

# Education official in court over 'dodgy tenders'

**Special Investigating Unit wants to recoup R3m from logistics boss and service providers**

ASANDA NINI

The provincial education department's controversial logistics and fleet management director, Nandipha Tembo, together with two department service providers and one company, on Monday appeared before the Special Tribunal Court in East London over alleged dodgy tenders valued at just over R3m.

It is alleged that the defendants, through Tembo, made false representations to the department to obtain tenders, with the Special Investigating Unit (SIU) claiming that Tembo allegedly used her influence to score the contracts.

It is also alleged that, through her influence, Tembo also made similar alleged misrepresentations to obtain work for Alinani Trading in the Western Cape department of education.

The company is owned by her sister and co-accused, Sina-zo Mgwangqa.

The SIU is now trying to recoup from the group three amounts of R198,914, R441,397, and R2.7m paid by the province and the Western Cape to Alinani Trading between October 2018 and May 2020.

In the dock with Tembo on Monday, was her husband Theophilus Tawanda Tembo, Mgwangqa, and her company Alinani Trading.

The court sitting was confirmed on Monday by Special Tribunal spokesperson advocate Selby Makgotho, who said

the unit had instituted three claims against the defendants, relating to three tenders awarded in the province and the Western Cape.

He said the court matter was expected to be concluded on Tuesday.

On October 25 2018, Makgotho said, Tembo was allegedly involved in the procurement process for a scanning machine by her department, whereby she allegedly misrepresented facts in a bid to have the tender awarded to her sister's company.

"She had addressed a memorandum to the department's procurement committee wherein she [allegedly] misrepresented to the committee that three quotations were received from three entities, with Alinani being the cheapest bidder with a price tag of R441,397.

"In making the [alleged] misrepresentation to the committee, the third defendant [Tembo] did so with the intention to induce the committee to approve the appointment of Alinani Trading, acted contrary to the provisions of the Public Finance Management Act read with the treasury regulations, failed to disclose and to avoid conflict of interests between those of the department and hers, and was motivated by her own personal gain.

"At all material times, the second [Tembo's husband] and third defendants [allegedly] knew that the contents of the memorandum were false and made solely with the intention to misrepresent and/or induce the committee into appointing Alinani Trading," Makgotho said.

**As a director, [Nandipha] Tembo influenced which businesses received tenders and would [allegedly] recommend that the company registered under her sister's name be awarded tenders**

Makgotho said the appointment of Alinani Trading to render the services for the department, "was made pursuant to the false and/or fraudulent misrepresentation by the third defendant."

He said this was inconsistent with the provision of the constitution and contrary to the provisions of the act.

In another claim, the Special Tribunal wants to recoup an amount of R198,914 paid by the provincial department to the same company on October 17 2018, for the procurement of a guard shed.

It also wants to recoup more than R2.7m, paid to the company by the Western Cape department of education on May 15 2020 for the provision of "essential hygiene and sanitation goods", where Tembo had allegedly failed to declare her interest in the company owned by her sister, while she was involved in the adjudication of the bid.

Tembo and her co-accused could not be reached for comment on Monday.

In October last year, it was reported that the Hawks had to kick down the door to Tembo's Qonce home when they wanted to arrest her after she had locked herself inside and refused them entry.

She was later arrested and charged with corruption, fraud and money laundering.

Her husband and her brother Mandilakhe Mgwangqa, were also arrested on the same charges.

The couple were released on R20,000 bail each, and Mgwangqa received R5,000 bail.

At the time, Hawks provincial

spokesperson Captain Yolisa Mgolodela said the elite police unit's investigation started after Tembo's sister filed a complaint with the police in October 2020, when she did not get the money allegedly promised to her by the couple.

"It is alleged that Tembo and her husband used her sister's company to get tenders from the department.

"As a director, Tembo influenced which businesses received tenders and would [allegedly] recommend that the company registered under her sister's name be awarded tenders."

The Hawks said the agreement between the couple and Tembo's sister was that she would allegedly get 10% of money generated through the business, but she never did.

"Unfortunately, and to her surprise, after the PPE tender of more than R2m was awarded to her company, the sister was congratulated by a friend for the award, which she knew nothing about.

