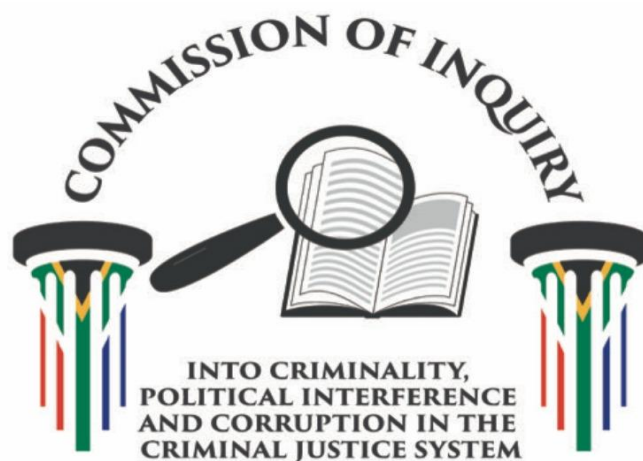


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

24 MARCH 2026

DAY 84



PROCEEDINGS HELD ON 24 MARCH 2026

CHAIRPERSON: Good morning, Mr Mosikili.

ADV MOSIKILI: Good morning, Commissioners.

CHAIRPERSON: Even though I do not usually greet the counsel being led, good morning, good morning to you too. Thank you. And good morning, Deputy Commissioner Spies.

COMMISSIONER SPIES: Good morning, Commissioners.

CHAIRPERSON: Good morning.

10 **ADV MOSIKILI:** Thank you, Chair. Chair, just for the record, we need to clarify that Commissioner Spies, who is testifying today, did testify before this Commission and his last testimony was on the 11th of November 2025, but he was testifying in relation to the events and incidents relating to the Ekurhuleni Metropolitan Department, and today it is not a continuation of that.

He comes under a completely separate stream, which is what we refer to as the Tshwane Metropolitan Police Department. He has since retired, and it was
20 recorded then when he came before the Commission that in fact when he testified before this Commission in November, already he had retired from EMPD, and now deployed by the TMPD.

CHAIRPERSON: February 2025, I think.

ADV MOSIKILI: That is correct.

CHAIRPERSON: Yes.

ADV MOSIKILI: And he started this out on the 2nd of March.

CHAIRPERSON: March.

ADV MOSIKILI: 2025.

CHAIRPERSON: 2025.

ADV MOSIKILI: Yes, so just so that we are clear that it is not a continuation. We tried to label his annexures as well to avoid any sort of confusion as to that testimony. Thank
10 you, Chair.

CHAIRPERSON: Thank you. Thank you, Mr Mosikili. I have forgotten now whether you swore or you whether affirmed.

COMMISSIONER SPIES: Sworn, Commissioner.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say, so help me God.

COMMISSIONER SPIES: So help me God.

20 **CHAIRPERSON:** Thank you.

REVO SPIES: (duly sworn states)

EXAMINATION BY ADV MOSIKILI: Thank you, Chair, and good morning, Commissioner Spies. And again, could you just formally put your name on record?

COMMISSIONER SPIES: My full name is Revo Spies.

ADV MOSIKILI: Thank you. Commissioner, you will see that you should have before you four white files. There should be two big ones and two small files. Can you confirm that?

COMMISSIONER SPIES: Correct, Commissioner.

ADV MOSIKILI: Thank you. Before we deal with the contents of those files, can you confirm that you have prepared a statement and submitted one to this Commission so that it can be used in your testimony?

10 **COMMISSIONER SPIES:** Correct. I have prepared a statement relating to the Tshwane Metro Police portion and I have submitted it.

ADV MOSIKILI: Thank you. May we then go to File 1 of 4? It is one of the smaller files. And you will see on the index there it lists the document statement of Revo Spies. Do you see that, Commissioner Spies?

COMMISSIONER SPIES: Correct.

ADV MOSIKILI: And there you will see that if you flip over, the last page to that document will be page 19.

20 **COMMISSIONER SPIES:** That is correct.

ADV MOSIKILI: Do you see that?

COMMISSIONER SPIES: Yes.

ADV MOSIKILI: Do you confirm that this is your statement that you submitted for consideration by the Commission?

COMMISSIONER SPIES: Yes, I confirm that that is my

statement.

CHAIRPERSON: Is your copy signed, Commissioner? And what about yours, Mr Mosikili? Ours are not.

ADV MOSIKILI: Yes, Chair, that is the next question that I want to put to the witness. The statements to answer you, Chair, they are not signed.

CHAIRPERSON: Yes.

ADV MOSIKILI: And I want to put to the Commissioner, is this a statement that you intend on signing as reasonably as
10 possible, confirming the contents of that statement?

COMMISSIONER SPIES: Correct. I have signed my own version, but mine is at home. But the bundle version, I am prepared to sign them now as well.

ADV MOSIKILI: Thank you, Commissioner. And lastly, you confirm the correctness of your statement thereto?

COMMISSIONER SPIES: I confirm the correctness thereof.

ADV MOSIKILI: Thank you. Can we then go to your actual statement? And you will see that from paragraph 1 to 6 you deal with the introduction and the education and career
20 background. Could you perhaps read these contents into the record and just highlighting your history of service as set out in these paragraphs?

CHAIRPERSON: May I just intervene and ask, Commissioner, besides you joining the Tshwane Metropolitan Police Department, is there anything new to

what you would have given us when you testified earlier?

COMMISSIONER SPIES: New in terms of my previous testimony?

CHAIRPERSON: I am saying in addition to what you already told us about your career advancement or progression, besides your move to Tshwane, is there anything else that is new?

COMMISSIONER SPIES: No, Commissioner, it may be just a misconception that it could be a misconception, but I
10 officially retired.

CHAIRPERSON: No, no, no.

COMMISSIONER SPIES: And then I started, but there is nothing else in my career that changed.

CHAIRPERSON: I am not there at all. I am just trying to say perhaps we do not need to go over this because we already have your details.

COMMISSIONER SPIES: It is exactly the same.

CHAIRPERSON: Yes. I think you can then proceed to 6, yes, to paragraph 6.

20 **ADV MOSIKILI**: That is correct, Chair. And you will see, Commissioner Spies, under paragraph 6, the heading there will be the responsibilities that you have now at TMPD. Can you deal with that together with paragraph 7 thereto?

COMMISSIONER SPIES: Correct. Commissioners, I have been appointed in the City of Tshwane Metro Police from

the 1st of March as the Deputy Chief of Police for Asset Protection and Security Services. It is a division within the Metro Police and serves under the Chief of Police, Commissioner Yolande Faro.

