

**DEPARTMENT: PUBLIC ENTERPRISES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: PQ 3546**

**QUESTION:**

**3546. Mrs V van Dyk (DA) to ask the Minister of Public Enterprises:**

(1)(a) On what date was Messina Attorneys appointed as a service provider for Alexkor and (b) what was the duration of the contract;

(2) whether Messina Attorneys’ contract was renewed and/or extended; if not, what is the position in this regard; if so,

(3) whether it was done in terms of the (a) Public Finance Management Act, Act 1 of 1999, and (b) National Treasury regulations; if not, what is the position in this regard; if so, what are the relevant details? **NW4295E**

**REPLY:**

**According to information received from Alexkor:**

1. The interim CEO is reviewing all contracts approved by his predecessor, including the appointment of Messina Inc Attorneys. Until such time as all contracts have been reviewed and/or new procurement processes have been initiated, existing contracts have not been terminated provided that the service rendered meets requirements. The reality is that Messina Inc Attorneys represent Alexkor in all pending legal cases and handing over to a new legal service provider would be financially imprudent. Messina Inc Attorneys were appointed after participating in a tender for legal services in 2014. This tender was cancelled. The same tender was readvertised in 2015 and the procurement process was finalized in 2016. A Service Level Agreement was signed with a duration of 3 years terminating on 31 March 2020.
2. The former CEO of Alexkor extended the contract in 2020 for a period of one (1) year, terminating on 1 April 2021 and continued to use the services of Messina Inc Attorneys after this date and on the same terms and conditions as contained in the main service level agreement. This is still the case pending the review of all contracts.
3. The initial appointment of Messina Inc Attorneys was compliant with the Public Finance Management Act and Treasury Regulations.

 **Remarks: Approved / Not Approved**

**Jacky Molisane Pravin Gordhan, MP**

**Acting Director-General Minister**

**Date: Date:**