the signed request is attached as annexure "VB1" hereto.

25 Mr Christopher Makgoba, of the Office of the Director-General of the Department, acknowledged receipt of the request by email on 27 July 2012. On 13 August 2012, by which date the applicants had received no further response to the request, I addressed an email to Mr Makgoba requesting notice of the outcome of the request. The relevant email chain is attached as annexure "VB2" hereto.

The records sought

26 The request included all records relating to the financial implications of the "procurement by the State of goods or services to improve, upgrade, alter,

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add to or secure the Nkandla Estate of the President" which were created during the period May 2009 to the date of the request.

27 More specifically, the applicants sought access to any records evidencing any:

- "a. needs assessments/motivations;*
 - b. budgetary availability;*
 - c. bid evaluations and outcomes; and*
 - d. contracts awarded and their values."*
- (collectively "**the records**").

28 The Nkandla Estate of the President is defined in the request as *"the immovable property and improvements within and including the perimeter of the property at Nkandla owned by or under the control of the President; and any improvements outside the perimeter of the same property but aimed at facilitating the functioning of the property or the President's security, well-being or performance of his duties"*.

29 The request made specifically clear that the applicants did not seek access to any information relating to *"the technical detail of security-sensitive improvements"* but rather that we were interested *"in the financial implications of procurement by the State in respect of Nkandla Estate"*.

The refusal

30 The request was refused by the second respondent in a letter which is dated 13 August 2012, but which was only sent to me via email on 27 August 2012 ("**the refusal**").

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- 31 The refusal states as follows:

"Please be advised that Nkandla Presidential Residence, like all other Presidential residences in South Africa, is a National Key Point.

As such, information related to, the National Key Point is protected in terms of the National Key Point 102 of 1980.

Furthermore the handling of information for this residence is protected in line with the provisions of the Protection of Information Act no 84 of 1982, the Minimum Information Security Standards (MISS) and other relevant security prescripts of the State Security Agency.

You are therefore informed that the National Department of Public Works will not be in a position to accede to your request in compliance with the prescripts mentioned above."

- 32 A copy of the letter refusing the request is attached as annexure "VB3" hereto.

The internal appeal

- 33 The applicants instructed our attorneys, Webber Wentzel, to launch an internal appeal in accordance with section 77 of PAIA. A copy of the internal appeal is attached as annexure "VB4" hereto.

- 34 The second respondent acknowledged receipt of the request in a letter to Webber Wentzel dated 19 September 2012, a copy of which is attached as annexure "VB5" hereto.

The failure to respond to the internal appeal lodged by the Applicants

- 35 Section 77(3) of PAIA requires the relevant authority to decide on the internal appeal "*within 30 days after the internal appeal is received by the information officer of the body*". The decision was therefore due on 10 October 2012. No response was sent to us before this deadline.

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- 36 On 18 October 2012, I made various telephone calls and sent several text messages to Mr Makgoba of the Department. I was eventually told that the internal appeal had been forwarded to the legal office of the Department and I was given the contact details of a Mr Hlabiwa in the legal office of the Department. I spoke to Mr Hlabiwa and was told that the appeal had been received and the response was being drafted and would be communicated to our attorneys, Webber Wentzel.
- 37 On 22 October 2012, I again telephoned Mr Hlabiwa and was informed that he was still awaiting Senior Counsel's input into the response.
- 38 On 25 October 2012, I was informed by Mr Hlabiwa that he was still awaiting Senior Counsel's approval that the response could be sent.
- 39 On 29 October 2012, Webber Wentzel wrote to the second respondent documenting the exchanges referred to above and indicating that a failure to provide the applicants with a response to the internal appeal by the close of business on 1 November 2012, would result in a deemed refusal of the request and an application to the High Court.
- 40 A copy of the letter is attached as annexure "VB6" hereto. No response to this letter was forthcoming.
- 41 The respondents have, to date, not responded to the internal appeal.

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42 In accordance with section 77(7) of PAIA, the first respondent is therefore regarded as having dismissed the internal appeal.

RELIEF SOUGHT

43 In terms of section 82 of PAIA, the applicants seek *inter alia* an order:

43.1 Reviewing and setting aside the refusal of the request; and

43.2 Directing that the respondents supply the applicants with a copy of the records within 15 days of the granting of an order sought.

THE RESPONDENTS' REFUSAL OF THE REQUEST IS WITHOUT MERIT

44 The respondents grounds for refusing access were as follows:

44.1 The Nkandla Estate of the President is a National Key Point, and as such, *"information related to the National Key Point is protected in terms of the National Key Point 102 of 1980. Furthermore the handling of information for this residence is protected in line with the provisions of the Protection of Information Act 84 of 1982, the Minimum Information Security Standards (MISS) and other relevant security prescripts of the State Security Agency."*

45 I am advised and submit that this response is flawed for the reasons which follow:

45.1 The request was not determined in accordance with PAIA, as required by section 25(1) of PAIA, which provides:

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"25. Decision on request and notice thereof

- (1) *Except if the provisions regarding third party notification and intervention contemplated in Chapter 5 of this Part apply, the information officer to whom the request is made or transferred, must, as soon as reasonably possible, but in any event within 30 days, after the request is received—*
 - (a) *decide in accordance with this Act whether to grant the request..." (my emphasis)*

45.2 The letter refusing access made no reference whatsoever to PAIA or its provisions despite the request clearly being made in terms of PAIA. This evidences a failure by the second respondent to take into account and give effect to the obligations imposed on public bodies by PAIA.

45.3 The second respondent also failed to indicate in its letter refusing access that I was entitled to appeal the refusal. Nor did it set out the procedure to be followed if I wished to lodge such an appeal. This is required by section 25(3)(c) of PAIA which provides that the notice refusing a request for access to information must:

- (c) *state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.* (my emphasis)

45.4 Moreover, in refusing to grant the request for access to information, the second respondent failed to rely on any of the grounds of refusal provided for in PAIA. The requirements of PAIA are two-fold in this regard: the response must contain the grounds of refusal; and must

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refer to provisions of PAIA relied upon in that refusal as required by section 25(3)(a) of PAIA which provides:

"If the request for access is refused, the notice in terms of subsection (1) (b) must—


(a) state adequate reasons for the refusal, including the provisions of this Act relied upon..." (my emphasis)

45.5 The Constitutional Court has held that grounds of refusal must be narrowly construed and that PAIA places an onus on decision-makers who wish to deny the public access to a record to provide proper justification for the refusal.

45.6 The respondents have not provided a single ground of refusal recognised by PAIA upon which to refuse the request. The references to the Protection of Information Act 84 of 1982 ("the **Protection of Information Act**"), the Minimum Information Security Standards ("**MISS**"), "*security prescripts*" of the State Security Agency, and to the fact that the Nkandla Estate of the President is a key point, take the issue no further: they are not grounds of refusal under PAIA.

45.7 With respect to the second respondent's reliance on the Protection of Information Act, there are in any event no provisions in the Protection of Information Act, the National Key Points Act 102 of 1980 ("**the National Key Points Act**") or the MISS that prohibit access to the record.

45.8 While section 4 of the Protection of Information Act contains prohibitions on the disclosure of certain information, it does not

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prohibit disclosure of the records sought by the applicants. The prohibitions relate primarily to prohibited places such as arsenals and military establishments, and would certainly not apply to documents detailing the information sought by the applicants in relation to the Nkandla Estate of the President.

45.9 The only provision in the legislation cited which arguably impacts on the disclosure of records is section 10(2)(c) of the National Key Points Act, which provides that where any person:

"furnishes in any manner whatsoever any information relating to the security measures, applicable at or in respect of any National Key Point or in respect of any incident that occurred there, without being legally obliged or entitled to do so, or without the disclosure or publication of the said information being empowered by or on the authority of the Minister... shall be guilty of an offence..." (my emphasis)

45.10 This provision is clearly not applicable in the circumstances, particularly in light of my confirmation in the request that: *"our interest is not in the technical detail of security-sensitive improvements, but in the financial implications of procurement by the State in respect of Nkandla Estate."*

45.11 Moreover, and in any event, section 5 of PAIA makes it clear that PAIA applies to the exclusion of any provision of other legislation that prohibits or restricts the disclosure of a record of a public body, or that is materially inconsistent with an object, or a specific provision of PAIA.

45.12 We note that in any event the MISS relied on by the second respondent is a cabinet policy document and does not have the

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force of legislation, nor do the unspecified "security prescripts" to which reference is made in the response.

46 In the circumstances, the refusal by the Department of the applicants' request is entirely without merit.

THE PUBLIC INTEREST OVERRIDES ANY INTEREST

47 In any event, even if there were a valid ground for refusing the request for information concerned, I am advised and submit that the public interest in the information clearly outweighs any interest advanced for refusing access to the records. Section 46 of PAIA provides:

"Despite any other provision of this Chapter, the information officer of a public body must grant a request for access to a record of the body contemplated in section 34 (1), 36 (1), 37 (1) (a) or (b), 38 (a) or (b), 39 (1) (a) or (b), 40, 41 (1) (a) or (b), 42 (1) or (3), 43 (1) or (2), 44 (1) or (2) or 45, if-

- (a) *the disclosure of the record would reveal evidence of-*
 - (i) *a substantial contravention of, or failure to comply with, the law; or*
 - (ii) *an imminent and serious public safety or environmental risk; and*
- (b) *the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question."*

48 The contents of the records are of profound public interest and importance, particularly as they concern the propriety and priority of significant public spending in a country with limited funds to meet the considerable demands of a developing economy. The manifest public interest in the contents of the records is sharpened by the fact that their non-disclosure has generated, and continues to generate, widespread

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speculation that the records would reveal impropriety. This has harmed, and continues to harm, public confidence in the state and indeed in the head of state himself.

- 49 The magnitude of public concern relating to the extent of public expenditure on the Nkandla Estate of the President is abundantly reflected in numerous news reports, examples of which are set out below, while an extensive table of relevant news reports is annexed hereto marked "VB7".

49.1 On 3 August 2012, in an article entitled "Welcome to Zumaville", attached as annexure "VB8" hereto, the *Mail & Guardian* reported, among other things, that the Department had confirmed that it would be spending R36 million on security-related construction at the Nkandla Estate of the President.

49.2 On 30 September 2012, in an article entitled "R200m splurge on Zuma homestead", attached as annexure "VB9" hereto, the *City Press* reported that, in March 2011, the Department had approved a budget of R203 079 677.18 for upgrading the Nkandla Estate of the President.

49.3 On 1 October 2012, in an article entitled "Nkandla: Zuma, cancel 'lavish personal enrichment' – Mazibuko", attached as annexure "VB10" hereto, the *City Press* reported that the Leader of the Official Opposition in Parliament, Ms Lindiwe Mazibuko, had called on the President to cancel the upgrade and to spend the allocated funds on public services instead, and would call on the Public Protector to

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investigate the public expenditure on the Nkandla Estate of the President.

- 49.4 On 5 October 2012, in an article entitled "Nkandla upgrade: Last-minute bid to hide costs", attached as annexure "VB11" hereto, the *Mail & Guardian* reported that, according to a cost schedule presented to the National Council of Provinces by the Department's Director-General in May 2012, a projected R238 million would be spent on upgrades to the Nkandla Estate of the President - a figure significantly higher than the R36 million and R203 million previously reported.
- 49.5 On 7 October 2012, in an article entitled "Madiba, Mbeki got far less than Zuma", attached as annexure "VB12" hereto, the *City Press* reported that the Public Protector had confirmed that she would investigate the public expenditure on the Nkandla Estate of the President. In the same article, the *City Press* reported that, although former Minister of Public Works Geoff Doidge said in Parliament in August 2010 that upgrades to the Nkandla Estate of the President would cost R6.4 million, a document handed to Parliament in May 2012 showed that R194 million had been paid to contractors and R44 million to consultants in relation to this project.
- 49.6 On 21 October 2012, in an article entitled "Nkandla pay shock", attached as annexure "VB13" hereto, the *City Press* reported on significant amounts spent by the Department on upgrades to the Nkandla Estate of the President, including that a departmental

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"insider said it was common for projects in the department's 'prestige portfolio', of which Nkandla is one, not to go out on tender".

49.7 On 11 November 2012, the *City Press* published an article entitled "*Nkandla prices a joke*", attached as annexure "VB14" hereto, which quoted construction experts as saying that the costs of the controversial upgrades to the Nkandla Estate of the President seemed to have been grossly inflated.

50 According to numerous news reports, examples of which are attached as annexures "VB15", "VB16", "VB17", "VB18" and "VB19" hereto, several questions have been posed to the first respondent and other senior government officials, each of whom has declined to reveal details of the extent of public expenditure on the Nkandla Estate of the President.

51 On 8 November 2012, according to several news reports, examples of which are attached as annexures "VB20", "VB21", "VB22", "VB23" and "VB24" hereto, eight of the ten opposition political parties in Parliament jointly proposed a motion of no confidence in President Zuma, citing among other concerns the "*appalling Nkandlagate scandal*" and a "*rising tide*" of corruption in the public service.

52 On 15 November 2012, President Zuma attended Parliament and replied to a formal question from Ms Lindlwe Mazibuko of the Democratic Alliance relating to the Department's upgrades to the Nkandla Estate of the President. In his response, President Zuma disclosed that the security

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upgrades to his home included *"in the main, fencing, bullet-proofing windows – not all the windows, specific ones – and the bunker"*. The relevant pages of the unrevised Hansard record are attached as annexure "VB25" hereto. The quoted extract shows that even the President must be of the view that there is no legal obstacle to revealing details about what has been procured in relation to the Nkandla Estate of the President, let alone the public cost of such procurement. Otherwise, I respectfully submit that President Zuma himself would be guilty of contravening the criminal prohibitions in the National Key Points Act.

- 53 The continued state secrecy surrounding expenditure on the Nkandla Estate of the President, amid regular detailed news reports that considerable sums of public funds have been paid to private contractors and consultants without the required tender procedures, has created one of the most serious public spending scandals in the post-apartheid political era. This scandal has the potential to undermine national and indeed international confidence in the President and the public administration as a whole.
- 54 Accordingly, there is manifest and profound public interest in ascertaining, as a matter of increasing urgency, the true extent of public expenditure on upgrades to the Nkandla Estate of the President, and whether such expenditure has been undertaken in accordance with the applicable provisions of the Constitution and public procurement laws. The disclosure of the records is essential to ensure respect for the founding constitutional values of government openness, responsiveness and

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accountability, as well as to vindicate the constitutional rights of freedom of expression and of access to information.

55 It is clear from the above that there is a significant public interest in the disclosure of the records concerned. Importantly, there is evidence which suggests that a fair, competitive, transparent and cost-effective procurement process as required by section 217 of the Constitution and the Public Finance Management Act 1 of 1999 ("the PFMA") was not followed by the respondents. In the circumstances, I am advised and submit that, notwithstanding any ground of refusal that the respondents may raise, they are required by section 46 of PAIA to disclose the records concerned. This is so because the disclosure of the record will likely reveal evidence of a substantial contravention of, or failure to comply with the law and the public interest in the disclosure of the record clearly outweighs the harm contemplated in any ground of refusal which the respondents may raise.

THIS COURT IS ENTITLED TO EXAMINE THE RECORDS CONCERNED

56 Section 80 of PAIA entitles a Court hearing an application against the refusal of access to a record, to examine that record. Specifically, section 80 provides:

"Despite this Act and any other law, any court hearing an application, or an appeal against a decision on that application, may examine any record of a public or private body to which this Act applies, and no such record may be withheld from the court on any grounds."

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57 I am advised and submit that this Court ought, in the exercise of its discretion, to call upon the respondents to provide the records requested to the Court, in order that this Court may determine whether any grounds exist for the valid refusal of the records concerned.

CONCLUSION

58 For the reasons set out in this affidavit, I am advised and submit that the respondents' refusal to release the records negates the very purpose of PAIA and undermines the applicants' and the public's constitutional rights in that:

58.1 it limits the applicants' right of access to information under section 32(1) of the Constitution and under PAIA;

58.2 it limits the applicants' rights to freedom of expression and freedom of the media, enshrined in section 16(1) of the Constitution, and, as a corollary, the right of the public to receive information on matters of public interest (a right that is likewise protected under section 16(1) of the Constitution);

58.3 it undermines the values of openness, responsiveness and accountability that are articulated in section 1(d) of the Constitution and that permeate the Constitution; and

58.4 it is entirely disproportionate and offensive to the constitutional values of openness and transparency for the records to be withheld, as the respondents would have this Court do.

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59 The refusal by the respondents to release the records to the applicants is therefore contrary to PAIA and the Constitution and it is respectfully submitted that this Court ought to compel the respondents to give effect to their obligations under the Constitution and PAIA and in doing so to lift the veil of secrecy that they have imposed on what is fundamentally of public concern.

WHEREFORE the applicants pray for an order in terms of the notice of motion to which this affidavit is attached.

V. Bhardwaj
VINAYAK BHARDWAJ

Signed and sworn to before me at Cape Town on 21st NOVEMBER 2012, the deponent having acknowledged that he knows and understands the contents of this affidavit and that it is true and correct.

Zaid Gardner
COMMISSIONER OF OATHS

Full names: zaid gardner
Business address: commissioner of oaths
practising attorney SA
Designation: ENS 1 north wharf square
loop street cape town 8001
Capacity: 21/11/2012

V. Bhardwaj

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IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

CASE NO: 67574/12

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM**

1st Applicant

BHARDWAJ, VINAYAK

2nd Applicant

and

**MINISTER OF PUBLIC WORKS
INFORMATION OFFICER: DEPARTMENT OF
PUBLIC OF PUBLIC WORKS**

1st Respondent

2nd Respondent

FILING SHEET

DOCUMENT:

RESPONDENTS' FURTHER AFFIDAVIT

ON ROLL:

FILED BY:

**RESPONDENT'S ATTORNEYS
STATE ATTORNEY PRETORIA
316 SALUBUILDING
CNR FRANCIS BAARD & THABO SEHUME
STR ENTRANCE AT THABO SEHUME
PRIVATE BAG X91
PRETORIA, 0001
Ref: 7930/2012/Z59/js
Tel: (012) 309-1562**

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Fax: (012) 309-1649/50
Dx: 298 PRETORIA
Enq: K I CHOWE

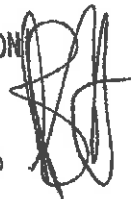
**TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT**

**AND
TO:**

**APPLICANTS ATTORNEY
MESSRS WEBBER, WENTZEL
ATTORNEYS
10 FRICKER ROAD, ILLOVO BOULEVARD
JOHANNESBURG, 2196
MARSHALLTOWN, 2107
TEL: (011) 530 5232
FAX:(011) 530 6232
e-mail: dario.milo@webberwentzel.com
REF: **DARIO MILO/E SADLEIR/B
WINKS 2328295**
**c/o FRIEDLAND HART SOLOMON
NICHOLSON**
79 STEENBOK AVENUE
SUITE 301
BLOCK U
MONUMENT OFFICE PARK
MONUMENT PARK, PRETORIA
TEL: (012) 424 0200
FAX: (012) 424 0207
REF: **MR G PAINTER / 311556****

FRIEDLAND HART SOLOMON & NICOLSON
Received without prejudice

at 12:56 on 16/06/2013



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RECEIVED COPY:**TIME:****DATE:**

Applicant's attorney**AND
TO:****CLIFFE DEKKER HOFMEYR INC****(attorneys for the South African History
Archive Trust)****Applicant for admission as amicus curiae****1 PROTEA PLACE****SANDOWN, JOHANNESBURG****TEL: (011) 562 1162****FAX: (011) 562 1514****REF: C JESSEMAN / T ERASMUS****c/o MACROBERT INC****MACROBERT BUILDING****CNR JUSTICE MAHOMED AND JAN SHOBA STREETS****BROOKLYN, PRETORIA****TEL: (012) 425 3557****FAX: (012) 425 3667****e-mail: gdreyer@macrobert.co.za****REF: GUSTAV DREYER / 1025144**

Received copy hereof on this day of 2013

MACROBERT INC

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IN THE NORTH GAUTENG HIGH COURT
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 67574/12

In the matter between:

M AND G CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and

THE MINISTER OF PUBLIC WORKS First Respondent

THE INFORMATION OFFICER: DEPARTMENT OF PUBLIC WORKS Second Respondent

AFFIDAVIT

I, the undersigned,

PHILLIP SOBI MASILO

state the following under oath:

1. I am the Special Advisor of the Minister of Public Works ("the Minister"), the first respondent in this application. I am a practising attorney. I am authorised to depose to this affidavit on behalf of the first and second respondents.

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2. The facts contained in this affidavit are within my personal knowledge unless stated otherwise or apparent from the context. To the best of my knowledge and belief they are both true and correct. Where I make submissions of a legal nature I do so on the advice of the applicant's legal representatives, which I believe to be correct.
3. I have read the affidavits filed on behalf of the applicants and the respondents in this matter.
4. After receipt by the respondents of the applicants' replying affidavit, the Minister and the Director General in the Department of Public Works ("the Department") instructed me to examine all of the documents in the possession of the Department that fall within the scope of the applicants' request for information.
5. In light of the issues raised in the applicants' replying affidavit, I was specifically asked to advise whether it was possible to sever security-sensitive information from the documents, as provided for in section 28 of the Promotion of Access to Information Act 2 of 2000 ("PAIA").
6. The purpose of this affidavit is to record the outcome of this process. It is not intended as a reply to every allegation in the applicants' replying affidavit. But, to the extent that the replying affidavit contains allegations that are inconsistent with any facts in this affidavit and in the respondents' answering affidavit, those allegations are denied.

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Review of relevant documents

7. I have examined all of the relevant documents in the possession of the Department. In total, I worked through forty-two (42) separate files. Mindful of the possible security implications associated with disclosing information of this nature, I consulted with representatives of the South Africa Police Service ("SAPS"), the State Security Agency ("SSA") and the South African National Defence Force ("SANDF").
8. Because of the conclusions I reached, I confirm that the Department now tenders access to the following documents to the applicants:
- 8.1. Bid adjudication minutes;
 - 8.2. Contracts between the Department and various services providers for work done on Phase 1 (High Security) and Phase 2 (Low Risk) of the Nkandla security upgrade;
 - 8.3. Invoices submitted to the Department by contractors;
 - 8.4. Progress Payment advices;
 - 8.5. Variation Order Motivations;
 - 8.6. Final accounts; and
 - 8.7. Internal memoranda of the Department dealing with requests

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for funds and reallocation of funds.

- 9. The documents tendered are itemised in the schedule attached to this affidavit, marked "PM1". They relate to all work done on the Nkandla homestead to date. A schedule of contractors and amounts paid to each contractor is also tendered and attached, marked "PM2". In total, the Department has now spent R210 505 255.90 on the Nkandla security upgrade. This figure is greater than the figure disclosed in the respondents' answering affidavit as additional payments have since been made.
- 10. It is not possible to attach all the documents tendered to this affidavit, given their extent. The State Attorney will make arrangements with the applicants' attorney for copies of the documents to be made.
- 11. To a very limited extent, some of the documents tendered have been redacted to remove references to security sensitive information. This does not include any information about payments made to service providers.

Documents not tendered

- 12. SAPS and the SANDF conducted the initial security assessments at the President's private homestead in Nkandla ("Nkandla"). Their assessments, all of which carry a "Top Secret" security classification, identified weaknesses in the security measures at Nkandla. The Department did not undertake any independent needs assessments.

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This is because the security upgrade that was done at Nkandla was informed by the security threat assessments.

13. The security assessments identify specific requirements that must be implemented to ensure the President's security and the security of his family. These include recommendations about the type of security systems to install, where to place intruder alarms and security control rooms, and how to secure the perimeter of the residence against intruders. They also detail measures to ensure the safety of the President and his family in the event of a hostile attack or natural disaster.

14. If this information is made public, the safety of the President will certainly be undermined. The general public will know what security measures are in place and how to undermine them. An attack on the President and his family will not only prejudice the security of those attacked but also the security of the country. For this reason, the Department declines to provide these documents to the applicants. In any event, the Department did not produce these assessments; it cannot disclose them without the permission of SAPS or the SANDF.

15. For the same reasons, the Department declines to disclose any sketches and/or maps that disclose the location of security control rooms and intruder alarms, emergency evacuation routes and other security related measures.

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Unauthorised disclosure of documents by the applicants

- 16. The applicants attach three documents ("RA5", "RA6" and "RA7") to their replying affidavit. They claim that they received them from anonymous sources. They do not say when they received them, nor do they disclose the circumstances under which the documents were received.
- 17. One of the documents is classified as Top Secret. The applicants contend that there is no basis for this classification. They assume the right to simply disregard the classification and disclose the document because they don't believe that the information should be protected. The applicants' conduct is unlawful and irresponsible. They are not at liberty to ignore the classification because, in their view, they do not believe the classification is warranted.
- 18. What the applicants fail to appreciate is that the document remains a Top Secret document until it is declassified. Until this happens, the disclosure is prohibited by section 4 of the Protection of Information Act 84 of 1982.
- 19. The applicants do not indicate whether or not they are in possession of any other classified documents. If they are, they are requested to return them to the Department immediately and to undertake that they will not disclose any classified documents, without the permission of the Department, pending the final determination of this application.

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Conclusion


20. Once the applicants have had an opportunity to consider the documents tendered in this affidavit, they are requested to indicate whether they intend to pursue this application and, if so, on what basis. The position of the respondents is that they will oppose any further attempt by the applicants to gain access to the redacted parts of the documents tendered and/or the documents not tendered.



PHILLIP SOBI MASILO

This affidavit was signed and sworn to before me at Braamfontein on this the 14 day of JUNE 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that they are true and correct. I certify that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

Lucky Mabena
Practising Attorney (RSA)
COMMISSIONER OF OATHS
4th Floor Braamfontein Centre
23 Jorissen Street, Braamfontein
Tel: 011 339 8830/31 Fax: 011 339 8832


COMMISSIONER OF OATHS

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Nkandla: Expenditure per Contract per Supplier

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No	Contract Description	Supplier Name	Sum of Amount
1			49 086 431.64
	MAIN CONTRACT : BUILDING WORKS		
		CA DU TOIT (DURBAN)	2 342 141.16
		IBHONGO CONSULTING CC	6 008 457.36
		IGODA PROJECTS (PTY) LTD	2 460 063.66
		ILANGALETHU CONSULT CC	13 794 957.70
		MINENHLE MAKHANYA ARCHITECTS	16 587 537.71
		MUSTAPHA CACHALIA	
		ENGINEERING CC	2 802 796.32
		RAMCON	5 092 477.73
2			23 917 238.94
	EMERGENCY WORKS : SECURITY MEASURES		
		BONELENA CONSTR ENTERPR & PROJEC	23 317 238.94
3			8 081 591.18
	NEGOTIATED CONTRACT FOR SECURITY MEASURES IN HOUSE		
		MONEYMINE 310 CC	8 081 591.18
4			64 850 502.99
	DBN PRESTIGE PROJECT CONSTRUCTION OF 25 NEW BLDS		
		BONELENA CONSTR ENTERPR & PROJEC	54 850 502.99
5			44 737 907.53
	DBN PRESTIGE PROJECT LSA CONSTR OF 5 NEW BLDS		
		MONEYMINE 310 CC	44 737 907.53
6			2 436 396.60
	SUPPLY AND DELIVERY OF PARKHOMES OF ACCOM SAPS/DOD		
		NATAL PARKHOMES	2 436 396.60
7			253 080.00
	SUPPLY AND DELIVERY OF MOBILE GENERATOR FOR SECURI		
		PRO-HYDRAULISC CC	253 080.00
9			3 035 293.80
	SECURITY MEASURES : INSTALLATION OF BTG GLASS		
		SA BULLET RESISTANT GLASS CO (PTY) LTD	3 035 293.80
10			9 237 471.51
	SUP&INST HIG SECUR FENC FOR SECURITY MEASURES		
		BETA FENCE PROJECTS SOUTH AFRICA PTY LTD	9 237 471.51
11			1 988 823.01
	DBN PRESTIGE PROJ A LIFT INSTALLATION		
		OTIS (PTY) LTD (WADEVILLE)	1 988 823.01
12			10 009 933.51
	PRESTIGE PROJECT A -PHASE 11 SECURITY MEASURES EDS		
		E MAGUBANE CC	10 009 933.51
13			3 472 585.19
	COMPLETION OF CONTRACT 0004		
		MONEYMINE 310 CC	3 472 585.19
Grand Total			210 505 266.90

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IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

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CASE NO.: 67574/12

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM**

First Applicant

BHARDWAJ, VINAYAK

Second Applicant

and

MINISTER OF PUBLIC WORKS

First Respondent

**INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS**

Second Respondent

SCHEDULE OF DOCUMENTS

File No.	Document Description	Date
1.	Report	
1.	Progress report for Prestige Project A security measures	10 October 2010
2.	WCS Consultant payment advice to Igoda	31 January 2010
3.	WCS Consultant payment advice to Igoda Projects	28 July 2011
4.	WCS Consultant payment advice to Igoda Projects	24 December 2012
5.	WCS Consultant payment advice to Igoda Projects	22 December 2011
6.	WCS Consultant payment advice to Igoda Projects	16 April 2012
7.	WCS Consultant payment advice to Igoda Projects	4 September 2012
8.	WCS Consultant payment advice to Igoda	2 November 2012
9.	Payment progress to Gonal Construction	13 June 2011

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File No	Document Description	Date
	10. WCS Consultant payment advice to Igoda Projects	15 August 2012
	11. Letter from R & G Consultants to Minenhle Makhanya re: negotiated contract – variation orders no. 2 to 16	12 November 2012
	12. Motivation for variation order no. 2 – necessitated by design change to both Safe haven and the corridor link	16 November 2011
	13. Motivation for variation order no. 3 – necessitated by design change to both the Safe haven and the corridor link	16 November 2010
	14. Motivation for variation order no. 4 – necessitated by design change to the Safe haven as well as the corridor link	16 November 2010
	15. Motivation for variation order no. 5 – necessitated by design change to the Safe haven as well as the corridor link	16 November 2010
	16. Motivation for variation order no. 6 – necessitated by design change to the Safe haven as well as the corridor link	16 November 2010
	17. Motivation for variation order no. 7 – necessitated by design change to both the Safe haven and the corridor link	16 November 2010
	18. Motivation for variation order no. 8 – necessitated by design change related to both the safe haven as well as the corridor link	16 November 2010
	19. Motivation for variation no. 9 – necessitated by the design change related to both safe haven as well as corridor link	16 November 2010
	20. Motivation for variation order no. 10 – necessitated by design change relating to both safe haven and the corridor link	16 November 2010
	21. Motivation for variation no. 11 – necessitated by design change relating to both safe haven and corridor link	16 November 2010
	22. Motivation for variation order no. 12 – necessitated by design change relating to both safe haven and the corridor link	16 November 2010
	23. Motivation for variation order no. 13 – necessitated by design change relating to both the safe haven as well as the corridor link	16 November 2010
	24. Motivation for variation order no. 14 – necessitated by design change relating to both the safe haven as well as	16 November 2010

File No	Document Description	Date
	the corridor link	
2.	Viper t/a Pro Hydraulic Temporary Emergency Generators	
1.	Memo from D.J. Rindel to Chairman of the Regional Adjudication Committee re: Supply and Delivery of Parkhomes for accommodation of SAPS and Defence staff	3 March 2011
2.	Request for approval for utilising urgent/emergency delegation	11 October 2010
3.	Letter from Minessie Makhanya to D.J. Rindel re: Natal Park Homes final payment certificate	April 2011
4.	Tax invoice from Natal Park Homes	30 November 2010
5.	Letter from R & G Consultants to Public Works re: Natal Park Homes final payment certificate	4 February 2011
6.	Payment certificate to Natal Park Homes	8 February 2011
7.	Tax invoice from Natal Park Homes	26 November 2010
8.	Tax invoice from Natal Park Homes	13 November 2010
9.	Screen print-out from Public Works	28 March 2011
10.	Payment to Natal Park Homes	
11.	Internal memorandum re: updating of the WCS regarding the tender closing date : Park Homes	5 May 2011
12.	Payment to Natal Park Homes	17 May 2011
13.	Letter from Public Works to Pro Hydraulic Trading/Viper Generators re: Emergency Generator sets	12 April 2011
14.	Approval by Regional Adjudication Committee : Supply and Delivery of mobile generator for security installation	18 March 2011
15.	Internal memorandum from D.J. Rindel to Chairman Regional Adjudication Committee re: supply and delivery of mobile generator for security installation	20 March 2011
16.	Quotation from Viper Generators	8 November 2010
17.	Request for approval to utilise the emergency delegation re: Emergency instruction to provide emergency generator	15 November 2010