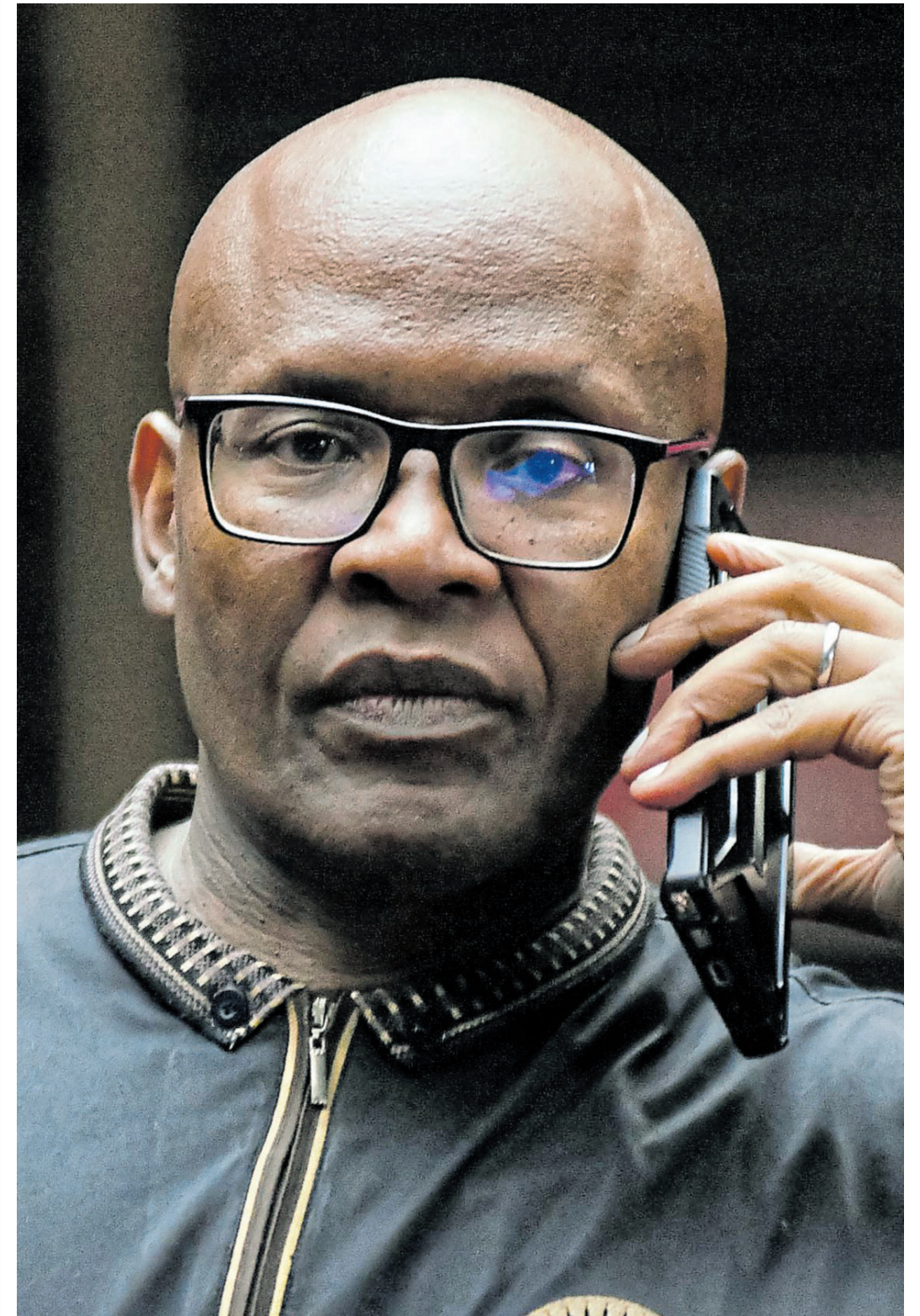
"After some time she noticed some activity in the business account where huge amounts of money were withdrawn.

"She confronted her sister about it and was [allegedly] promised that she would get her cut but after waiting she decided to file a complaint with the police," Mgolodela said at the time.

Tembo had been suspended by the department but had since returned to work, according to Malibongwe Mtima, the department's spokesperson.

On Monday, Mtima said internal investigations against Tembo were continuing.

## Playing Defence



Mzwanele Manyi, Jacob Zuma Foundation spokesperson, speaks on the phone at the Pietermaritzburg high court on Monday. Former president Jacob Zuma and French arms company, Thales are facing charges of corruption, fraud, money laundering and racketeering. Picture: GALLO IMAGES/DARREN STEWART

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# Under-fire ADM's Nyatela blames politics for her legal woes

APHIWE DEKLERK

Former Amathole district municipality member of the mayoral committee for engineering and infrastructure services Nomfesane Nyatela has blamed her troubles with the law on politics now playing out in the municipality.