My main functions and responsibilities is to exercise control over this division. And in this division itself, I am accountable for the physical security and technical systems, the operational support around the technical systems and the physical security, and then
10 physical guard services.

The difference between 6.1 and 6.3 when we deal with physical security is that we operate a hybrid system, meaning that we have in-house security, which is on the payroll of the City. It is security officers employed by the City. There are 1 270 of those guards. And then there is a contracted portion, which is to 22 service providers, which I will deal with later. That is contracted services who is deployed through the seven regions.

Part of this division, that contracted services, there
20 is a tender in place with the number TMPD 02/2016/2017. And I do understand that this falls within the Commission's subject matter and it deals with the physical guarding of the City where it is contracted services.

That tender itself, as the number indicates, obviously originates from the 2016/27 municipal financial

year. So when I testify about that tender, it is about the historical context of it and what I have determined and learned in my one year of just over a year's service now.

ADV MOSIKILI: Thank you, Commissioner Spies. Perhaps I should bring to attention that in the past three days of the Commission we had Sergeant Nkosi testifying and touching base on some of the tenders that form an integral part of your testimony. So the Commissioners at least have been part informed of the issues relating to those tenders and
10 they might want to interrupt and ask you questions as they understood the terms of those tenders during the testimony of Sergeant Nkosi.

But I am not limiting you to what you would like to share with the Commission when it comes to these tenders, but just take heed of that caution. Can we then, with that said ...[intervenes].

ADV KHUMALO SC: Just before you move to the next section, Commissioner Spies, Chair asked you if there was anything you wanted to add since your last testimony. Your
20 testimony focused on your stint as a Deputy Chief of Police at Ekurhuleni. I just want to understand, at Tshwane, are you on contract? So is it a three year contract, what exactly is the situation as far as your employment is concerned?

COMMISSIONER SPIES: No, Commissioner. At

Ekurhuleni, I was appointed as a section-56 contract employee for a period of five years, which I took early retirement.

ADV KHUMALO SC: Yes.

COMMISSIONER SPIES: However, in August 2022, a new government gazette was regulated where only employees that directly report to the City Manager as Accounting Officer is considered or deemed to be section 56. So when I was appointed in the City of Tshwane, I was appointed as
10 a permanent employee till I reached the compulsory retirement age of 65 years. So I am now a permanent employee with a performance contract, but not with an employment fixed term contract.

ADV KHUMALO SC: So it is not a five year situation that existed?

COMMISSIONER SPIES: No, it is not that.

ADV KHUMALO SC: Okay.

COMMISSIONER SPIES: It is a permanent contract that I have been employed with until I reached the retirement
20 compulsory age of 65.

ADV KHUMALO SC: Thank you. Thank you, Mr Mosikili.

ADV MOSIKILI: Thank you. Commissioner Spies, can we then speak to the contents of paragraph 8 and 9 of your statement?

COMMISSIONER SPIES: Commissioners, the tender TMPD

2/2016/2017, that is for the supply of physical security to protect the property assets and the personnel of Tshwane Metropolitan Municipality. This tender originates from what we call a TAR. It is a Tender Advertisement Request form, which was issued at that stage in 2016 by a Director Tshukudu Malatji.

He was the director of the Protection Services, and this TAR was issued on 8 July 2016. At that stage, it was co-signed by the then Deputy Chief of Police Specialised
 10 Services, Mr RR Mahlaule, and on 19 July 2016 this was approved by the then Chief of Police, Mr KS Ngobeni. I am also attaching these, that specific TAR, as RS21 as a reference.

ADV MOSIKILI: Thank you. Chair, you will see that the witness is referring to RS21. However, Chair, the way I intend dealing with some of these annexures is that because the tender was adjudicated years ago, it is not necessary for us to dwell into that and also consider what irregularities might or might not have occurred. We do not
 20 think it is relevant. However, when we come to the most relevant annexures, I will take the witness there, Chair.

With that said, Commissioner Spies, I would still, Chair, though, insist that some of the names that appear, especially from different tender committees, be mentioned because they become relevant at a later stage. Thank you,

Chair. Then, Commissioner Spies, can we then pick it up from paragraph 10 of your statement?

COMMISSIONER SPIES: In the original TAR, there was a proposed Bid Specification Committee, which the department then proposed, which stated that these members are Director Racheke, Director N Moosa, Commissioner Sibaya, Mr Faik Alexander, and Mr Pieter Robinson.

However, when these bid specifications were
10 serving at the initial Bid Specification Committee on Monday, 1 September, the committee members that actually did the BSC, it was not the same as the Bid Specification Committee nominations.

So the members in paragraph 11 then is the actual members who approved the bid specification of this tender, and they were Mr Kes Matlapen, he was a Director at the Tshwane Metro Police, he was the Chairperson, Mr Vusi Nkuna, which is indicated as the Director Land Invasion, a Mr Sipho Nkomo, Director Tshwane Metro Police, and Mr
20 Faik Alexander, who is from Supply Chain Management, he is the Director of Secretariat Services, and then Mr Pieter Robinson, Group Legal Deputy Director for the Corporate and Council Legal Compliance.

CHAIRPERSON: I assume, Commissioner, that everything you tell us in connection with this tender, before you joined

TMPD, is information gleaned from documents or records within the Tshwane Metro?

COMMISSIONER SPIES: Correct, Commissioner. The names that are here, obviously, as I was appointed, I started to collect the tenders, the award letters, the Bid Specification Committee, so that I do understand the tender that we currently are operating under.

CHAIRPERSON: Yes, yes.

COMMISSIONER SPIES: So when I read these names, it is
10 from the Bid Specification Committee's agendas and minutes that I read the names.

CHAIRPERSON: All right.

COMMISSIONER SPIES: Obviously, some of the names I do know because they still work for the department, some of the names, I just do not know them at all.

CHAIRPERSON: They are just names. You do not know the people, all right, all right. Thank you, thank you, Commissioner.

COMMISSIONER SPIES: Thank you, Commissioner.

20 **CHAIRPERSON**: Yes, Mr Mosikili.

ADV MOSIKILI: Thank you, Chair. You may continue, Commissioner. I think you were at paragraph 12, now you are approaching that, yes.

COMMISSIONER SPIES: Part of the process of a Bid Specification Committee and all the committees thereafter,

Bid Specification, the Bid Evaluation, and the Bid Award Committee, is that every member must sign and make an oath of declaration that they have no interest in the tender. So all of the declarations is then in a reference RS23 bundle, where all the declarations are as combined as one bundle, or one reference.

