

**MINISTRY**

**PUBLIC WORKS**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 183 [NO.** **NW186E]**

**INTERNAL QUESTION PAPER NO.: 01**

**DATE OF PUBLICATION: 11 FEBRUARY 2021**

**DATE OF REPLY: 26 FEBRUARY 2021**

**183. Mrs B M van Minnen (DA) asked the Minister of Public Works and Infrastructure:**

(1) With reference to recommendations made by the Standing Committee on Public Accounts (Scopa) after its oversight visit to the Beitbridge Border Post and the state of the fence built during 2020 by her department as part of the Government’s response to the COVID-19 pandemic, (a) what did her department’s Acting Director-General mean during the meeting of 2 February 2021 when he stated that her department’s Accounting Officer is only taking steps to ensure that all physical defects in the fence are rectified because Scopa recommended it and (b) what plans has her department put in place to rectify all the defects that it also admits exist;

(2) in view of the recommendation that all supply chain management personnel be vetted and with Scopa now being told that this will take until March 2022, (a) what are the reasons for such a long delay with compliance with this recommendation and (b) what is being done to expedite this;

(3) (a) what progress is being made on the recommendations to blacklist the principal contractor and the main contractor from doing business with the Government in terms of Regulation 14 of the Preferential Procurement Regulations of 2017 and (b) why there is still a number of contracts with these companies in place? **NW186E**

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**REPLY:**

**The Minister of Public Works and Infrastructure:**

1. (a) To have an informed position on the feasibility of rectifying all physical defects of the Beitbridge Border fence, the Accounting Officer sanctioned a detailed Technical Condition Assessment of the constructed 40km border fence to determine the extent of material deficiencies and breaches. The assessment was undertaken during December 2020.

On 2 February 2021, the outcome of this assessment was reported against **recommendation (b)** of the *Report of the Standing Committee on Public Accounts on its oversight visit to Beitbridge Border Post, from 4 to 6 September 2020, dated 17 November 2020* (ATC of 19 November 2020),which stated that:

*The Committee recommends that the Accounting Officer ensures that all physical defects are rectified in line with all applicable regulations,*

(b) As the fence, in its current form, is not fit for purpose and in material non-compliance with the specifications, the Department has taken a decision not to entertain the possibility of any further repairs of the fence.

 Any further border fence initiatives will be located in the context of the Integrated Border Management solution currently underway. In this regard, the site clearance process is aimed at being completed by June this year, from where the Department will embrace and utilise a best practice approach to border security in consultation with the Department of Defence (DoD). The relevant Request for Information (RFI) on the Integrated Border Fence Solutions will accordingly be published by the end of March 2021 to facilitate consultations for solutions.

1. (a) I am informed by the Department that Security Vetting is a lengthy process and usually takes 3 months or more to complete. The Department has 7 Vetting officials who must vet the outstanding 253 SCM and Bid Committee officials.

The vetting process includes the following steps:

* + - The SCM officials must complete the Z204 Vetting forms and attach personal documents such as copies of bank statements (savings, investment, house loan, vehicles loan, business interests), copies of academic qualifications, as well as other relevant documents.
		- Thereafter fieldwork interviews by the vetting officers commence, where they go around the country to interview references of the official who is being vetted. Thereafter follows a personal interview with the official and his/her supervisor.
		- The vetting officer compiles the report from where the vetting files are submitted to the State Security Agency (SSA) to conduct a polygraph test.
		- After the polygraph test, the files go to the SSA Evaluation Unit to determine whether security clearance should be issued or not.
		- It should be noted that the SSA has to cater for all Government Departments and SOEs where the standard SSA process for polygraph testing and evaluation can sometimes take up to a year or more.

The process outlined above, is what informed the anticipated timeframe of completing the vetting of SCM and Bid Committee officials by March 2022.

(b) The Accounting Officer requested that SSA consider the DPWI vetting files as top priority for the expedition of polygraph testing as well as evaluation of vetting files. The Minister has also requested that the process be concluded as soon as possible.

1. (a) It was recommended that the Principal Agent and the main contractor be restricted from doing business with Government subject to the application of the relevant due process and National Treasury concurrence, pursuant to the examination of the findings of the investigation that they acted in an irregular manner in their respective engagements with the DPWI.

The matter served before the Restriction Committee and Authority (RCAA) on 28 August 2020, after which detailed evidence contained in the Investigation Report was sought by the RCAA to enable it to continue its business. The Department was compelled to delay the release of this information and to reconstitute the composition of the RCAA recognising that the chairperson of the RCAA was one of the officials cited in the investigation report and subject to disciplinary action.

Another reason for delaying the release of the report to the RCAA, was to allow the Department to initiate and advance disciplinary processes before releasing the investigation report to third parties to protect the confidentiality of the information contained in the report.

On 11 February 2021 the department approved the final charges against the officials and formally reconstituted the RCAA to exclude from membership of the Committee any person who may have a conflict of interest. On 12 February 2021 the matter was tabled again with the RCAA and all the relevant reports and supporting evidence were provided to the committee to enable it to conclude its work.

The Committee has considered and studied the relevant investigation reports and issued letters to the contractor and consultant on 26 February 2021 requesting reasons why the Department should not recommend to National Treasury their restriction from doing business with the State. The RCAA has indicated that it will afford the respective service providers a period of 14 days to provide their written representations. The RCAA estimates that this process will be finalised by mid-March 2021.

(b) At this stage, the Department has not identified any justifiable grounds to terminate the existing contracts, as these contracts have been duly awarded. However, the Department is in the process of reviewing these contracts though its Internal Audit unit.

The Department is further seeking legal advice as to whether the conduct of the respective companies in relation to the Beitbridge contract constitutes sufficient grounds to seek termination of their remaining contracts with the Department. The matter is currently under legal review.