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File No	Document Description	Date
	18. Screen print-out authorisation of payment	28 March 2011
	19. Letter from Minenhle Makhanya Architects re: mobile generators interim payment certificate no. 2	24 March 2011
	20. Letter from R & G Consultants re: mobile generator interim payment certificate no. 2 to Pro Hydraulic CC	22 March 2011
	21. Payment certificate to Pro Hydraulic CC	24 March 2011
	22. Progress payment to Pro Hydraulic CC	4 April 2011
	23. Letter from Public Works to Pro-Hydraulic CC confirming instruction to provide emergency generators	12 April 2011
3.	Otis -- Installation of lifts Phase 2	
	1. Letter to Otis (Pty) Ltd from Public Works re installation of lifts tender	
	2. Original bid adjudication committee approval : request for approval of tender recommendation to Otis (Pty) Ltd	
	3. Tender evaluation report to the Regional Bid Adjudication Committee	17 May 2011
	4. Form of offer and acceptance re: installation of lifts	6 June 2011
	5. Internal memorandum from D.J. Rindel to Chairman Regional Bid Adjudication Committee re: High-Tech Lifts CC and Otis (Pty) Ltd	17 May 2011
	6. Scoring order - price input and submission to bid committee	Undated
	7. Letter from Public Works to Otis (Pty) Ltd re: installation of lifts	
	8. Tender evaluation report to the Regional Bid Adjudication Committee from Mr D.J. Rindel re: installation of lifts	Undated
	9. Scoring Order-price input and submission to bid committee from Mr J. Rindel	17 May 2011
	10. Minutes of evaluation bid committee re: installation of lifts	10 May 2011

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File No.	Document Description	Date
	11. Internal memo from Mr P.P. Chiliza to Head of Procurement re: request for approval for extension of validity period : Installation of lifts	13 April 2011
	12. Fax from Schindler Lifts (SA) (Pty) Ltd to Mr P.P. Chiliza	6 December 2010
	13. Bid Adjudication Committee approval of procurement strategy	Undated
	14. Request for approval of procurement strategy from Mr J. Rindel	18 January 2011
	15. Letter from Mustapha & Cachalia to Department of Public Works re: mechanical installation of lifts tender	26 January 2011
	16. Fax cover sheet from Public Works to High-Tech Lifts CC	26 January 2011
	17. Fax cover from Public Works to Sigma Lifts & Escalators	26 January 2011
	18. Fax cover from Public Works to United Elevators (Pty) Ltd	26 January 2011
	19. Fax cover from Public Works to Kone Elevators	26 January 2011
	20. Fax cover sheet from Public Works to Logic Elevators (Pty) Ltd	Undated
	21. Fax cover from Public Works to LU-Line Elevators Projects	Undated
	22. Fax cover sheet from Public Works to Schindler Lifts (Pty) Ltd	Undated
	23. Website print-out of CIDB re: Register of contractors	
	24. Notice and invitation to tender re: Installation of lifts	
	25. Tender data : Installation of lifts	
	26. Incomplete returnable documents re: Installation of lifts	
4.	Payment Advice	
	1. WCS Consultant payment advice to Minenhle Makhanya	20 January 2011
	2. Progress payment to Bonelena Construction	7 January 2011
	3. Progress payment to Bonelena Construction	22 December 2010

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File No.	Document Description	Date
	4. WCS Consultant payment advice to Ilangaethu Consultants	21 December 2010
	5. Progress payment to Boneiena Construction	2 December 2010
	6. WCS Consultant payment advice to Ibongo Consulting	9 November 2010
	7. Progress payment to Boneiena Construction	2 November 2010
	8. WCS Consultant payment advice to Minenhle Makhanya	25 October 2010
	9. Progress payment to Boneiena Construction	20 October 2010
	10. Progress payment to Boneiena Construction	11 October 2010
	11. WCS Consultant payment advice to Ilangaethu	3 September 2010
	12. Progress payment to Boneiena Construction	6 September 2010
	13. Progress payment to Boneiena Construction	27 August 2010
	14. WCS Consultant payment advice to Ilangaethu Consulting	14 June 2010
	15. WCS Consultant payment advice to Minenhle Makhanya Architects	7 May 2010
	16. WCS Consultant payment advice to Ibongo Consulting	30 April 2010
	17. WCS Consultant payment advice to Minenhle Makhanya	1 February 2010
	18. WCS Consultant payment advice to Ilangaethu Consulting	18 December 2009
	19. WCS Consultant payment advice to Ighoda Projects	15 December 2009
	20. WCS Consultant payment advice to Minenhle Makhanya	10 December 2009
	21. WCS Consultant payment advice to Ighoda Projects	3 December 2009
	22. WCS Consultant payment advice to Ibongo Consulting	3 December 2009
5.	1. A monthly progress report prepared by Boneiena Construction	
	2. Letter from Ighoda Projects to Department of Public Works re: Durban Prestige Project A : Generator	
	3. Letter from Minenhle Makhanya Architects to Boneiena Construction re: Durban Project A emergency works	

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File No	Document Description	
	contract final warning	
4.	Letter from Minenhle Makhanya Architects to Bonelena Construction re: Durban Project A emergency works contract : recovery programme	
5.	Technical meeting notes for meeting held on 8 February 2012	
6.	Prestige Project A meeting schedule prepared by Ramcom	
7.	Minutes of the consultants co-ordination and planning meeting held on 3 September 2012	
8.	Letter from Ramcom to Department of Public Works re: fee projections	23 August 2011
9.	Letter from Ibhongo Consulting to Department of Public Works re: sewer pump station	28 September 2012
10.	Project finalisation milestone completion dates	10 January 2012
11.	Internal memorandum from Mr Rindel to Mr Nkatha re: updating of the WCS in regard to tender, closing and award date. Bullet resistant glass	5 May 2011
12.	Technical meeting notes for meeting held on 11 August 2011	
13.	Meeting agenda for the meeting held on 15 August 2011	
14.	Schedule of payment certificates to Bonelena Construction	
15.	Minutes of meeting held on 10 August 2011	
16.	Schedule of emergency works and estimated cost	
17.	Attendance register for meeting held on 11 June 2010	
18.	Bill of quantity, preliminary and general prepared by C.A. Du Toit	
19.	Internal memorandum from Mr Singh to Mr Nkatha re: security measures electronic security detection system	16 August 2011
20.	Acknowledgement of handing over of site : safety measures electronic detection system	8 August 2011

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File No.	Document Description	Date
	21. Minutes of special meeting with SANDF re: Low Security Contract	1 March 2012
	22. Progress report on Prestige Project A	5 March 2012
	23. Attendance register for the special meeting with SANDF on 1 March 2012	
	24. Consultant's planning and co-ordination meeting minutes for meeting held on 19 March 2012	
	25. Meeting agenda for meeting held on 2 April 2012	
	26. Draft policy on handling Prestige Projects supply chain management and process	15 March 2012
	27. Progress report – article completion list prepared by Minenhle Makhanya	Undated
	28. Report on snag list items : inspection dated 26 March 2012	
	29. Progress report : outstanding and remedial works list prepared by Minenhle Makhanya	14 March 2012
	30. Progress report re: quality control inspection prepared by Minenhle Makhanya	22 February 2012
	31. Progress report on Prestige Project A (together with annexures and plans identifying security area)	5 March 2012
	32. Letter from Public Works to C.A. Du Toit re: Prestige Projects security installation specialist installation of security electronic system	30 June 2010
	33. Letter from C.A. Du Toit to Department of Public Works re: invitation to submit proof of competency : specialist security installation	2 July 2010
	34. CV of Mr Pierre Fourie	
	35. List of prominent security project conducted by Pierre Fourie	
	36. CV of Mr P.P.M. Borman	
	37. CV of Mr W.F. Boucher	
	38. CV of Mr E.K. Schutte	

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File No	Document Description	Date
	39. Profile of C.A. Du Toit Consulting Engineers	
	40. Tax clearance certificate for C.A. Du Toit	
	41. Proof of provisional indemnity insurance for C.A. Du Toit (Pty) Ltd	
	42. Schedule of project deadlines	Undated
	43. Letter from Mustafa & Cachalia to Department of Public Works re: security installation mechanical engineering services acceptance of nomination	5 July 2010
	44. Fax cover from Public Works to all tenders re: appointment of private project manager	22 September 2010
	45. Internal memorandum from Mr Khanyle to Director-General, Mr Dongwane re: approval to utilise negotiated strategy to appoint private project manager for fast tracking project	15 September 2010
	46. Agreement and contract data for Ramcom	23 September 2010
	47. Approval by the Regional Bid Adjudication Committee approving request for the appointment of private project manager	12 October 2010
	48. A valuation report to the Regional Bid Adjudication Committee re: appointment of private project manager	11 October 2010
	49. Scoring model – price input and submission to bid committee : appointment of private project manager	
	50. Letter from Director-General of Public Works to Regional Manager re: security screening results for Ramcom CC	
	51. Minutes of the evaluation meeting held on 27 September 2010 re: appointment of private project manager	
	52. Letter from R & G Consultants to Director-General of Public Works re: procurement strategy	16 December 2010
	53. Draft submission re: requesting resistance in the relocation of neighbouring families from their old houses to newly built accommodation	Undated Unsigned
	54. Letter from Department of Public Works to Bonelena Construction re: emergency works security measures	13 October 2010
	55. Agenda for site and handover meeting	

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File No	Document Description	Date
	56. Attendance register for meeting held on 15 June 2010	
	57. Progress report re: security measures	14 June 2010
	58. Cost breakdown net budget/escalated	
	59. Internal memorandum from Ms Mbukushe to acting Chief Director : KAM Ms Krishnie Nadasen re: request to issue planning instruction for the installation of security measures	30 June 2010
	60. Letter of appointment from DDGAIM to Mr Mabinja to act as Chief Director key account management directorate	9 June 2010
	61. Internal memorandum from Ms Mbukushe to Chairperson PMBC re: request for approval of budget committee to shift funds from ICRP and DPW Dolomite Project to fund the Prestige Project	14 June 2010
	62. Letter from acting Director-General to Mr Nikuna to act as Director property management regional support	31 March 2010
	63. Internal memorandum re: progress report on project in order to obtain sufficient funds in current financial year	2 June 2010
	64. Drawings by Department of Defence re: medical clinic	22 September 2009
	65. South African Police Services needs assessment	Undated
6.	MoneyMine Variation Orders	
	1. Approval of additional funds of R11,244,652.25 for variation order 1 - 3	24 January 2011
	2. Motivation for application towards additional funds	21 January 2011
	3. Application for additional funds	20 September 2011
	4. Internal memorandum from D.J. Rindel to Regional Bid Committee re: application to issue variation order to the total of 58.64% for Bonelela Construction	20 January 2011
	5. Approval by Regional Bid Adjudication Committee re: application to issue variation order to the total of 8.64%	10 January 2011
	6. Progress payment to MoneyMine	23 December 2010
	7. Internal memorandum from Mithia Gengiah to Siphokazi Ngamlana re: payment of R2,557,533.48 to MoneyMine	24 December 2010

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File	Document Description	
	8. Tax invoice from MoneyMine to Department of Public Works	22 December 2010
	9. Screen print proof of payment to MoneyMine	23 December 2010
	10. Letter from R & G Consultants to Mlisenhle Makhanya re: interim payment certificate no. 4 to MoneyMine	
	11. Financial report re: Emergency Works Bonelena Construction	Undated
	12. Internal memorandum from Mr Khanyile to Mr Vukela re: explaining delegation of RBAC to award tenders below and above limit of R20 million	21 December 2010
	13. Internal memorandum from Mr Khanyile to Mr Malebye re: approval of procurement strategy	7 October 2009
	14. Internal memorandum from Ms Van Deventer to Ms J Prinsloo re: Application for additional funds (R10,357,545.73)	
7.	1. Internal memorandum from Mr Rindel to the Regional Bid Committee re: report on negotiated tender with contractor MoneyMine Investments	Undated
	2. Submission re: extending delegation of Regional Bid Adjudication Committee to award tenders below and above limit of R20,000,000	21 December 2010
	3. Internal memorandum from Mr Khanyile to acting Director-General Mr S Malebye re: approval of procurement strategy	7 October 2009
	4. Approval by Regional Bid Adjudication Committee re: construction of six new buildings and related civil works	17 January 2011
	5. Needs Assessment from South African Police Services to Director-General Department of Public Works	15 October 2009
	6. E-mail from Mr Sam Mahadeo to Jayshree Pardesi	20 August 2009
	7. Internal memorandum from Eddie Malan to Mr Khanyile	18 August 2009
	8. Internal memorandum from Ms Makitshi to Mr Khanyile re: request for funding for security measures	11 August 2009
	9. Internal memorandum from Ms N Mbukushe to the chair person of PMBC re: request for funding for security measures	6 August 2009

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File No.	Document Description	Date
	10. Internal memorandum from Mr Khanyile to Ms Sasa Subbarn re: estimate of cost	5 August 2009
	11. Motivations and cost allocation proposal no. 4 compiled by R & G Consultants	June 2011
8.	MoneyMine Low Security Area Completion Contract	
	1. Declaration of interest and confidentiality by specification committee members	10 January 2011
	2. Attendance on Minister for meeting held on 12 June 2010	
	3. Several declarations of secrecy	
	4. E-mail from Mr Rindel to Mr Dumstra re: updated information on cancelled contract	
	5. Tender evaluation report to the Regional Bid Adjudication Committee	
	6. Scoring model - price input and submission to bid committee	
	7. Approval by the Regional Bid Adjudication Committee	15 January 2011
	8. Internal memorandum from Mr Rindel to the Regional Bid Committee re: report on negotiated tender with contractor Bonelena Construction	Undated
	9. Minutes of the bid evaluation committee meeting held on 13 January 2010	
	10. Minutes of the bid evaluation committee meeting held on 12 January 2010	
	11. Several completed forms of declaration of secrecy	
	12. CIDB Printout re: contractor detail	
	13. Approval of document strategy by the Regional Bid Adjudication Committee	10 January 2011
	14. Bill of Quantities re: tender estimate	
	15. Approval by the Regional Bid Adjudication Committee to award the contract to MoneyMine to the value of R3,472,975.89	14 May 2012

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File No	Document Description	Date
	16. Internal memorandum from Mr Rindel to the chairman of Regional Bid Adjudication Committee	14 June 2012
	17. Tender evaluation report to the Bid Adjudication Committee for the appointment of MoneyMine Investments	14 June 2012
	18. Internal memorandum from Mr Rindel to the Chairman of the Regional Bid Adjudication Committee re: report on negotiated tender awarded to MoneyMine	13 June 2012
	19. Scoring model	Undated
	20. Minutes of the Bid Evaluation Committee meeting held on 13 June 2012	
	21. Internal memorandum from Mr Khanyile to acting DG, Mrs Fatyela-Lindle re: request for special delegation to approve SMC projects by the Regional Bid Adjudication Committee	27 May 2012
	22. Letter from Department of Public Works to Mrs Nene re: cancellation of contract	8 April 2012
	23. Several completed forms for code of conduct for all officials engaging supply chain management processes	
	24. Attendance register for meeting on 7 June 2012	
	25. Preliminary estimates of outstanding and remedial work prepared by R & G Consultants	Undated
9.	General correspondences, appointment approval for consultants, procurement approvals	
	1. CIDB contractor list	Undated
	2. Approval of procurement strategy by Regional Bid Adjudication Committee	15 October 2009
	3. Request for approval of procurement strategy	6 October 2009
	4. E-mail from Dumi Gwara to Sam Mahadeo to attend to post list re: proposed list of contractors to be invited to tender	9 October 2009
	5. Request for approval of bid specification committee and	28 January 2010

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Sl. No.	Document Description	Date
	evaluation committee for the nomination of sub-contractor	
6.	Letter from Director-General Public Works to Mr T Nkate Public Works Durban Region re: appointment to act in the temporary capacity as director finance and supply chain management	1 February 2010
7.	Request for approval of bid specification committee and valuation committee for members to serve on the bid specification committee and on the bid evaluation committee	11 October 2009
8.	Approval of procurement strategy by the Regional Bid Adjudication committee	12 February 2010
9.	Request for approval of the procurement strategy for the appointment of a main contractor for building works estimate value R48,000,000.00	10 February 2010
10.	Request for approval of bid specification committee and valuation committee – approval sought for members to serve on the bid specification committee and on the bid evaluation committee	1 February 2010
11.	Preliminary cost estimate no. 3 prepared by R & G Consultants	Undated
12.	E-mail from Roy Govender to Mr Khanyile and others	13 October 2009
13.	E-mail from Duml Gqwara to Sam Mahadeo and others re: proposed contractors	14 October 2009
14.	Several forms of declaration of secrecy	15 October 2009
15.	Declaration of secrecy and confidentiality by specification committee members	15 October 2009
16.	Request for approval of the procurement strategy – nominated procedure appointment of engineering and construction estimate value R28,000,000.00	6 October 2009
17.	Approval by the Regional Bid Adjudication Committee	8 September 2009
18.	Declaration of interest and confidentiality by evaluation committee members	13 April 2010
19.	Several forms of declaration of secrecy	13 April 2010
20.	E-mail from Mr Rindel to Sombese and others	27 October 2009
21.	Request for approval of bid specification committee and	11 October 2009

File No	Document Description	Date
	valuation committee for members listed to serve on the bid specification committee and bid evaluation committee	
	22. E-mail from Sombese to Sam Mahadeo and others	9 October 2009
	23. E-mail from Zandele Mkhwanazi to Sam Mahadeo re: Eskom relocation of cables	11 November 2009
	24. Tax invoice from Igoda Projects to Public Works	18 November 2009
	25. Approval of strategy by the Regional Bid Adjudication Committee	15 October 2009
	26. Request for approval of procurement strategy re: engineering and construction estimate value R15,500,000.00	6 October 2009
	27. E-mail from Roy Govender to Mr Khanyile	13 October 2009
	28. E-mail from Dum! Gqwara re: proposed list of contractors to be invited to tender	9 October 2009
	29. 29. Approval of procurement strategy by the Regional Bid Adjudication Committee	27 February 2010
	30. Request for approval of the procurement strategy (in flight procedure) engineering and construction estimated value R4,000,000.00	10 February 2010
	31. Register for receiving bids/tenders	18 March 2010
	32. CIBB printout re: contractors' list	
10.	MoneyMine High Security Phase 2	
	1. WCS Consultant payment advice to Igoda Projects	3 December 2009
	2. WCS Consultant payment advice to Igoda Projects	15 December 2009
	3. WCS Consultant payment advice to Igoda Projects	28 October 2010
	4. WCS Consultant payment advice to Igoda Projects	15 March 2011
	5. WCS Consultant payment advice to Igoda Projects	25 May 2011
	6. Draft contract status report by Mr Rindel and Minenhle Makhanya	December 2010
	7. Draft contract status report by Mr Rindel and Minenhle Makhanya	January 2011

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Document Description	
8. Draft contract status report by Mr Rindel and Minenhle Makhanya	July 2010
9. Draft contract status report by Mr Rindel and Minenhle Makhanya	August 2010
10. Draft contract status report by Mr Rindel and Minenhle Makhanya	September 2010
11. Draft contract status report by Mr Rindel and Minenhle Makhanya	October 2010
12. Draft contract status report by Mr Rindel and Minenhle Makhanya	November 2010
13. Progress payment to Bonelena Construction	9 February 2011
14. Letter from C.A. Du Toit Consulting Engineers to Public Works re: fees and disbursement estimation	23 September 2011
15. Internal memorandum from Mr Rindel Mr Molosi re: recommendation on extension of contract period due to delays beyond control	13 July 2012
16. Final statement of account by Bonelena Construction	4 October 2012
17. Progress payment to MoneyMine	15 September 2010
18. Progress payment to MoneyMine	27 September 2010
19. Progress payment to MoneyMine	2 November 2010
20. Progress payment to MoneyMine	7 January 2011
21. Progress payment to MoneyMine	31 January 2011
22. Fax cover sheet from Public Works to MoneyMine re: Phase 2 building works, construction of six new buildings and related civil works	12 January 2011
23. Several forms of declaration of secrecy	10 January 2011
24. Incomplete minutes of the Bid Adjudication Committee	17 January 2011
25. Progress payment to MoneyMine	15 September 2010
26. Progress payment to MoneyMine	27 September 2010
27. Progress payment to MoneyMine	2 November 2010

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File No	Document Description	Date
	28. Progress payment to MoneyMine	7 January 2011
	29. Progress payment to MoneyMine	31 January 2011
	30. Declaration of interest and confidentiality by certification committee	10 January 2011
	31. Code of conduct for all public works officials engaging the supply chain management process	10 January 2011
	32. Several forms of declaration of secrecy	10 January 2011
	33. Minutes of Bid Evaluation Committee meeting	12 January 2010
11.	1. General memorandum from Mr Rindel to the Regional Bid Committee re: application to issue variation order to the total of 52.70%. Request the RBAC to increase the delegation for issuing variation order to the limit of 50%	20 January 2011
	2. Final statement of account by Bonelena Construction	
	3. Bill of Quantities prepared by R & G Consultants re: building works negotiated	June 2010
	4. Internal memorandum from Mr Dumstra to acting Director-General re: dispute resolutions : Bonelena Construction	13 May 2012
	5. Status report prepared by Ramcom Projects	6 September 2012
	6. Internal memorandum from Mr Rindel to the Chairman of Regional Bid Adjudication Committee re: recommendation of pro-rata calculation in respect of penalties - Bonelena Construction	30 July 2012
	7. Letter from Bonelena Construction to Minister N???? re: unlawful cancellation of contract	
	8. Internal memorandum from Mr Dumstra to Mr Gwazube re: settlement offer in the dispute regarding cancellation of contract	31 July 2012
	9. Letter from Jallal Yusuph & Associates to Department of Public Works re: notice of intention to terminate contract and claim for damages	1 August 2012
	10. E-mail from Kevin to Mr Dumstra	3 August 2012
	11. E-mail from Ranveer Singh to Mr Dumstra and others	27 September 2012
	12. Notice of Motion and supporting Affidavit by Eugene Nel	September 2012

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File No.	Document Description	Date
	13. Internal memorandum from Ms Mbukusha to acting Chief Director Ms Krishnie Nadasen re: request to issue planning instruction for the installation of security measures at Nkandla	30 June 2010
	14. Progress payment to Pro-Hydraulics	24 June 2011
	15. Progress payment to Pro-Hydraulics	21 June 2011
	16. Progress payment to Pro-Hydraulics	23 June 2011
12.	MoneyMine High Security Area Negotiation Doc	
	1. Minutes of site meeting held on 12 August 2010	
	2. Tender document prepared by R & G Consultants for emergency works	March 2010
13.	Security Contract and Lift Contract	
	1. Letter from R & G Consultants re: installation of lifts certificate no. 1 Otis	24 October 2011
	2. Letter from R & G Consultants re: Security measures installation payment certificate no. 4 to E Magubane	3 March 2012
	3. Letter from R & G Consultants re: Phase 2 security measures metal detection system installation certificate no. 5 to E Magubane CC	1 June 2012
	4. Letter from R & G Consultants re: Security measures, electronic detection system, payment certificate no. 6 to E Magubane CC	1 October 2012
	5. Letter from R & G Consultants re: Phase 2 security measures, electronic detection system, interim payment certificate no. 2 to E Magubane CC	8 November 2011
	6. Letter from R & G Consultants re: Phase 2 security measures, electronic detection system, interim payment certificate no. 2 to E Magubane CC	9 January 2012
	7. Request to approve variation orders	
14.	Remedial Works – Meeting consultants' Co-Ordination and planning meetings	
	1. Meeting scheduled by MoneyMine	

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File No.	Document Description	Date
	2. Minutes of site meeting	29 October 2012
	3. Minutes of site meeting	22 October 2012
	4. Minutes of site meeting	15 October 2012
	5. Minutes of site meeting	8 October 2012
	6. Minutes of site meeting	1 October 2012
	7. Minutes of site meeting	21 September 2012
	8. Minutes of site meeting	3 September 2012
	9. Minutes of site meeting	27 August 2012
	10. Minutes of site meeting	20 August 2012
	11. Minute of site meeting	24 October 2012
	12. Minutes of site meeting	3 October 2012
	13. Minutes of site meeting	26 September 2012
	14. Minutes of site meeting	5 September 2012
	15. Minute of site meeting	22 August 2012
	16. Minute of site meeting	15 August 2012
	17. Minutes of site meeting	28 August 2012
	18. Minutes of special meeting with SANDF	1 March 2012
	19. Minutes of meeting held at DPW National Office	10 August 2011
15.	MoneyMine High Security Area Variation orders	
	1. Approval for additional funds for MoneyMine	21 January 2011
	2. Motivation for application towards approval for additional funds for MoneyMine	1 January 2011
	3. Approval by Regional Delegation Committee to issue variation order to the total of 52.70%	10 January 2011
	4. Internal memorandum from D.J. Rindel to Regional Bid Committee re application to issue valuation order of 52.70%	

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File No	Document Description	Date
	5. Variation order for MoneyMine	16 November 2010
	6. Internal memo from Mr B.J. Kharylle to Mr S Vukela re: extending delegation of Regional Bid adjudication committee to award tenders below and above limit of R20 Millions	21 December 2010
	7. Internal memo re: Approval of Procurement strategy to approve the delegation to empower the Durban Regional Adjudication Committee to approve the procurement strategy for a value of R20 Millions	9 October 2009
	8. Approval by Regional Adjudication Committee re: phase 2 building works, construction of six new buildings and related Civil Works	1 November 2011
	9. Internal memorandum from D.J. Rindel to Chairman of Regional Delegation Committee re: application to issue variation order to the total of 14.87%	
	10. Financial report re: phase 2 MoneyMine investment	Undated
	11. Letter from Minenhle Makhanya to R & G Consultants re: proposed change of scope on High Security Area phase 2	25 January 2011
	12. Letter from Minenhle Makhanya to Office of the Deputy Minister re: casino matters	25 January 2011
	13. Letter from Minenhle Makhanya to the project manager Public Works re: proposed change of scope on High Security Area contract phase 2	25 January 2011
	14. Letter from Minenhle Makhanya to MoneyMine re: proposed change of scope on High Security Area contract phase 2	24 January 2011
	15. Letter from MoneyMine to Minenhle Makhanya re: proposed change of scope on high security area contract phase 2	25 January 2011
	16. Letter from R & G Consultants to Minenhle Makhanya re: proposed change of scope on High Security Area contract phase 2	24 January 2011
	17. Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 3	8 April 2011
	18. Letter from Mustapha & Cachalla to QSRGC re: apportionment of costs	3 August 2011

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File No.	Document Description	Date
	19. Internal memo from Ms Van Deventer to Ms J Prinsloo re: application for additional funds	28 January 2011
	20. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 2	31 January 2011
	21. Variation order motivation for valuation order no. 2 re: staff housing incorrectly allocated	24 May 2011
	22. Variation order motivation for variation order no. 3	
	23. Variation order motivation for variation order no. 4 re: additional work	
	24. Variation order motivation for variation order no. 5 re: changes in design to the staff houses	15 August 2011
	25. Variation order motivation for variation order no. 6 re: additional work included in the MoneyMine contract	
	26. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 7	16 August 2011
	27. Variation order motivation for variation order no. 7 for MoneyMine	10 August 2011
	28. Tax invoice from Hydraulics CC to MoneyMine Enterprise	20 September 2011
	29. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 8	15 August 2011
	30. Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 6	15 August 2011
	31. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 5	24 May 2011
	32. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 4	
	33. Letter from Minenhle Makhanya Architects Mr Rindel re: variation order no. 7	
16.	1. Tender documents that will be incorporated into the contract	

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File No.	Document Description	Date
	2. DPW-21 Record of Addenda to tender documents for MoneyMine	
	3. Schedule of proposed sub-contractors	12 June 2012
	4. Schedule of imported materials and equipment	12 June 2012
	5. JBCC2000 Principal Building Agreement between: <ul style="list-style-type: none"> a. Department of Public Works and b. Minenhle Makhanya Architects; c. Ramcom; d. R & G Consultants; e. Igoda Projects; f. Ibhongo Consulting Engineering; and g. M & C Consulting Engineers 	
	6. C.A. Du Toit (attachments to the contract, ID copy of Ms Pamela Mfeka)	
	7. Certificate from National Homebuilders Registration Council	
	8. Organogram for staff – Certificate for MoneyMine	
	9. CIDB grading status for MoneyMine	
	10. Tax clearance for MoneyMine	
	11. Health & Safety & Environment Plan	
	12. Letter of good standing from the Office of the Compensation Commissioner for MoneyMine	
	13. Profile of MoneyMine	
	14. Bill of Quantity prepared by MoneyMine	
	15. Contract for low Security Area between Department of Public Works and MoneyMine	12 June 2012
17.	MoneyMine High Security Area Phase	
	1. Tender document for MoneyMine	Undated

	Document Description	Date
2.	Bill of Quantity for work to be conducted by MoneyMine	
3.	Copy of the ID (Ms Pamela Mfeka)	
4.	Copy of the clearance certificate for MoneyMine	
5.	CK certificate for MoneyMine	
6.	Proof of registration with compensation for Occupational Injuries and Diseases Act for MoneyMine	
7.	CIB printout contractor's status for MoneyMine	14 September 2009
8.	National Home Builders' registration Council certificate for MoneyMine	5 February 2003
9.	Safety & Environmental plan for MoneyMine	
10.	Letter from Minenhle Makhanya to Public Works re variation order no. 1 – outcome stabilisation	23 September 2010
11.	Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 1	21 September 2010
12.	Variation order – estimate of cost involved	21 September 2010
13.	Variation order – motivation	21 September 2010
14.	Site Instruction to MoneyMine Enterprise	24 June 2010
15.	Tax Invoice from MoneyMine	30 June 2010
16.	Document setting out the overall programme of work	25 August 2010
17.	Breakdown of estimate costs for building works by R & G Consultants	Undated
18.	E-mail from Ronsing to Mr Rindel re: cost comparison	
19.	Letter from R & G Consultants to Director-General Public Works re: negotiated building works with MoneyMine Enterprise	4 May 2010
20.	Estimated bill of quantities	Undated
21.	Form of offer and acceptance from Public Works to MoneyMine for the amount of R6,100,268.90	14 June 2010
22.	Approval by the Regional Bid Adjudication Committee to award contract to MoneyMine for amount of R6,100,268.90	

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Document Description	Date
23. Tender evaluation report to the Regional Bid Adjudication Committee for MoneyMine	15 June 2010
24. Minutes of the Bid Adjudication Committee	Undated
25. Approval by Regional Bid Adjudication Committee	8 June 2010
26. Internal memorandum from Rindel to the Regional Bid Adjudication Committee re security measures negotiated works – MoneyMine	25 May 2010
27. Approval by the Regional Bid Adjudication Committee : request rejected	16 February 2010
28. Internal memo from Mr Rindel to Regional Bid Adjudication Committee re: request to utilise negotiated strategy for the implementation of selected security works	17 March 2001
29. Request for approval of the documents strategy for engineering and construction estimated value of amount of R14,500,000.00	13 February 2010
30. Minutes of site meeting by R & G Consultants	15 March 2010
31. Approval by the Regional Bid Adjudication Committee-negotiated process	21 April 2010
32. Internal memorandum from Mr Rindel to Regional Bid Committee re: request to reassign previously approved procurement strategy	20 April 2010
33. Request for approval of the documents of the procurement strategy for engineering and construction – estimate value of R3,800,000.00	1 March 2010
34. Internal memorandum from Mr Rindel to Regional Bid Committee re: request to utilise negotiated strategy for the implementation of selected security works	1 March 2010
35. Request for approval of Bid Specification Committee and Valuation Committee re: negotiated contract	Undated
36. Declaration of Interest and confidentiality by Adjudication Committee members	14 March 2010
37. Cost breakdown for the relocation of three families, safe haven, security features to new private residences	Undated
38. Register for receiving tenders	Undated
39. Letter from Minenhle Makhanya to Public Works re non-	17 September 2010