This tender was advertised on 30 September 2016, and then it was eventually evaluated by two Bid Evaluation Committees. And I will deal later with why two Bid
10 Evaluation Committees, but the first Bid Evaluation Committee was a Mr Moloko Racheke, who was the Chairperson, Mr Tshukudu Malatji, Mr Vusi Nkuna, Mr Malusi Mahlanga, and Mr Morutse Mphahlele.

So from, and this is why I say I have read the documents, it is not that I do have personal knowledge of this, because there seem to have been irregularities with the first bid evaluation process, because on 24 January 2017 a report was submitted to the Executive Adjudication Committee by a Mr Thembeke Mphefu, in which
20 irregularities during the first BEC were detected.

It was then recommended that the entire process be restarted, and in this regard I have attached that actual letter as well from Mr Mphefu. In that report, it stated that this first BEC Committee, as in paragraph 14, they removed all the bid documents of all the tenderers from the supply

chain management premises to an unknown venue at Premos. Premos to us is the Tshwane leadership academy in Pretoria West.

And later, when they finished with the evaluation, they returned the documents and then there were missing documents, which makes it an irregularity. And at the same time, he also stated that one of the BEC supply chain members resigned from the BEC due to irregularities he experienced. And that is from Mr Mphefu's report that he
10 submitted to the Executive Adjudication Committee, with a request that this tender be cancelled and restarted.

ADV KHUMALO SC: Mr Moloko Racheke in 14.1, is it the same person as Director Racheke in 10.1?

COMMISSIONER SPIES: Correct. And then, obviously, the decision was made at the Bid Adjudication that this tender be cancelled and start afresh because of irregularities that was mentioned in it. However, one of the bidders, Lebelelang Mahlatse Trading (Pty) Ltd, they approached the High Court in Gauteng with a case number of 32325/2017,
20 and Justice Fabricius on 24 May 2018 directed that this tender may not be cancelled, it must be re-evaluated afresh, and the same order of the Justice Fabricius also extended the validity of this procurement process by another 90 days.

In compliance with this order, a second BEC

Committee was then appointed to evaluate the tender afresh. This 90-day period, when a tender is advertised, it normally will have an initial 90-day period that it must be concluded within. So this period is obviously being passed, and that is why the Judge then made the ruling that that period be extended to start the process afresh for evaluation only.

And then the second BEC Committee members which were then appointed was a Mr Chris Tepe, who was
 10 the Chairperson, and he was the Divisional Head of the Treasury Department. Mr Mthobeli Kolisa, he was the Group Head of Environment and Agriculture Management. Ms Verusha Morgan, who was the Group Head, Property. Mr Koena Nkoko, Group Head Health. Ms Nosipho Hlatshwayo, the Group Head of City Strategies and Organisational Performance. And a Pamela Rakulele Ngabutle [?], who was the Deputy Director Demand in Supply Chain Management.

This committee, after evaluation, it appears that
 20 they again resolved that the tender be cancelled due to irregularities during the bid evaluation process still linked to the original missing tender documents which were deemed to be highly irregular.

And at that stage, the group of 22 companies that were originally proposed to be awarded the tender

approached the court again. And then Her Ladyship Justice Molopa-Sethosa issued a court ruling on 22 October 2021 that the tender be awarded to the 22 companies and the City must enter into a service-level agreement with this list of companies. And for that matter, it is listed, the court ruling, as RS25.

And then based on that court ruling, the City drafted the SLAs and the tender then officially commenced on 1 March 2022 with this list of 22 companies that was
10 awarded in the ruling by the court.

ADV MOSIKILI: Commissioner, would you please look at File 4. I want you to read the contents of Annexure RS25 into the record. So it will be this. It is a smaller file. It is File 4 of 4, and then I refer you to page 945.

COMMISSIONER SPIES: I confirm that that is the court order that was issued by Her Ladyship Justice Molopa-Sethosa.

ADV MOSIKILI: Yes. Can you just read at least the first paragraph on that page? So paragraph 1. It actually spills
20 over to the second page.

COMMISSIONER SPIES: Sorry, must I read the order into the record?

ADV MOSIKILI: Yes, please.

COMMISSIONER SPIES:

“By agreement between the parties, it is

ordered that:

[1] The respondents' decision to cancel tender TMPD 02/2016/17 is substituted with the following decision:

1.1. Tender TMPD 02/2016/17 is awarded to the applicant and such other bidders who:

1.1.1. were recommended for the supply of physical guarding services to protect Council property and personnel of the City of Tshwane for a period of three years at variable amounts as reflected in paragraph 20 of the report of the Bid Evaluation Committee at page 003-93 of the CaseLines' record, and

1.1.2. are registered with the Private Security Industry Regulation Authority as at the date of this order.

[2] The respondent is ordered to conclude service level agreements with the aforesaid bidders which agreement shall detail the agreed services to be delivered, how such a service is measured in the provision thereof, and the response time required for such a

service.

[3] The respondent is ordered to pay the applicant's cost, save that the cost of the day in respect of 21 October 2021 will be taxed on the unopposed scale.”

ADV MOSIKILI: Thank you, Commissioner. Just to be clear ...[intervenes].

ADV BALOYI SC: Before you move on. Morning, Commissioner.

10 **COMMISSIONER SPIES:** Good morning.

ADV BALOYI SC: In that paragraph 19 at the very last line where you say the council then started the tender on March '22, paragraph 19 of your statement.

COMMISSIONER SPIES: Yes, Commissioner.

ADV BALOYI SC: When you say it started the tender, you mean implementation?

COMMISSIONER SPIES: Correct, Commissioner.

ADV BALOYI SC: Of that tender, not a new tender process?

20 **COMMISSIONER SPIES:** No, no, no. It is because of the court order on 22 October, it took a while for the corporate and legal to design and create the service level agreements, and then the service level agreements and the contracts and everything was only done and completed in February 2022 and the tender then commenced 1 March

2022.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: So because the tender was in 2017, 2016, that year I think, going into the next year, 16/17, if it was delayed for what looks like four or five years, does it mean the previous service providers had their contracts extended on a month-to-month basis?

COMMISSIONER SPIES: Before this tender?

ADV KHUMALO SC: Yes. What happened between
10 ...[intervenes].

COMMISSIONER SPIES: Correct.

ADV KHUMALO SC: And what happened between 2017 and 2022 when this tender was restarted, as you say, on paragraph 19?

