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MALULEKE | SERITI | MAKUME | MATLALA INC

Driven by a passion for justice

IN ASSOCIATION WITH GERHARD BOTHA & PARTNERS INCORPORATED

PRETORIA

Your Ref: COVID-19 TENDERS

Our Ref: MR N MATLALA

Date: 29TH JULY 2020

**THE PRESIDENT
GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA
C/O: THE OFFICE OF THE STATE
ATTORNEY PRETORIA**

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H.E Cyril Ramaphosa,

**RE: COVID-19 TENDER IRREGULARITIES BY THE GOVERNMENT
OF SOUTH AFRICA**

1. We refer to the above matter and to the instructions we have received from our client The 70's Group who are a non-profit organisation that builds on the strengths and successes of the 1970s generation of activists in our country.

2. The organisation involves the 1970s liberation activists, others involved in the struggle, and their offspring, who were not involved in the apartheid system. Its mandate is to engage with government, other state and public institutions, private and non-governmental sector entities and communities to enhance their

efficacy in dealing with South African citizens. Our client intends to establish programmes that will result in The 70's Group expertise, skills and knowledge being made accessible to all citizens through research and/or policy recommendations and/or other interventions that benefit society.

3. The National Treasury put measures relating to Covid-19 Disaster Management Central Emergency Procurement Strategy, namely Instruction Note 3 of 2020/21 and Circular 101. The instruction note has raised concerns about the procurement process, that the approach adopted has excluded a number of domestic suppliers and that it covered too wide an array of goods, especially goods that can be manufactured locally.
4. The National Treasury has lost its commitment to the Constitutional objective of having fair, equitable, transparent, competitive and cost-effective procurement processes that take into account the need for procuring essential health products required to fight the COVID-19 pandemic by awarding tenders to relatives, friends and business partners of the politicians in an unlawful manner. These processes should be compliant with the country's imperatives of promoting structural transformation and broadening participation in the economy to strengthen economic development and empowerment of previously disadvantaged groups and individuals.
5. Regrettably there has been instances of price inflations and the supply of "ghost products" coupled by the awarding of all lucrative tenders to relatives, family and friends of MEC's, the Government Spokesperson and a host of other irregularities.
6. Our client have requested that this letter be addressed to the following members of government:
 - 6.1.The President of the Republic of South Africa;
 - 6.2.The Minister of Health;
 - 6.3.The Minister of Cooperative Governance and Traditional Affairs(COGTA);
 - 6.4.The Minister of Social Development;
 - 6.5.The Minister of Finance;

7. We refer specifically to tenders allegedly irregularly and unlawfully issued by National and/or Provincial Government during the period of the National Health Emergency arising from the COVID-19 pandemic, and which have been the cause of public concern for being exorbitantly priced and/or awarded to entities that appear to be connected to family, friends or associates of public officers and/or that may have been created to benefit from COVID-19 related products and services.
8. Such gravely compromised tenders that may have been so awarded ought to be placed on hold, until reviewed by an external independent group of experts comprising persons in the public space/polity (eg, The 70's Group nominees from a range of relevant sectors);
9. We thereof hold instructions that further tenders will be placed on hold and reviewed by such an independent irreproachable group as mentioned above to assure appropriate products and services are actually provided at reasonable cost to the most needy sections of the SA public during the pandemic;
10. Additionally we request that any payments be put on hold pending the review of the invoices and pricing regime that was levied on the said government departments by the service providers who were awarded the tenders that such awards were done properly and in a correct manner.
11. The State Attorney is required to give an undertaking within seven days that the payments for the service providers are on hold pending the investigations and finalisation of the review of the tenders so awarded. Should we not be furnished with such an undertaking, we will have no option but to proceed to Court on an urgent basis to give effect to the reasonable requests we have so far suggested.

We trust you will find the above in order.

Yours Faithfully

MALULEKE SERITI MAKUME MATLALA INC

BJ NKWINIKA
Electronically Signed

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**CC: NATIONAL COMMAND COUNCIL
ON Covid-19**

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