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File No.	Document Description	Date
	payment to contractor MoneyMine	
	40. Letter from MoneyMine to Minenhle Makhanya to re: confirmation that MoneyMine have not received payments	Undated
	41. Letter from MoneyMine to Public Works	25 August 2010
18.	Bonelena Contractor – Cancelled Contract	
	1. Close out report schedule for Bonelena Phase 1 prepared by Ramcom	
	2. Close out reports schedule for Bonelena Phase 2 prepared by Ramcom	
	3. Technical meeting notes for meeting held on 8 February 2012	
	4. E-mail from Mr Rindel to Mr Dumstra re: information on cancelled contract	
	5. Letter from Minenhle Makhanya to Mr Rindel re: Low Security Area recommendation for termination of contract	15 March 2010
	6. Letter from Ngcobo Poyo & Diedericks to Mr Rindel re: Bonelena Construction – residential residence project	3 May 2012
	7. Letter from Minenhle Makhanya to Bonelena Construction re: emergency work contract : warning of unsatisfactory works progress	15 September 2010
	8. Fax cover from Ramcom to Mr Rindel re: MoneyMine request waiver penalties	21 February 2012
	9. Letter from Ngcobo Poyo & Diedericks Incorporated to Mr Rindel	3 May 2012
	10. Internal memorandum from Mr Rindel to Mr Kwazube re: completion of cancelled contract	26 April 2012
	11. Letter from Ramcom to Mr Rindel re: Bonelena Construction : slow progress	9 February 2012
	12. E-mail from Ranveer Singh to Mr Rindel re: Bonelena Construction	4 May 2012
	13. E-mail from Tandeka Mene to Mr Rindel re: opening of building for completion of inspections	
	14. Letter from Ngcobo Poyo & Diedericks Incorporated to R	9 May 2012

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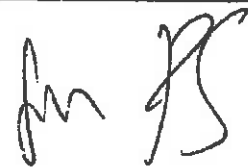
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Department of Public Works		
	& G Consultants re: Bonelena Construction	
15.	Letter from Bonelena to National Department of Public Works re: letter of concern with National Department of Public Works	13 April 2012
16.	Attendance register for the meeting held on 21 May 2012	
17.	Letter from Bonelena to Department of Public Works re: waterproofing at the mental clinic	11 April 2012
18.	Letter from Bonelena to Minenhle Makhanya re: application for extension of time in relation to advise affect of inclement weather conditions for 8 days	
19.	Contract data KDCC to DDD principal agreement between Department of Public Works and: <ul style="list-style-type: none"> (a) Minenhle Makhanya Architects; (b) R & G Consultants; (c) Igoda Projects; (d) Ibhongo Consulting Engineers; (e) M & C Consulting Engineers; (f) C.A. Du Toit; (g) Ramcom. 	
20.	Letter from Ramcom to Minenhle Makhanya re: revision of the practical completion date	18 October 2011
21.	Fax cover sheet from R & G Consultants to Mr Rindel attaching letter from Bonelena's attorneys	23 May 2012
22.	E-mail from Ms Tande Ganele to Mr Rindel	25 May 2012
23.	Letter from Minenhle Makhanya to Mr Rindel re: staff housing – occupation	24 May 2012
24.	Letter from Bonelena to Mr Rindel re: LSA construction of new buildings – application for consideration of the request for additional time	13 October 2011
25.	Letter from Minenhle Makhanya to R & G Consultants re: contract extension by 30 calendar days	
19.	1. Internal memorandum from Mr Rindel to acting Director-General Mrs Fatyela-Lindle re: request delegation using negotiated process and nomination of the contractor – MoneyMine	23 April 2012

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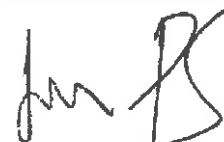
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No.	Document Description	Date
2.	E-mail from Glenda Pasley to Prenola Thevan re: scope of work	16 May 2011
3.	Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 3 for airconditioning Installation for Phase 2	10 May 2011
4.	Motivation for variation order no. 3 for airconditioning	10 May 2011
5.	Summary progress report for security measures Phase 2 prepared by Ramcom	3 February 2012
6.	Minutes of meeting prepared by Ramcom for a meeting held on 12 April 2011	
7.	Scoring model – price input and submission to Bid Committee	Undated
8.	E-mail from Sam Mahadeo to Lana Sampson	20 August 2009
9.	Internal memorandum from Ms Makitshi to Mr Khanylle re: request for funding for security measures	11 August 2009
10.	Approval by the Regional Bid Adjudication Committee for the installation of bullet resistant glass	24 November 2010
11.	Internal memorandum from Mr Rindel to the Chairman of the Regional Bid Adjudication Committee re: request to cancel order number and issue new order for installation of bullet resistant glass	24 November 2010
12.	Request for approval to utilise the urgent/emergency delegation for the installation of specialist bullet resistant glasses	23 September 2010
13.	Draft final statement of account by Bonelena	Undated
14.	Internal memorandum re: request to obtain approval for the Infrastructure budget committee to be re-allocate DPW Capital Works budget for the 2012/2013 financial year	29 August 2012
15.	Internal memorandum from Mr Rindel to Director Projects, Mr Moluse re: recommendation on acceleration claim submitted by Bonelena Construction	13 July 2012
16.	Internal memorandum from Mr Walter Mkize to Mr Rindel re: screening results of contractors	29 January 2009
17.	Letter from State Security to Head of Security Services Department of Public Works re: request for security screening of Bonelena Construction and Police	22 August 2011



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File No.	Document Description	Date
	18. Letter from National Intelligence Agency to Department of Public Works re: request for screening of Ibhongo Consulting personnel	15 October 2009
	19. Internal memorandum from Mr Rindel to Director Projects Mr Moluse re: recommendation on extension of contract period due to additional works	13 July 2012
	20. Minutes of site meeting prepared by Ramcom for meeting held on 21 September 2012	
	21. Minutes of site progress meeting held on 26 September 2012	
	22. Minutes of site progress meeting held on 3 October 2012	
	23. Request by Minenhle Makhanya	20 August 2012
	24. Minutes of meeting held on 27 August 2012	
	25. Minutes of meeting held on 17 September 2012	
	26. Minutes of meeting held on 3 September 2012	
	27. Practical completion certificate	13 September 2012
20.	E. Magubane – Electronic Detection System Phase 2	
	1. Letter from Public Works to E. Magubane CC re: contract service, security measures, electronic detection system	17 August 2011
	2. Form of offer and acceptance from Public Works to E. Magubane	4 July 2011
	3. Internal memorandum from Mr Rindel to the Chairman of Regional Bid Adjudication Committee re: report on negotiated tender with contractor, E. Magubane CC	4 August 2011
	4. Evaluation report to the Regional Bid Adjudication Committee re: appointment of E. Magubane CC	1 August 2011
	5. Letter from C.A. Du Toit to Director-General of Public Works re: electronic security installation technical evaluation	11 July 2011
	6. Approval of Regional Bid Adjudication Committee for tender recommendations to be awarded to E. Magubane CC	4 August 2011
	7. Several forms of declaration of interest and confidentiality	1 August 2011



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File No.	Document Description	
	by evaluation committee members	
	8. Request for approval of the procurement strategy : security measures, electronic detection system estimate value R6.9 million	
	9. Internal memorandum from Malakia Mashiloane Director Procurement to all senior managers re: SCM circular no. 46 of 2010/2011 National Treasury instruction note on amended guidelines in respect bids that include functionality as a criteria for evaluation	14 October 2010
	10. Several forms of declaration of secrecy	1 August 2011
	11. Internal memorandum from Mr Rindel to chair person of Regional Bid Adjudication Committee re: report on negotiated tender with contractor, E. Magubane CC	
	12. Minutes of the Bid Evaluation Committee	8 July 2011
	13. Fax cover sheet from Public Works to E. Magubane CC application to tender – security detection system	1 July 2011
	14. Cost estimates for electronic security installations prepared by C.A. Du Toit	3 July 2011
21.	1. Payment certificate Bonelena Construction	Undated
	2. E-mail from Louis Van Der Heever to Mr Dumstra	1 October 2012
	3. Payment certificate to Bonelena	
	4. Payment certificate to Bonelena	
	5. Payment certificate to Bonelena	
	6. Letter from Bonelena to the Department of Public Works re: cancellation of contract	15 April 2012
	7. Internal memorandum from Mr Khanyile to Mr Gqwazube re: completion of cancelled contract	10 May 2012
	8. Letter from Ngcobo Poyo & Diedricks Incorporated to Public re: Bonelena Construction	3 May 2012
	9. Letter from Bonelena Construction to Department of Public re: waterproofing at the military clinic	15 April 2012
	10. Letter from Bonelena Construction to R & G	22 September 2011
	11. Draft final statement of account for Bonelena Construction	

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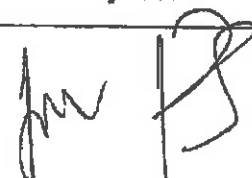
File No.	Document Description	Date
	12. E-mail from Ranveer Singh to Mr Rindel and others re: Eo Construction in liquidation	4 October 2012
	13. E-mail from Ranveer Singh to Mr Dumstra and others re: Bo Construction in liquidation	1 October 2012
	14. E-mail from Mr Dumstra to Ivan Ka-Mbonambi re: Bo Construction in liquidation	
	15. Report from DCMF re: Bonelena Construction contract term report	17 August 2012
	16. Letter from Public Works to Bonelena Construction re: cancel of contract	10 April 2012
	17. E-mail from Kevin Volpe to Mr Dumstra	6 August 2012
	18. E-mail from Phyllis Jallal to Mr Dumstra attaching letter	3 August 2012
	19. Letter from Jallal, Yusef & Associates to Department of Works re: final account statement - objection	13 July 2012
	20. E-mail from Mr Rindel to Mr Dumstra and others	7 August 2012
	21. Letter from Public Works to Jallal, Yusef & Associates settlement offer in the dispute regarding cancellation of contract	
	22. E-mail from Phyllis Jallal to Mr Dumstra	6 August 2012
	23. Draft JBCC Principal Building Agreement	
	24. E-mail from Mr Dumstra to Ivan Ka-Mbonambi	31 July 2012
	25. Letter from Public Works to Jallal, Yusef & Associates re: dispute regarding cancellation of contracts	24 July 2010
	26. E-mail from Mr Rindel to Mr Dumstra and others re: concrete rates and correspondence	16 July 2012
	27. E-mail from Mr Dumstra to Mr Rindel and others re: Bonelena final account - information outstanding	18 July 2012
	28. E-mail from Mr Dumstra to Phyllis Jallal re: Bonelena Construction	18 July 2012
	29. Letter from Jallal, Yusef & Associates to Department of Public Works re: Bonelena Construction	13 July 2012
	30. Letter from Jallal, Yusef & Associates to Department of Public	10 July 2012

File No.	Description	Date
	Works re: Bonelena Construction	
31.	E-mail from Mr Dumstra to Bonelena Construction re: settlement offer	9 July 2012
32.	E-mail from Mr Dumstra to Mr Khanyile and Mr Rindel re: settlement offer	3 July 2012
33.	Letter from Ngcobo Poyo & Diedricks to Department of Public Works re: settlement offer	27 June 2012
34.	Letter from Bonelena to National Department of Public Works re: letter of consent with National Department of Public Works	30 April 2012
35.	Letter from Ngcobo Poyo & Diedricks Incorporated to Department of Public Works re: cancellation of contract	22 May 2012
36.	Fax cover sheet from R & G Consultants to Mr Rindel re: Bonelena letter received	22 May 2012
37.	Handwritten notes re: project A Bonelena cancellation settlement	18 May 2012
38.	Handwritten notes/minutes	30. May 2012
39.	JBCC payment certificate to Bonelena Construction	
40.	Incomplete contract data : JBCC R2,000 principal building agreement	Undated
41.	E-mail from Mr Dumstra to Ranveer Singh re: Bonelena Construction in liquidation	1 October 2012
42.	Final account for Bonelena : emergency works	Undated
43.	Final account for Bonelena re: Low Security Area	
44.	Envelope from Minessie Makhanya containing the following documents: (a) Letter from R & G Consultants to Minessie Makhanya re: proposed change of scope on High Security Area (together with annexures). (b) Letter from R & G Consultants to Minessie Makhanya re: High Security Area variation order no. 2 (together with	24 January 2011 12 April 2011

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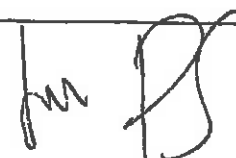
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File #	Document Description	Date
	<p>annexures).</p> <p>(c) Letter from R & G Consultants to Minenhle Makhanya Architects re: High Security Area variation order no. 3 (together with annexures).</p> <p>(d) Letter from R & G Consultants to Minenhle Makhanya Architects re: High Security Area variation order no. 4 (together with annexures).</p> <p>(e) Letter from R & G Consultants to Minenhle Makhanya Architects re: High Security Area variation order no. 5 (together with annexures).</p> <p>(f) Letter from R & G Consultants to Minenhle Makhanya Architects re: High Security Area variation order no. 7 (together with annexures).</p>	<p>10 May 2011</p> <p>24 May 2011</p> <p>20 September 2011</p>
	<p>45. Envelope from Minenhle Makhanya containing the following documents:</p> <p>(a) Letter from R & G Consultants to Minenhle Makhanya Architects re Low Security Area final payment certificate to Bonelela (together with annexures).</p> <p>(b) Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 1.</p> <p>(c) Letter from R & G Consultants to Minenhle Makhanya Architects re: Low Security Area variation order no. 2 (together with annexures).</p> <p>(d) Letter from R & G Consultants to Minenhle Makhanya Architects re: Low Security Area variation order no. 3 (together with annexures).</p>	<p>20 July 2012</p> <p>20 January 2011</p> <p>10 May 2011</p> <p>4 July 2011</p>



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File	Document Description	Date
	(e) Letter from R & G Consultants to Minenhle Makhanya Architects re: Low Security Area variation order no. 4 (together with annexures).	15 August 2011
	(f) Letter from R & G Consultants to Minenhle Makhanya Architects re: Low Security Area variation order no. 5 (together with annexures).	15 August 2011
	46. Envelope from Minenhle Makhanya containing the following documents: (a) Final statement emergency works. (b) Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 1 (together with annexures). (c) Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 2 (together with annexures). (d) Letter from R & G Consultants to Minenhle Makhanya Architects re: emergency works variation order no. 3 (together with annexures)	4 October 2012 26 July 2010 22 September 2010 22 September 2010
	47. Envelope from Minenhle Makhanya containing the following documents: (a) Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 1 (with annexures). (b) Letter from R & G Consultants to Minenhle Makhanya Architects re: negotiated contract variation order no. 2 - 16 (together with annexures)	1 September 2010 12 November 2010






File No.	Document Description	Date
22.	1. E-mail from Glenda Pasley to Phillip Crawford	24 August 2010
	2. E-mail from Dumfries Gqwaru to Mr Rindel and others re: drawings	3 September 2010
	3. E-mail from Glenda Pasley to Phillip Crawford	3 September 2010
	4. E-mail from Glenda Pasley to Mr Rindel	8 July 2010
	5. E-mail from Glenda Pasley to Mr Rindel	14 July 2010
	6. E-mail from Phillip Crawford to Jim Rindel and Glenda Pasley	7 July 2010
	7. E-mail from Glenda Pasley to Rachard Samuel	14 July 2010
	8. E-mail from Glenda Pasley to Phillip Crawford	13 September 2010
	9. E-mail from Glenda Pasley to Dumfries and Mr Rindel	14 September 2010
	10. E-mail from Glenda Pasley to Dumfries and Mr Rindel	14 September 2010
	11. E-mail from Glenda Pasley to Phillip Crawford and others	3 September 2010
	12. E-mail from Glenda Pasley to Phillip Crawford	6 September 2010
	13. E-mail from Glenda Pasley to Mr Rindel	9 September 2010
	14. E-mail from Glenda Pasley to Dumfries and Rindel	14 September ???
	15. E-mail from Glenda Pasley to Dumfries and Rindel	21 October 2010
	16. E-mail from Glenda Pasley to Mr Rindel	8 November 2010
	17. E-mail from Glenda Pasley to Prenola Thevan	11 November 2010
	18. E-mail from Glenda Pasley to Helene Nienaber	12 November 2010
	19. E-mail from Glenda Pasley to Helene Nienaber	15 November 2010
	20. E-mail from Glenda Pasley to Prenola Thevan	15 November 2010
	21. E-mail from Prenola Thevan to Glenda Pasley	11 November 2010
	22. E-mail from Glenda Pasley to Prenola Thevan	15 November 2010
	23. E-mail from Glenda Pasley to Prenola Thevan	11 November 2010
	24. E-mail from Glenda Pasley to Prenola Thevan	15 November 2010
	25. E-mail from Glenda Pasley to Dumfries and Prenola Thevan	24 November 2010

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File No	Document Description	Date
	26. E-mail from Glenda Pasley to Prenola Thevan and Duml	24 November 2010
	27. E-mail from Glenda Pasley to Prenola Thevan and Mr Rindel	26 November 2010
	28. E-mail from Glenda Pasley to Prenola Thevan, Duml and Jim Rindel	24 November 2010
	29. E-mail from Glenda Pasley to Phillip Crawford	30 November 2010
	30. E-mail from Prenola Thevan to Glenda Pasley, Duml Gqwara and Mr Rindel	24 November 2010
	31. E-mail from Glenda Pasley to Duml Gqwara and Prenola Thevan	1 December 2010
	32. E-mail from Glenda Pasley to Duml Gqwara, Prenola Thevan and Mr Rindel	2 December 2010
	33. E-mail from Glenda Pasley to Jim Rindel and others	3 December 2010
	34. E-mail from Glenda Pasley to Duml Gqwara	6 December 2010
	35. E-mail from Glenda Pasley to Jim Rindel, Duml Gqwara and others	7 December 2010
	36. E-mail from Glenda Pasley to Prenola Thevan	7 December 2010
	37. E-mail from Glenda Pasley to Mr Rindel	7 December 2010
	38. E-mail from Glenda Pasley to Phillip Crawford and Frans Potgieter	15 December 2010
	39. E-mail from Glenda Pasley to Mr Rindel	11 February 2011
	40. E-mail from Glenda Pasley to Mr Rindel	16 February 2011
	41. E-mail from Glenda Pasley to Jim Rindel	16 February 2011
	42. E-mail from Glenda Pasley to Jim Rindel	21 February 2011
	43. E-mail from Glenda Pasley to Jim Rindel	2 March 2011
	44. E-mail from Glenda Pasley to Mr Rindel	30 March 2011
	45. E-mail from Glenda Pasley to Prenola Thevan	16 May 2011
	46. E-mail from Glenda Pasley to Prenola Thevan	17 May 2011
	47. E-mail from Glenda Pasley to Mr Rindel	23 May 2011
	48. E-mail from Glenda Pasley to Mr Rindel and others	1 July 2011

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File No	Document Description	Date
	49. E-mail from Glenda Pasley to Mr Rindel	28 July 2011
	50. E-mail from Glenda Pasley to Mr Rindel	2 August 2011
	51. E-mail from Glenda Pasley to Mr Rindel	1 September 2011
	52. E-mail from Glenda Pasley to Frans Potgieter	3 October 2011
	53. E-mail from Glenda Pasley to Mr Rindel	17 October 2011
	54. A map or drawing re: security system schematic diagram over whole layout by C.A. Du Toit (Pty) Ltd	13 August 2010
	55. E-mail from Sombese to Mr Rindel	12 July 2010
	56. List of landscape architects from South African Council for the Landscape Architecture profession	Undated
	57. Fax cover sheet from Mr Rindel to Public Works Roster re: security installation	Undated
	58. Letter from Public Works to Theunissen Jankowitz re: nomination for specialist assignment architectural landscape services on security project	30 June 2010
	59. Letter from Public Works to Angela Baker & Associates re: nomination for specialist assignment landscape architecture	30 June 2010
	60. Letter from Public Works to O.M. Moodley Architects re: nomination for a specialist assignment landscape architecture	30 June 2010
	61. Company profile of Uys & White Landscape Architects Durban	Undated
	62. Tax clearance certificate for Newtown Landscape Architects	
	63. Letter from Newtown Landscape Architects to Department of Public Works re: landscape architect	20 July 2010
	64. Letter from Mr Rambau to Mr Rindel re: company screening results for project managers	10 September 2010
	65. Minutes of evaluation meeting held on 27 September 2010	Undated
	66. Attendance register for meeting of 15 June 2010	
	67. Request for approval of the procurement strategy	Undated

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No.	Document Description	Date
	68. Report by Public Works on the project together with annexures	8 September 2010
	69. Services agreement between Uthungulu District Municipality and the developer	Undated
	70. Letter from Ramcom to National Department of Public Works attaching three months' original bank statements and tax clearance certificate from Ramcom	7 December 2010
23.	1. Minutes of progress meeting held on 30 July 2010	
	2. Civil engineering services design report prepared by Ibhongo Consulting	August 2009 revised September 2010
	3. Contract in respect of operation and maintenance support for the sewage treatment plant	Undated
	4. Progress report on the intervention action plan as agreed on 17 June 2010	Undated
	5. E-mail from A.J. Haines to Wessel Theron	24 August 2010
	6. Budget summary : construction costs and consultant fees prepared by R & G Consultants	16 August 2010
	7. Map/drawing of main homestead airconditioning plant room	Undated
	8. Cost estimate no. 5 prepared by R & G Consultants	16 August 2010
	9. Cost estimate summary for construction of safe haven, corridor link and covered walk way	Undated
	10. Estimate summary and construction cost for staff residential units	Undated
	11. Cost estimate summary for construction cost : relocation of families	Undated
	12. Cost estimate summary for the construction of medical clinic	Undated
	13. Cost estimate summary for the construction of the visitors centre	Undated
	14. Cost estimate summary for the construction of the tuck shop, transformer and LV room, jenset room and refuse area	Undated

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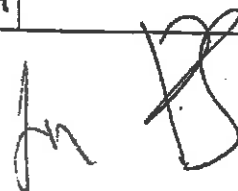
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File No	Document Description	Date
	15. Cost estimate summary for the construction of the guard house no. 1, 2 and 3	Undated
	16. Cost estimate summary for the construction of the SAPS garage, crew pavilion and security bunker	Undated
	17. Cost estimate summary for the construction of the pump house	Undated
	18. Cost estimate summary for the construction of the fire pool and parting	Undated
	19. Cost estimate summary for the construction of the plant room	Undated
	20. Cost estimate summary for the construction of building and existing residences	Undated
	21. Cost estimate for the electrical installation	Undated
	22. Cost estimate for the security installation	Undated
	23. Cost estimate summary for the mechanical installation	Undated
	24. Cost estimate summary for the civil/site works	Undated
	25. Lay-out plan	Undated
	26. Progress report for the security measures	10 October 2010
	27. Internal memorandum from Mr Rindel to Mrs Mgemane re: progress report on project in order to obtain sufficient funds in current financial year	2 June 2010
	28. Copy of approval indicated on the drawings from Department of Defence	Undated
	29. Electrical supply assesment report prepared by Igoda	Undated
24.	Uniserv Airconditioning Phase 2	
	1. Request for approval to utilise the urgent/emergency delegation for installation of airconditioning	24 November 2010
	2. Internal memorandum from Mr Rindel to the chairman of Regional Bid Adjudication Committee re: installation of airconditioners in houses as per security protocol	20 March 2011
	3. Fax from Uniserv to Mr Rindel re: airconditioning installation breakdown of costs	



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File No.	Description	Date
	4. Bill of quantities for airconditioning	5 November 2010
	5. Letter from Mustapha & Cachalia to Mr Rindel re: mechanical installations of airconditioners	8 November 2010
	6. Progress payment to Uniserv (Pty) Ltd	Undated
	7. Progress payment from Mustapha & Cachalia	7 December 2010
	8. Progress payment no. 1 from Uniserv to Public Works	8 December 2010
	9. E-mail from Wessels Uys to Uniserv re: progress report Nkandla	8 December 2010
	10. Letter from Public Works to Uniserv (Pty) Ltd re: airconditioning system	Undated
	11. Fax to Mr Rindel from Uniserv re: airconditioning project	1 December 2010
	12. Letter from Mlwenhle Makhanya to Public Works re: airconditioning installation interim payment certificate no. 2	16 March 2011
	13. Letter from R & G Consultants to Public Works re: airconditioning installation interim payment no. 2	1 March 2011
	14. JBCC 2000 payment certificate no. 2 to Uniserv (Pty) Ltd	16 March 2011
	15. Progress payment to Uniserv	15 March 2011
	16. Progress payment no. 2 to Mustapha Cachalia	11 May 2011
	17. Approval by the Regional Bid Adjudication Committee for installation of airconditioners in houses as per security protocol	15 March 2011
	18. Request for approval to utilise urgent/emergency delegation for the appointment of Uniserv (Pty) Ltd	22 November 2010
	19. Letter from Mustafa & Cachalia to Public Works re: mechanical installations : apportionment of costs	16 January 2011
	20. Sketch plan design report by Mustapha Cachalia Consulting Engineers on HBAC lift, rubbish compaction and fire engine and foyer bousers	1 September 2011
	21. Letter from Mustapha & Cachalia to Department of Public Works re: mechanical installations : apportionment of costs	17 January 2011
25.	1. Provision of civil engineering services design report	



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Documental Description	
prepared by Ibhongo Consulting	
2. Company profile for Uys & White Landscape Architects	
3. Agenda for site handover meeting	
4. Provision of civil engineering services design report prepared by Ibhongo Consulting CC	
5. Letter from Groundwork Geotechnical Solution CC to Ibhongo Consulting re: preliminary – desktop Appraisal of Inferred Geotechnical conditions	
6. Grounwork-Zonation Plan re: geotechnical investigation	
7. E-mail from Francis Smith to Hennie Oberholzer	
8. Attendance register and oath of secrecy for a meeting held on 29 June 2010	
9. Attendance register for a meeting held on 7 July 2010	
10. Internal memorandum from Mr Khanyile to Mr Vukela re: confirmation of processes to be implemented for continued maintenance on Prestige Projects	
11. Invoice from MoneyMine	
12. E-mail from Mr Khanyile to Mr Samuel	
13. E-mail from Mr Khanyile to Mr Samuel	
14. Handwritten instruction to MoneyMine from Minenhle Makhanya	
15. Schedule of site meeting dates prepared by Minenhle Makhanya	
16. Letter from Ingonyama Trust to Mr Rindei re: Nkandla accommodation	
17. Letter from Public Works to Ingonyama Trust Board re: request to assist in obtaining approval for the permission to occupy	
1. Declaration of interest and confidentiality by evaluation committee members	28 September 2010
2. Letter from Minenhle Makhanya to Public Works re: proposed change of scope on High Security Area	25 January 2011

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		Date
	3. Letter from MoneyMine to Minenhle Makhanya re: proposed change of scope on High Security Area contract	25 January 2011
	4. Letter from R & G Consultants to Minenhle Makhanya re: proposed change of scope on High Security contract	24 January 2011
27.	1. Letter from Minenhle Makhanya to Mr Rindel re: mobile generators interim payment certificate no. 4 to Pro-Hydraulics	15 June 2011
	2. Fax from Ramcom to Yash Ramsudh of Ramcom	17 June 2011
	3. Schedule of programme for the staff houses and medical clinic	19 June 2011
	4. Standard technical specification for the supply of a tank and trailer for fire fighting unit	January 1999
	5. Letter from Minenhle Makhanya to Public Works re: fire truck garage	5 July 2011
	6. Contract status report from Minenhle Makhanya and Mr Rindel	February 2011
	7. Contract status report from Minenhle Makhanya	March 2011
	8. Fax cover sheet re: meeting schedule prepared by Ramcom	23 May 2011
	9. Letter of appointment to act as director project to Mr S Thuel	3 June 2011
	10. Fax cover sheet from Ramcom re: site issues	
	11. Letter from Minenhle Makhanya to Bonelela Construction re: practical completion for phase one items	4 May 2011
	12. Fax cover sheet from Ramcom re: technical meeting notes	17 March 2011
	13. Fax cover sheet from Ramcom re: technical meeting notes	14 April 2011
	14. Fax cover sheet re: technical meeting notes	7 April 2011
	15. Letter from Moneymine to Ramcom re: Wednesday weekly meetings	15 March 2011
	16. Letter from Ramcom to Bonelela Construction re:	27 May 2011
	17. Status report from Minenhle Makhanya	July 2010

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	Document Description	Date
	18. Contract status report from Minenhle Makhanya	October 2010
	19. Contract status report from Minenhle Makhanya	September 2010
	20. Contract status report from Minenhle Makhanya	November 2010
	21. Contract status report from Minenhle Makhanya	December 2010
	22. Contract status report from Minenhle Makhanya	January 2011
	23. Contract status report from Minenhle Makhanya	February 2011
	24. Contract status report from Minenhle Makhanya	March 2011
	25. Report by Ramcom: project progress	
	26. Contract status report by Minenhle Makhanya	April 2011
	27. Minutes of technical meeting	24 March 2011
	28. Fax cover sheet from Bonelela Contractors attaching documents relating to Corobrik, notice of payment, tax invoice for billed work superstore	
	29. Letter from ESS Engineered System Solution re: repair of accident damage to service gate number 2	1 July 2011
	30. Progress report for security measures by Ramcom	17 June 2011
	31. Fax cover sheet from Ramcom re: law security area construction progress	1 July 2011
	32. Internal memorandum from Mr Rindel to chairperson of regional bid adjudication committee re: application to issue variation order to the total of 3.02 percent – construction of 25 new building and related civil works	
	33. Approval by regional bid adjudication committee re: request to approve variation order	
	34. Internal memorandum from Mr Peter Prigge to Mr Mahadeo re: 3 new houses	3 June 2010
	35. Internal memorandum from Peter Prigge to Mr Mahadeo re: sanitary facilities for new park homes, facility for SAPS protection and security services	27 October 2009
	36. PowerPoint presentation by Peter Prigge chief structural engineering	Undated

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File No	Document Description	Date
	37. Electrical report by Robin Maharaj chief electrical engineer	Undated
	38. Internal memorandum from Peter Prigge to Mr A Thagoord Deen	20 May 2009
	39. Civil and structural report	20 May 2009
	40. Progress report by Ramcom	5 July 2011
	41. Progress meeting minutes	22 June 2011
	42. Fax cover sheet from Bonelela to Public Works enclosing letter re: construction progress	
28.	1. Letter from R & G Consultants to Director-General Public Works re: Phase 2 procurement strategy	
	2. Agenda for the planning workshop prepared by Ramcom	
	3. Status report on the project following the meeting of 13 January 2011	
	4. Description of work and estimated expenditure prepared by Uys & White Landscape Architects	
	5. Minutes of emergency progress meeting held on 13 November 2010 document prepared by Minenhle Makhanya : helipad and safety measures	
	6. Project planning meeting agenda by Ramcom	
	7. E-mail from Glenda Pasley to Mr Rindel and others	
	8. Fax cover attaching progress report on Bonelela finishing works	
	9. Project plan	
	10. Letter from MoneyMine to Mr Rindel	
	11. Progress report by Ramcom re: security measures	
	12. Letter from Minenhle Makhanya to Mr Rindel re: delay on relocation of family no. 1	
	13. Submission for extending delegation of Regional Bid Adjudication Committee to award tenders below and above limit of R20,000,000.00	
	14. Internal memorandum from Mr Khanyile to acting Director-General Mr Malebye re: approval of procurement strategy	9 October 2009

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File No	Document Description	Date
	to approve the delegation to empower the Durban Regional Bid Adjudication Committee to approve procurement strategy for the value of above R20m	
15.	Electricity supply agreement between Eskom and the Department of Public Works	Undated
16.	Internal memorandum from Director, Ms Mbukushe, to acting Chief Director Krishnie Nadasen re: request to KAM to issue planning instruction for the installation of security measures at Nkandla	30 June 2010
17.	Letter of appointment from Mr Mabija to act as a chief Director : T account management	9 June 2010
18.	Internal memorandum from Ms Mbukushe to the chairperson of PMBC re: request for approval of the planned maintenance budget committee to shift funds from the inner city regeneration programme to DPW Dolomite Programme to fund project A	14 June 2010
19.	Letter to Mr Makuna to act as Director property management regional support	31 March 2010
20.	Internal memorandum from Mr Rindel to Mrs Mgemane re: progress report on project in order to obtain sufficient funds in current financial year	2 June 2010
21.	Copies of drawings from Department of Defence and unapproved forms from South African Police Services	Undated
22.	Approval of procurement strategy from the Regional Bid Adjudication Committee	1 December 2010
23.	Declaration of Interest and confidentiality form by specification committee	
24.	Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 2 to 15	29 October 2010
25.	Motivation for variation order no. 2	13 October 2010
26.	Motivation for variation order no. 3	30 October 2010
27.	Motivation for variation order no. 4	30 October 2010
28.	Variation order motivation for variation order no. 5	30 October 2010
29.	Variation order motivation for variation order no. 6	30 October 2010
30.	Motivation for variation order no. 7	30 October 2010