COMMISSIONER SPIES: Correct, Commissioner. There was a tender in place with a group of service providers, and when this tender process was initiated, it was obviously to replace that previous tender. And when the first court interdicts and ruling started, those tenders were extended
20 on a month-to-month basis up to February 2022. So effectively at 28 February 2022, those tenders then were completed, and on 1 March 2022 this 2016/2017 tender actually commenced.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Commissioner, you say that the tender

was eventually awarded after a second approach to the High Court to 22 companies that were originally proposed to be awarded the tender. I have been going through this back and forth. I do not see where it was proposed that the tender be awarded to the 22 companies.

COMMISSIONER SPIES: Commissioner, in the BEC Committee's minutes that they submitted to the BAC, the Bid Award Committee, in that report there was a total evaluation of 22 companies, and they did the complete
10 evaluation and those 22 companies have been in the BEC the whole time. But when it was then submitted, the whole report about that 22 companies was submitted to the BAC with a recommendation that that whole process must be stopped and cancelled.

CHAIRPERSON: Yes.

COMMISSIONER SPIES: So it was not awarded to the 22 through the City's actions. The whole way, even though they were evaluated, and there were 22 companies that were deemed to be by the BEC successful, that report
20 continuously then stated, but there is missing documents, there is irregularities, and therefore when it got to the BAC, the BAC took that into consideration and said, but there is missing documents, it is highly irregular, and it should be cancelled.

CHAIRPERSON: Yes.

COMMISSIONER SPIES: The then Chairperson of the BAC was the previous CFO of the City, Umar Banda, and he signed off and said it must be cancelled due to irregularities. However, Judge Fabricius, very narrowly in the first court order, and I am not obviously saying – I have got an ethical response, but I am not saying the Judge was wrong.

The Judge did the legal correct thing when he stated that the then legislation had a very narrow portion
10 that you can cancel a tender with, and the words irregular or missing was not in that wording. So he ruled that you cannot use that to cancel the tender, that is why it must be started fresh.

And obviously today with hindsight, when you hear the word irregular in my head, it should be cancelled immediately, it should not proceed. And then in the second BAC they took the same report, the same companies, and stated these were the most successful companies in the evaluation, but due to these missing documents, it is still an
20 irregularity and it must be cancelled.

And the Chairperson again, Mr Banda, again said, no, it must be cancelled because of this irregularity. And that is when the 22 companies, because the City – I do not know how it got out, but everyone leaked most probably the information, and then the 22 companies knew that they were

deemed by the BAC to be successful, but they took then the decision to court to say, no, but we are successful, and that is when the court then made the ruling to say that those 22 companies we initially were must be awarded the tender.

CHAIRPERSON: Thank you for the clarification. I guess what confused me was the fact that it appears, both from what I read here and from what you are saying now, that there was never a pronouncement by the Bid Adjudication Committee that there is going to be an award to the 22
10 companies. So that is why it sort of sounded odd. And indeed it is odd that there was then an award to the 22 companies despite the fact that the Bid Adjudication Committee never pronounced that that should be the position, but I just wanted clarity, ja. Thank you. Yes, Mr Mosikili?

ADV MOSIKILI: Thank you, Chair. And also to be fair to the court, that agreement, or at least that court order seems to be it is by agreement between the parties anyway.

COMMISSIONER SPIES: Correct.

20 **ADV MOSIKILI:** Thank you, Commissioner Spies. Can we then pick it up at paragraph 20, where you deal with these companies?

COMMISSIONER SPIES: So the list of 22 companies that was then awarded and commenced on the 1st of March 2022, and to date is still working under this contract, is

Gubis85 Solutions (Pty) Ltd, Izingwenya 210 Investment CC, Triotic Protection Services CC, Batlhokomedi Management Services, Both Best Trading and Projects, Eulitsaki Construction and Cleaning Enterprise, Hotline Security Services, Lebelelang Mahlatse Trading, Letjane Trading Enterprise, Mabotwane Security Services, Marumo-Maepe Cleaning Security and Civil Construction, Mogalagadi Security, NEP Security Services, Phiriphiri Trading Enterprise, Raite Security and Consulting,
 10 Ramalepe Security and Cleaning Services, Seputwe Trading Enterprise, Skets Projects, Suecoll Renting and Construction, Takana Limpopo, Tlhomphanang Business Enterprise, and Vhugi Protection Services.

And this tender, which then commenced on the 1st of March 2022, as per the prescripts of the MFMA Act, three year period, then concluded on the 28th of February 2025 as a contract at that stage.

ADV MOSIKILI: Chair, I would request that the Commissioners perhaps highlight the first three companies
 20 on that list. These are the companies that will be forming the subject matter of our discussion. The Chair would have also noticed from the previous evidence of Sergeant Nkosi that at least two of those three companies were conversed with him and we sampled those three in the TMPD stream and also tried to draw a linkage with the terms of reference,

especially where there is a suspicion of interference by syndicate or so-called cartels. So those three names on top will be the ones that will feature quite often in the stream of TMPD.

CHAIRPERSON: So the first three, namely Gubis85 Solutions, Izingwenya 210 Investments, Triotic Protection Services?

ADV MOSIKILI: Indeed. It might be that we pick one or two after that, but these are the three that will be a common
10 feature through the TMPD.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you.

COMMISSIONER SPIES: Commissioner, can I just add that I am not placing them in that order automatically. I actually use the alphabetical order of the names. It is accidental that they are at the top.

CHAIRPERSON: Thank you, Commissioner.

ADV MOSIKILI: Noted, Commissioner Spies. Can we then proceed? We deal with a separate topic. Perhaps, before
20 we go there, please deal with paragraph 21 before we go to the new topic.

COMMISSIONER SPIES: I did mention that the contract is awarded for a period of three years as per the Municipal Finance Management Act and because it commenced the 1st of March 2022, the end date will then be 28 February 2025,

which is that three-year period. So this contract then came to an end on that date, but obviously we are still on it and I will explain now in my next portion why the tender has been extended and why it is still ongoing.

ADV MOSIKILI: Yes. Thank you. And that will speak to the question that was raised by Commissioner Khumalo earlier on to say what happens when one contract expires and probably the processes that are required to extend. Can we then deal with that, Commissioner Spies? Thank
10 you.

COMMISSIONER SPIES: So in this specific, and I think I deal later with it as well, where I just stated that this specific division that I am in charge of was created and started in the structure 1 July 2024. The Asset Protection Unit was then moved from the City Manager's Office to the Metro Police in the new division. It was originally a unit and it is now a division, Asset Protection and Security Services.