She singled out her refusal to withdraw an affidavit in support of a court application by former municipal manager Thandekile Mnyimba in his bid to get his job back. The ANC is angered by her affidavit and the Dispatch has previously reported that Nyatela faces being fired as a councillor as a result.

On Saturday, the Dispatch reported that pressure was mounting on her after the Hawks raided her office and her home last week.

"I have not been charged by the Hawks. I want to believe that I am just an individual of

interest — they have an interest which I don't know," Nyatela said. "I have not been asked any questions by the Hawks. I co-operated with them.

"The first time the Hawks called me and raided my office, it was a day before the court appearance for Mnyimba of which I have filed an affidavit.

"Second, the Hawks came to my house on the day there was a council meeting in Amathole," she said.

Nyatela said she believed that the first raid last week was meant to humiliate her at work. "What is nice about this whole thing, the Hawks raided my office and found nothing.

"The Hawks raided my house and found nothing. They even said they didn't find anything."

However, Nyatela said one of the investigators had told her that they did find certain papers that were allegedly being flushed down a toilet at her

home, though she suspected that foul play had taken place during the search.

She said the paperwork the Hawks found was apparently linked to work her company did for the department of correctional services in 2020 and was not linked to any work done at ADM.

Nyatela is being investigated by the Hawks relating to two companies, Fakade Project Managers and Ayaliwe Contractors, after they were flagged by the auditor-general for their association with her.

She said she had resigned from the companies, despite both of them using her address as their offices.

Nyatela declined to talk about her relationship with Luyanda Ntwanambe, the East London boxer who took over as a director of both companies after she resigned.

Ntwanambe is a boxer under

Rumble Africa, a company Nyatela is part of as its CEO.

Nyatela has also linked her dismissal from the mayoral committee by mayor Anelo Ntsangani to the affidavit she filed in support of Mnyimba.

"I won't challenge it [dismissal] but one thing I like is that while I was heading engineering, I did my best. I am not being removed for not executing my duties," she said.

Hawks provincial spokesperson Captain Yolisa Mgolodela has dismissed Nyatela's allegations about the search at her house. "She is acting. The officer of the Hawks went there and when she was about to [use the toilet], she found the documents, mixed with toilet paper. That's the evidence we collected," Mgolodela said.

She did not want to comment on Nyatela's assertion that the invoices were not for work done at ADM.

# Fikeni warns young people on SRCs not to pursue 'crass materialism'

SITHANDIWE VELAPHI

Political scientist Prof Somadoda Fikeni has called on university students in student representative council positions to avoid being initiated into crass materialism.

Speaking at the East London ICC on Friday at an African Liberation Heritage Indaba organised by the Nelson Mandela Museum, Fikeni said some students were stepping into SRC positions for individual gain rather than to bring positive change for their peers.

The indaba was attended by young people, academics, the clergy, politicians and businesspeople.

"The dilemma we have, and I have raised this with the SRCs at universities, [is that] even younger people are being initiated into crass materialism by

getting into SRC positions for lifestyle rather than for legacy."

He said quality was critical when young people were given opportunities.

"Look at the quality rather than using a birth certificate alone," Fikeni said.

"It is the same with gender because some clever people use these categories to bargain for themselves to get into the top [position]."

He called on young people to be reflective of the change they want to see in the society.

"The older people will be comfortable where they are. It is only, qualitatively when you [young people] claim the space [that you can bring the change]."

"But to claim the space you need to start where you are. Start asking yourself 'am I reflective of the values I am talk-

ing about?"

"Our failure comes when you externalise responsibility. What if it does not need you to join some structure but starting in your family or community to bring change?"

"Change is not a postbox material where it is delivered to you," Fikeni said.

He said the people who wanted change in SA were not organised.

"The people who have captured the narrative of liberation are more organised. They are intense in their purpose for wrong reasons.

"Those who want change are disorganised. They are vague in their organisation, hence the few who benefit the most from the liberation enterprise are more vocal and forceful.

"The issue I always raise is that post-1994, did leaders live

through a notion of transforming the system or did the system transform them?"

"Was the quest to assimilate to the existing system or to change it?"

Prof Chris Allsobrook, of the University of Fort Hare, told the gathering: "The civil service is conflated with party politics. Civil service is not party politics. It serves the whole state, not the specific constituency."

Allsobrook said party politics represented the constituency and the political vision.

"We have got too much interference in government and too little political vision."

He said the ANC was dominated by factional rent-seeking individuals.

"What we lack at the moment is the active representative political participation," Allsobrook said.