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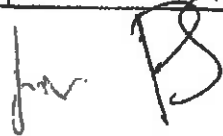

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File No	Document Description	Date
	31. Motivation for variation order no. 8	30 October 2010
	32. Variation order motivation for variation order no. 10	30 October 2010
	33. Motivation for variation order no. 11	30 October 2010
	34. Motivation for variation order no. 12	30 October 2010
	35. Motivation for variation order no. 13	30 October 2011
	36. Motivation for variation order no. 14	30 October 2010
	37. Motivation for variation order no. 15	30 October 2010
	38. Project plan by Ramcom	Undated
	39. Submission re: discussion of apportionment of costs between State and principal	24 March 2011
	40. Budget summary : construction cost and consultant fees prepared by R & G Consultants	25 January 2011
	41. Document prepared by R & G re: motivation and cost allocations between public and private	25 January 2011
	42. Minutes of co-ordination meeting held on 15 February 2011	
	43. Submission re: discussion of apportionment of cost between State and principal	18 March 2011
	44. Letter from R & G Consultants to Director-General Department of Public Works re: fireproof costs	17 February 2011
29.	1. Progress payment to MoneyMine	15 September 2010
	2. Progress payment to MoneyMine	25 March 2011
	3. Progress payment to MoneyMine	10 May 2011
	4. Progress payment to MoneyMine	6 June 2011
	5. Progress payment to MoneyMine	29 July 2011
	6. Progress payment to MoneyMine	31 January 2011

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File No.	Document Description	Date
	7. Progress payment to MoneyMine	27 September 2010
	8. Progress payment to MoneyMine	2 September 2010
	9. Progress payment to MoneyMine	25 March 2011
	10. Progress payment to MoneyMine	10 May 2011
	11. Progress payment to MoneyMine	6 June 2011
	12. Progress payment to MoneyMine	29 July 2011
	13. Progress payment to MoneyMine	6 September 2011
	14. Progress payment to MoneyMine	6 September 2011
	15. Progress payment to MoneyMine	3 September 2011
	16. Progress payment to MoneyMine	23 September 2011
	17. Progress payment to MoneyMine	9 March 2012
	18. Progress payment to MoneyMine	18 November 2011
	19. Progress payment to MoneyMine	23 April 2012
	20. Progress payment to MoneyMine	18 November 2011
	21. Progress payment to MoneyMine	5 December 2011
	22. Progress payment to MoneyMine	18 January 2012
	23. Progress payment to MoneyMine	22 February 2012
	24. Newspaper clip City Press	16 November 2011
	25. Progress payment to Natal Park Homes	30 September 2012
	26. Progress payment to Natal Park Homes	20 June 2011
	27. Progress payment to Natal Park Homes	17 May 2011
	28. Progress payment to E. Magubane CC	24 June 2011
	29. Progress payment to E. Magubane CC	23 November 2011
	30. Progress payment to E. Magubane CC	23 March 2012
	31. Progress payment to E. Magubane CC	16 January 2012
	32. Progress payment to E. Magubane CC	28 November 2011


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File No.	Document Description	Date
	33. Progress payment to E. Magubane CC	16 June 2012
	34. Progress payment to MoneyMine	8 October 2012
30.	1. Progress payment to Natal Park Homes	20 June 2011
	2. Progress payment to Pro-Hydraulics	20 June 2011
	3. Internal memorandum from Mr Rindel to Chairman : Regional Bid Adjudication Committee re: supply and delivery of mobile generator for security installation	2 March 2011
	4. Letter from Public Works to Pro-Hydraulics trading as Viper Generators re: emergency generator sets	12 April 2011
	5. Approval to utilise the urgent store emergency delegation to provide standby emergency generator to site	14 November 2010
	6. Progress payment to Pro-Hydraulics	30 one 2011
	7. Progress payment to Pro-Hydraulics	30 one 2011
	8. Progress payment to Natal Park Homes	30 one 2011
	9. Progress payment to Bonelena Construction	15 one 2011
	10. WCS Consultant payment advice to Minenhle Makhanya Architects	6 June 2011
	11. WCS Consultant payment advice to Ighoda Projects	28 ugly 2011
	12. WCS Consultant payment advice to Ramcom	3 May 2011
	13. WCS Consultant payment advice to Ibhongo in January	18 April 2011
	14. Progress payment to Bonelena Construction	10 ay 2011
	15. WCS Consultant payment advice to Ilangaethu Consulting	19 ay 2011
	16. Progress payment to Bonelena Construction	11 April 2011
	17. Progress payment to Bonelena Construction	29 arch 2011
	18. WCS Consultant payment advice to Ighodo Projects	15 March 2011
	19. WCS Consultant payment advice to Ibhongo Consulting	28 ebruary 2011
	20. WCS Consultant payment advice to C.A. Du Toit	20 ebruary 2011
	21. WCS Consultant payment advice to Ilangaethu	15 February 2011
	22. WCS Consultant payment advice to Minenhle Makhanya	15 February 2011

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File No.	Document Description	Date
	23. Payment progress to Bonelena Construction	31 January 2011
	24. WCS Consultant payment advice to Igoda	31 January 2011
31.	1. Interim payment certificate no. 1 for Bonelena	16 March 2011
	2. Interim payment certificate no. 2 to Bonelena Construction	22 March 2011
	3. Interim payment certificate no. 3 to Bonelena Construction	20 April 2011
	4. Interim payment certificate no. 4 to Bonelena Construction	19 May 2011
	5. Interim payment certificate no. 5 to Bonelena Construction	6 June 2011
	6. Interim payment certificate no. 6 to Bonelena Construction	29 June 2011
	7. Interim payment certificate no. 8 to Bonelena Construction	18 August 2011
	8. Interim payment certificate no. 9 to Bonelena Construction	12 September 2011
	9. Interim payment certificate no. 10 to Bonelena Construction	4 October 2011
	10. Interim payment certificate no. 11 to Bonelena	15 November 2011
	11. Interim payment certificate no. 12 to Bonelena Construction	29 November 2011
	12. Interim payment certificate no. 13 to Bonelena Construction	17 February 2012
	13. Final payment certificate to Bonelena Construction	20 July 2012
	14. Draft contract status report by Mr Rindel and Minenhle Makhanya	February 2011
	15. Draft contract status report from Mr Rindel and Minenhle Makhanya	March 2011
	16. Draft contract status report by Mr Rindel and Minenhle Makhanya	April 2011
	17. Draft contract status report by Mr Rindel and Minenhle Makhanya	July 2012
	18. Draft contract status report by Mr Rindel and Minenhle Makhanya	April 2012
	19. Draft contract status report by Mr Rindel and Minenhle Makhanya	March 2010

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	Document Description	Date
	20. Draft contract status report by Mr Rindel and Minenhle Makhanya	February 2012
	21. Draft contract status report by Mr Rindel and Minenhle Makhanya	January 2012
	22. Draft contract status report by Mr Rindel and Minenhle Makhanya	December 2011
	23. Draft contract status report by Mr Rindel and Minenhle Makhanya	November 2011
	24. Draft contract status report by Mr Rindel and Minenhle Makhanya	October 2011
	25. Draft contract status report by Mr Rindel and Minenhle Makhanya	September 2011
	26. Draft contract status report by Mr Rindel and Minenhle Makhanya	August 2011
	27. Draft contract status report by Mr Rindel and Minenhle Makhanya	July 2011
	28. Draft contract status report by Mr Rindel and Minenhle Makhanya	June 2011
	29. Variation order no. 1	26 July 2010
	30. Variation order no. 2	22 September 2012
	31. Variation order no. 3	26 November 2010
	32. Variation order no. 1	28 January 2011
	33. Variation order no. 2	4 July 2011
	34. Variation order no. 4	15 August 2011
	35. Variation order no. 5	15 August 2011
	36. Letter from R & G Consultants to Minenhle Makhanya Architects re: proposed change of scope on High Security Area Contract - Phase 2	24 January 2011
	37. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 2	28 January 2011
	38. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 7	16 August 2011

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File	Document Description	Date
	39. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 8	
	40. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 6	15 August 2011
	41. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 5	15 August 2011
	42. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 4	15 August 2011
	43. Letter from Minenhle Makhanya to Public Works for attention Mr Rindel re: variation order no. 7	
	44. Internal memorandum from Ms Mbukushe to Ms Kriahnie Nadasen re: request to CAM to issue planning instruction for the installation of security measures at Nkandla	June 2010
	45. Internal memorandum from Nithia Genglah to Ngamlama re: payment of R1,001,864.24 to Minenhle Makhanya Architects	18 April 2011
	46. Letter from R & G Consultants to Minenhle Makhanya re: interim payment certificate no. 1 to E. Magubane CC	8 November 2011
	47. Approval by Regional Bid Adjudication Committee for appointment of nominated sub-contractor MoneyMine	28 March 2012
	48. Payment advice to Igoda Projects	
	49. Progress payment to MoneyMine	1 November 2012
	50. Progress payment to MoneyMine	1 October 2012
	51. WCS Consultant payment advice to Minenhle Makhanya	11 December 2009
	52. WCS Consultant payment advice to Minenhle Makhanya	7 May 2010
	53. WCS Consultant payment advice	2 February 2010
	54. WCS Consultant payment advice to Minenhle Makhanya	6 August 2010
	55. WCS Consultant payment advice to Minenhle Makhanya	22 October 2010
	56. WCS Consultant payment advice to Minenhle Makhanya	20 December 2010
	57. WCS Consultant payment advice to Minenhle Makhanya	1 March 2010
	58. WCS Consultant payment advice to Minenhle Makhanya	17 November 2011

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Document Description		DATE
	59. WCS Consultant payment advice to Minenhle Makhanya	11 August 2011
	60. WCS Consultant payment advice to Minenhle Makhanya	6 June 2011
	61. WCS Consultant payment advice to Minenhle Makhanya	25 March 2011
	62. WCS Consultant payment advice to Minenhle Makhanya	14 February 2011
	63. WCS Consultant payment advice to Minenhle Makhanya	31 January 2011
	64. WCS Consultant payment advice to Minenhle Makhanya	20 January 2011
	65. Letter from R & G Consultants re: Interim payment certificate no. 1 to Bonelena Construction	20 July 2011
	66. Letter from R & G Consultants to Minenhle Makhanya re: interim payment certificate no. 2 to Bonelena Construction	30 August 2010
	67. Letter from R & G Consultants to Minenhle Makhanya re: Interim payment certificate no. 3 to Bonelena Construction	6 October 2010
	68. Letter from R & G Consultants to Minenhle Makhanya re: Interim payment certificate no. 4 to Bonelena Construction	15 October 2010
	69. Progress payment to Bonelena Construction	2 November 2010
	70. Letter from R & G Consultants to Minenhle Makhanya re: interim payment certificate no. 6 to Bonelena Construction	14 November 2010
	71. Letter from R & G Consultants to Minenhle Makhanya re: interim payment certificate no. 7 to Bonelena Construction	24 November 2010
	72. Letter from R & G Consultants to Minenhle Makhanya re: Interim payment certificate no. 8 to Bonelena Construction	18 December 2010
	73. Letter from R & G Consultants to Minenhle Makhanya re: interim payment certificate no. 9 to Bonelena Construction	18 December 2010
	74. Letter from R & G Consultants to Minenhle Makhanya re: Interim payment certificate no. 10 to Bonelena Construction	3 February 2011
32.	Progress Payment	
	1. Progress payment to Bonelena Construction	13 June 2011
	2. Progress payment to Bonelena Construction	July 2011
	3. Progress payment to Bonelena Construction	28 November 2011

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File No	Document Description	Date
	4. Progress payment Bonelena Construction	14 October 2011
	5. Progress payment to Bonelena Construction	22 November 2010
	6. Progress payment to Bonelena Construction	19 September 2011
	7. Progress payment to Bonelena Construction	10 February 2011
	8. Progress payment to Bonelena Construction	25 May 2011
	9. Progress payment to Bonelena Construction	30 August 2011
	10. Progress payment to Bonelena Construction	31 January 2011
	11. Progress payment to Bonelena Construction	22 December 2010
	12. Progress payment to Bonelena Construction	28 November 2010
	13. Progress payment to Bonelena Construction	20 May 2011
	14. Progress payment to Bonelena Construction	29 July 2011
	15. Progress payment to Bonelena Construction	26 August 2010
	16. Progress payment to Bonelena Construction	9 September 2010
	17. Progress payment to Bonelena Construction	19 October 2010
	18. Progress payment to Bonelena Construction	11 October 2010
	19. Progress payment to Bonelena Construction	29 March 2011
	20. Progress payment to Bonelena Construction	11 April 2011
	21. Progress payment to Bonelena Construction	10 May 2011
	22. Progress payment to Bonelena Construction	25 May 2011
	23. Progress payment to Bonelena Construction	13 June 2011
	24. Progress payment to Bonelena Construction	6 July 2011
	25. Progress payment to Bonelena Construction	29 July 2011
	26. Progress payment to Bonelena Construction	30 August 2011
	27. Progress payment to Bonelena Construction	19 September 2011
	28. Progress payment to Bonelena Construction	14 October 2010
	29. Progress payment to Bonelena Construction	5 December 2011

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File No	Document Description	Date
	30. Progress payment to Bonelena Construction	22 February 2012
	31. Progress payment to Bonelena Construction	28 November 2011
	32. Progress payment to Bonelena Construction	10 August 2012
	33. Progress payment to Bonelena Construction	31 January 2011
	34. Progress payment to Bonelena Construction	22 December 2010
	35. Progress payment to Bonelena Construction	29 November 2010
	36. Progress payment to Bonelena Construction	22 November 2010
	37. Progress payment to Bonelena Construction	2 November 2010
	38. Progress payment to Bonelena Construction	19 October 2010
	39. Progress payment to Bonelena Construction	11 October 2010
	40. Progress payment to Bonelena Construction	5 September 2010
	41. Progress payment to Otis (Pty) Ltd	18 November 2011
	42. Progress payment to Bonelena Construction	30 August 2011
	43. WCS Consultant payment advice to Minenhle Makhanya	17 November 2011
	44. WCS Consultant payment advice to Ramcoom	28 October 2011
	45. Progress payment to Bonelena Construction	19 September 2011
	46. Progress payment to Bonelena Construction	14 October 2010
	47. Progress payment to Bonelena Construction	5 December 2011
	48. Progress payment to Bonelena Construction	22 February 2012
	49. Progress payment to Bonelena Construction	28 November 2011
	50. Progress payment to Bonelena Construction	10 August 2012
	51. Progress payment to Bonelena Construction	31 January 2011
	52. Progress payment to Bonelena Construction	22 December 2010
	53. Progress payment to Bonelena Construction	29 November 2010
	54. Progress payment to Bonelena Construction	22 November 2010
	55. Progress payment to Bonelena Construction	2 November 2010

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File	Document Description	Date
	56. Progress payment to Bonelena Construction	19 October 2010
	57. Progress payment to Bonelena Construction	11 October 2010
	58. Progress payment to Bonelena Construction	5 September 2010
	59. Progress payment to Otis (Pty) Ltd	18 November 2011
	60. Progress payment to Bonelena Construction	30 August 2011
	61. WCS consultant payment advice to Minenhle Makhanya	17 November 2011
	62. WCS Consultant payment advice to Ramcom	28 October 2011
	63. Progress payment to Bonelena Construction	18 September 2011
	64. WCS Consultant payment advice to Ilangaletu Consultants	4 August 2011
	65. WCS Consultant payment to Ramcom	25 August 2011
	66. Progress payment to Bonelena Construction	29 July 2011
33.	R & G Consultants and Ibhongo Consulting	
	1. E-mail from Rindel to Gerard Dumstra and Ivan Ka-Mbonambi documents of the final account of Bonelena (recon of all payments to Bonelena)	16 August 2012
	2. Letter from R & G Consultants to Public Works re: low security area draft final account Bonelena Construction	28 June 2012
	3. Report from Ibhongo Consulting re: provision of civil engineering services design report	August 2009 Revised July 2010
	4. Voucher from Cochran Products re: perimeter security barrier manufacturers	
	5. Engineering service report re: Construction of three new houses, boundary fencing, access road and pathways, multi-purpose platform as well as servant's quarters prepared by Ibhongo Consulting	August 2009
	6. Internal memo from Mr J Mokuoane to Chairperson Sketch Plan Committee re: commencement on the PDR report	
34.	1. Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 1 (together with	21 September 2010

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File No.	Document Description	Date
	annexures)	
	2. Tender document prepared by R & G Consultants re: electronic detection system	
	3. Register for bids	Undated
	4. Technical meeting notes for meeting held on 18 January 2012	
35.	1. Proof of payment from Public Works to Beta Fence Projects in the amount of R9,237,471.51	28 November 2012
	2. Progress payment to Beta Fence Projects	31 May 2011
	3. Progress payment to Bullet Resistant Glass	16 May 2011
	4. Progress payment to SA Bullet Resistant Glass	1 October 2012
	5. Contract status report Phase 2 High Security Area by Mr Rindel and Minenhle Makhanya	May 2011
	6. Contract status report by Mr Rindel and Minenhle Makhanya	June 2011
	7. Contract status report by Mr Rindel and Minenhle Makhanya	May 2011
	8. Contract status report by Mr Rindel and Minenhle Makhanya	June 2011
	9. Fax cover sheet from Ramcom re: contractors' monthly meeting notes of 19 May 2011	28 June 2011
	10. WCS consultant payment advice to Minenhle Makhanya	13 May 2012
	11. WCS consultant payment advice to Ilangalethu Consultants	24 May 2012
	12. WCS consultant payment advice to Ilangalethu	10 May 2011
	13. WCS Consultant payment advice to Ilangalethu Consultants	December 2009
	14. WCS Consultant payment advice to Ilangalethu Consulting	15 June 2010
	15. WCS Consultant payment advice to Ilangalethu	8 September 2010
	16. WCS Consultant payment advice to Ilangalethu Consultant	20 December 2010

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No.	Document Description	Date
17.	WCS Consultant payment advice to Ilangalethu	14 February 2011
18.	WCS Consultant payment advice to Ilangalethu Consultants	11 August 2011
19.	WCS Consultant payment advice to Ilangalethu	28 November 2011
20.	WCS Consultant payment advice to Ilangalethu Consultant	2 November 2012
21.	WCS Consultant payment advice to Mustapha & Cachalla	23 November 2010
22.	WCS Consultant payment advice to Mustapha & Cachalla	24 February 2012
23.	WCS Consultant payment advice to Ibhongo Engineers	20 April 2011
24.	WCS Consultant payment advice to Ibhongo Consulting	18 April 2012
25.	WCS Consultant payment advice to Ibhongo Consulting	27 May 2011
26.	WCS Consultant payment advice to Ibhongo Consulting	29 April 2010
27.	WCS Consultant payment advice to Ibhongo Consulting	3 December 2009
28.	WCS Consultant payment advice to Ibhongo Consulting	28 February 2011
29.	WCS Consultant payment advice to Ibhongo Consulting	9 November 2010
30.	WCS Consultant payment advice to Misenhle Makhanya Architects	21 December 2010
31.	Fee payment certificate by Ramcom	30 September 2012
32.	WCS Consultant payment advice to Ramcom	2 November 2012
33.	WCS Consultant payment advice to Ramcom	23 May 2012
34.	WCS Consultant payment advice to Ramcom	28 October 2011
35.	WCS Consultant payment advice to Ramcom	11 August 2011
36.	WCS Consultant payment advice to Ramcom	25 May 2011
37.	WCS Consultant payment advice to Ramcom	21 February 2011
38.	WCS Consultant payment advice to Ramcom	5 May 2011
39.	Various forms of declaration of secrecy	17 November 2009
40.	Flight instruction register by Siyezama Building and	Undated

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File No	Document Description	Date
	Renovation	
36.	Progress Minutes	
	1. Minutes prepared by Minesshle Makhanya for meeting held on 6 September 2010	Undated
	2. Minutes of co-ordination meeting prepared by Minesshle Makhanya for meeting held on 14 September 2010	
	3. Minutes of emergency progress meeting prepared by Minesshle Makhanya for meeting held on 6 September 2010	
	4. Letter from Bonelena to Minesshle Makhanya Inc re: response to final warning on emergency works contract	27 September 2010
	5. Minutes of emergency progress meeting held on 23 September 2010	
	6. Progress report prepared by Bonelena	Undated
	7. Incomplete bill of quantity	
37.	1. Internal memorandum from Mr Rindel to the Chalman of Regional Bid Adjudication Committee re: application to issue variation order to the total of 14.87% - building works construction of 6 new buildings and related civil works	27 October 2011
	2. Internal memorandum from Mr Rindel to Regional Bid Committee re: application to issue variation order to the total of 52.70% - security upgrade negotiated contract	20 January 2011
	3. Letter from R & G Consultants to Minesshle Makhanya Architects re: variation order no. 2 to 16 (documents for each and every variation order attached as annexures)	8 November 2010
	4. Approval by Regional Bid Adjudication Committee (request to approve variation orders) (thick documents several annexures attached)	
	5. Approval by the Regional Bid Adjudication Committee tender recommendation to appoint E. Magubane CC	3 August 2011
	6. Regional Bid Adjudication Committee approval of procurement strategy re: electronic detection system	26 June 2011
	7. Status report no. 1 by Betafence	8 October 2010

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No.	Document Description	Date
8.	Request for approval to utilise the urgent/emergency delegation for emergency security installation (instruction given in the meeting by Minister, DG, SAPS, DOD)	19 September 2010
9.	Letter from Minenhle Makhanya to Department of Public Works re: fire-tight garage and refuse area	2 July 2011
10.	Technical meeting notes for meeting held on 15 June 2011	
11.	Letter from Public Works to Bonelena Construction re: construction of new buildings : security measures	5 October 2011
12.	Letter from Public Works to Bonelena Construction re: settlement of dispute regarding cancellation of contract	21 June 2012
13.	Letter from Department of Public Works to Minenhle Makhanya Architects re: installation of security related services	10 August 2009
14.	Letter from Department of Public Works to Ibhongo Consulting re: installation of security related services	10 August 2009
15.	Internal memorandum from Mr Khanyile to acting DGD, Mr S Malebye, re: appointment of private consultant for design and supervision of Prestige Project	17 September 2009
16.	Application for additional funds.	20 September 2011
17.	Fax cover sheet from MoneyMine to Mr Rindel re: retaining wall, house no. 1	9 March 2011
18.	Letter from Minenhle Makhanya to Bonelena Construction re: urgent action required	4 March 2011
19.	Letter from Minenhle Makhanya to Bonelena Construction re: urgent action required	2 March 2011
20.	Letter from Minenhle Makhanya to Bonelena Construction re: urgent action required	28 February 2011
21.	Internal memorandum from Mr Khanyile to acting Director-General, Mrs M.Fatyela-Lindle re: request for special delegation to approve at SCM projects by the Regional Bid Adjudication Committee	23 May 2012
22.	Fax cover sheet attaching letters from Ramcom to the Department of Public Works re: MoneyMine request to waiver penalties	21 February 2012

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File No.	Document Description	Date
	23. Letter from Minessie Makhanya to R & G Consultants re: contract extension by 30 calendar days	2 November 2011
	24. Letter from Minessie Makhanya Architects to R & G Consultants re: contract extension by 21 calendar days	2 November 2011
	1. Letter from Ramcom to Bonelela Construction re: results of screening for individuals and employed by Bonelela	28 September 2011
	2. Letter from Minessie Makhanya to Bonelela Construction re: security breach – main entrance gate 1	
	3. Fax from Ramcom re: list of urgent action items	1 December 2011
	4. Fax from Ramcom attaching letter from E. Magubane CC re: project A report no. 1	25 November 2011
	5. Letter from Minessie Makhanya to Public Works re: fire truck garage and re-use area	5 July 2011
	6. Minutes of consulting planning and co-ordination meeting held on 10 October 2011	
	7. Letter from Ibhongo Consulting to National Department of Public Works re: Durban Prestige Project A cracked fireproof garage roof	1 August 2011
	8. Letter from Bonelela : recovery action plan	11 October 2011
	9. Minutes of meeting for the meeting held on 22 September 2011	
	10. Minutes of the technical meeting held on 6 October 2011	
	11. Letter from Bonelela Construction to Department of Public Works re: confirmation of Tauris Garden to expedite the military clinic and other related works (attaching the profile of Tauris Garden Trading)	3 October 2011
	12. Letter from Ramcom to National Department of Public Works re: PPA – Low Security contract	30 September 2011
	13. Consultant's co-ordination and planning meeting agenda	10 October 2011
	14. Letter from Ramcom to MoneyMine re: High Security area construction progress	13 September 2011
	15. Technical meeting notes for meeting held on 16 November 2011	

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Document Description	
16. Letter from Ramcom to Minenhle Makhanya Architects re: revision of the practical completion date	18 October 2011
17. Letter from Minenhle Makhanya Architects re: Low Security area internal payment certificate no. 11 to Bonelena Construction (payment certificate and other documents attached)	17 November 2011
18. Technical meeting notes for meeting held on 1 June 2011	
19. Letter from R & G Consultants to Minenhle Makhanya re: In high security fence	9 May 2011
20. Technical meeting notes for meeting held on 8 September 2011	
21. Letter from Ibhongo Consulting to Department of Public Works re: final approval certificate	12 May 2011
22. Technical meeting notes for meeting held on 25 August 2011	
23. Minutes of site meeting held on 25 August 2011	
24. Letter from Department of Public Works to First National Bank re: construction of new buildings and security measures	1 September 2011
25. Letter from Ramcom to Bonelena Construction (together with annexures) re: Low Security area milestone dates	30 August 2011
26. Internal memorandum from Mr Rindel to the Chairman of Regional Bid Adjudication Committee re: publication to issue variation order to the total of 3.02% : construction of 25 new buildings and related civil works (together with annexures attached)	21 July 2011
27. Internal memorandum from Mr Rindel to the Chairman of Regional Bid Adjudication Committee re: application to issue variation order to the total of 31.71% : building works construction of 6 new buildings and related civil works (together with annexures attached)	4 July 2011
28. Fax from the South African Civil Aviation Authority re: early stop information (attaching drawings)	28 May 2009
29. Agenda for the consultant's co-ordination and planning meeting	1 August 2011
30. Notes for the meeting held between Mr Frik Crawford and	

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Document Description		
	Ramcom held on 10 August 2011	
31.	Technical meeting notes for meeting held on 14 July 2011	
32.	Technical meeting notes for meeting held on 23 November 2011	
33.	Letter from Ramcom to Bonelena Construction re: Low Security area of spending action items	27 July 2011
34.	Internal memorandum from Dlamini (security services) to the project manager re: security screening results for Ibhongo Consulting	
35.	Internal memorandum re: request to screen contractors by NIA	9 October 2009
36.	Letter from Public Works to R & G Consulting re: installation of security and related services	11 October 2009
37.	Letter from Department of Public Works to C.A. Du Toit attaching the contract : security installations	14 July 2010
38.	Letter from National Intelligence Agency to Department of Public Works re: second report security screening of companies	
39.	Internal memorandum from Mr Khanyile to Ms Sasa Subban re: estimate of cost : Durban Project A	5 August 2009
40.	Procurement instruction from Eddle Malan to Regional Manager and others : Nkandla installation of security measures and related services at Presidential private residence (SAPS security needs assessment attached)	18 August 2009
41.	Motivations and cost allocation proposal no. 4 compiled by R & G Consultants	
42.	E-mail from Mr Khanyile to Mr Rindel re: installation as discussed on site meeting dated 16 September	22 November 2010
43.	Letter from RPD Consultants to Department of Public Works : repair of leaking roof at Durban King's house	
44.	RPD Consultants CC re: repair of roof at Durban King's house	15 November 2011
45.	Letter from acting Director-General Mr S. Vokele to Regional Manager, Mr Khanyile, re: performance with regard to capital works planned maintenance and claims	24 August 2009

File No	Description	
	46. Internal memorandum from Mr Khanyile to acting DGG, Mr S Malebye : appointment of private consultants for design and supervision of Prestige Project A	Undated
	47. Tender document for Ramcom (big document with several annexures)	
39.	1. Several declarations of interest and confidentiality by Bid Evaluation Committee members	
	2. CIDB printouts re: contractor's details	
	3. Fax cover sheet from Public Works to contractors inviting to bid for the project	18 March 2010
	4. Attendance register for the pre-tender meeting held on 24 March 2010	
	5. Regional Bid Adjudication Committee approval of condonation to change the closing date for tender	21 April 2010
	6. Internal memorandum from Ms Mgwane to the Regional Bid Adjudication Committee re: request for approval for condonation to change the closing date	20 April 2010
	7. Letter from Public Works to Bonelena Construction re: nominated procedure – form of offer and acceptance to Bonelena for a bid to the value of R19,174,478.52	15 June 2010
	8. Approval by the Regional Bid Adjudication Committee for the nomination and recommendation to award contract to Bonelena Construction	8 June 2010
	9. Tender evaluation report to the Regional Bid Adjudication Committee	26 May 2010
	10. Scoring model / price input and submission to bid committee	Undated
	11. Internal memorandum from Mr Rindel to the Regional Bid Adjudication Committee re: report on case cost estimates and financial risk on the project	25 May 2010
	12. Internal memorandum from Mr Rindel to Regional Bid Adjudication Committee re: risk assessment report	20 May 2010
	13. Bill of quantities and preliminaries : emergency works	Undated
	14. Approval for additional funds for installation of security measures	24 January 2011

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File No	Document Description	Date
	15. Motivation for application to authorise additional funds	21 January 2011
	16. Internal memorandum from Mr Rindel to Regional Bid Committee re: application to issue variation order to the total of 58.64% - security upgrade emergency contract for Bonelena Construction	20 January 2011
	17. Regional Bid Adjudication Committee approval of variation order of 58.64%	10 January 2011
	18. Internal memorandum from Mr Khanyile to Mr Vukela re: extending delegation of Regional Bid Adjudication Committee to award tenders below and above the amount of R20,000,000.00 for Prestige Project A	21 December 2010
	19. Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 3	26 November 2010
	20. Regional Bid Adjudication Committee approval of variation orders to the limit of 22,39%	17 August 2010
	21. Financial report : Bonelena Construction	
	22. Application for additional funds	17 August 2010
	23. Letter from Minenhle Makhanya Architects to the Department of Public Works re: variation order no. 1	27 July 2010
	24. Letter from R & G Consultants to Minenhle Makhanya Architects re: variation order no. 1	26 July 2010
	25. Letter from Bonelena Construction to R & G Consultants re: fencing price to outer perimeter wall	26 July 2010
	26. Handwritten site instruction from Minenhle Makhanya Architects to Bonelena Construction	18 July 2010
	27. Breakdown of variations by Bonelena Construction to the amount of R4 515,528.00	Undated
	28. Request for approval of Bid Specification Committee and Evaluation committee re: approval sought for members to serve on Bid Specification Committee and on Bid Evaluation Committee	14 October 2009
	29. Request for approval of procurement strategy – nominated procedure	15 October 2009
	30. Internal memorandum from Mr Khanyile to acting Director-General, Mr Malebye, re: approval of procurement	9 October 2009

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File No.	Document Description	Date
	strategy to approve the delegation to empower the Regional Bid Adjudication Committee to approve the procurement strategy for a value of above R20,000,000.00	
	31. Register for receiving bids/tenders	23 March 2010
	32. Approval by the Regional Bid Adjudication Committee of the procurement strategy (nominated contract)	2 March 2010
	33. Request for approval of the procurement strategy (nominated procedure) contract value R12,200,000.00 – engineering and construction	2 March 2010
	34. Internal memorandum from Mr Rindel to Regional Bid Committee re: request to utilise nominated process of an urgent nature for security installation	
	35. Net budget escalated	
	36. Internal memorandum from Mr Dhlamini to Mr Khanyile re: security screening results second report	24 February 2010
	37. Minutes of the Bid Evaluation Committee meeting held on 6 May 2010	
	38. Draft final account for Bonelena Construction	Undated
	39. Internal memorandum from Mr Rindel to the Regional Bid Adjudication Committee re: risk assessment report security measures	20 May 2010
	40. Internal memorandum from Mr Rindel to Regional Bid Adjudication Committee re: report on increased cost estimates and financial risk on the project	25 May 2010
	41. WCS Consultant payment advice to Ibhongo Consulting	20 December 2010
	42. Register for receiving bids/tenders	
	43. Tender results	23 September 2010
	44. Request for approval for the procurement strategy – nominated procedure for appointment of private project manager	17 September 2010
	45. Minutes of the Bid Evaluation Committee for the meeting held on 17 September 2010	