So in 1 July 2024, when this unit was moved over
20 to Tshwane Metro Police as a division, it was discovered that this tender would expire in 28 February 2025. So a new process to replace this existing tender was initiated already in August internally in the department, but in November 2024 this tender was then registered with a contract number of TMPD 3/2425. And that started with the

process where it was BSC advertised and the closing date was in the middle of February.

So it has not yet been concluded by 28 February. So because the closing date of the bid itself was in the middle of February, there was not enough time to go through the bid evaluation process. There were a huge amount of bidders that submitted documents.

So the bid evaluation process and the BAC process could not be concluded in time. So a report was then submitted to the BAC before the tender expired. And this report was then to extend the original tender to 2016/2017 and it was submitted to the BAC, *inter alia*, by Deputy Commissioner Umashi Dhlamini from the Tshwane Metro Police.

And then it was approved by the then Chairperson of the BAC, Mr Gareth Mnisi on the 27th of February 2025. And it was final signed off by the accounting officer on the 28th of February to extend the tender for a period of four months to the 30th of June 2025 to give time for the new tender 3/2425 to be evaluated and to be concluded and awarded.

ADV BALOYI SC: Commissioner Spies, can I just understand in that paragraph 23, where you say that it was approved by the – the extension was approved by the Chairperson of the BAC, how does it work? Is it not the

committee that approves the extension? The way you have said it here, it seems like it is an individual and the individual being the Chairperson.

COMMISSIONER SPIES: Commissioner, it is a committee.

So the report is presented by the department to the committee. The committee does obviously discuss the matter between themselves and then it is recommended and the Chairperson of the committee signs off on the report as a recommendation to the accounting officer and then the

10 accounting officer signs off based on the recommendation from the Chairperson.

ADV BALOYI SC: So it is a decision of the committee?

COMMISSIONER SPIES: Correct, Commissioner.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Commissioner Spies, perhaps to give context to the clarity-seeking question by Commissioner Baloyi, could you go to the actual minute of the BAC? It will be on the smaller file. It will be File 4 of 4.

COMMISSIONER SPIES: Sorry, which number?

20 **ADV MOSIKILI**: 945.

CHAIRPERSON: There was one minor issue I wanted to raise earlier but I forgot. It took me a bit of time to find 945A because I was expecting it to be after 945. You know, for example, even with legislation including subordinate legislation, the uppercase A or B, whatever the letter may

be, usually signifies an insertion. And if it is 945, then the A will be indicating that it is an insertion after 945. In the end, I was shown by Commissioner Khumalo where 945A is because I was looking at the wrong place. That is just for the future.

ADV MOSIKILI: I accept that, Chair.

CHAIRPERSON: Yes.

ADV MOSIKILI: And I think it is an insertion while trying to sort out the bundle, as it were, but you are quite correct.

10 **CHAIRPERSON:** No problem.

ADV MOSIKILI: I should have mentioned the capital A. So now we deal with 945 with no capital A, Commissioner Spies. Are you there?

COMMISSIONER SPIES: Correct.

ADV MOSIKILI: Yes. Can you read into the record at the very top what this document is?

COMMISSIONER SPIES: It is the minutes of the Bid Adjudication Committee dated 27 February 2025. And it is a further report where the Tshwane Metro Police Department
20 is requesting for the approval for the extension of the security tender TMPD 2/201617 for the supply of physical security guarding services to protect the property assets and personnel of the City of Tshwane on a month-to-month basis for a period not exceeding four months with effect from 1 March 2025 to 30 June 2025.

ADV MOSIKILI: And this is the document you refer to at paragraph 23 of your statement?

COMMISSIONER SPIES: Correct. That is the bid which was then signed off at the end of the Chairperson of the Bid Award Committee.

ADV MOSIKILI: Yes. Can you then go to the next page? I just want you to concentrate only on the parts that are put in bold. You can start with 92 thereto. It will be on page 946.

10 **COMMISSIONER SPIES:** The middle portion?

ADV MOSIKILI: The middle portion, yes.

COMMISSIONER SPIES: Yes. As is practiced in a BAC report, normally the BAC or BEC Chairperson will also be present of the previous committee, but the report itself was presented by Veli Nwandule and Umashi Dhlamini from the Metro Police. And then the resolutions that were made is that they noted the amendments that were done as recommended by the Bid Adjudication Committee of meeting of 20 February 2024.

20 And the previous indication stating that the contract had expired and was corrected and it further stated that it was valid until the 28th of February. It does not require a request for deviation.

 There was obviously, from hindsight because I was not here, is that there was a meeting because of the

confusion of dates of the contract starts on 1 March and the previous contract was stated that it ended on 1 February. Whereas if a contract starts on 1 March, it actually ends on 28 February because it is valid for a full year.

And then on 20 February there was a BAC where it was corrected in the BAC and they had to redo the report to come back with this report on the 27th of February. And therefore you do not need a deviation because it is while the tender is still ongoing, you can do the application to
10 extend it. If the tender has expired, it becomes irregular and a deviation report that must then be approved. And the department confirmed that the amount was still below the 15% markup and that the budget was in place for the four months.

It is also stating then on the next page that the service level agreements is that the date for resuming duties was 1 March because they were arguing in that meeting about does it start 1 February or does it end 1 February or does it end 28 February. But eventually it was
20 cleared out that because of the court ruling and the SLA, it commenced 1 March and therefore ends on 28 February.

And then the rulings is just that the contracts and everything forms part of the approval pack because the original SLA is kept intact, it is not changed at all. The whole contract stays as is for the extension going forward.

And the committee emphasised that it relied on the information presented by the department on the SLAs as the commencement date and it was therefore then resolved that the service level agreements for the original 22 service providers with commencement date 1 March 2022 be extended.

And then on the next page, page 948.5, it is listing just the 22 companies up to 949, which is exactly the same companies. Their order is just a random order where mine
10 was alphabetical, but it is the same 22 companies. And then on page 949, it was signed off as recommended by the Chairperson of the BAC, Mr Gareth Mnisi, on the 28th of February 2025, and it was then final approval by the accounting officer, Mr Mettler, as the City Manager.

CHAIRPERSON: I noticed, Commissioner, that it is this list, this second list, that is actually alphabetical. The earlier one was not.

COMMISSIONER SPIES: Okay.

CHAIRPERSON: So the first three companies are not in
20 alphabetical or do not follow in alphabetical order.

COMMISSIONER SPIES: Sorry, I have to correct you then, Commissioner, but it is a random type. It is not that I actually ...[intervenes].

CHAIRPERSON: Yes, yes.

COMMISSIONER SPIES: The letters, how it came from is

the pack of award letters that I have. In the order that they are, I typed their names. So I made an assumption on that.

