

MEDIA ARTICLE THE JUDGMENT DELIVERED BY THE HIGH COURT IN BLOEMFONTEIN ON 3RD OF DECEMBER 2021

Centlec has taken note of the media article about the judgment delivered by the High Court in Bloemfontein on 3rd of December 2021, in which it declared constitutionally invalid, reviewed, and set aside the award of Tender CD37/2020: Provision of Security Services (guarding, armed reaction/response) including supply, delivery, installation, commissioning and maintenance of Security Equipment (“the Tender”) to Ignite Security.

Centlec wishes to place the correct facts in the public domain, lest the public is made to assess Centlec’s conduct based on incorrect facts. Whilst Centlec welcomes the judgment and commit itself to implementing the order and initiate a new bidding process by 31 January 2022, it should, at the same time highlight the factual errors in the judgment which may portray Centlec in a bad light.

For instance, the Court has incorrectly stated in the judgment that the tender was awarded to Ignite despite it having failed to submit mandatory MBD 3.3 form, but the same document was part of the record which was filed with the Court. The Court also incorrectly stated that the pricing schedule was not provided when the pricing schedule was part of the record that was filed.

It is not Centlec’s intention to appeal against the judgment because Centlec has accepted during the hearing of the review application that the validity period had lapsed when the tender award was made. Whilst indeed supply chain requested an extension of the validity period from the bidders, it did not receive written consent from the bidders. This fact only became known shortly before the review application was heard when supply chain was unable to provide written confirmation of the consent to extend from the bidders. The award of the tender was to be set aside and remitted back to Centlec to commence afresh with the tender process.

In light of this concession, other issues were not canvassed but the court in its wisdom dealt with them in the judgment. Without proper consideration of the record and benefit of counsel's argument on the other issues that the court opined about, the court was bound to make factual errors made in the judgment about the documentation it mistakenly concluded were not part of the record. To this end a letter will be addressed to the court to *mero motu* correct the factual errors which are prejudicial to Centlec.

Centlec will despite these factual errors implement the judgment and commit itself to a lawful process which is fair, transparent, competitive and cost effective in the award of the tender for the provision of security services or any other tender.

End of media statement

Issued by Communications and Marketing.

Lele Mamatu
CENTLEC Spokesperson
Tel: 051- 412 2718
lele.mamatu@centlec.co.za