

To: Adv. Kholeka Gcaleka – Acting Public Protector of South Africa  
Cc: Ms. Maselaelo Manyathela – Provincial Representative, Gauteng  
Per Email: [registration2@pprotect.org](mailto:registration2@pprotect.org)  
Cc: [maselaelom@pprotect.org](mailto:maselaelom@pprotect.org)  
Date: Monday, 22 May 2023  
Subject: Request for an Investigation into the former Executive Mayor, Randall Williams, and the City of Tshwane Metropolitan Municipality's handling of tender USD WS 30-2017/18 awarded to CMS, NJR and Blackhead JV.

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Dear Adv. Gcaleka,

1. During the course of October 2019, the City of Tshwane Metropolitan Municipality ("the COT") awarded tender WS 30-2017/18 ("the Tender") to a joint venture known as CMS, NJR and Blackhead JV ("the JV") to upgrade the Rooiwal Wastewater Treatment Plant ("RWTP").
2. The COT paid an amount of R1 000 000.00 (one million rand) upfront to the JV to float the costs of the site establishment. Thereafter, a further amount of R75 000 000.00 was requested by the JV from the COT as they did not have sufficient capital to commence the upgrade.
3. During the course of June 2022, the COT cancelled the Tender as a result of continuous poor performance as well as the fact that for a considerable period of time the employees of the JV simply did not attend at the site and were absent from work for considerable periods of time.
4. Upon the cancellation of the Tender, ActionSA requested that the COT investigate how the Tender was awarded and what ultimately occurred that lead to the COT to cancel the Tender.
5. An external service provider was appointed by the COT as the behest of the former Executive Mayor, Randall Williams ("the EM"). The external service provider concluded their investigation and submitted their report to the EM. ActionSA thereafter requested that the EM refer the investigation report to the Municipal Council for consideration and adoption. It took the EM 3 (three) months to submit the investigation report to the Municipal Council despite multiple requests from ActionSA for him to do so.
6. As you will note there has been a cholera outbreak in Hammanskraal which has resulted in multiple hospitalisations and at present 15 (fifteen) deaths. It is ActionSA's view that the current outbreak of cholera is possibly directly linked to the fact that the RWTP is dysfunctional. And had the EM's administration and the COT not allegedly negligently dealt with the Tender and ensured the cancellation of the Tender timeously and submitted the investigation report, the cholera outbreak in Hammanskraal would in all likelihood have not occurred and the hospitalisations and death could very well have been avoided.

7. As such, ActionSA hereby request that the Office of the Public Protector institute an investigation into the following:
- a. The award of the Tender and whether the award was lawful or not;
  - b. Whether the EM and/or the COT had been negligent in delaying the cancellation of the Tender;
  - c. Whether the EM's failure to table the investigation report and implement its recommendations contributed to the continued dysfunctional state of the RWTP, which in turn may have caused the present outbreak of cholera.
8. ActionSA looks forward to your positive response.

Yours Faithfully



Michael Beaumont  
National Chairperson