CHAIRPERSON: All right. That is fine. Yes, Mr Mosikili?

ADV MOSIKILI: Yes, thank you, Commissioner Spies ...[intervenes].

ADV KHUMALO SC: Just a question on this. Commissioner Spies, what is happening in our municipalities? Why is it so difficult to evaluate tenders before the previous one expires so that you can appoint
10 new service providers on time?

Why is it that you continuously see this thing where a tender is advertised, you know that the previous contract is a three-year contract and it is going to expire at the end of February, but you do not complete the evaluation process and the new appointment before the end of February.

And then you have to favour the companies that were appointed under the previous tender because you continuously extend their contracts and they get paid out of the municipality when in truth their term has expired
20 because it was a three-year term. You are effectively giving them three and a half years now. Why is it that this is always happening?

COMMISSIONER SPIES: Commissioner, on a general note, on my experience, is that in terms of the MFMA Act, it has very strict deadlines and guidelines of let us say a

period of 90 days that a tender must be through all the committees approved, advertised, and it must be evaluated and awarded.

However, in the process, if you look at – and I cannot speak what happened here, but we restarted this tender fresh this year. It was advertised, it was approved to go to BSC in December, the decision was made. The first BSC sat in January. It was approved, it was advertised at the end of January, and it closed on the 10th of March.

10 In between there is a briefing session where all the prospective bidders must be at the compulsory session. At the briefing session, there were more than 1 200 companies. I do not know what obviously happened first because I am not part of the BEC process, but if all 1 200 that was at the briefing session submit a bid and it is a document this thick, you then get to the evaluation stage.

 The committee must physically go to every one of those companies and physically visit these sites, tick off on a checklist to say you have all the specifications,
20 requirements, you have it, give them scoring points, then write the report, then go to verify that the company's documentation with SARS, PSiRA, all of that exists.

 That administrative bureaucracy process is when it is a large amount of tenders, like 1 200 people, I am not saying people, companies, that creates a massive delay

because of the large amount that is there, especially with tenders like these. Even now there is a new process that has been introduced which also make a delay in the tenders, and I will touch on it later as well, which happened in the specific tenders.

Because we as management start to notice that there is wrongness either at the BSC or at the BEC, because we know that there is tenders that is highly susceptible to wrongness, the City has introduced a process
10 called probity. So now it will happen that the BEC will evaluate and do all of this work.

Then probity will be the group audit and risk, which is a complete separate department as audit. They will redo the complete process of the BEC to verify that the BEC did not crook. So it is a second evaluation process, and then the probity report will be included into the BEC's result, and only then will it go to the BAC, which still have then the choice to say but we do not believe whatever BEC or whatever probity found.

20 Probity could found wrongness, and then if probity found wrongness, then the report will actually state that there was wrongness and it will be cancelled again. So it is a problematic process of delays that happen because of volumes that is involved.

ADV KHUMALO SC: But then it means if you know that a

three-year contract is expiring at the end of February 2025 or 2020, you must start the process a year earlier. You cannot start it three months before the contract expires, and then when you get to the expiry, you say, oh, we had 1 200 bids.

You must expect that in advance and plan in advance. And the reason I am raising this is you mentioned the three companies that the evidence leader said will be the focus of this stream. They have been favoured because
 10 it means their contracts have been extended after their term has expired, and that would apply to the other 22. And the question I am asking myself, maybe it will come up later, is whether this was done deliberately to favour these companies, or if, as you say, it is simply the volume that overwhelmed those who are evaluating the bids. I do not know.

COMMISSIONER SPIES: Commissioner, on one side, I have to agree with you, but as a City, from now that I know of, we actually do start earlier. We take nine months before
 20 tenders expire. We as management and TMPD already sit with a nine-month list to say that these tenders will expire in the next nine months. The process must be started so that we start internally the processes.

The internal process has started, but from the day that you advertise, from that day onwards, there is the 90-

day. Even though we have actually asked that 90 days must be extended because we know for some tenders probity will come in, and that will add a portion to it as well.

ADV MOSIKILI: Thank you, Commissioner Spies. Perhaps to give justice to Commissioner Baloyi's question earlier on with regard to Gareth Mnisi, you will see that at 949. The question was, you had said in your statement he approved, but you will see there the signature comes as someone who recommended and signed off. Do you accept that?

10 **COMMISSIONER SPIES:** Correct. As I stated, it is that the Chairperson of the BAC recommend and sign off on it.

ADV MOSIKILI: Yes. Now, what I want to bring to attention is that there has been evidence by the previous witness, Sergeant Nkosi, dealing with WhatsApp conversations between himself, Mr Gareth Mnisi, Mr Umashi Dhlamini, in particular around that specific time of the extension of the contracts and a few days later.

So what I want to ask you, fairly so to say, would it be your fair observation at the very least, nothing higher
20 than that, to say that both Mr Mnisi and Mr Dhlamini played some role in the extension of this tender?

COMMISSIONER SPIES: Correct, but I cannot obviously say ...[intervenes].

CHAIRPERSON: I am just thinking, should we not rely on what is gleaned from the WhatsApp texts on that and not

require the Commissioner to express an opinion on the matter?

ADV MOSIKILI: I accept that to an extent that he is dealing with the document that deals with the extension of that tender and the times. And obviously, Chair, we will marry it together at the relevant time to draw the dots with the conversation without drawing them there.

CHAIRPERSON: I guess what I am saying is drawing those lines or linking those dots, I do not think that it gets better
10 by whatever view the Commissioner may express.

ADV MOSIKILI: I take that.

CHAIRPERSON: Yes. You get what I mean?

ADV MOSIKILI: Yes, Chair.

CHAIRPERSON: Yes, yes, yes. I am not sure whether you completed this by making reference to the approval by the City Manager after the Chairperson of the BAC had made a recommendation. That is at 949. Did we get to that point? Did we get to that point, Commissioner? That is after the recommendation by Mr Mnisi, the Chairperson of the BAC,
20 the City Manager then also signed off approving.

COMMISSIONER SPIES: Correct, Commissioner.

ADV MOSIKILI: And just to add to that, to the Chair's question, just explain to us the role that the City Manager plays in this regard as approved. Thank you.

COMMISSIONER SPIES: The City Manager is, as per the

System and Structures Act, is the accounting officer for the City, as the number one official. And therefore, whatever the BAC recommend to him, he signs it off as the accounting officer. He is not directly involved in the process at all, except signing off as the accounting officer for the City.