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No.	Document Description	Date
46.	Declaration of interest and confidentiality by specification committee members	17 September 2010
47.	Attendance register for the meeting held on 17 September 2010	
48.	Tax invoice for Minenhle Makhanya Architects to Public Works	29 November 2010
49.	Tax invoice from Ibhongo Consulting to Department of Public Works	15 November 2010
50.	Letter from R & G Consultants to Minenhle Makhanya re: Interim payment certificate no. 5 to Bonelena Construction	28 October 2010
51.	Form of offer and acceptance by Bonelena Construction	23 March 2010
52.	Tender document prepared by R & G Consultants (MoneyMine)	January 2011
53.	Several completed forms of declaration of secrecy	17 January 2011
54.	Code of conduct of all DPW officials engaging the supply chain management process	17 January 2011
55.	Request for approval to utilise the urgent/emergency delegation for the appointment of BRG (SA) (Pty) Ltd - specialist bullet resistant supplier	23 September 2010
56.	Progress payment to Betafence Projects	31 May 2011
57.	Internal memorandum from Mr Rindei to Mr Nkatha re: updating of the WCS : security measures bullet resistant glass	5 May 2011
58.	Funds application	27 June 2011
59.	Detailed project plan progress report	Undated
60.	Tax Invoice from Ibhongo Consulting to Minenhle Makhanya Architects	3 March 2011
61.	Form of offer and acceptance by MoneyMine	15 March 2010
62.	Contract data : JBCC 2000 principal billing agreement between Department of Public Works and:	Undated

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	Document Description	Date
	(a) Minenhle Makhanya Architects; (b) R & G Consultants; (c) Igoda Projects; (d) Ibhongo Consulting Engineers	
	63. Draft policy on handling Prestige Projects supply chain management process, auditing procedures	15 March 2010
	64. VCMS contract termination report – Bonelena Construction	15 August 2012
	65. Internal memorandum from Mr Peter Prigge to Mr Mahadeo re: sanitary facilitation for New Park Home facility for SAPS protection and security services	27 October 2009
	66. Approval by the Regional Bid Adjudication Committee to appoint C.A. Du Toit as security consultant	11 January 2011
	67. Internal memorandum from Mr Rindel to the Regional Bid Adjudication Committee re: recommendation to appoint C.A. Du Toit as security consultant	2 November 2010
	68. Contract status report prepared by Mr Rindel and Minenhle Makhanya Architects.	May 2011
	69. BAS disbursement payment report	26 November 2012
40.	Bonelena – Documents	
	1. E-mail from Mr Dumstra to Aubrey	3 July 2012
	2. Letter from Public Works to Ngcobo Poyo & Diedricks Attorneys re: settlement offer in the dispute regarding cancellation of contract	3 July 2012
	3. Letter from Minenhle Makhanya to Project Manager Public Works re: Emergency work phase 1	2 July 2012
	4. Letter from R & G Consultants to Minenhle Makhanya Architects re emergency works penalties for phase 1	2 July 2012
	5. Draft final statement from Bonelena Construction	Undated
	6. Incomplete progress payment	Undated
	7. Letter from R & G Consultants to Minenhle Makhanya re: penalties for phase 1 option 2	2 July 2012

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File No	Document Description	
8.	E-mail from Rindel to Thevan re pro-rata penalties for bypass road	3 July 2012
9.	E-mail from Desiree Minnaar to Mr Rindel	3 July 2012
10.	Letter from Minenhle Makhanya to Project Manager Public Works re phase 1 close out	2 July 2012
11.	Letter from R & G Consultants to Minenhle Makhanya re penalties for phase 1	2 July 2012
12.	Draft final statement for Bonelena Construction	Undated
13.	Draft payment certificate	Undated
14.	Draft progress payment	Undated
15.	E-mail from Mr Dumstra to Kenneth Khanyile re settlement offer	3 July 2012
16.	Draft final statement for Bonelena Construction	Undated
17.	Draft payment certificate to Bonelena	Undated
18.	Draft progress payment to Bonelena	Undated
19.	Draft recovery statement for Bonelena Construction	Undated
20.	Letter from R & G Consultants to Minenhle Makhanya re: Emergency works penalty for phase 1 – option 2	3 July 2012
21.	Letter from Minenhle Makhanya to Project Manager Public Works re: Negotiated works, high security area and low security area	1 June 2012
22.	Application for extension of contract period for MoneyMine CC	25 May 2012
23.	E-mail from Mr Dumstra to Mfuzeko Gwazube and others re: Project A phase 2 settlement offer	10 July 2012
24.	E-mail from Mr Dumstra to Bonelena re: Settlement offer	21 June 2012
25.	E-mail from Dumstra to Bonelena re: Settlement offer	9 July 2012
26.	E-mail from Mr Rindel to Mr Dumstra re: Concrete rates and correspondence, contractor's claim and references	16 July 2012

File No.	Document Description	Date
	27. E-mail from Mr Dumstra to Mr Rindel re project day : phase 2 – Bonelela Construction	13 July 2012
	28. Letter from Minenhle Makhanya to Project Manager Public Works re outstanding aviation equipment	9 July 2012
	29. Letter from Minenhle Makhanya to the Project Quantity Surveyor	
	30. Letter from Public Works to Mrs T.M. Nene of Bonelela Construction re: Form of offer and acceptance	20 January 2011
	31. Form of offer and acceptance from Public Works to Bonelela Construction	20 January 2011
	32. Draft valuation document from R & G Consultants	14 August 2012
	33. Draft payment certificate no. 11 from R & G Consultants	27 June 2012
	34. Letter from Ngcobo Poyo & Diedricks Attorneys to Mr Dumstra re: settlement offer	
	35. Letter from Jailali Yusuph Attorneys to Mr Dumstra re: Bonelela Construction	
	36. Letter from R & G Consultants to Director-General Public Works re: draft final account for emergency works contract	28 June 2012 18 February 2011
	37. E-mail from Robert Kugwa to Pranola re PMB School – phase 2	
	38. Internal memorandum from Mr Rindel to Mr Moloi re: Report on recommendation of extension of contract period claimed by Bonelela Construction	7 June 2012 29 April 2012
41.	Bonelela Low Security Area Variation Orders	
	1. Internal memorandum from Mr Rindel to Regional Bid Committee re application to issue variation order to the total of 58.64% Bonelela Construction	20 January 2011
	2. Variation order motivation for MoneyMine	Undated
	3. Approval for an application to issue variation order to the total of 58.64%	10 January 2011
	4. Fax cover from R & G Consultants to Mr Rindel	10 January 2011

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Document Description	
5. Letter from R & G Consultants to Minenhle Makhanya Makhanya re: Variation Order no. 3	26 November 2010
6. Financial report of Bonelena Construction	Undated
7. Internal memorandum from Mr Khanyile to Mr Vukela re: Request for approval to extend delegation of regional bid adjudication committee to award tenders below and above limit of R20 million for Prestige Project A	21 December 2010
8. Internal memorandum from Mr Khanyile to Acting Director-General Mr Malebye re: Approval of Procurement Strategy	9 October 2009
9. Letter from R & G Consultants to Minenhle Makhanya re: Variation Order no. 3	26 November 2010
10. Variation order motivation	13 November 2010
11. Original bid adjudication committee approval of variation orders to the limit of 22.39%	17 August 2010
12. Internal memorandum from Mr Rindel to Regional Bid Adjudication Committee re: application to issue variation order to the total of 22.39%	11 August 2010
13. Financial report Bonelena Construction	Undated
14. Application for additional funds : Prestige Project A emergency works	17 August 2010
15. Letter from Minenhle Makhanya to National Department of Public Works re: Variation Order no. 1	27 July 2010
16. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 1	26 July 2010
17. Document titled variation order from Bonelena Construction	26 July 2010
18. Variation order motivation for Bonelena Construction	26 July 2010
19. Letter from Bonelena to R & G Consultants re: fencing price to outer perimeter wall	26 July 2010
20. Handwritten site instruction by Minenhle Makhanya to Bonelena Construction	16 July 2010
21. Breakdown of variations	Undated
22. Price estimate from Cochrane Products re price: estimates for Cochrane Clearvu Fencing System	23 July 2010

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Item	Description	Date
23.	Request for approval of Bid Specification Committee and Evaluation Committee	14 October 2009
24.	Funding approval by Regional Bid Adjudication Committee	15 October 2009
25.	Request for approval of the procurement strategy for building works estimate value R29,307,000.00	6 October 2009
26.	E-mail from Roy Govender to Mr Khanyile	18 October 2009
27.	E-mail from Dumi Gqwaru of R & G Consultants to Mr Sam Mahadeo re: proposed list of contractors to be invited to tender on Durban project day	8 October 2009
28.	Internal memorandum from Mr Khanyile to acting DEG, Mr S Mahadeo re: approval of procurement strategy	9 October 2009
29.	Register for receiving bids/tenders	Undated
30.	Letter from Public Works to Bonelena Construction re: contract service	
31.	Letter from Public Works to Bonelena Construction re: contract service	15 June 2010
32.	Regional Adjudication Committee approved strategy	Undated
33.	Request for approval of the procurement strategy	2 March 2010
34.	Internal memo from Mr Rindel to Regional Bid Committee re: request to utilise negotiated strategy for the implementation of selected security works	1 March 2010
35.	Breakdown of relocation costs for one household by R & G Consultants	18 February 2010
36.	Tax clearance certificate for MoneyMine Enterprises	
37.	CIDB printout re contractor status MoneyMine	14 September 2009
38.	The approved strategy by the Regional Bid Adjudication Committee	12 March 2010
39.	Request for approval of document strategy	2 March 2010
40.	Internal memorandum from Mr Rindel to Regional Bid Committee re request to utilise nominated process to do works of an urgent nature	1 March 2010
41.	Letter from National Intelligence Agency to Public Works	30 October 2009

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Document Description	Date
re security screening of 13 companies	
42. Internal memorandum from Mr Rindel to Mr Khanyile re security screening results : Prestige Project	25 February 2010
43. Request for approval of bids specification committee and evaluation committee	1 March 2010
44. Minutes of the bid evaluation committee meeting	1 June 2010
45. Letter of goods spending from Compensation Fund Commissioner for Bonelena Construction	1 June 2010
46. CV of Ms Nene	
47. Breakdown of costs for building work	Undated
48. Letter from National Department of Public Works to Bonelena Construction re contract service	15 June 2010
49. Form of offer and acceptance from Public Works to Bonelena Construction	23 August 2010
50. Internal memorandum from Mr Rindel to Mr Khanyile re: updating of WCS in order to progress with payment	17 August 2010
51. Approval of tender to the amount of R19,174,478.52 to Bonelena Construction by the Regional Adjudication Committee	8 June 2010
52. Score model – price input and submission to bid committee	Undated
53. Internal memorandum from Mr Rindel to Regional Bid Adjudication Committee re: report on increased cost estimates and financial risk on this project	25 May 2010
54. Internal memorandum from Mr Rindel to Regional Bid Adjudication Committee re risk assessment report	20 May 2010
55. E-mail from Rongsing to Mr Rindel re: Emergency Works – priced bill of quantity and cost comparison	25 May 2010
56. E-mail from Dumi Gqwaru of R & G Consultants attaching bill of quantity print and budget comparison	9 May 2010
57. Breakdown of work and estimated price (bill of quantities)	Undated
58. Declaration of interest and confidentiality forms by members of specification committee	25 May 2010

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Handwritten initials: V.B. OS

File	Document Description	Date
	59. Internal memo from Ms Z.A. Ngwane to the Chairperson of the Regional Bid Adjudication Committee re request for approval for condonation to change the closing date	20 April 2010
	60. E-mail from Sifiso Magubane to Nokuthula Shabalala re: Errors on the documents	15 April 2010
	61. CIDB printout re: details of contractors, Makahathini Projects CC, Bonelena Construction, Gwabini Development Contractors, Zethembe Maintenance & General and MoneyMine	
	62. Declaration of interest and confidentiality by evaluation committee	13 April 2010
	63. Fax cover sheet from Public Works to Bonelena Construction re: invitation to bid for the project	
42.	Bonelena Low Security Area Phase 1	14 June 2010
	1. Letter from Public Works to Bonelena Construction re: form of offer and acceptance	
	2. DPW form of offer and acceptance completed by Bonelena for tender to the value of R19,174,478.52	23 March 2010
	3. JBCC Principal Building Agreement between Department of Public Works and Bonelena Construction	23 August 2010
	4. Internal memorandum from Mr Rindel to Mr Khanyile re: updating WCS in order to progress with payment	17 August 2010
	5. Regional Bid Adjudication Committee approval of the appointment of Bonelena through nominated procedure for a tender to the value of R19,174,478.52	8 June 2010
	6. Tender evaluation report to the Regional Bid Adjudication Committee	28 May 2010
	7. Scoring model – price input and submission to bid committee	Undated
	8. Approval by the Regional Bid Adjudication Committee for the appointment of landscape architect under main architect	17 August 2010
	9. E-mail from Sombese to Mr Rindel re: landscape architecture	12 July 2010

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File No.	Document Description	Date
	10. Request to the Regional Bid Adjudication Committee for an approval of variation orders to the limit of 22,39%	17 August 2010
	11. Internal memorandum from Mr Rindel to the Regional Bid Adjudication Committee re: application to issue Variation order to the total of 22,39%	17 August 2010
	12. Financial report re: Bonelena Construction CC emergency works	Undated
	13. Application for additional funds (R25,031,659.14)	17 August 2010
	14. Letter from Minenhle Makhanya to Department of Public Works re: variation order no. 1	27 July 2010
	15. Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 1	26 July 2010
	16. Motivation for variation order no. 1	26 July 2010
	17. Letter from Bonelena Construction to R & G Consultants re: fencing price to outer perimeter wall	26 July 2010
	18. Handwritten instruction by Minenhle Makhanya to Bonelena Construction	18 July 2010
	19. Price estimate/quotation from Cochrane Products re: price estimates for phasing system	23 July 2010
	20. E-mail from Wessel Theron to Owen Nxumalo re: revised quotation for fence	22 July 2010
	21. Procurement certificate	11 February 2009
	22. Tender document prepared by R & G Consultants completed by Bonelena Construction	March 2010
	23. Several computed forms of declaration of secrecy	27 September 2010
	24. Fax cover sheet to Zoma Engineering re: invitation to bid	20 September 2010
	25. Fax cover sheet from Public Works to San Arch Development re: invitation to bid for the project	20 September 2010
	26. Fax cover sheet from Public Works to Aure Con re: invitation to bid for the project	20 September 2010

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10.	Request to the Regional Bid Adjudication Committee for an approval of variation orders to the limit of 22,39%	17 August 2010
11.	Internal memorandum from Mr Rindel to the Regional Bid Adjudication Committee re: application to issue variation order to the total of 22,39%	17 August 2010
12.	Financial report re: Bonelena Construction CC emergency works	Undated
13.	Application for additional funds (R25,031,659.14)	17 August 2010
14.	Letter from Minenhle Makhanya to Department of Public Works re: variation order no. 1	27 July 2010
15.	Letter from R & G Consultants to Minenhle Makhanya re: variation order no. 1	26 July 2010
16.	Motivation for variation order no. 1	26 July 2010
17.	Letter from Bonelena Construction to R & G Consultants re: fencing price to outer perimeter wall	26 July 2010
18.	Handwritten instruction by Minenhle Makhanya to Bonelena Construction	18 July 2010
19.	Price estimate/quotation from Cochrane Products re: price estimates for phasing system	23 July 2010
20.	E-mail from Wessel Theron to Owen Nxumalo re: revised quotation for fence	22 July 2010
21.	Procurement certificate	11 February 2009
22.	Tender document prepared by R & G Consultants completed by Bonelena Construction	March 2010
23.	Several computed forms of declaration of secrecy	27 September 2010
24.	Fax cover sheet to Zoma Engineering re: invitation to bid	20 September 2010
25.	Fax cover sheet from Public Works to San Arch Development re: invitation to bid for the project	20 September 2010
26.	Fax cover sheet from Public Works to Aure Con re: invitation to bid for the project	20 September 2010

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File No	Document Description	Date
27.	Fax cover sheet from Department of Public Works to Ramcom Project Management re: invitation to bid for the project	20 September 2010
28.	Fax cover sheet from Department of Public Works to SiP Project Management re: invitation to bid for the project	20 September 2010
29.	Fax cover sheet from Department of Public Works to Stemele Bosch Africa re: invitation to bid for the project	20 September 2010
30.	Fax cover sheet from Department of Public Works to Dungwe Project Management re: Invitation to bid for the project	20 September 2010
31.	Request to the original Bid Adjudication Committee to approve procurement strategy for the appointment of a private project manager to fast track the project	17 September 2010
32.	Minutes of the Bid Evaluation Committee meeting held on September 2012	
33.	Declaration of interest and confidentiality by specific committee members	17 September 2010
34.	Attendance register and oath of secrecy for the meeting held 17 September 2010	
35.	Several computed forms of declaration of secrecy	17 September 2010
36.	Internal memorandum from Mr Khanyile to Mr R Samuels approval to utilise negotiated strategy to appoint private project manager to fast track the project	Undated

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IN THE NORTH GAUTENG HIGH COURT
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 67574/12

In the matter between:

M AND G CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and

THE MINISTER OF PUBLIC WORKS First Respondent

THE INFORMATION OFFICER: DEPARTMENT OF PUBLIC WORKS Second Respondent

AFFIDAVIT

I, the undersigned,

THEMBELANE NXESI
TNx

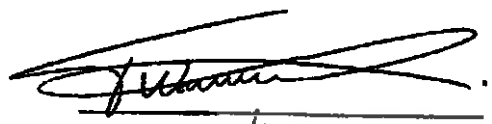
state the following under oath:

1. I am the Minister of Public Works.
2. The facts contained in this affidavit are within my personal knowledge unless stated otherwise or apparent from the context. To the best of my knowledge and belief they are both true and correct.

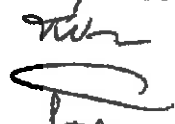
TNx *[Signature]*

[Signature]
V-8

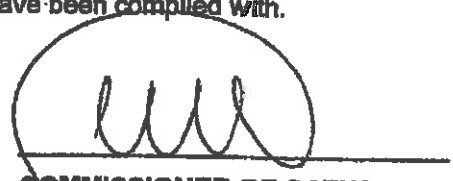
3. I have read the affidavit of Phillip Masilo. I confirm that the contents of Mr Masilo's affidavit are true and correct in so far as they relate to me.



THEMBELANE NXESI



This affidavit was signed and sworn to before me at Johannesburg this the 13 day of JUNE 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that they are true and correct. I certify that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.



COMMISSIONER OF OATHS

MOLATELO MAKHURA
COMMISSIONER OF OATHS
PRACTISING ATTORNEY RSA
7th FLOOR BRAAMPONTEIN CENTRE
23 JORISSEN STREET
TELEPHONE (011) 409-2765

V.B
V.D

**IN THE NORTH GAUTENG HIGH COURT
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: 67574/12

In the matter between:

M AND G CENTRE FOR INVESTIGATIVE JOURNALISM NPC First Applicant

VINAYAK BHARDWAJ Second Applicant

and

THE MINISTER OF PUBLIC WORKS First Respondent

**THE INFORMATION OFFICER: DEPARTMENT OF
PUBLIC WORKS** Second Respondent

AFFIDAVIT

I, the undersigned,

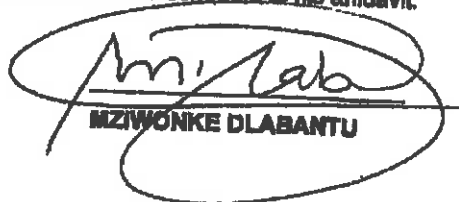
MZIWONKE DLABANTU

state the following under oath:

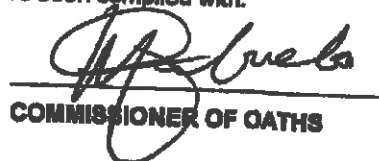
1. I am the Director General of the Department of Public Works ("the Department"). I deposed to the answering affidavit on behalf of the respondents in this application.

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2. The facts contained in this affidavit are within my personal knowledge unless stated otherwise or apparent from the context. To the best of my knowledge and belief they are both true and correct.
3. I confirm that I have examined all the documents in the possession of the Department dealing with the security upgrade at the Nkandla residence of the President.
4. I have read the affidavit deposed to by Phillip Masilo. I understand that this affidavit will be served and filed together with Mr Masilo's affidavit. I confirm that the contents of Mr Masilo's affidavit are true and correct in so far as they relate to me and to the Department. I accept Mr Masilo's conclusion in relation to the severability of the information sought by the applicants and confirm that the Department now tenders the documents listed in the schedule to his affidavit.


MZIWONKE DLABANTU

This affidavit was signed and sworn to before me at PRETORIA on this the 13th day of JUNE 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that they are true and correct. I certify that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.


COMMISSIONER OF OATHS

NOKO DANIEL MABUELA
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
4th FLOOR • CHARTER HOUSE
179 BOSMAN STREET
0002 • PRETORIA

v.B


- [PRINT FRIENDLY PAGE](#)
- [SEE ORIGINAL ARTICLE](#)

The Nkandla files: Project railroaded from the start

Procurement processes were overlooked and cost overruns justified as the team scurried to finish within deadlines imposed by Zuma.

05 Jul 2013 00:00 [Craig McKune](#)



Lie of the land: Phase one, which included road and fence upgrades, bypassed departmental guidelines to favour Zuma's personal choice of contractors. Photos: Madelene Cronjé

In May 2009, a fortnight after Jacob Zuma's presidential inauguration, a team of officials was dispatched to Nkandla to investigate how best to secure his home.

Led by police, military and intelligence officers, who laid down security requirements, the public works team of professionals put together a detailed "scope of works".

Their extensive recommendations included the upgrading of access roads, perimeter fencing, fire-fighting, sanitation, a heliport, air conditioning with biological filters in a "safe haven" and, puzzlingly, a "revamped" cattle kraal.

More coverage

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[Nkandla: Number One emerges a clear winner](#)

[What did Zuma know about the Nkandla project?](#)

[Long battle to get hold of redacted Nkandla documents](#)

[Nkandla: An orgy of kowtowing](#)

[The Nkandla files: Secrecy obsessions betray political sensitivities](#)

The department of public works's chief quantity surveyor, Ron Singh, ran the numbers, reporting that the job would cost just less than R28-million.

Zuma's contractors

The department's national office fired instructions off to its Durban branch, where regional manager Kenneth Khanyile would oversee the procurement of specialists to plan, design and construct the upgrades.

A handwritten note by a member of the budget committee that approved the funding gave an early indication that the project was being railroaded. It read: "Due to the urgent nature of service, service must proceed and funds will be made available periodically, as and when savings materialise from prestige/PWD [public works] budget."

This urgency and a willingness to sweep aside procedures was entrenched that October in 2009, when Khanyile described an agreement with acting director general

Solly Malebye in which the Durban office would be given special powers to approve big Nkandla contracts worth more than R20-million.

Meanwhile, the department's procurement processes were in effect leapfrogged to favour Zuma's personal choice of three firms, privately hired for home renovations two years earlier. This was "essential", public works project manager Jean Rindel noted, "to ensure complete integration".

The private quantity surveyors on the project, in turn, handed the department a list of contractors from which it would choose, again deviating from supply chain processes, Khanyile wrote.

By February 2010, the main building, electrical and civil contractors had been chosen. Among these were the major contractors, Bonelena and Moneymine, the latter having been hired earlier by Zuma. Moneymine's appointment by public works was also "essential", Rindel said, because the company "is trusted by the owner of the property [Zuma]".

According to internal records, public works had spent R4.1-million on the project by the end of that financial year, March 31 2010. Yet the first of three project phases had barely begun.

Zuma's deadline

By June 2010, Rindel's project team at public works was ready to hand over the site to contractors for phase one of Nkandla, or "Prestige Project A", but they had not received official sign-off from the defence department or police.

Although Rindel calculated they would need just less than R40-million a year for two years to complete Project A, funding had still not been found.

His request was escalated to a national budget committee, recommending that the money be siphoned from two important programmes: inner-city regeneration and the dolomite risk management programme.

The contractors moved on to site that month.

In another supply chain management sidestep, Rindel's team appointed a security consultant without first getting approval from the regional adjudication committee. Justifying this three months later, he said the work had needed to start

"immediately", apparently illustrated when the consultant was called "to accompany the [deputy director general] and minister [Geoff Doidge] on visits to the fencing and glass suppliers in order to expedite the work".

By then it was August, and Doidge was clearly coming under pressure from above to fast-track Project A.

In mid-September 2010, he set a "strict deadline" for the completion of phase one. Months later, when Rindel motivated for more funding because of serious cost overruns, he revealed the source of this pressure: "[Doidge] instructed this office to continue with immediate effect, as he was given a deadline by the principal to have the site operational by December 1."

"The principal" refers to Zuma.

Within a week of setting this deadline, Doidge and other senior police, defence and public works officials met at Nkandla, where the minister dished out instructions to get things done.

Justifying the cost overruns, Rindel explained that, at this late stage, the South African Police Service had submitted a "revised" scope of works. This had Rindel rushing to appoint more service providers – for the supply of bullet-resistant glass, a generator and prefabricated structures – with "emergency" permission obtained from Khanyile. Formal permission was again sought months after procurement.

According to Rindel, "the lengthy process" of waiting for approvals "could compromise the security of the principal and would not be tolerated. This was made very clear by the top management of the police service and the department of defence."

But the department's chief quantity surveyor, Glenda Pasley, was worried. She wrote to Rindel: "The scope of works and costs have increased substantially on the project over the past few months, giving rise to serious concerns about what control mechanisms and parameters are in place."

She also said there was no clarity on how the enormous cost would be split between Zuma and the state.

Another surveyor, Dumi Gqwaru, lamented the state of the contracts: "If a contractor were to be nasty, she would take us to the cleaners ... I could not agree more with

[Deputy Minister Hendrietta Bogopane-Zulu] in referring to this project as 'project went wrong'."

Meanwhile, Zuma shuffled his Cabinet at the end of October, sacking Doidge before the deadline could be met.

The replacement minister, Gwen Mahlangu-Nkabinde, enthusiastically grabbed the Nkandla baton. In her first week in office, she submitted a detailed report to the president, reassuring him that everything was on track for December 1.

But the project team missed Zuma's deadline by three weeks. Evidently this caused consternation in high places. In a letter motivating for more fast-track measures, this time for phase two, Rindel said speed was "essential" because "the state already delayed the owner of the property [Zuma], and this caused much embarrassment to the state".

When the state prepared for the phase two contracts, it once again negotiated with Bonelena and Moneymine. As for the latter, this was once again according to Zuma's wishes.

According to a document discussing Moneymine: "[Bogopane-Zulu] confirmed that the principal indicated that he does not want other contractors on site in phase two."

Zuma's second deadline

By the end of the 2011 financial year, Project A had cost R62.3-million.

As phase two got under way, officials reluctantly began to wrestle with the question of how much Zuma would pay.

Meanwhile, Khanyile asked for permission to deviate once again from procurement prescripts for a security detection system. His request revealed another Zuma-driven deadline and a presidential secrecy requirement.

"The instructions of the owner must be respected," said Khanyile. These were that information should be contained and the project had to be completed by October 30 2011 "as per instruction from the principal".

The state quantity surveyors now complained that they had been sidelined. Pasley wrote to Rindel: "We are no longer in touch with the project as you have excluded

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us." And months later: "We have to date not been briefed by you." She wanted to see financial reports and cost-allocation decisions. "This is of serious concern."

Late in the year, and early in 2012, Rindel submitted another batch of requests to pay contractors extra after further cost overruns.

By March 2012, as the financial year came to a close, the state had spent almost R190-million on Project A.

Top secrecy

Throughout 2011, complaints flowed over contractor Bonelena's missed deadlines and, early in 2012, a consultant recommended that the contractor be fired. The company had cash flow trouble and was at the root of serious delays.

This appeared to elicit attention from the highest levels, because in January 2012, newly appointed Public Works Minister Thulas Nxesi met the company's owner, Thandeka Nene, in the first of several personal engagements.

In April that year, steps were taken to terminate Bonelena's contract but the company disputed it. Official memos recommended that an amicable settlement would be best to prevent information leaking out through a court battle.

This softly-softly approach – Nxesi and Nene's personal liaisons included – continued even after Bonelena filed for liquidation in July.

Even the state-owned funder, the Industrial Development Corporation, came to Bonelena's rescue. According to *The Mercury*, this year, the corporation bailed out Bonelena with R10-million, despite the fact that the company already owed it millions.

In correspondence with the national office, Khanyile put the problem plainly: Zuma's reputation.

"Court cases will result in public scrutiny ... This is an unacceptable risk to this office and could result in political fallout that could possibly influence the principal's [Zuma] political position very negatively."

In October, press leaks resulted in a major public outcry and, as phase three of Nkandla began, internal reports projected Zuma's Project would cost the state as much as R273.8-million – nearly 10 times what had been proposed back in 2009.

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Nkandla: How IDC splashed R10m on bailout

When Bonelena, a firm nominated to do the major work at Jacob Zuma's Nkandla homestead, was liquidated the IDC intervened to keep the firm going.

12 Jul 2013 00:00 [AmaBhungane Reporters](#)



High-level access: Thandeka Nene's conduct worried some officials. Jackie Clausen

Just who is Thandeka Nene – and what is her hold over state institutions?

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Nene was the sole member of Bonelena Construction CC, one of two building firms nominated by the public works department to do the major work on the security upgrade at President Jacob Zuma's Nkandla homestead.

- [Ex-teacher chalks up the contracts, builds Nkandla](#)

Documents regarding the controversial development obtained by amaBhungane show:

- When Bonelena was liquidated, the state-owned Industrial Development Corporation (IDC) intervened to keep the firm going, providing extra funding when the prospect of recovering its loans appeared doubtful;
- When Bonelena's failure to meet deadlines led public works to cancel the contract, exposure in court of Project A – the department's code name for Nkandla – was a large concern for the department. Public Works Minister Thulas Nxesi also intervened, leading the department to backtrack and reach a compromise with Nene; and
- She had such high-level access that when part of the work was awarded – supposedly erroneously – to the other main contractor (See "Nkandla's money mine", Page 4), the public works' deputy minister intervened and the architects were obliged to write her a grovelling apology for their error.

IDC to the rescue

Documents obtained by amaBhungane relating to the June 2012 liquidation of Bonelena suggest the IDC went to extraordinary lengths to rescue Nene, who at that stage owed the corporation nearly R20-million.

She had concluded a loan agreement with the IDC in February 2011.

In April 2012, the public works project manager cancelled the Nkandla contract with Bonelena, citing repeated failures to reach agreed construction milestones.

Nene and her lawyers refused to accept the cancellation, arguing it was unlawful and unfair, as she had completed 95% of the work.

In May 2012, a Durban car-hire firm, Reebib Rentals, applied to liquidate Bonelena over R190000 it was allegedly owed. A final winding-up order was granted in the High Court in Pietermaritzburg on July 18.

Lobbying

Meanwhile, Nene was lobbying vigorously to overturn the contract cancellation. Her lawyers wrote to the department threatening legal action and she refused to hand over the keys to the Nkandla site so that another contractor could take over.

She also wrote to the new minister, Thulas Nxesi, on June 15 2012, noting: "I have great respect of the president ... and take cognizance of the security measures of the project."

She wrote to him again on July 20, noting: "We have received phone calls and text messages from creditors threatening to approach the media. We have also received phone calls from the media inquiring as to the nature of the project and the payment delays. We have not commented and will not be held liable for any resultant reports that may surface as a result of the media."

Earlier, the Durban public works regional office had written to the Pretoria head office warning about the possible fallout for Zuma – referred to as "the Principal".

"The severe implications of cancelling the contract is expected to end in court cases between the contractor and the department. This will result in all the project information being subjected to public scrutiny," the regional office said.

