



# SPECIAL TRIBUNAL

EST: ACT 74 OF 1996

## All Media

30 July 2021

### **RECONSIDERATION APPLICATION IN THE GAUTENG DEPARTMENT OF EDUCATION'S SCHOOLS SANITAZATION AND DECONTAMINATION CONTRACT DISMISSED**

The Special Tribunal has dismissed the reconsideration application by the Chachulani Group Investments Holdings implicated in the R431 million decontamination cleaning contract by the Department of Education in Gauteng Province.

Chachulani Group Investments Holdings, inter alia, challenged the jurisdiction of the Tribunal to preside on its review application.

In the Judgment delivered by Judge Lebogang Modiba virtually on Friday, the Special Tribunal found and rejected the argument that there was no merit in the contention by Chachulani Group Investments Holdings that it lacked the authority to preside in the review application. The review application to set aside the contract has been filed at the Special Tribunal where the SIU seeks an order to recoup the money paid to the respondents.

The application arises from the awarding of the contracts to the 280 contracts by the Department of Education in Gauteng to sanitize, deep clean and decontaminate schools that have been exposed to the Corona Virus pandemic.

The contractors had performed in terms of the contract and most of them paid a cumulative sum of approximately R431 million.

On 1 June, the Special Tribunal granted the SIU an interim relief interdicting the respondents from disposing off the payments from the contract held in the different bank accounts. It was established that certain payments had already been paid to the respondents. The interim order serves to prohibit the respondents from exercising their personal claim to the funds pending the review.

The SIU alleges in the papers before the Special Tribunal that its investigations found material irregularities in the awarding of the contracts.

In the review application instituted at the Special Tribunal on 17<sup>th</sup> June 2021, the SIU seeks a review and setting aside of the contracts as well as the consequential relief against each contractor for the disgorgement of profits derived from the contracts.



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According to the papers before the Special Tribunal, there were several deficiencies in the awarding of the contract. These included the fact that the procurement failed to meet the cost effectiveness requirement; service providers did not submit quotations; the determination of amounts to offer a fee of R250 000 and R270 000 for primary schools, R250 000 and R290 000 for secondary schools and R250 000 to R300 000 for district offices was inconsistent with the cost factors.

It is further alleged that the performance certificates signed by school principals and district offices reflects the same amount was paid without reference to the nature of the work done, the duration of the work and the number of persons required to perform the work.

However, Chachulani Group instituted a reconsideration application arguing, inter alia, that the Special Tribunal lacks jurisdiction; the relieve sought in the review, based on the no-profit principle, is incompetent; there was lack of urgency in the application; the *ex parte* procedure was inappropriate; no case for preservation was made out; and that there was absence of material irregularities.

Judge Modiba dismissed all the grounds for the application in all the reasons having found that they are unsustainable.

## **Media enquiries:**

Selby Makgotho  
Spokesperson of the Special Tribunal of the Republic of South Africa  
Tel: (011) 210 7309  
Cell: 082 907 5082  
Skype: Selby Makgotho  
Twitter: @TribunalSpecial