

# NKANDLA HEARING Job at HOTS UP risk for Works 'fall gal'

The Mercury

Thursday 20 July 2017

Bernadette Woluter

**J**AYSHREE Pardesi should not have been on the committee that signed off on a dodgy multimillion-rand tender for work on President Jacob Zuma's Nkandla home. At the last minute, her boss asked her to stand in for him at the June 2010 meeting. Now seven years later, she risks losing her job for the decisions she made that day.

Over the past several months, the internal disciplinary hearings of a number of Public Works officials implicated in the awarding of contracts for upgrades have been postponed several times.

But yesterday, Pardesi's finally got going and for the first time the public will see how the events around the upgrades unfolded.

Pardesi was part of the Regional Bid Adjudication Committee (RBAC) that met on June 15, 2010, and appointed contractor Money Mine S10 CC to carry out work on phase 1, which included the main house and a bunker, several rondavels, as well as a perimeter fence.

Pardesi is charged with misconduct for awarding Money Mine the contract through a "negotiated procurement strategy" which meant it was the only company approached to do the work and - according to the department - that the contract was not awarded following the normal open and fair tender process.

The department says there was "no legal justifiable basis for deviating from the normal process of procurement" and as a result of Pardesi's misconduct, it incurred millions of rand of irregular expenditure.

Pardesi has pleaded not guilty. At the time of her alleged misconduct, Pardesi was an assistant director at the department in KwaZulu-Natal.

Chief forensic investigator Christian Legwabe, who has 12 years' experience with the Special Investigating Unit and was part of the team tasked with investigating the Nkandla scandal in 2013, testified on behalf of the department.

He told the hearing that when he and his team took up the investigations, it began by obtaining documents from the State Security Agency, the project manager involved and the Department of Public Works. He was tasked specifically with handling Money Mine, investigating the documents relating to the company and identifying any signs of corruption or fraud.

He said through his investigations, he singled out individuals who needed to be interviewed. Among them was Pardesi.

He said Pardesi was not even supposed to be on the adjudication committee on the day the contract was signed off.

"What happened on that particular day, her boss - Rakesh Dhaniram - was not available as a member of RBAC representing Key Accounts Management (KAM), but he requested her to stand in for him or to represent KAM," Legwabe said yesterday.

Asked if Pardesi was still accountable for anything she approved that day, Legwabe said "absolutely".



Jayshree Pardesi, right, and her attorney Adrian Moodley at the Nkandla hearing at Liberty Towers in Durban yesterday. PICTURE: MOTSHWARI MOFOKENG

"If for whatever reason you are asked to approve something you don't know or don't believe in, you cannot approve it," he said.

And that day, Pardesi approved a negotiated strategy through which Money Mine was awarded the contract in question.

He explained that a negotiated strategy could be used in the procurement process, but only under specific circumstances. And he described it as "the least desirable of all acquisition procedures".

It could only be used, he said, if the acquisition was a matter of urgency; in the wake of a "catastrophe"; if the market had been tested and there had been no response or if only one vendor existed.

Legwabe said none of the circum-

stances under which a negotiated strategy could be used, existed in the case of the upgrades. And he said there was no evidence that the strategy had been approved by the accounting officer, as was also required.

Pardesi's attorney, Adrian Moodley, maintained that his client's stance was that the strategies in question were provided for. He said she would prove she had the authority and that the department had received value for the work that was done. "It was not fruitless or wasteful expenditure."

Legwabe said this was not the case and the work done was not worth the money.

The hearing continues today when Legwabe is expected to be cross-examined.