"This is an unacceptable risk to this office and could result in political fallout that could possibly influence the Principal's political position very negatively."

Nxesi pays up

The letters had the desired effect. On July 31 2012, a teleconference was held with Nene and her lawyer at one end and the minister and his senior department advisers at the other. An urgent agreement was reached to pay Bonelena about R7-million.

Neither Nene nor her lawyer disclosed that the company had already been placed in final liquidation.

Bad faith?

In September 2012, after the money had already been paid out, one senior official, Gerard Damsta, expressed outrage at discovering this.

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In an email to the department's chief legal adviser, he wrote: "I have learnt today with great shock and disappointment ... that Bonelena was provisionally liquidated on 4 June 2012 ... This means that Bonelena negotiated with the employer [the minister and others from the department of public works] ... when it was already not in a competent position to have done so ...

"The conduct of Ms Nene in all of this is what I need your legal expertise for ...

"Can it be labelled as fraudulent? Bad faith?? ... What recourse does [the department] have under these circumstances?"

But, instead of fraud charges, Nene got a rescue package from the IDC to take her company out of liquidation.

Good money after bad?

According to a report by liquidator Eugene Nel, the IDC proposed and funded the rescue scheme.

On top of its R20-million, the corporation agreed to put up a further R10-million to pay the liquidators, fund the payout of preferred creditors (such as banks and the South African Revenue Service) and offer concurrent creditors – such as Reebib Rentals – 50c of every rand owed.

According to Nel, the offer was generous as the company's financial position was so dire that, if it was simply wound up, preferred creditors would have got a reduced payout and there would have been nothing at all for others.

The IDC insists that the decision to assist Bonelena to exit liquidation was "not influenced by politics whatsoever".

IDC public relations manager Mandla Mpangase told amaBhungane it viewed the liquidation as "erroneous" and that Bonelena had existing contracts "based on which the IDC will recover its money".

"Bonelena continues to honour its repayment arrangement with the IDC."

He declined to give details but the liquidation report suggests Bonelena will have to score some sweet new deals to be able to repay the loan.

Security?

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At the date of the provisional liquidation, Bonelena owed about R32-million to creditors, of whom the IDC was the largest, with R20-million owed to it.

The liquidators judged two contracts – a prison upgrade and a school building project – were worth keeping the company solvent for.

However, the IDC's security was calculated at only R11.5-million – not a major comfort when its R20-million loan was pushed up to R30-million to secure Bonelena's release from liquidation.

In return for the cash injection, the IDC demanded that a quantity surveyor and an accountant appointed by the IDC should be given full access to help to manage the company.

AmaBhungane's attempts to communicate with Nene for clarity on the current state of the company were fruitless.

Other friends in high places

The public works documents obtained by amaBhungane provide other evidence of Nene's clout, despite officials and contractors complaining about the company's performance.

When Moneymine was allocated work that had been earmarked for Bonelena, Public Works Deputy Minister Hendrietta Bogopane-Zulu got involved and ordered that the decision be reversed.

The architects were obliged to write to the department and the deputy minister apologising for the error, saying: "We meant no disrespect."

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Nkandla's money mine

As Jacob Zuma's hand-picked private contractor, Moneymine was set to land public works contracts on the project for several years.

12 Jul 2013 00:00 [Sally Evans](#)



Top of the world: A worker thatches a roof at President Zuma's Nkandla homestead. Photo: Madelene Cronjé

In mid-November 2009, when the public works department was already in a flurry over the increasingly complicated security upgrades at President Jacob Zuma's Nkandla homestead, the director of one of its main contractors was rubbing shoulders with ANC top brass in Guangzhou, China.

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Pamela Mfeka, the sole director of Moneymine Enterprises, which was already on site at Nkandla in 2009 doing private work for Zuma, was accompanied by her husband, Michael Mfeka, on the five-day trip.

Pamela, who also owns Igugu Training and Investments and Igugu Functions Venue, was a member of the delegation, organised by the ANC's Progressive Business Forum.

The trip was led by the ANC's former treasurer general, Mathews Phosa.

Michael, who is not listed as a director of his wife's companies, worked as Moneymine's project manager at Nkandla.

Towards the end of 2009, the department was already spending money it had not secured – it was following instructions from the police and the defence department for security upgrades to Zuma's private residence.

The estimated cost at that stage was R27.8-million; the projected cost by October 2012 was R270-million.

Handsome profit

But on their China trip the Mfekas, from Pinetown in Durban, would have rested easy in the knowledge that Moneymine was guaranteed several multimillion-rand government contracts for work at Nkandla.

As Zuma's hand-picked private contractor, Moneymine had profited handsomely from its initial association with him and was set to land public works contracts on the project for several years.

Moneymine, which worked on Nkandla's high-security core area in phase one of the development, has been paid R56.3-million so far, according to the public works department's latest figures.

Its first contract at Nkandla for the department began in November 2009, according to documents obtained by the Mail & Guardian following a Promotion of Access to Information Act application.

Mfeka refers to her company's phase one work in a document listing its previous projects. Referring to "Durban Project A – Construction of a Homestead in Nkandla",

she records the start of this project as November 2009, giving the following November as the completion date. The total cost was R19.4-million.

Moneymine's continued role at Nkandla was largely guaranteed by Zuma's insistence that he did not want another company on site.

Procurement procedures

In March 2010, a few months after the China trip, the department's Jean Rindel, who was overseeing the Nkandla upgrades, explained why Moneymine had been appointed as a phase one contractor despite the deviation from normal procurement procedures.

Rindel noted: "The owner of the property had appointed a contractor, Moneymine Investments, to construct new accommodation at the site. The current status of that project is that the contractor is on site and construction is 15% completed. The state has the obligation to include the security measures in the existing and the new accommodation."

Rindel noted that, as no other contractor could do the job, the work could not go out on open tender.

"It is essential that Moneymine construction be appointed under the negotiated procedure to eliminate ... risks. The contractor is security cleared by the National Intelligence Agency and is trusted by the owner of the property.

"It is thus essential that the same contractor, Moneymine Investments, be appointed to complete the works," he wrote.

Shortly after the memorandum, Rindel's pleas were answered in the affirmative, despite the fact that Moneymine had in effect been appointed to do the security installations and other works in the initial phase of the project.

In January 2011, Moneymine was again guaranteed work – for phase two.

Security surveillance

Another department document suggests that the decision to go with a "negotiated bid" at that stage was also indirectly prompted by Zuma: "A meeting was held with Deputy Minister [of Public Works] Hendrietta Bogopane-Zulu (and other senior officials) on 21 December 2010 in which she confirmed that the principal [Zuma] indicated that he does not want other contractors on site in phase two."

Phase two related mostly to the installation of additional "security measures", including 31 new buildings, police accommodation, bullet-proof glass and a security surveillance system.

Rindel and other public works department officials consistently motivated for Moneymine's appointments to be rolled over to ensure the "integration" of Zuma's private upgrades with the department's.

The company was also handed the remainder of work left by Bonelena, which the department fired in April during phase three, for which Moneymine received an extra R3.47-million.

Moneymine has a number of other lucrative contracts from public works.

Michael Mfeka said neither he nor his wife could comment on Moneymine's involvement at Nkandla. He said that they were "not allowed to talk to the press" and that the department "has all the information". – Additional reporting by Xanthe Hunt

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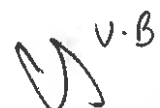
TABLE OF RELEVANT NEWS REPORTS RELATING TO PUBLIC EXPENDITURE AT THE NKANDLA ESTATE OF PRESIDENT ZUMA

No.	Date	Publication	Article title
1.	15 Nov 2011	The Times	A home fit for a king
2.	03 Aug 2012	Mail & Guardian	Welcome to Zumaville
3.	04 Aug 2012	Mail & Guardian	Mazibuko: How can ANC justify R2bn 'Zumaville' project?
4.	24 Aug 2012	Mail & Guardian	Questions over Zumaville silenced
5.	30 Sep 2012	Mail & Guardian	DA won't let Zuma's R203m homestead revamp 'go unanswered'
6.	30 Sep 2012	The Times	DA wants probe into Zuma's multi-million rand home
7.	30 Sep 2012	City Press	R200m splurge on Zuma homestead
8.	01 Oct 2012	The Times	Cancel Nkandla upgrade: Mazibuko
9.	02 Oct 2012	The Times	Zuma's upgrade needed: Maharaj
10.	02 Oct 2012	The Times	Public Works must explain Zuma home upgrade: DA
11.	02 Oct 2012	Mail & Guardian	Department to probe Nkandla documents leak
12.	02 Oct 2012	City Press	Nkandla: Minister calls for City Press probe
13.	02 Oct 2012	City Press	Zuma's Nkandla upgrade needed - Maharaj
14.	03 Oct 2012	Mail & Guardian	Nxesi contradicts handbook on Nkandla upgrade
15.	05 Oct 2012	Business Day	Revealing Nkandla spending would 'endanger president', says minister
16.	05 Oct 2012	The Times	Zuma's Nkandla compound belongs to Zulu king: report
17.	05 Oct 2012	The Times	Controversy based on 'misperceptions': Nxesi

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No.	Date	Publication	Article title
18.	05 Oct 2012	Mail & Guardian	Nkandla upgrade: Last-minute bid to hide costs
19.	05 Oct 2012	Mail & Guardian	Skirting draconian defence laws with ease in Zuma's sleepy hometown
20.	05 Oct 2012	Mail & Guardian	Nkandla's cost: Trapping the mole in the bunker
21.	05 Oct 2012	Mail & Guardian	Will there be a jail on Nkandla for public works DG?
22.	05 Oct 2012	City Press	Nkandla controversy based on misperceptions - Nxesi
23.	05 Oct 2012	City Press	Zuma doesn't own Nkandla land
24.	07 Oct 2012	The Times	Public Protector launches Nkandla investigation
25.	07 Oct 2012	The Times	DA welcomes Nkandla probe
26.	07 Oct 2012	Mail & Guardian	De Klerk denies Nkandla-style benefits
27.	07 Oct 2012	City Press	Madiba, Mbeki got far less than Zuma
28.	07 Oct 2012	City Press	Nkandlagate: The Astro-nomical upgrade
29.	08 Oct 2012	The Times	Money for Nkandla upgrade can be better used: survey
30.	08 Oct 2012	Mail & Guardian	Nkandla security dwarfs that of other presidents' homes
31.	08 Oct 2012	City Press	Nkandla money can be put to better use - survey
32.	09 Oct 2012	Mail & Guardian	Madonsela: The thin blue line of government
33.	10 Oct 2012	The Times	Public works to watch Nkandla closely: Cronin
34.	10 Oct 2012	Mail & Guardian	Nearly R600m spent on roads for Nkandla upgrade
35.	10 Oct 2012	Mail & Guardian	Cronin: Public works will watch Nkandla process

No.	Date	Publication	Article title
36.	10 Oct 2012	City Press	Public works to keep 'close eye' on Zuma's Nkandla homestead
37.	11 Oct 2012	The Times	Nkandla overcharge 'possible'
38.	11 Oct 2012	Mail & Guardian	Zuma: Family helped Nkandla renovation
39.	11 Oct 2012	City Press	Nkandlagate: Zuma claims ignorance
40.	12 Oct 2012	Mail & Guardian	Editorial: Totally inadequate response to crises
41.	12 Oct 2012	Mail & Guardian	Public works ducks questions on Zuma's Nkandla upgrade
42.	17 Oct 2012	The Times	Zuma must 'come clean' on Nkandla: DA
43.	17 Oct 2012	The Times	Protector to probe 'Zumaville' as well as Nkandla
44.	17 Oct 2012	Mail & Guardian	Protector to investigate Zumaville development
45.	17 Oct 2012	Mail & Guardian	DA: Zuma must come clean on Nkandla
46.	19 Oct 2012	The Times	Government hauls out Apartheid-era laws for Nkandla
47.	19 Oct 2012	Mail & Guardian	Editorial: We'd like to trust Zuma, but ...
48.	24 Oct 2012	City Press	Motlanthe silent on Nkandla too
49.	24 Oct 2012	Business Day	Zuma on the spot over Nkandla
50.	25 Oct 2012	The Times	DA wants answers on Nkandla
51.	25 Oct 2012	Mail & Guardian	Pravin Gordhan mum on Zuma's Nkandla upgrades
52.	25 Oct 2012	City Press	Gordhan, too, dodges Nkandla
53.	25 Oct 2012	City Press	'Zuma, explain Nkandla' - Zille
54.	26 Oct 2012	Mail & Guardian	Nkandla: Passing the bucks


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No.	Date	Publication	Article title
55.	26 Oct 2012	Business Day	Government's credibility at stake, says Gordhan
56.	29 Oct 2012	The Times	DA wants to amend law to prevent another 'Nkandlagate'
57.	29 Oct 2012	Mail & Guardian	DA turns up the heat on Nkandlagate
58.	30 Oct 2012	Business Day	DA aims to amend law 'to prevent another Nkandla'
59.	30 Oct 2012	The Times	Scopa to study Nkandla bill
60.	31 Oct 2012	Business Day	Nxesi refuses to be drawn on Zuma's Nkandla 'siege' bunker
61.	31 Oct 2012	Mail & Guardian	Parliament watchdog to question Nkandla upgrades
62.	31 Oct 2012	City Press	Scopa to query Nkandla - report
63.	02 Nov 2012	Business Day	Nombembe avoids direct comment on Nkandla investigation
64.	04 Nov 2012	The Times	DA gives Zuma 72 hours to explain Nkandla details
65.	04 Nov 2012	Mail & Guardian	DA gives Zuma 72 hours to answer for Nkandlagate
66.	05 Nov 2012	Mail & Guardian	Zille, Mac go at each other over Nkandla
67.	06 Nov 2012	The Times	Nxesi roasts DA over Nkandla
68.	07 Nov 2012	The Times	ANC chief whip rejects Nkandla debate
69.	08 Nov 2012	The Times	Debate on Nkandla 'frivolous'
70.	08 Nov 2012	The Times	Mazibuko tables no confidence motion
71.	08 Nov 2012	Mail & Guardian	Zuma misses DA's Nkandlagate deadline
72.	08 Nov 2012	City Press	'I can't say anything about Nkandla, even I can't defend it'
73.	08 Nov 2012	Business Day	Most state leases 'negotiated', says minister

No.	Date	Publication	Article title
74.	09 Nov 2012	City Press	R1.4bn upgrades to ministers' homes
75.	10 Nov 2012	City Press	Nkandla prices 'a joke'
76.	13 Nov 2012	The Times	Reveal truth about Nkandla: Cosatu
77.	13 Nov 2012	City Press	Reveal the truth about Nkandla - Cosatu
78.	15 Nov 2012	Mail & Guardian	Zuma defends his Nkandla 'family home' in Parliament
79.	15 Nov 2012	City Press	Zuma: I take exception to being called first-class corruption man
80.	15 Nov 2012	City Press	Wrongdoers will be punished if Nkandla upgrade points to corruption - Nxesi
81.	16 Nov 2012	Mail & Guardian	Zuma is still paying off his Nkandla home
82.	16 Nov 2012	The Times	Zuma: I pay my way
83.	16 Nov 2012	Business Day	State spent money on 'security upgrades, not Zuma home'
84.	17 Nov 2012	The Times	DA files for court interdict for motion of no confidence
85.	18 Nov 2012	The Times	No bond on Zuma's Nkandla home
86.	18 Nov 2012	The Times	Zuma 'misled' parliament: opposition
87.	18 Nov 2012	Mail & Guardian	No bond registered on Zuma's Nkandla home
88.	18 Nov 2012	Mail & Guardian	Opposition: Zuma misled Parliament over Nkandla
89.	18 Nov 2012	City Press	Zuma has no bond
90.	19 Nov 2012	The Times	SACP demands audit
91.	28 Jan 2013	Mail & Guardian	Public protector's Nkandla investigation continues
92.	29 Jan 2013	COSATU Press Release	COSATU's response to minister's statement on Nkandla

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No.	Date	Publication	Article title
93.	09 Apr 2013	DA Press Release	Is President Zuma blocking SIU Nkandla investigation?
94.	05 Jun 2013	Business Day	Cronin demands Nkandla explanation
95.	12 Jul 2013	Mail & Guardian	Nkandla exposé sparks outrage
96.	31 Jul 2013	Business Day	Nkandla flights 'strain SAAF budget'

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CHARL DU PLESSIS AND BIENNE HUISMAN

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This information has been deemed secret by Public Works as Zuma's private residence has been declared a national key point.

Stuart Clark, a contracts manager at Reed Simpson Construction, said that after taking a look at published pictures of the residence, the R66 million paid to Bonelena Construction for 25 buildings was "grossly overestimated".

This translates to R2.6 million per house. These structures are thought to be accommodation for Zuma's bodyguards.

According to documents in the possession of City Press, a builder, Moneymine 310, was paid R48 million to construct six buildings at the residence at a cost of R8 million each.

"The further away the construction site is, the higher the price of construction, with everything having to be hauled in from far away. But looking at the pictures (of the residence), everything seems overpriced," said Clark.

"For R2.6 million you can get a high-end house over 275 square metres at R11 000 per square metre. I can build a three-bedroom house with two bathrooms, a lounge, a dining room, a double-door garage and a patio. Because the completed houses look like thatched rondavels, there's not a chance each one cost more than R500 000 to build."

Asked whether any of the houses he could see from photos could cost anything up to R8 million, Clark reiterated: "Not a chance!"

He said: "The R2.6 million for each of those buildings is astronomical and sounds diabolical. Pay me R500 000 (to construct each house) and I will do that job and make a profit."

He said a bunker and a separate sewage works system would increase the cost of construction "because underground works cost a lot to do".

Clark estimated he would, however, have charged a maximum of R3 million for each of the main buildings.

Hermanus van Niekerk, owner of Security Experts, said the R30 million price tag for security equipment and fencing at Zuma's private residence was a "joke", adding it was "impossible to think security installations can cost that much".

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VOTE

Cezanne Visser, dubbed "advocate Barbie", has been released on parole. I think ...

- How is that possible? She only started serving her seven-year jail term in 2010?
- Justice hasn't been served until Dirk Prinsloo has been tried
- She deserves a chance to show that she has been rehabilitated
- I wouldn't allow her near my children
- As long as she met the requirements for parole, I'm happy

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Van Niekerk, with more than 20 years of managerial and technical experience in the security industry, said security installations could include anything from alarm systems, fencing, fingerprint access control and motion sensors, to security cameras linked to a client's cellular phone, laptop or computer.

"If you take a 50-hectare farm and you install all the security features with all the bells and whistles, you can secure it for less than R1 million. The R21 million (for security equipment) is a ridiculous price that seems inflated. It seems someone, somewhere is inflating the prices," said Van Niekerk.

He said even with the most expensive security fence, he would not put the final price for security at more than R2 million.

Van Niekerk said a camera system with immediate streaming of live video to a mobile phone would cost about R100 000 "and even with those technical gadgets security for one residence should not cost that much money".

Richard Nowitz, sales manager at United Elevators, the country's biggest independent lifts company, said the R2.3 million price tag for a lift seemed "very exorbitant".

He said the most expensive lift his company had ever installed cost R600 000.

Nowitz could not say what kind of lift one could install for R2.3 million.

He said he had supplied and installed a lift with marble floors in Sandton – which stops on four floors, carries 13 people and can hold 1 000kg at a time – with up-market finishes, a full stainless steel cabin and "state-of-the-art LCD displays" for R389 000, excluding tax.

Anthony Arbuthnot, a seasoned construction projects manager from KwaZulu-Natal, said the industry used regulated guidelines to estimate tariffs and fees.

The R5.4 million paid by the state to one project manager was "not out of kilter" with what he would have charged, as the costs are calculated at a percentage of the entire project cost.

However, the R18.6 million paid to Minenhle Makhanya Architects seems inflated, said an industry architect.

OUR PLEA TO THE EXECUTI VE IS TO MAKE SURE THAT ALL THE DOCUME NTS, WHICH THE COMMIS SION

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Had tariffs been prescribed, and based on the total cost to upgrade Zuma's compound, the architect's fees should have come to R14.3 million.

An air conditioning expert, who asked not to be named because he does work for government, said the R1.5 million spent by the state to install air conditioners in all the houses was "not unusual", but added all systems did not cost the same.

"For one big house, three standard air conditioners can cost you R12 000, maximum," said the expert, adding he could install air conditioning in a five-storey building for less than R1 million.

A glass company said that for the R3 million paid by the state for bulletproof glass, it could have supplied 3 hectares of bulletproof glass – enough for an eight-storey building.

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Public protector's Nkandla investigation continues

Thuli Madonsela's investigation into the upgrade of Jacob Zuma's rural home will continue despite the outcomes of a public works report on the matter.

28 Jan 2013 06:00 [Nickolaus Bauer](#)



FNB has been celebrated for their latest ad campaign but, as Verashni Pillay points out, they have their own sins to deal with.

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Public protector Thuli Madonsela will surge ahead with her investigation into the multimillion-rand upgrade of President Jacob Zuma's rural homestead in Nkandla – in spite of a public works report released on Sunday that "exonerated" the president.

"In view of the release of this report, I will continue the investigations into the matter and aim to conclude and deliver my report by no later than March 31," Madonsela told the *Mail & Guardian* on Sunday.

Public Works Minister **Thulas Nxesi said on Sunday** a ministerial investigation found no evidence of state funds being used to upgrade President Jacob Zuma's private rural residence in Nkandla.

"There is no evidence that public money was used to fund upgrades at the private residence of President Jacob Zuma in Nkandla," he said after releasing the departmental report on the matter on Sunday. He also insisted that Zuma was not aware of the details regarding the upgrades.

But the *Mail & Guardian* on Sunday published a letter that shows the president was kept up to date on the progress of the renovations of his home in rural Nkandla, KwaZulu-Natal.

- [Read the letter here](#)

Nxesi minister did confirm to journalists during a briefing on the ministerial inquiry that over R200-million of department money was spent on beefing up security at the residence after it was declared a national key point in April 2010.

He claimed the costs incurred were commensurate with securing the premises as a national keypoint.

Secret document

According to the report, R71-million was spent directly on security, while a further R135-million was spent on operational costs incurred by state departments involved in the upgrade.

Nxesi added that the report remained secret and would not be released lest security details of the Nkandla homestead become public.

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But Madonsela told the *M&G* she would need to scrutinise the public works report as part of her inquiry, adding she would request a full copy to assist in her department's own investigations.

At this stage, it remains unclear if public works will release a copy of the report to the public protector, with the department failing to respond to a call for comment late on Sunday.

There was also mixed reaction to the release of Nxesi's report, with the ANC claiming it cleared Zuma of any wrongdoing and opposition parties saying it amounted to a whitewash.

"This report vindicates the president and our belief in the innocence of the president in this regard, on what he consistently said were lies and that he personally built his residence," Jackson Mthembu, ANC spokesperson said in response to the report.

Mthembu said the matter should now come to a close.

'Fixed opinions'

"We call on all South Africans including those with fixed opinions on this matter to accept what is an outcome of a professional and independent report," he added.

But Democratic Alliance parliamentary leader Lindiwe Mazibuko said the report was a poor attempt to prevent Zuma from being held accountable.

"There was absolutely no willingness on the part of government to admit to South Africans today that spending this amount on one man's home is ethically and lawfully wrong," Mazibuko said via a statement.

"Minister Nxesi must not think that the findings of this 'secret' report will stop questions from being asked."

Mazibuko's comments were echoed by Congress of the People president Mosiuoa Lekota.

"It is unacceptable that any public money has been used in this fashion to develop the private residence of a politician. We should not be led to believe it was above board," he said.

More investigations

Along with the public protector's report, an investigation by the auditor general and

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the standing committee on public accounts are being carried out on the Nkandla upgrades.

"We are going to engage the department on this report and take action from there," the committee's chairperson Themba Godi told the *M&G*.

"All investigations should be allowed to carry on regardless of these developments. The fact that they've produce this report might help our own investigations, but it doesn't mean it will curtail it."

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COSATU's response to minister's statement on Nkandla

29 January 2013

The Congress of South African Trade Unions welcomes the statement by the Minister of Public Works, Comrade Thulas Nxesi, about the money spent on the President's residence at Nkandla, and appreciates his assurance that "there is no evidence that public money was spent to build the private residence of the President or that any house belonging to the President was built with public money".

COSATU does not question the need for the state to take adequate measures to secure the President and other public office bearers. This is a norm everywhere in the world.

But COSATU is shocked that the Minister's task team confirmed that R71 million was spent on security upgrades and that a total of R206 million of public money has been spent on this project. For the government to spend such a grotesque amount of public money on any one person is shocking and grossly insensitive to the workers, the poor and the homeless.

Those who are found to be behind this gross misuse of public funds must be held accountable, including any political office bearers who approved the use of these massive amounts of public money.

The amounts that the minister now concedes were spent vindicate our decision to ask the Public Protector and the Auditor General to investigate them to check if each of them can be morally justified.

We also note with great concern that the minister's task team uncovered evidence of "a number of irregularities with regards to appointment of service providers and procurement of goods and services" and of "various malpractices around non-adherence to supply chain, financial regulations and controls".

He says that "the Supply Chain Management policy and prescripts were not fully complied with in procurement of goods and services in the project" and gives the example that "the Treasury Regulations allow for a variation from an initial procurement order only up to 20%, but that in this case this was not observed."

COSATU welcomes his decision to refer these allegations of "irregularities" - by 15 service providers and consultants who were contracted by Public Works to render various services ranging from bullet proof windows, security fence construction and many other services - to the Special investigating Unit, the Auditor General and the South African Police Service, with a view to investigating any possible acts of criminality.

We call for the publication of all the names of all the service providers, including the names of their directors and shareholders. In particular we want to be assured no government official, including political leadership, is conflicted and or has benefited from what appears to be massive inflation of prices.

This call does not in any way suggest that we want to know what upgrades were conducted in a manner that will undermine the security of the President. The public protector should satisfy herself that price of every item is consistent with market prices. We reiterate our call that that government officials involved with supply chain management should be subjected to lifestyle audits, and that seems to be the best thing to do under these circumstances.

The federation calls on the Ministry of Public Works and the Public Protector to focus on the role of the

contracted companies and investigate whether there was any corrupt collusion with public officials, or officials using their own companies, in the inflation of prices for the work done.

COSATU repeats what is said in its earlier statement – that rural development, which is one of the ANC government's five priorities, must be implemented regardless of who will benefit and that Nkandla should not be prioritised but treated just like every other rural community.

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Braamfontein
2017

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Mobile: +27 82 821 7456
E-Mail: patrick@cosatu.org.za

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Is President Zuma blocking SIU Nkandla investigation?

Lindiwe Mazibuko, Parliamentary Leader of the Democratic Alliance
9 April 2013

More than two months after Minister of Public Works, Thulas Nxesi announced that the Special Investigating Unit (SIU) would be asked to investigate the R206 million upgrade of President Zuma's private residence in Nkandla, President Jacob Zuma has yet to gazette a proclamation to allow for the investigation as he is required to do so in terms of the Special Investigating Units and Special Tribunals Act of 1996.

Reports today confirm, as a result, that the SIU has yet to begin such an investigation. This failure by President Zuma undermines the efforts to get to the bottom of this serious corruption scandal and brings into question whether the President is actively undermining efforts to ensure that all aspects of the Nkandla upgrade are fully investigated.

I will submit a written question in Parliament to ascertain the full reasons for this delay as well as when this proclamation will be tabled. President Zuma will have 10 days in terms of the Rules of the National Assembly to provide me with an answer.

He must use this opportunity to announce a full SIU investigation into the 'Nkandlagate' scandal and ensure that it is gazetted as a matter of urgency.

Anything less will be viewed as a deliberate attempt to undermine the investigation.

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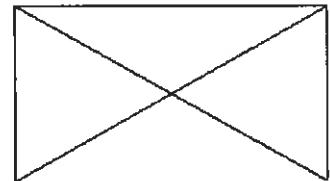
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- DA submits PAIA application to obtain 'Nkandlagate' classification records
- Minister Nxesi must clarify how Nkandlagate report was "classified" within 36 hours
- Ministers must end their silence on "Top Secret" Nkandlagate report
- 'Nkandlagate' report must be made public now

Has Menzi Simelane ever discussed the arms deal with Jacob Zuma?



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Cronin demands Nkandla explanation

05-Jun-2013 | Agency Staff

Deputy Public Works Minister Jeremy Cronin wants intelligence committee to shed light on 'clearly outrageous' tab for Nkandla upgrade, says not all work security-related

DEPUTY Public Works Minister Jeremy Cronin is anxious for an explanation on the "clearly outrageous" R206m spent to upgrade President Jacob Zuma's private home in Nkandla, he told Talk Radio 702 on Wednesday.

"It's clearly outrageous, it's clearly hard to justify," Mr Cronin said in response to presenter John Robbie asking him how he felt about the matter.

Democratic Alliance (DA) parliamentary leader Lindiwe Mazibuko has raised concern that Public Works Minister Thulas Nxesi classified a report on how the money was spent by sending it to Parliament's joint standing committee on intelligence — which meets behind closed doors and whose members are sworn to secrecy.

The DA had expected the report to be tabled in Parliament.

"I would be very anxious for the joint standing committee (on intelligence) to tell us with a rigorous interrogation, not just of the Department of Public Works, as I say, but also of the security cluster of departments," Mr Cronin said on Wednesday

Besides wanting details of the money spent, the DA also wants to know why the report was classified.

Ms Mazibuko said while the party understood the need not to reveal security information, the issue was not about whether Nkandla was a national key point, but about the fact it was a tender fraud investigation involving the construction of structures unrelated to security, such as a tuck shop.

The intelligence committee dealt with matters of national security, not tender documents, she said.

Mr Cronin said he did not know how the report had been classified and had not read it yet.

"We are not trying to cover that up, but at the same time there does need to be sensitivity to what might be legitimate security precautions," he said.

He said his department had uncovered serious fraud in the tender process, but it could not make sense of the process without looking at the scope of work required.

It had to question the defence, police and intelligence departments, as it had not been the Department of Public Works that decided on the range of security features installed at Nkandla, he said.

Mr Cronin said Parliament would need to decide whether the scope of work carried out could be justified in terms of security.

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Nkandla exposé sparks outrage

The Mail & Guardian's Nkandla report last week has provoked widespread reaction from commentators.

12 Jul 2013 00:00 [Xanthe Hunt](#)



Commentators described the latest revelations about the multimillion-rand upgrade of President Jacob Zuma's homestead as "a scandal of mega proportions" and slamming the perceived government cover-up.

Social networks and party websites erupted with indignation over the *M&G's* coverage, [based on 12 000 pages of documents](#) extracted from the public works department by an application under the Promotion of Access to Information Act.

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Cosatu general secretary Zwelenzima Vavi tweeted: "After reading M&G report on Nkandla – can say can't wait for public protector report on this issue."

"This is an outrage," wrote Agang leader Mamphela Ramphele, in a statement on her party's website. She called on Zuma directly to "come clean and explain to citizens the ... issues raised by the *M&G* exposé".

The issues included short cuts on tendering processes in a scramble to meet Zuma's deadlines and the "reluctance to allocate costs to Zuma, including for the building of a new cattle kraal, a plant nursery, a road network and other improvements that will benefit his family long after his presidency.

"This is a scandal of mega proportions," she said.

Her concerns were echoed by United Democratic Movement leader Bantu Holomisa, who said that the reports begged for an explanation from the ruling party. "What is nauseating is the energy that has gone into covering this thing up. It is the ANC who deploys Zuma. The ANC – more even than Zuma – owes the nation an explanation."

The Democratic Alliance's parliamentary leader, Lindiwe Mazibuko, said that "the magnitude of [the] revelations brings the office of the president of the republic into massive disrepute".

The DA's spokesperson on public works, Anchen Dreyer, said this week that the party would continue to press for a response to its application under the Act to gain access to the report by a task team appointed by Public Works Minister Thulas Nxesi.

The report, classified as top secret, has been released only to Parliament's joint standing committee on intelligence and the public protector.

"This scandal is now reaching a tipping point. If Minister Nxesi has nothing to hide, he would be well advised to stop his relentless cover-up," said Dreyer.