The BAC Committee is the one who make the decision and resolution, which is then signed off as recommended by the Chairperson of the BAC. And then the
10 City Manager is only in his role as accounting officer signs off on it.

CHAIRPERSON: Thank you. Yes, Mr Mosikili?

ADV MOSIKILI: Thank you. Commissioner Spies, in your exchange with Commissioner Khumalo, you had touched a bit on the probity process. Can you just pick it up there to an extent that you need to from paragraph 24?

COMMISSIONER SPIES: Yes. This new replacement tender, which is the 3/2425, was then obviously completed and it was evaluated. And in this process, at the end of
20 March, beginning of April, when the BEC concluded its work, this tender was then selected for probity. And probity process then ran its course, which initially was thought it would only be 30 days.

It eventually ran up to the middle of October. Probity took a very, very long time to do it. And during this

process, this extension of the tender expired 30 June. And this was then, in the meantime, I have now been appointed. So now I am presenting the report to the BEC, after the BAC, to say that this tender is selected for probity. We still have to now continue with the services because of the probity process that is busy.

It was then initially thought we extend it for three months because then probity would be finished from 1 July '25 to 30 September '25. And then in September, the
 10 probity process was not yet concluded and it was then extended again for 1 October to 31 December, so that the probity process could be concluded.

And in that process, at the October portion, the probity report was concluded and they submitted their report to the BEC. So the BEC will then present the probity report together with their original findings to the BAC. And this served in October '25 at the BAC and it was then resolved by the BAC Chairperson as well, Mr Mnisi, that this new replacement tender, the 3/2425, must be cancelled
 20 because there were two reasons that was given on the report.

The one reason – and it comes from probity, what probity found. The one reason was that the pricing schedule that was attached to the tender originally was ambiguous. And the reason for the ambiguity was that the

BEC stated that on the pricing schedule there may be no blank spaces. If there is a blank space, it must either be scratched out or it must be written not applicable. And probity indicated that it should be written as R0.00 and not as not applicable. It was their findings.

And then the second finding was that when the documents was removed from supply chain in the BEC, there was a register where probity signed for all the documents, all the bid documents. However, when they
 10 returned it, six documents were missing. And that missing documents then caused the second reason why this tender, because it is irregular, and it is the second reason that this tender be cancelled because of this irregularity and the process must therefore commence afresh again with a new tender process that must be started.

ADV MOSIKILI: Commissioner ...[intervenes].

CHAIRPERSON: It seems the easiest way to stop a procurement process is just to remove documents, throw them away, the result of which will be that the process has
 20 become irregular. But this is not the first time this is happening. It happened at the stage of the evaluation of the very contract that is being extended from time to time now. I wonder how the documents get or go missing.

COMMISSIONER SPIES: Commissioner, with the new afresh tender which we started this year, we have added a

specification and a clause is that every tenderer shall submit not only his physical documents, he shall also submit the electronic digital version of it so that there will now be two versions.

There will be not two versions, there will be exactly the same document, but one will be a digital version that is submitted, which will be then electronically filed by the City, and there will be a hard copy which will then be evaluated to prevent any documents from going missing in future
10 again.

CHAIRPERSON: Ja, thank you.

ADV MOSIKILI: Commissioner Spies, just for the record on this subject, can you go to the very Annexure RS27, that will be on File 4, on page 950. So it is a smaller file again.

CHAIRPERSON: Starting at 950.

ADV MOSIKILI: That is correct.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Mr Spies, what I want you, Commissioner Spies, I want you to look at – maybe read into the record
20 the title of that document.

COMMISSIONER SPIES: This is the bid Adjudication Committee dated 23 October 2025 and it is the Tshwane Metro Police Department TMPD 03/2024/25, cancellation report:

“Tender for the appointment of a service

provider to provide security services at various sites belonging to the City of Tshwane, including substations and reservoirs, for a three-year period.”

And then it was recommended:

10 “The BEC therefore recommend that the tender for the appointment of a service provider to provide security services at various sites belonging to the City of Tshwane, including substations and reservoirs, for a three-year period be cancelled due to materials irregularity.”

ADV MOSIKILI: Thank you. Can you then flip over for the record to read on the very next page what was then resolved following that recommendation?

COMMISSIONER SPIES: It was resolved at point 1 that TMPD 03/2024/25, that tender be cancelled due to material irregularity as indicated below. And then that:

20 “During the evaluations of the tender, the committee identified misalignment and material irregularities. That during the meeting between the BEC and probity teams on 26 August 2025, it became apparent that there were multiple interpretations of the specifications,

particularly the pricing schedule which was issued as an addendum. In regard to the interpretation of the addendum, it stipulated that the pricing schedule must be completed in full, no blank spaces. And the BEC interpretations is that the pricing schedule need to not to have blank spaces. And according to the probity team, the blank spaces must be completed with numerical figures. The specifications stipulated that some areas do not require ...[indistinct] whereas the mandatory requirement dictate that bidders who do not submit firearm licences as part of their bid would be disqualified. Therefore, it is disadvantaging those who do not have firearm licences. The specifications were also silent on the PSiRA pricing guidelines that should be considered.”

ADV MOSIKILI: Thank you. Can you then for completeness deal with the person who recommended and again their ultimate approval?

COMMISSIONER SPIES: The committee's Chairperson, Mr Gareth Mnisi, also then recommended on the 28th of

October 2025, and it was again signed off by the City Manager as the accounting officer on the 29th of October 2025.

ADV MOSIKILI: Thank you, Commissioner Spies. Can we then pick it up from following this cancellation? Can we go then pick it up at paragraph 27?

COMMISSIONER SPIES: So, there was obviously then a decision made that this process, because it is now cancelled, it must be started afresh. And then we obviously
10 as a department during December, we revisited the specifications to make sure that it is corrected as per the previous cancellation report that there could be no ambiguous in this. And the new tender was then started afresh, which is now TMPD 7/2025/26.

This tender was approved at the BSC meeting in January 26. It was advertised and it closed on the 10th of March. So when I made the statement whereafter it will be evaluated, this is obviously in process now. There is a BSC Committee that has been appointed that is in the process of
20 evaluating this new tender as we speak now.

But as we stand today, we are operating under tender TMPD 2/2016/17 till at least 30 June 2026, this financial year, while this tender is evaluated and awarded.

ADV BALOYI SC: Just to understand how the process works. In that recommendation, which is signed by Mr Mnisi

as Chairperson of the BSC, you have the City Manager approving the cancellation. How does it work? If the City Manager did not agree with the reasons provided by the BSC for cancelling, and therefore they are not agreeing with the recommendation to cancel, how does it get resolved?