** Got a tip-off for us about this story? Email amabhungane@mg.co.za*



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Nkandlagate whitewash to protect President Zuma from scrutiny

Lindiwe Mazibuko, Parliamentary Leader of the Democratic Alliance
27 January 2013

The press briefing today by the Minister of Public Works, Thulas Nxesi, announcing his department's findings into its 'Nkandlagate' investigation was a poor attempt to shield President Zuma from being held accountable for this exorbitant waste of public money on his private residence. The 'task team' seems more determined to nail low ranking officials for this scandal than to answer legitimate concerns about how President Zuma could have allowed this to happen without taking action.

The fact that this report will not be made public brings into question its independence and casts a further shadow on the entire scandal. I will therefore be calling on Minister Nxesi to table this report in Parliament for it to be fully scrutinized and debated. If he is not prepared to do so, Speaker Max Sisulu must intervene to ensure that this happens without delay.

The press briefing left more questions unanswered than it shed light on the scandal:

- How can the President of the Republic of South Africa not have known about the costs of the upgrade to his own private residence? In fact, it is already in media reports that such a briefing was given to him in 2010. And if he still claims to not know, how can he possibly argue that he has served the best interests of the public, as he is required by oath to do?
- If the expenditure was justified in terms of the Ministerial Handbook, as Minister Nxesi declared, then how is the R206 million lawful given the R100, 000 limit on upgrades to residences belonging to members of the executive?
- If the expenditure was justified by the National Key Point Act, then why was President Zuma not provided notice of this and asked to pay for the upgrade or a section thereof, as stipulated in Section 3A? Furthermore, why then did the Minister of Public Works himself admit in a reply to my parliamentary question that no money was used from the special account provided for in the National Key Point Act?
- How is it justified to spend money on clearly non-security requirements on a private home, including air-conditioning, an AstroTurf, a visitor's centre, a private clinic, a helipad, state of the art elevators, and accommodation for staff?
- What will happen when President Zuma ceases to be President of the Republic of South Africa? Will he get to keep the palace?

There was absolutely no willingness on the part of government to admit to South Africans today that spending this amount on one man's home is ethically and lawfully wrong. Minister Nxesi must not think that the findings of this 'secret' report will stop questions from being asked.

Indeed, the Public Protector, the Auditor General and SCOPA's reports are still forthcoming and will go a long way to independently shed light on the many unanswered questions.

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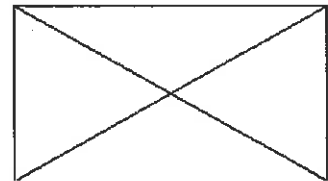
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Has Menzi Simelane ever discussed the arms deal with Jacob Zuma?



helen's weekly newsletter

Handwritten signature and initials "v.B"

20/08/2013

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I can today assure both President Zuma and the Minister of Nxesi, that I remain as committed as ever to ensuring that every stone is unturned in this shameful saga.

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'Release details of contracts awarded for Nkandla upgrade'

Monday, 28/01/2013 - 17:45

Corruption Watch (CW) has written a [letter \[1\]](#) to Minister of Public Works Thulas Nxesi to ask for a copy of the investigation report into the upgrade of President Jacob Zuma's Nkandla residence. In particular, the civil society organisation wants the Minister to publish the names of the companies or individuals who were awarded the contracts to perform the Nkandla upgrade.

"The information on the awarding of contracts does not fall within information relating to security measures and we see no reason for keeping this away from the public," said CW's executive director David Lewis.

Corruption Watch is concerned with the procurement process for the project: "Considering the public money spent on the upgrade, it is appropriate for the Minister to reveal the details of the tendering process as well as explain how the amounts mentioned in Sunday's press briefing were arrived at and budgeted for. Transparency around these issues will go a long way towards establishing public trust in the government."

Corruption Watch also wants to know whether projects that fall under the Department's 'prestige portfolio', like the Nkandla upgrade, are subject to procurement rules as laid out in public finance management legislation.

Public procurement is one of the most common types of corruption reported to the civil society organisation.

For more information:

David Lewis: **082 576 3748**

Bongi Mlangeni: **076 862 9086**

View this press release as a PDF [here \[2\]](#).

Source URL: <http://www.corruptionwatch.org.za/content/release-details-contracts-awarded-nkandla-upgrade>

Links:

[1] <http://www.corruptionwatch.org.za/sites/default/files/LettertoNxesi28Jan2013.pdf>

[2] http://www.corruptionwatch.org.za/sites/default/files/28Jan2013Nkandlapressrelease_0.pdf

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Posted in: [InfoAccessNow](#) [National Key Points](#) [Secrecy Bill](#) | [February 17, 2013](#)

SECRET

State of the Nation 2013



Download R2K's SECRET State of the Nation Report as a PDF (800kb)

In yesterday's State of the Nation Address, the President made few commitments towards improving openness, access to information, or freedom of expression – with the welcome exception of pledging to achieve 100% public access to broadband in South Africa by 2020.

However, the broader climate of secrecy and a growing culture of securitisation remains unchallenged in his roadmap for the nation. His address only once mentions the Bill of Rights – and this was to assure South Africans that violent protests would be more aggressively policed. Leaving aside the growing concerns that aggressive and militarised policing has itself led to tragic and outrageous abuses of protestors' rights, the President failed to acknowledge that many of the laws governing the right to assembly in South Africa – including the Regulations of Gatherings Act and National Key Point Acts – often do more to restrict this right than to enable it.

The Right2Know Campaign's 2013 Secret State of the Nation Report shines a light on the existing climate of secrecy in South Africa, and the need to tackle ugly practice of individuals and elements in the State security sector and private corporations who favour secrecy as a means to ensure that they enjoy a greater hold on power.

Secrecy robs us all equally of the opportunity for real social justice. Some secrets might be necessary – the criminal justice system and the state-security cluster do indeed keep secrets that save lives. However, far too much information is withheld from public view by individuals who, with increased frequency, fail to live up to the values enshrined in our Constitution.

1. The use of the apartheid-era national security law, the National Key Points Act, has risen by more than 50% over the past five years. The secrets hidden in the expenditure on the President's private homestead in Nkandla may be indicative of a much wider abuse of national-security secrecy.
2. Secret political party funding from private donors has boomed in the past decade and is likely to double in the period 1998-2014. It buys influence for the powerful in selected corporations, foreign governments and shadowy organised crime, and is a legalised form of bribery favoured by almost all political parties.
3. The over-classifying of government documents since 1996 will come to a head this year with the passing of the Secrecy Bill. A huge body of secret documents (all classified under the 1996 Minimum Information Security Standards, which has no legal standing) will come under extraordinary new protection this year, despite containing a mix of genuine national-security documents with the minutes of board meetings, financial disclosure forms, and salary reports. An analysis of all available data on the extent of documents classified in a single year shows that vast numbers of documents have been classified without proper oversight or restriction, and in defiance of the public's right to know.

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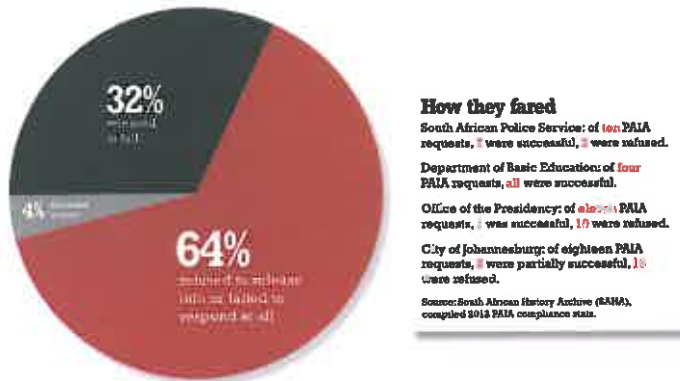
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Finally, early this year the President is likely to be presented the Protection of State Information Bill (the Secrecy Bill) for signature. Few laws have so focused the public mind on the problem of secrecy in our society and the increasing power and influence of the country's securocrats in our politics and daily lives.

Should he choose to exercise his powers to refer the Bill to the Constitutional Court, the President would affirm to the nation his commitment to building a progressive society characterised by openness, and to tackling the creeping culture of secrecy currently facing South Africa.

Should he choose to pass this Bill into law, however, he will strengthen the growing public resolve to stop the unjustifiable secrecy, to stop the grab for power by securocrats and their cronies, to stop the lies.

– The Right2Know Campaign



The Problem: If compliance with the Promotion of Access to Information Act (PAIA) is a litmus test for the state of government and corporate accountability, the signs are worrying.

In 2012, the South African History Archive (SAHA) surveyed all the PAIA requests that they had administered in the past year: of 159 requests for information held by various public and private bodies, 102 were either outright refused or simply received no answer (which is a deemed refusal under the law) – or 64 percent. This suggests a genuine crisis in the mechanisms that are meant to ensure the public's right to know.

As a mark of the long and costly process of forcing better compliance with the provisions of PAIA, on the same day as the State of the Nation Address last week, the Mail&Guardian finally won a court battle to access a report to then-President Mbeki on the 2002 Zimbabwean elections – four years after their PAIA application was refused.

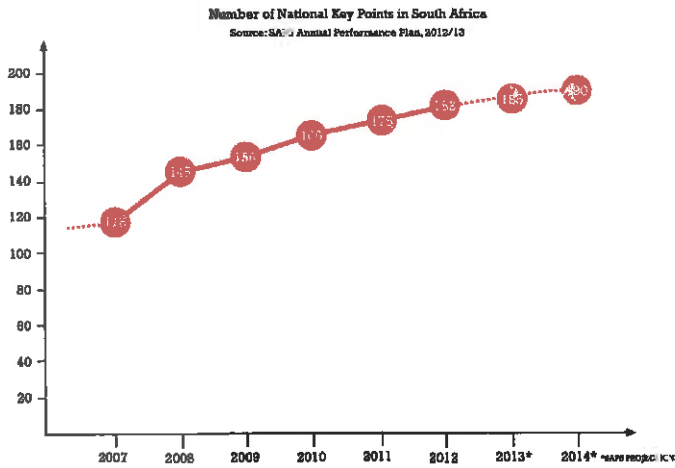
However, 2013 will see the passing of an amendment to PAIA gives new recourse to people seeking access, in the form of an Information Commissioner that will have legal powers to force bodies to comply with PAIA requests. But this is not enough, if the underlying problem is a lack of commitment to openness on the side of information holders.

Information should be released proactively, in an open and accessible form, and PAIA should only be a last resort. While the 'big ticket' secrets get much attention, many South African are denied much more basic information that they need in their daily lives and struggles. From data related to housing lists, to the water licenses of all mining operations, many civic organisations and community groups are seeking information that should already be available online and in every municipal office.

How to fix it:

- * Government and the private sector must commit to proactive release of open data, and ensure all officials comply with the letter and spirit of access-to-information laws.
- * Find out more at www.r2k.org.za/info-access-now and see the [Open Data & Democracy Initiative](#).

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Problem: The National Key Points Act empowers the Minister of Police (or anyone to whom he delegates the power) to declare any building a 'national key point' – a place that is so important to national security that it needs extra security, extra protection, and extra secrecy. The National Key Points Act restricts access to certain kinds of information about these places, and prohibits people's right to assemble or protest there.

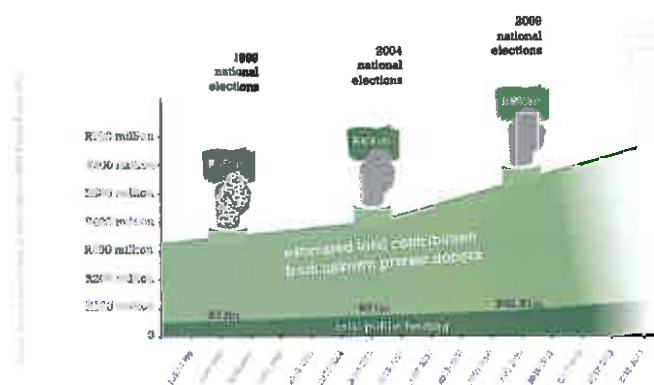
Although it's an apartheid-era national security law, R2K has drawn together data that suggests it is still being used widely today – the number of national key points has grown by more than 54% in the past 5 years.

Any site can be named a key point, from our airports and factories to our power stations and presidential residences – yet the public doesn't even know which buildings now fall under the Act. This means that you could be breaking the law without even knowing it, by staging a protest at a national key point or even photographing it.

R2K has called for SAPS to make the list of national key points public, using the Promotion of Access to Information Act. SAPS initially refused this application, but we have appealed, and a response is due at the end of February.

How to fix it:

- * SAPS must release the list of South Africa's national key points
- * Parliament must take steps to repeal the National Key Points Act
- * Find out more at www.r2k.org.za/national-key-points



The problem: The funding by private donors of South African political parties is a secret which all major political parties refuse to disclose. It subverts the will of the people and buys influence for powerful corporations, foreign governments and shady organised crime figures. Influence has the potential to buy tenders, subvert justice, and shift public policy from a path that favours the poor, to one that benefits the rich and well-connected.

The status quo allows parties to establish private companies that benefit from state contracts – pushing up costs and potentially lowering services. It is the poor who pay.

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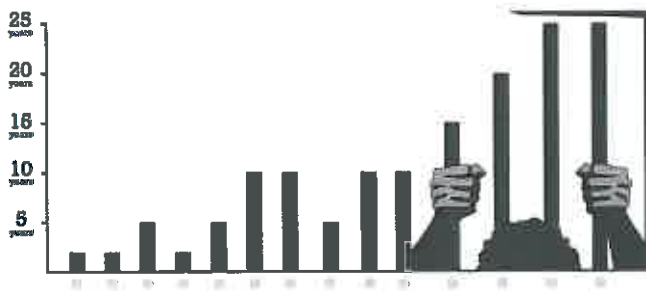
The amount of money raised by parties for elections now runs into hundreds of millions of rand, and is set to rise further – meaning more secrets, scandals and lies. These stretch from funding allegedly received by the ANC from the murderous kleptocrat Mohammed Suharto in the 1990s to the DA's recent 'don't ask, don't tell' scandal involving the Guptas.

We welcome the ANC's Mangaung resolutions to create legislation to regulate party funding, and the DA's somewhat reluctant commitment to do the same. However, political parties are quick to talk and slow to act when it comes to the secrets of mega-funding.

As we approach the 2014 national elections, and funding is set to continue sky-rocketing, it is time to shine a light on the secrets which empower the rich and politically connected at the expense of everyone else.

How to fix it:

- * Parliament must pass a comprehensive law requiring parties to disclose their private funding before the 2014 elections!
- * The law must be based on broad public engagement and cannot become a new set of bad rules brokered by party hacks in closed rooms.
- * Find out more at www.oaf.org.za/programmes/money-and-politics-project and www.myvotecounts.org.za.



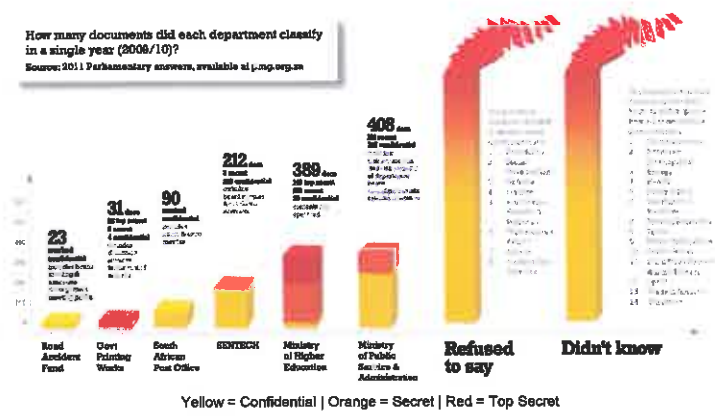
The problem: As the newly amended Secrecy Bill heads for its final hurdle in the National Assembly, its provisions would criminalise the public for possessing information that has already been leaked, and place severe restrictions on civil servants, journalists and members of the public seeking to expose unjust secrets. Though a limited public interest defence has been introduced in one provision, prosecutors can easily bypass it by charging you under different provisions of the Bill.

It now seems inevitable that the National Assembly will rubberstamp this Bill and pass it to the President to be signed into law.

How to fix it:

- * Parliament must produce a truly just classification law which promotes openness over secrecy and meets the 7-Point Freedom Test, falling which the President must refer it to the Constitutional Court
- * Find out more at www.r2k.org.za/secrecy-bill

J.B.



Contact us and get involved in the movement
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 Western Cape, Eastern Cape
 Northern Cape
 Nkwame Cedile: 060 478 7562

The problem: Since 1996, the making and keeping of government secrets has been guided by a policy called the Minimum Information Security Standards, which has no legal standing.

In 2011, the Parliamentary opposition wrote to all government departments asking how many documents were classified the previous year. Some of the most prominent government departments (including Presidency, Defence, Finance and Water & Land Affairs) refused to answer for national security reasons, saying the number of secret documents was itself a secret. The majority of the remaining bodies said they simply did not know how many documents they had classified.

However, the few detailed responses provided by the remaining departments and agencies were indicative of serious inconsistencies in policy. Some documents clearly fell under genuine security concerns – such as the Government Printing Works' documents which detail the security features that are built into passports, or documents revealing the identities of whistleblowers in internal corruption investigations managed by the Public Service Commission.

However, other documents' security relevance is questionable at best, including the minutes of board meetings, and 7,584 financial disclosures forms being held by the Public Service Commission. And the justification of 389 documents classified by the Ministry of Higher Education remains unknown. (However, it must be noted that those departments that provided detailed, if in some cases shocking answers are probably better practitioners of openness than those departments who could not or would not say how many secrets they harboured.)

When the Protection of State Information Bill becomes law, this vast body of existing secrets will have extraordinary new protection, since the Bill is designed to retroactively protect all information classified by pre- and post-1994 policies. In other words, the Bill will protect previously classified information, even if the classification was unjustified or wouldn't have been allowed in terms of the new Bill itself. In terms of clause 55(2), the Protection of State Information provides that all these documents should be reviewed by a special panel, but does not provide any timeframe.

How to fix it:
 * The Protection of State Information Bill must meet the R2K 7 Point Freedom Test.

#ENDS

Download the report [here](#), share it with others, and tweet us your thoughts [@r2kcampan](#) or let us hear from you on our [Facebook page](#).



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State of the Nation Address Debate 2013 by Public Works Deputy Minister Jeremy Cronin

20 Feb 2013

Mr President, your State of the Nation Address (SoNA) and the subsequent two days of debate have been marked essentially by two contrasting standpoints – on the one hand, a President, an African National Congress (ANC) and an ANC-led government sharing with the country a perspective on important progress that is under-way across a wide scope of sectors and regions.

This is concrete progress, notwithstanding many remaining challenges, that is being achieved not by government or the ANC alone. It is progress that we are making together as South Africans, through consultation, through popular mobilisation, often through tough engagements in the midst, sometimes, of crises, in which competing sectoral interests are aired and a common line of action is thrashed out.

That is one side of the story of this SoNA debate – an ANC and an ANC-led government taking responsibility for listening to, engaging with and mobilising the energies and aspirations of the widest array of South Africans, across the public and private sectors.

On the other side, in this debate – with a few welcome exceptions (like the speakers for the APC, AZAPO and the UDM) – we have observers, we have an opposition bloc focused on division, negativity, and carping. Mr President you, and subsequent ANC speakers in this debate, have laid great stress upon the National Development Plan. You correctly noted that it has been endorsed by a wide spectrum of South Africans as a 20 year vision and as a broad road-map to address the triple challenges of poverty, inequality and crisis levels of unemployment.

This is our approach to the National Development Plan (NDP). The opposition parties have also endorsed (or should I say paid lip-service to?) the Plan. But what informs their approach to the NDP is a very ignoble objective. It is not to build collective South African unity in action – but rather to be divisive, to be oppositional for the sake of opposition, to drive wedges.

They seek to twist and distort NDP to pit the government against the labour movement, the ANC against teachers. They vainly want to play the National Development Plan off against the New Growth Path. They seek to launch the unemployed against the working poor.

Opportunism, short-termism, narrow-mindedness is the name of their game.

The Honourable Mazibuko (writing in the Sunday Independent, Feb 17) tells us that President Zuma "pays nominal lip service ... to the National Development Plan. But his heart is with the outdated heavy hand of the government of the New Growth Path...he remains wedded

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to the discredited concept of government interventionism in the economy."

Bizarrely, in the very next sentence, the Hon Mazibuko is advising President Zuma to "look at the success of our fellow BRICS partners..." Does she honestly believe that the economic practices in India, or Brazil, or Russia, or China are less state interventionist than our own?

The DA portrays the National Development Plan as if it were essentially a laissez-faire manifesto. Leave business to business, they tell us. Government, they tell us, hiding behind their misrepresentation of the NDP for their authority, shouldn't "second-guess" the so-called market.

That arch-Thatcherite, Mr Lorimer, DA, told us yesterday that "if there was money to be made in beneficiation, then business would have done it long ago." There you have it – beneath all the professed concern for the poor and the unemployed, the real yardstick of viability for anything is whether short-term, mega-profits can be sucked out of SA, whether the voracious appetites of a cosmopolitan few can be fed.

If not, Lorimer is telling us, it can't be done. That is not the yardstick we use for assessing the economic viability or social desirability of doing something, including beneficiation. You might as well as say that we shouldn't deal with acid mine drainage in Gauteng, "After all, if there was money to be made in cleaning up the acid mine drainage, business would have done it long ago." For us the key priorities are long-term economic, social and environmental sustainability and job creation – and it is a perspective we believe that is shared by most South Africans, including serious business-people, and serious investors.

While decrying the alleged "interventionist" nature of the New Growth Path, or of our beneficiation policies, the DA quickly abandons its own free market fundamentalism when it comes to dealing with the working class and the labour market. Here, of course, they want autocratic state intervention into the market.

The Hon Mazibuko reacted to Thursday's State of the Nation Address by saying that the President had "failed" to intervene decisively by not unilaterally, top-down proclaiming the implementation of a "youth wage subsidy".

The attempts to goad government into anti-worker, union-bashing have also been in evidence on the education front. The DA knows full well that it is not just Congress of South African Trade Unions (COSATU) and its affiliate SADTU that have opposed an outright ban on strikes in the education sector – all other union federations and teacher professional bodies have opposed such a move. We are into the Oscar Film awards season, and here the Rev Kenneth Meshoe must surely receive a belated nomination for best male Comedy performance. He told us on the post-SONA "After eight debate" on SABC that "teachers should only be allowed to strike...after work" (!!)

Of course, seeking to build consensus does not mean that as the ANC-led government we should not take a firm line on key principles and provide leadership, not just to the union movement, but also to the business sector, to communities, to all South Africans. You did this, Mr President, for instance, by clearly signalling that in the legitimate exercise of the right to strike or protest, Government would not tolerate violence, the injuring or killing of others, or the wanton destruction of property, especially public property. You spent some time making this point.

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However, in another Oscar-winning performance a certain leader of an opposition Party (name with-held) was so busy handing out Valentine's Day flower bouquets that he forgot to listen your SoNA speech. He told the public broadcaster that you had failed to condemn violence in strikes and public protests!!! What can one say? Perhaps the best we can suggest is (and with all due respect to all concerned, including the Catholic Church) - isn't it time that some on the opposition benches followed the example of Pope Benedict the 16th?

De Doorns

The Honourable Mazibuko, for a brief moment, spoke movingly about the plight of the unemployed poor. She asked us to put ourselves in the place of a mother without work or food for her family. She asked us to imagine being a young person with little hope of finding employment. It was moving and I wanted to believe in the sincerity of what she was saying. But then, as soon as the Honourable Trollip stood up - the spell was broken.

The concern of the DA for the unemployed poor is, at best, a 19th century philanthropic concern. The DA's real interest in the unemployed is as cannon-fodder to be deployed against the employed, against the working-poor, against the labour movement.

When the Honourable Trollip dealt with the recent strikes in the Boland, in De Doorns and elsewhere, he had a lot to say about unruly worker behaviour, he accused (in fine apartheid era style) COSATU personalities and others of being "agitators" and "opstokers" (although, truth be told, COSATU had very little to do with the original strike action). Not a word about the systemic violence experienced day-in-and-day-out by farmworkers. Not a word about the main disease profile that the local De Doorns Stofland clinic is dealing with - its not HIV/AIDS or TB (they are problems), it's malnutrition, particularly among the children of labour brokered workers from Lesotho and Zimbabwe working on these Boland farms - so much for their much vaunted ability to provide food security (for whom, one wonders).

For the DA if you are poor and passive you can be pitied. But the moment you are working for a boss, if you are employed, even at starvation wages, and especially if you rise up, no longer just as a victim but as a protagonist for change - then the paternalistic mask of empathy quickly slips. Suddenly, the Honourable Mazibuko's empathy for the poor and down-trodden flies out of the window.

The DA MEC for Agriculture in the Western Cape is completely conflicted in this matter - he's a farmer! Premier Zille was also conflicted, electorally conflicted. She didn't know whether to back her farm-owner supporters, or her potential coloured voters. She issued perhaps her most disgraceful statement ever. Flirting with a potentially xenophobic tinder-box, she attributed the strikes and unrest to rivalry between coloured farm-workers, African workers from the Eastern Cape, and labour-brokered Basotho and Zimbabwean workers. Although there had been inter-ethnic tensions of this kind in previous years, for instance in Grabouw. Last year and earlier this year, the farm protests were characterised by a remarkable class unity among coloured, African and non-national workers, united in a struggle against oppression and super-exploitation.

The Constitution

The opposition parties pay lip-service to the National Development Plan, while gutting it of its core values. They masquerade behind their misreading of the plan in order to disguise their fundamentally reactionary, anti-majority policies.

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They play exactly the same game with the Constitution. The Honourable Mazibuko (in her Sunday Independent SoNA response) informs us, in regard to the challenges of land reform, that "the Constitution prescribes the 'willing-buyer', 'willing-seller' principle."

Which Constitution is that?? The actual Constitution prescribes something very different. The Bill of Rights Section 25 (5) prescribes that: "The state must take reasonable legislative and other measures... to foster conditions which enable citizens to gain access to land on an equitable [not narrowly, market-based] basis."

If you want to accuse us of not complying with the Constitution, then **accuse us of not moving rapidly enough with land reform, accuse us of being too slow to move away from a purely market-based "willing-buyer, willing-seller" approach – but don't deliberately distort the Constitution for your own reactionary purposes.**

Mr Speaker, it is unparliamentarily to accuse another member of lying to, or of deliberately misleading this House. So I will refrain from making any such accusation.

Yes, as we take forward the land reform process in this, the Centenary year of the barbaric 1913 Land Act, we will stick to the transformational spirit and the precise letter of the Constitution. The Constitution outlaws any arbitrary deprivation of property. The state may expropriate only in terms of a law of general application for a public purpose or in the public interest. The Constitution explicitly defines public interest to include "the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources..."; and it adds, for good measure, "property is not limited to land."

Yes, compensation must be paid for any such expropriation. But again the Constitution is extremely clear – "the market value of the property" is only one of five criteria to be used in determining such compensation. Other criteria, include "the history of the acquisition and use of the property".

Terror Lekota

I would be doing a disservice to this debate if I were to neglect the valuable contribution of the Honourable Lekota. He gave us a lecture on dealing with "redundancies" in the public sector. He is, of course, an expert on dealing with redundancies. Offering yourself up for swallowing by the DA is, I suppose, one form of dealing with redundancy.

The Hon Lekota told us (or rather shouted at us) yesterday, saying: "They forget their people" ("they" being us in the ANC); "They forget their communities"; "They forget we shared mielies together in prison and spoke of a better life for all". Well, the Hon. Lekota also forgets. He forgets what he did when he was one of the longest serving Ministers of Defence in post-1994 SA.

He characterises the National Keypoints Act as "dastardly apartheid legislation" – and he is probably right. This Parliament does need to look at this anachronistic and problematic piece of legislation, it may well be unconstitutional.

But the Hon Lekota forgets that it has got his finger-prints all over it. On 26 March 2004 by proclamation as Minister of Defence he piloted a change to the Act. Did he use the opportunity to transform this piece of legislation dealing with security around sensitive localities to be in line with our new democracy? In line with our Constitution? No – he

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simply changed the definition of the responsible minister from Defence to Police, passing the buck.

The Honourable Lekota expresses outrage at the expense of security arrangements at President Zuma's private residence at Nkandla. But the Hon Lekota forgets that, if I am not mistaken, it was under his watch that the Department of Defence was involved in the security assessment at the Nkandla residence – which laid the basis for the probably excessive and undoubtedly extremely costly security operational requirements put in place.

I am not laying the entire blame on the Hon Lekota – I am just trying to help cure his amnesia. As the current Minister of Defence, the Hon Mapisa Nqakula made very clear yesterday – as the current government we are not running away from our responsibilities in this matter, and we will not sweep abuse under the carpet.

We take responsibility. This was a core theme of your SoNA speech Mr President. And again this contrasts sharply with the posture of the DA. In the course of her speech yesterday, the Hon. Mazibuko let slip an interesting state of mind. Gazing through a speculative long-range telescope into some distant future she announced that there "is hope". One day the DA would win a national majority. "There will be a day when the DA will serve the entire country." Doesn't this give the game away? They don't see themselves serving the entire country now.

Provincialism

They all too often reduce politics in SA to an inter-provincial Absa Currie Cup competition. As the ANC and ANC-led Government we are concerned about all the provinces of our country – regardless of which political party happens to be in the provincial majority. We celebrate successes in the Western Cape, and we share concerns about challenges in that province – as with any other province. Our commitment is to our country and its people, and not to a narrow party political electoralism.

But, of course, we are constantly treated to DA-boasting about how well the Western Cape is doing, as if it was all simply down to them. Historic advantages, the absence of a Bantustan legacy, and other deep structural realities are simply blotted out.

But okay, just for a moment, and at the risk of getting sucked into an Absa Currie Cup mode, let's look at comparative provincial statistics for what we all agree is the most important target of all in our country – job creation, and particularly youth job creation. If we look at the labour market statistics for the "New Growth Path" period - third quarter 2010 to third quarter 2012 – then we find an interesting pattern.

In terms of the change in employment numbers per province for this period, then it will come as no surprise that in terms of sheer numbers Gauteng does the best with 217,000 more in employment over this 2-year period. But, interestingly, Limpopo comes a close second with an increase of 184,000 in jobs, followed by KZN with 124,000. The Western Cape trails in at fourth position with an increase of 56,000 for the same period.

In terms of percentage increases, Limpopo is way ahead with a remarkable 20% increase in employment numbers, followed by Gauteng and KZN at 5%, with the Western Cape trailing in seventh place at 3%.

The figures for this two year period for youth employment are fairly

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similar. Most new jobs for youth were created in Limpopo, Gauteng and the Northern Cape.

Now, I am not quoting these statistics in order to fall into the same Absa Currie Cup game that the DA likes to play (when it suits them, of course). There are complex reasons for this pattern of job creation which cannot simply be reduced to an electoralist discourse. However, what surely cannot be doubted is that the remarkable performance of Limpopo has a great deal to do with the state-led, infrastructural programme under the auspices of the Presidential Infrastructure Coordinating Commission, specifically Strategic Integrated Project One ("unlocking the northern mineral belt").

In the course of this State of Nation debate the opposition parties have, once more, side-lined themselves from the broad, consensus-building processes underway in our country to address our many challenges – whether in the mining sector, or in regard to unemployment, particularly youth unemployment, land hunger and sustainable rural livelihoods, or transforming the lives of teachers or farm-workers. This is a self-inflicted marginalisation on their part.

I am sure, Mr President, in your response to the SoNA debate tomorrow you will, once more, generously invite the opposition parties to come down off their high perch of self-righteousness and join the rest of SA in the often complex and essential consensus-building process that is well under way - as we progressively roll-back poverty, unemployment and inequality. Whether they will hear you...well that's another matter entirely.

Issued by: Department of Public Works
20 Feb 2013

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Nkandla report to be tabled in Parliament

The report from the task team appointed to probe spending at President Jacob Zuma's Nkandla homestead will be tabled in Parliament.

13 Mar 2013 18:14Sapa



Finance Minister Pravin Gordhan failed to mention a single word about the R206-million spent on President Jacob Zuma's residence at Nkandla.

National Assembly speaker Max Sisulu made this announcement at the start of proceedings in the House on Wednesday.

He told members of Parliament he had received a letter in this regard from Public Works Minister Thulas Nxesi. "The minister has requested that as the residence has been declared a national key point, the report be considered with utmost sensitivity.

"He has also requested that the report, when tabled, be referred to an appropriate parliamentary mechanism [committee]."

<http://mg.co.za/print/2013-03-13-nkandla-report-to-be-tabled-in-parliament>

20/08/2013
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The announcement was welcomed by Democratic Alliance MP Anchen Dreyer, who said it followed the DA's repeated calls for the full report to be tabled, scrutinised and debated in Parliament. She said, however, this was not the end of the road and the DA would push for Nxesi to table the full, unexpurgated report, with no omissions or deletions.

When the report comes before the relevant parliamentary committee, that committee had to be open and members of the public able to attend, Dreyer said.

Action would be taken

Nxesi should also undertake that action would be taken against all those implicated in any wrongdoing.

"So long as the spending of R206-million on ... private residence in Nkandla is concealed under the dark cloud of secrecy, Nkandla will forever remain a symbol of government corruption under the presidency of Mr Jacob Zuma," Dreyer said.

The task team was appointed in November last year after the costs of Zuma's residential complex caused an outcry.

The matter was also raised in Parliament.

In January, Nxesi said government spent R206-million on security upgrades and consultants for Nkandla. The task team investigating the spending had found, among other things, irregularities in the appointment of the 15 service providers and consultants who worked on the project, he said. – Sapa

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Parliament stunned as full cost of Nkandla is revealed

The DA claims the state paid 260% more on President Jacob Zuma's private home in Nkandla than it did in securing a new prison in the Northern Cape.

14 Mar 2013 16:19 [Andisiwe Makinana](#)



FNB has been celebrated for their latest ad campaign but, as Verashni Pillay points out, they have their own sins to deal with.

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On Thursday afternoon, Democratic Alliance MP Anchen Dreyer stunned the House when she revealed that R117-million was paid to provide security in Zuma's Nkandla home, compared to R45-million spent in securing the new jail in Kimberley.

While giving a breakdown of the Nkandla security costs, Dreyer also revealed the names of companies that she said benefitted from the development and received payments for contracts that seemed to be for bona fide security measures at Nkandla.

They were: the Bonelena Construction Enterprises & Projects for emergency works relating to security measures; Moneymine [which] got a negotiated contract for security measures inside the house; Natal Parkhomes for the supply and delivery of Parkhomes accommodation for members of the South African Police Services and or defence; Pro-Hydraulics for the supply and installation of a mobile generator; South African Bullet Resistant Glass installed bulletproof glass; Betafence Projects South Africa supplied and installed a high security fence; Otis got the tender to install a lift and E Magubane installed phase 11 security measures.

Dreyer said the cost for these security measures added up to R117-million.

"To put this amount into context, the department of public works built a new jail in Kimberley with top range security for R45-million, but spent R117-million – exactly 260% more – to provide security for one man," she said.

The Kimberley prison which entails buildings of 41 754sqm and accommodates 3 000 male offenders was completed in 2010 at a cost of R777-million to the state.

Confirmation

Dreyer's allegations come a day after [National Assembly speaker Max Sisulu announced](#) that he had received a letter from Public Works Minister Thulas Nxesi regarding the tabling of the report by the department's task team on the security upgrade of Zuma's home.

Responding to Dreyer in Parliament, Nxesi did not reject Dreyer's allegation and appeared to confirm them.

He was not impressed with the DA member for not waiting for the tabling of the task team's report and instead bringing information from her "informers".

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He said: "We said it publicly [when releasing the preliminary report] that there were irregularities in the supply chain and there was overpricing which we were suspecting, hence we said we are subjecting those issues to further investigation.

"I'm not sure what is this thing which is new that you are trying to say here," said Nxesi.

Meanwhile, the ANC in Parliament welcomed Nxesi's intention to table a report on the security upgrades at Zuma's private residence.

"The minister's decision to subject the report to parliamentary scrutiny is demonstrative of his commendable respect for the authority of Parliament. The decision is also reflective of the seriousness with which the minister regards his obligations in relation to parliamentary accountability and oversight," it said.

Security

The ANC proposed that a special parliamentary mechanism be created to ensure that Parliament deals with the report without compromising the president's security. "We will therefore prefer that the report of the department of public works task team be dealt with by a special committee and in-camera."

The party said section 59 of the Constitution permitted in-camera committee meetings when "it is reasonable and justifiable to do so in an open and democratic society".

In terms of rule 152 of the rules of the National Assembly, meetings of the committees are open to the public, including the media, except when the committee is considering a matter which is, among others, of a private nature that is prejudicial to a particular person or confidential in terms of the legislation.

The ANC said matters pertaining to the security details of the head of the state have similar weight of sensitivity to those normally dealt with by the joint standing committee on intelligence, which conducts its business in-camera.

"An open deliberation on this matter will not only compromise the security of the president but it may also make Parliament liable to court action or be legally prejudicial to individuals and companies under investigation.

"Democratic parliaments all over the world employ similar mechanisms when dealing with sensitive security matters as those contained in the task team report," it said.

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Public works's Nkandla report to be kept secret

A report into spending on President Jacob Zuma's private home at Nkandla will be discussed behind closed doors, says the DA.

13 May 2013 12:05 [Staff Reporter](#), [Sapa](#)



FNB has been celebrated for their latest ad campaign but, as Verashni Pillay points out, they have their own sins to deal with.

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The Democratic Alliance (DA) received a letter from National Assembly speaker Max Sisulu that [the Public Works department's task team report on the R206-million Nkandla upgrade](#) would be referred to Parliament's intelligence standing committee.

"This means that the report will be referred to a committee which will meet behind closed doors, and members of the committee will not be able to share the contents of this report with the public. The committee is never open to the public," said parliamentary leader Lindiwe Mazibuko on Monday.

She said information would be "buried" and those responsible for the debacle would not be held accountable.

"According to the speaker's letter, a legal opinion was received, which supports the referral of the report to the joint standing committee on intelligence, and that the committee [will] then determine which components of the report can be referred to the appropriate portfolio committee," she said.

The DA said it had very little hope that the information would be made public, because it related to a national key point.

"Since the speaker has passed the buck [on] to the intelligence committee, it will be [at] their discretion as to what is made public," said Mazibuko.

She believed the report should instead be referred to the portfolio committees on public works, defence, and police.

"I will write to the speaker to request that he reconsider this decision and make public the legal opinion on which he is basing this decision."

Zuma unaware of costs

When allegations of the spending arose, [the presidency denied knowing about the costs](#). However, documents later revealed that he was kept up to date.

Public Works Minister Thulas Nxesi originally claimed that the work done at the Nkandla compound had complied with the requirements of the Ministerial Handbook, which sets a reviewable maximum expenditure on security at private homes of R100 000, although he later said the work had been in compliance with the National Key Points Act.

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In **March this year**, the DA claimed the state paid 260% more on President Jacob Zuma's private home in Nkandla than it did in securing a new prison in the Northern Cape.

DA MP Anchen Dreyer stunned the House when she revealed that R117-million was paid to provide security in Zuma's Nkandla home, compared to R45-million spent in securing the new jail in Kimberley.

Public protector's report

While giving a breakdown of the Nkandla security costs, Dreyer also revealed the names of companies that she said benefitted from the development and received payments for contracts that seemed to be for bona fide security measures at Nkandla.

In January, public protector Thuli Madonsela said her investigation into the alleged irregular spending would be released "no later than March 31" of this year, but it has not been completed yet.

Madonsela confirmed to the *Mail & Guardian* on Sunday her office was close to finishing the report but was still waiting on some information.

"There is very important information we are still waiting to be submitted. We will be able to release a preliminary report within two weeks should it arrive," she said.

Madonsela would not reveal which party still needs to make their submission. – Sapa, M&G Reporter

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Nkandla upgrade report is 'top secret'

June 21 2013 at 07:50am
By Babalo Ndenze
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President Jacob Zumas home in Nkandla. Picture: Doctor Ngcobo

Durban - The report on the R206 million security upgrade to President Jacob Zuma's private home at Nkandla has been classified "top secret".

Public Works Minister Thulas Nxesi told Parliament this week that State Security Minister Siyabonga Cwele had classified the report, drawn up by a presidential task team, in terms of the Minimum Information Security Standards.

This means not even Auditor-General Terence Nombembe or Public Protector Thuli Madonsela will be able to lay their hands on the report.

The creation of the "top secret" classification was approved by the cabinet in December 1996 as part of the government's information security policy document.

The policy offers guidelines which must be observed by all government institutions which handle "sensitive and classified" material.

In a letter to National Assembly Speaker Max Sisulu, dated June 19, Nxesi said he would submit the report - on Cwele's behalf - to the chairman of the joint standing committee on intelligence, Cecil Burgess.

"The report on the security upgrades at Nkandla has been classified as 'top secret' in terms of the Minimum Information Security Standards, rendering it exempt from disclosure, and its classification can only be adjusted by the task team itself."

Nxesi said the minister had been unable to provide the auditor-general and the public protector with copies of the report "owing to its classification as 'top secret'" but was "attending to the challenge that it presented". On Thursday night, it was unclear what, if anything, the two state institutions would do to get a copy of the report.

After getting legal opinion, Sisulu said he would allow the Nkandla report to be considered behind closed doors by the intelligence committee only.

On Thursday night, advocate Paul Hoffman of the Institute for Accountability in Southern Africa said he did not believe Cwele's actions could be deemed legal.

"Any action, taken on the part of a minister, in classifying documents has to be rationally carried out in accordance with the tenets of the law. Cwele's actions could be described as irrational and part of a cover-up," he said.

"A decision could be taken to review his actions and test them in the courts."

DA parliamentary leader Lindiwe Mazibuko said the Minimum Information Security Standards had been created by the cabinet, but "never passed through Parliament and as such cannot be considered law".

"This confirms the DA's position that the report has not been 'classified' in terms of law and that the referral of the report to the joint standing committee of intelligence is invalid," said Mazibuko.

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She said given this "invalid classification", the DA would table a motion in the joint standing committee of intelligence for the report to be sent back to Nxesi.

"The minister must thereafter submit to Parliament a redacted report, which must be made public before the relevant, open portfolio committees. The minister must also submit copies of the report to the public protector and the auditor-general, which he has admitted have not been given a copy because of the 'top secret' status of the report," said Mazibuko.

The DA would also submit parliamentary questions to ascertain whether the Department of State Security had "intervened to conceal this report", or whether Nxesi "voluntarily" sent the report to Cwele's department, she said.

Political Bureau



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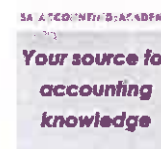
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POLITICS

TALKING POINT



**CHARL DU PLESSIS
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**State says it's still
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The state has given short shrift to Oscar Pistorius' contention that he mistook Reeva Steenkamp for an intruder.

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1 Terry Crawford-Browne objects to

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department's report into the R206 million expenditure was classified "top secret".

The letter addressed the tabling of the Public Works report – one of four investigations being conducted into Nkandlagate – in Parliament.

Nxesi commissioned a task team in his department to investigate the expenditure on President Jacob Zuma's Nkandla homestead after City Press revealed in September last year the state was paying more than R200 million to upgrade the compound.

In his letter, Nxesi stated that the task team finalised its work "and presented me with a report, which it had classified ... 'top Secret'".

Nxesi then continues, stating it was the task team which had classified the report.

"I am informed that the task team's report has been classified because the authors of the report are of the view that certain aspects of the security upgrade of (Zuma's) private residence should not be made public, as the disclosure of those details could compromise security at the residence."

The classification of the report, which identified "a number of irregularities", presented the security cluster with "various challenges".

Although Nxesi recommended that the report be handed to the Auditor-General (AG) and the Special Investigating Unit to investigate further, he couldn't do so because of the document's classification.

Terence Nombembe, the AG, had agreed to audit the accounts relating to the upgrades to Zuma's private residence, but Nxesi wrote, "cannot commence the audit until such time as he has received the task team's report".

Nxesi further wrote: "As the report has been classified, I am not in a position to give the report to him without it being declassified by the authors."

He added that he was in a similar position with Public Protector Thuli Madonsela, who had initiated her own investigation. The report has since been released to Madonsela.

closed sessions of arms deal commission

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VOTE

Cezanne Visser, dubbed "advocate Barbie", has been released on parole. I think ...

- How is that possible? She only started serving her seven-year jail term in 2010?
- Justice hasn't been served until Dirk Prinsloo has been tried
- She deserves a chance to show that she has been rehabilitated
- I wouldn't allow her near my children
- As long as she met the requirements for parole, I'm happy

VOTE VIEW

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After initial confusion that the report may have been classified by State Security Minister Siyabonga Cwele, Nxesi has since admitted that he classified the document.

Nxesi's legal adviser, Phillip Masilo, told City Press: "The fact of the matter is that the report was classified by Minister Nxesi." He would not divulge the identity of the officials who formed the task team or say why Nxesi didn't declare his own role in the letter to Sisulu.

At the release of a summary of the report in January, Nxesi was flanked by Cwele, Justice Minister Jeff Radebe and Police Minister Nathi Mthethwa.

The letter stated that the report had been classified in terms of the Minimum Information Security Standards (MISS), a Cabinet policy of 1996.

Nxesi acknowledges in the letter to Sisulu that paragraph 1.2 of Chapter 4 of the MISS stipulates that the responsibility for the grading and regrading of document classifications rests with the "institution where the documents originated".

The "institution" in this case is the department of public works, of which Nxesi is the executive authority.

Nxesi advised Sisulu that the report should be tabled at the joint standing committee on intelligence.

"This committee must deal with the task team report, in my view, because the chairperson and some of the other members of the task team were members of one of the intelligence services and because the task team report was classified as 'top secret'. The report also deals with aspects of national security," Nxesi wrote.

The confusion about Cwele's role was caused by Nxesi's mention in the letter that he was referring the report to the intelligence committee "on behalf of the minister of state security".

This did not mean Cwele classified the report.

A source close to the committee explained to City Press that although Nxesi could delegate classification authority, he still remains the "point man".

Masilo issued a statement saying the classification had been done in line with Cabinet approved policy and after discussion in the security cluster.

OUR PLEA TO THE EXECUTIVE IS TO MAKE SURE THAT ALL THE DOCUMENTS, WHICH THE COMMISSION

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Masilo later told City Press that Nxesi had consulted the ministers of police, defence and state security after receiving the task team report and applied his mind and “classified it in terms of the MISS”.

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Motlanthe challenges Zuma to be transparent about Nkandla

07-Jul-2013 | MZWANDILE kaBIZOKWAKHE

DEPUTY President Kgalema Motlanthe has challenged his boss, President Jacob Zuma, to make the Nkandla report public.



Kgalema Motlanthe

DEPUTY President Kgalema Motlanthe has challenged his boss, President Jacob Zuma, to make the Nkandla report public.

Motlanthe was speaking to Tim Modise on new talk radio station Power FM on Thursday night.

When Motlanthe was asked about the government's classification of the Nkandla report as secret, he was unambiguous, albeit in his softly guarded way.

"Of course, you cannot divulge information that would make the occupants of that residence vulnerable, but I would have thought that the scope of the project would be made public.

"Accountability and transparency are sides of the same coin. It is important to be accountable in the public space. Once there's a shroud of secrecy, it gives rise to speculation, suspicion, mistrust.

"Once you have those three elements together you can't lead effectively - every word you utter, there are 101 questions and there are doubts because nobody believes [you].

"To be able to lead effectively there shouldn't be doubt; leadership goes side by side with prestige," he said.

Modise probed further: "So, if it were up to you, you wouldn't classify that?"

"There's no need," he answered. "Once there was clamour and an outcry about it, there was no need to shroud it

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<http://www.sundayworld.co.za/news/2013/07/07/motlanthe-challenges-zuma-to-be-transp...> 20/08/2013

in secrecy.

"There's nothing wrong with giving information on the scope of the project."

The Nkandla report by the Department of Public Works regarding the R203m spent on Zuma's private residence in rural Nkandla, in KwaZulu-Natal, has been classified top secret.

Zuma has ferociously defended himself against the uproar over Nkandla. He told parliament that he and his family paid for the home and that the government had added security features in accordance with his own needs analysis.

Zuma spokesman Mac Maharaj said he had not heard the Power FM interview and could not comment because the Nkandla matter was the subject of an investigation.

Political analyst Somadoda Fikeni said he read into Motlanthe's remarks a cautious, suppressed frustration.

"Motlanthe has always advocated a different approach," Fikeni said. "He even campaigned on it - that things can be handled differently. He has expressed this from time to time."

Asked if he thought that Motlanthe's frustration was so strong that he would walk away from the ANC at the end of the current administration, Fikeni said: "I don't see the deputy president disappearing into the sunset like former president Thabo Mbeki.

"He is a cautious politician. I think that he will feel that he will make more of an impression by going to the political school of the ANC and raising issues and teaching future leaders of the ANC about the things that have caused his frustration."

mzwandile@sundayworld.co.za; or Twitter @mzwaik

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LEGAL OPINION

[Confidential]

TO : Mr. M. Xaso
: Secretary to the National Assembly

COPY : Secretary to Parliament

DATE : 30 April 2013

SUBJECT : Legal opinion on the possible referral, to the
Joint Standing Committee on Intelligence, of
the Department of Public Work's Task Team
Report on the Security Upgrade at the Private
Residence of the President

LEGAL ADVISER : Mr. N. Vanara

REFERENCE NUMBER : 131 / 13

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SUBJECT : Legal Opinion on the possible referral, to the
Joint Standing Committee on Intelligence, of
the Department of Public Work's Task Team
Report on the Security Upgrade at the Private
Residence of the President

-
1. You requested our Office to advise urgently on the possible referral, to the Joint Standing Committee on Intelligence, of the Department of Public Work's Task Team Report on the Security Upgrade at the President's private residence. You further advised that the Department of Public Work's Task Team Report has been classified.
 2. It is to be noted that the President's private residence has been declared a National Key Point in terms of section 2(1) of the National Key Points Act, 1980 (Act No. 102 of 1980).
 3. In my view the legality of the referral, to the Joint Standing Committee on Intelligence (hereinafter referred to as "the JSCI"), of the Department of Public Work's Task Team Report on the President's Private Residence (hereinafter referred to as the "Departmental Report") is dependent on the mandate of the JSCI and the provisions of the Intelligence Services Oversight Act, 1994 (Act No. 40 of 1994), since the latter is a creature of statute and can only exercise the powers and perform the functions in terms of its enabling legislation. It is further dependant on the nature and extent of the Departmental Report and

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the National Assembly's obligation in terms of section 59(1) (b) and (2) of the Constitution.

Joint Standing Committee on Intelligence

4. Section 199(8) of the Constitution provides that:

To give effect to the principles of transparency and accountability, multi-party parliamentary committees must have oversight of all security services in a manner determined by national legislation or the rules and orders of Parliament.

5. The JSCI is one of the parliamentary committees envisaged in section 199(8) of the Constitution and is established in terms of section 2 of the Intelligence Services Oversight Act, 1994 (hereinafter referred to as "the Oversight Act") to perform the oversight functions:

5.1 in relation to the intelligence and counter-intelligence functions of the Services, which include the administration, financial management and expenditure of the Services; and

5.2 in respect of the administration, financial management and expenditure of the Intelligence Services Entities,

and report to Parliament.

6. Service is defined in the Intelligence Services Oversight Act, 1994 to mean "the Agency, the South African Secret Service, the Intelligence Division of the National Defence Force and the Intelligence Division of the South African Police Service".

7. One of the JSCI's functions in terms of section 3(h) of the Oversight Act is "to consider and make recommendations regarding any matter falling within the purview of this Act and referred to it by the President, any Minister responsible for a Service or Parliament".

Departmental Report

8. I am in an unenviable position, in that I am required to advise on a report that I have not had sight of. However, the brief background to the matter coupled by my security knowledge has enabled me to formulate a view on the legality of a possible referral to the JSCI of the Departmental Report.

9. It would appear that a project was initiated to upgrade the security at the President's private residence, which had been declared a National Key Point. In my understanding, part of the project scoping would have entailed a security assessment and needs analysis at the President's residence conducted by the Services, in order to determine the nature and type of the security upgrade. Invariably the architectural plan of the President's private residence would have been a critical component of this assessment. In my

view the security assessment conducted at the President's private residence would have been central to the development of the Terms of Reference for the procurement of the services that were to follow. The security assessments would have been conducted by security services of the Republic.

10. In my view therefore any report on an investigation conducted on the security upgrades at the President's private residence would, of necessity, contain security information on matters such as the architectural plan of the residence. The President is the commander-in-chief of the Defence Force, thus in my view an architectural plan of his residence is a matter of national security that should not be made public.

Constitutional obligation of the National Assembly

11. Section 59 of the Constitution provides that:

- (1) The National Assembly must –
 - (a) ...
 - (b) conduct its business in an open manner, and hold its sittings, and those of its committees, in public, but reasonable measures may be taken –
 - (i) to regulate public access, including access of the media, to the Assembly and its committees; and
 - (ii) to provide for the searching of any person and, where appropriate, the refusal of entry to, or the removal of, any person.
- (2) The National Assembly may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.

12. The default position is for the National Assembly to conduct its business in the open, unless it is reasonable and justifiable to conduct its business behind closed doors in an open and democratic society.

13. The National Assembly's obligation in terms of section 59(1) (b) and (2) of the Constitution must necessarily be read with section 16(1) of the Constitution which provides that everyone has the right to freedom of expression which includes, amongst others, the freedom to receive or impart information or ideas. Section 32(1) of the Constitution which provides that everyone has the right of access to, amongst others, any information held by the state, is another relevant constitutional provision which the National Assembly must consider in discharging its constitutional obligation under section 59 of the Constitution. *In Masetlha v President of the Republic of South Africa and Another* 2008 (1) SA 566 (CC) Moseneke DCJ said the following of the requirement of the openness in our society:

[40] This systemic requirement of openness in our society flows from the very founding values of our Constitution, which enjoin our society to establish democratic government under the sway of constitutional supremacy and the rule of law in order, amongst other things, to

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ensure transparency, accountability and responsiveness in the way courts and other organs of state function.

[44].... The better approach, I think is to recognise that the cluster of rights that enjoins open justice derives from the Bill of Rights and that important as these rights are individually and collectively, like all entrenched rights, they are not absolute. They may be limited by a law of general application provided the limitation is reasonable and justifiable....

14. The legal question to be determined is whether the Departmental Report or at least some parts of it fall within the purview of the Oversight Act. If the Departmental Report or parts of it fall within the purview of the Oversight Act, then in terms of section 3(h) of the Oversight Act the Departmental Report may legitimately be referred to the JSCI. If not, then the Departmental Report may not legitimately be referred to the JSCI.
15. As mentioned above security assessments would of necessity have been conducted by the Services. Part of that assessment would have included an intelligence exercise which is defined in the Oversight Act to mean "the process of gathering, evaluation, correlation and interpretation of security information, including activities related thereto, as performed by the Services".
16. Whilst I have not seen the Departmental Report, in view of the aforementioned, it is safe to assume that parts of the Departmental Report might contain intelligence information. For this reason alone, I am of the view those parts of the Departmental Report dealing with intelligence would fall within the purview of the Oversight Act. Therefore in terms of section 3(h) of the Oversight Act Parliament may refer the Departmental Report to the JSCI only in respect of those parts of the Departmental Report falling within the purview of the Oversight Act.
17. In terms of section 5(1) of the Oversight Act the JSCI is obliged to conduct its functions in a manner that is consistent with the protection of national security. It is common cause that the JSCI conducts its business behind closed doors and its members have been vetted. Referring the Departmental Report would ensure that those aspects of the Departmental Report that fall within the purview of the Oversight Act are dealt with by persons with the required security clearance and consistent with the classification level of the Departmental Report.
18. One point that needs to be addressed is the classification of the Departmental Report. In the *Masetiha v President of the Republic of South Africa* case Moseneke DCJ said at para [54]:

I agree with the submission made by Independent Newspapers that ordinarily, the starting point is that court proceedings and so too court records must be open to the public. A mere classification of a document within a court record as "confidential" or "secret" or even "top secret" under the operative intelligence legislation or the mere ipse dixit of the minister concerned does not place such documents beyond the reach of

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the courts. Once the documents are placed before a court, they are susceptible to its scrutiny and direction as to whether the public should be granted or denied access.

19. In my view what Moseneke DCJ said, in respect of the court's handling of classified documents, is equally applicable to the National Assembly in view of its constitutional obligation in terms of section 59(1) (b) and (2) of the Constitution. It would be prudent of the National Assembly to scrutinise classified documents submitted to it to determine whether the public should be granted or denied access.
20. It is also safe to assume that some parts of the Departmental Report might not fall within the purview of the Oversight Act, and the JSCI would therefore not be an appropriate parliamentary committee to deal with such parts of the Departmental Report. In my view the JSCI would be acting beyond its mandate if it were to deal with matters that do not fall within the purview of the Oversight Act. Secondly, information belonging to the public domain might inappropriately be dealt with behind closed doors. In my view such a practice would offend the National Assembly's obligation to conduct its business in an open manner in terms of section 59(1) of the Constitution.
21. In *Masetlha v President of the Republic of South Africa* case Moseneke DCJ said the following in dealing with competing constitutional rights and interests:

There may be instances where the interests of justice in a court hearing dictate that oral evidence of a minor or of certain classes of rape survivors or confidential material related to police crime investigation methods or to national security be heard in camera. In each case, the court will have to weigh the competing rights or interests carefully with the view to ensuring that the limitation it places on open justice is properly tailored and appropriate to the end it seeks to attain. In the end, the contours of our constitutional rights are shaped by the justifiable limitation that the context presents and the law permits. [My emphasis]

22. In the instant case the National Assembly must, in the words of Moseneke DCJ, weigh the competing rights or interests carefully with a view to ensuring that the limitation it places on open justice is properly tailored and appropriate to the end it seeks to attain. The National Assembly must balance its obligation under section 59 of the Constitution, its obligation to handle security information or matters of national security sensibly with the provisions of sections 16 and 32(1) of the Constitution.
23. In what follows I recommend what, in my view, would be consistent with the National Assembly's constitutional obligation in terms of section 59(1) (a) of the Constitution, considering sections 16 and 32 of the Constitution.
24. Firstly, that the National Assembly refers the Departmental Report to the JSCI to consider the Departmental Report for the purpose of considering those aspects of the said report that fall within the purview of the Oversight Act and report thereon to the National Assembly. Secondly, to facilitate the expungement from the Departmental Report those aspects of the report that

must of necessity be kept secret. Thirdly, report to the National Assembly those aspects of the Departmental Report that fall outside the purview of the Oversight Act, so that the National Assembly may refer to the relevant parliamentary committee to deal with those aspects of the report not falling within the purview of the Oversight Act to be dealt with in public. Such a committee might well be the PC on Public Works.



Mr. N Vanara

Senior Parliamentary Legal Adviser

**PRESS STATEMENT ON SECURITY PROJECT NKANDLA FROM THE
MINISTRY OF PUBLIC WORKS**

IMMEDIATE RELEASE

05 OCTOBER 2012

The Security Project at Nkandla has raised enormous public interest. Although it is not the standard practice to comment on the security arrangements of dignitaries, it is now clear that certain parties will continue to make allegations about this project unless these serious misperceptions are refuted with facts. We are cognizant of the fact that by discussing some of these security arrangements openly, we endanger the very same security.

The Government has decided to give as many details as the maintenance of sound security arrangements allows.


At the outset we would like to state that the developments at Nkandla are by no means unique and are part of works undertaken and being undertaken at various security sites like Houghton, Qunu, Union Buildings, Tuynhuis, Parliament and King's House.

When President Zuma was elected President, it was a requirement understood by all that the security would have to be beefed up at places of high security risk. An expert team representing the Departments of Police Service, Defence (and Military Veterans) and State Security reviewed the circumstances surrounding our principal and addressed all shortcomings. As part of meeting international standards for the security of dignitaries, plans were drawn up and implemented. As part of this process, new capacity was requested for Nkandla, in and surrounding the private residence of President Zuma.

The approach to providing security at the Nkandla high risk area was based on a frank assessment of the security threat there and the requirements of the security forces. The security threat analysis pointed to a deep rural area in which there was basically none of the services we all take for granted in an urban area. The water supply was erratic with it being available for hours at a time and only for a few days of the week. There was no waterborne sewage. The Eskom pylons and the mountainous area made access by air (helicopter) hazardous. The steep terrain and the surrounding cliffs and mountains make any form of transport difficult in bad weather. The roads to the area were muddy and required good 4 x 4 driving skills and suitable vehicles.

Given that the area is on the leeward side of the surrounding escarpment and is generally dryer than surrounding areas, the threat of fire was high.

The security forces would need to be accommodated locally as a 24/7/365 service was required with force levels varying based on the current threat. The poor or non-existent roads would need to be improved.

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It was noted that the venue was the location of many diverse type of functions. There were meetings of heads of state, cabinet ministers, other high risk dignitaries, local communities, provincial and national government and many foreign and local other categories of dignitaries.

It was decided that the following principles would be adhered:

1. The residence of the President is a private residence which has been declared as a National Key Point (as are all other presidential residences). Our responsibility to protect should not unduly interfere in the privacy of the principal's household.
2. The security forces and other government employees would have to be accommodated locally. To base them themselves at the nearest town, Eshowe, was impractical. Parking for security vehicles would also be needed.
3. The security provision should be able to deal with any level of threat and be able to escalate to the level required.
4. Clear separation must be made of expenses that are for the private account of the principal and that which arose from the state's duty to provide appropriate security.
5. Instead of continuing to land in local veld, there should be proper helipads to allow for day and night landings with statutory approval for the safety features.
6. The health care provision should allow for proper health care to all government officials deployed on site (President and approved dependants, military, security) and the constitutional imperative to not turn away any health emergency by health care workers. Given the threat level, there should be adequate capacity to maximize medical interventions in the "golden first hour" of trauma management.
7. Occupational and environmental health requirements such as working conditions, food and water safety, proper refuse management were to be provided for relevant government employees.
8. Sufficient garaging was to be provided for.
9. Aircrew pavilion was to be provided for air force personnel to allow for standard inter flight rest areas.
10. Military and police assets were to be properly safeguarded.
11. Any new capacity should benefit the local community in the short term to the extent possible and then maximized when the principal was no longer President, for example, the clinic and security compound.

12. The President would continue to receive state support when no longer President and this must be factored in as with other retired Presidents.

These principles, among others, resulted in the following measures to satisfy the requirements of the security forces.

1. The reinforcing of barriers
2. The erection of high security fences
3. The provision of local fire fighting capability for the helipads
4. The creation of safe havens as with other sites all over the country
5. The relocation of pylons to allow a clear access flight path
6. Roads constructions in and around the precincts
7. The building of a security compound to house security and support staff
8. Improving and rendering the water safe
9. The provision of waterborne sewage systems
10. The provision of an air crew pavilion
11. The provision of a clinic in a lower security area to allow for both dignitary care and later conversion to part of the community health service in the area
12. Security guard houses and stations
13. Security systems for all areas
14. The provisions of interim accommodation arrangements with Park homes etc. while the construction was on-going.
15. Earthworks and barriers erection

We are pleased to announce that, although there were a few hiccups, as would be expected with this high security project and the difficult local circumstances, that most of the state requirements have been met. We have taken special care to allocate expenses to private and public entities, as appropriate.

Lastly, this government required changes were effected whilst the President was himself effecting, a major upgrade to his residence on his own private account.

Issued by the Departments of Public Works, in consultation with Safety and Security, Defence and Military Veterans and South African Police Service

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**IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG HIGH COURT, PRETORIA)**

CASE NO

In the matter between:

MANDG CENTRE FOR INVESTIGATIVE JOURNALISM NPC Applicant

and

DEPARTMENT OF PUBLIC WORKS First Respondent

**DIRECTOR-GENERAL:
DEPARTMENT OF PUBLIC WORKS** Second Respondent

MINISTER OF PUBLIC WORKS Third Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned –

STEFAANS CONRAD BRÜMMER

do hereby make oath and swear that:

1. I am a managing partner of the MANDG Centre for Investigative Journalism NPC, which has its head office at 13th Floor, Metropolitan Building, 7th Coen Steytler Avenue, Foreshore, Cape Town.

SeB

W.N.

2. I have read the contents of the affidavit deposed to by Vinayak Bhardwaj and I confirm that he is duly authorised to bring this application on behalf of the applicant.

STEFAANS CONRAD BRÜMMER

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at *08h40 in Cape Town* on *21 August 2013*, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.

WN.

COMMISSIONER OF OATHS

Full names: *Warren Joseph Newton*
Business address: *North Wharf Square, Loop Street, Cape Town*
Designation: *Practising Attorney*
Capacity: *Associate - Edward Nathan Sonnenbergs Inc.*