COMMISSIONER SPIES: Commissioner, luckily I am not the City Manager, but if a City Manager disagrees with the BSC committee or the recommendation, I think that he will refuse to sign. He will refer it back to most probably the
10 group audit and risk to do a forensic investigation about why the committee makes the decision if the report does not clearly explain the legislative compliance and why it is making this recommendation.

So if I was the City Manager and I do not want to sign because my BAC make a recommendation which does not make sense to me, I will refer it to the group audit legal to actually verify the correctness of it, and I will also refer it for forensic investigation, and I will not approve that.

However, if the report comes to me as the City
20 Manager and looks correct and the reasons and everything is stated as correct, and the Chairperson signs it off as recommended, I obviously will then sign because there is a trust relationship between the City Manager and the subordinates underneath him that they will do the correct work.

ADV BALOYI SC: I guess what I am asking is, and to the extent that you know, you are familiar with the prescripts about these matters, is the City Manager in this kind of situation obliged to approve as a formality, or in fact he does have real power, he could refuse?

COMMISSIONER SPIES: No, no, the City Manager has definitely got real power, he can refuse.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: Thank you, Commissioner Spies. In the
10 next paragraphs, you deal with payments of this tender, and obviously the financial implications of the extensions of this tender on the TMPD. Can you just pick it up then on paragraph 29 of your statement, Commissioner?

COMMISSIONER SPIES: This tender itself comprises of two elements to it. One is what we call the Watchman Services, which is paid to the 22 ...[indistinct] in companies, which is sites that have been identified where they are deployed on a regular basis, on a monthly basis.

And then there is a second portion which we call
20 internally ad-hoc services. Ad-hoc services is emergency need. It is when it is a situation where there could be a break-in at the site on a Friday evening and we need emergency guards at a short notice. That is ad-hoc services, and these are then temporarily, and in the new tender, for instance, that will be an hourly service, and if

that hourly service extends to be longer than a month, then we will pay the monthly service. That is the idea behind ad-hoc services. It is when it is a short-term, immediate solution.

Ad-hoc also relates to the City departments will identify, they, for instance, have CAPEX projects where they build new facilities. It could be that the water services department will, for instance, or Water And Sanitation will build a new hydroelectrical scheme. And then in the middle
 10 of a financial year, the hydroelectrical scheme is completed and it is handed over to the City as a completed project.

While it is under construction, the service provider doing the construction is responsible for the security for himself. But when he hands it over to the City and it becomes the City's property, the moment that happened, the City must become responsible for the protection of that.

So it could be that there is no planning in place that we know what other departments are doing, and then at a very short notice we are informed that there is a new site or
 20 a new facility, and we have to place then ad-hoc guards. So that tender consists of these two components. There is like a fixed component and then there is an ad-hoc component to it. And during this, what was discovered ...[intervenes].

ADV MOSIKILI: Sorry, Commissioner Spies, just to

understand you well then, is that once you are part of the security on the panel, on what do you call the Watchman Service, is that you will be allocated a particular site that you guard constantly and be paid on a monthly basis. And then on the other hand there is the ad-hoc part, where you have to be able to come in as and when you are called to assist as the security provider, service provider. Is that correct?

COMMISSIONER SPIES: That is correct. Originally in
 10 2016/17 when the tender was started, the City had a total of
 1 087 sites that have been – a risk assessment has been
 concluded on those sites, on the 1 087 sites. And out of
 that, they were then categorised in category high risk,
 medium risk, and low risk.

And the high risk sites, which is normally obviously
 included, is the infrastructure sites like energy substations.
 Those sites are then allocated to security guards over the
 seven regions of the City. And when it now gets to 2025,
 the portion of those sites have got permanent guards
 20 because they are considered high risk.

And then the lower risk is either no guards or
 technology, maybe alarm system deployed to them. But the
 ad-hoc services is when a department comes along and
 says I do not have any guards or there is an influx of
 security breaches. We experienced, for instance, a

sabotage at a substation or an infeed station like Kwagga. We need to increase the security. So the energy department will approach us then and say I need ad-hoc guards. And from us as a department, we obviously do not have the budget. We have got a very limited budget for that.

And there is then a demand that the other departments, when you come along and you say I want ad-hoc services added to the service, they must then budget
10 and fund it in that process. So the ad-hoc services is a temporary solution while something is happening. It is not supposed to be a long-term solution at all.

CHAIRPERSON: Commissioner, let me take you back to 952 and the recommendation and approval. The recommendation by the Chairperson of the BAC, Mr Mnisi, and the approval by the City Manager. I am just thinking, and this, of course, is also based on chats that were displayed here and on which testimony was given. Some of which suggested that it was suggested to Mr Mnisi that
20 make sure that there is no award and that there are extensions the upshot of which would obviously be that the incumbents continue rendering services.

Now, I will not ask you to comment on that. As I said to Mr Mosikili, you do not have to. But what I am getting at is this. If indeed what those chats show us may

have led to or informed this extension, so what appears proper here and on which there is a recommendation and approval may well have been simulated and not something real, so to speak.

So the short point I want to make is that unbeknown to a City Manager, the accounting officer, the possibility cannot be discounted that they may actually be signing off on something that is simulated. Would you accept that?

COMMISSIONER SPIES: Commissioner, I would agree
10 with you. Even I did not know anything about it. It is like there is a trust relationship that your subordinates will do the correct thing. And I obviously did not know anything about the under-stream or undercurrent discussions and things that is happening, but it is possible that officials can contrive to create this at the bottom end.

CHAIRPERSON: All right. Thank you. Thank you.

ADV MOSIKILI: Commissioner Spies, in trying to understand what you have dealt with in terms of the Watchman Services and the ad hoc services, we have
20 sampled a company called Gubis85 Solutions, which you deal with at paragraph 30 of your statement. Can you take it from there and just deal with it?

COMMISSIONER SPIES: Ja. During the existence of the tender, the service provider, one who was paid the largest amount for ad hoc services specifically, was Gubis85

Solutions. I have also attached a spreadsheet listing the total payments made between July 2024 and June '25. And this is also further reflected on Gubis85 Solutions' bank statement, which is Annexure RS28.

And during this time, this period for the ad hoc services alone, a total amount of R59 133 986.32 was paid to Gubis for ad hoc services only over and above the normal monthly deployment of guards, which averaged approximately R3 500 000 a month. That is the normal
10 deployment, but the ad hoc is from over and above that amount.

ADV MOSIKILI: Commissioner Spies, perhaps let us just take one step back before you move on to paragraph 31. You have made reference to Annexure R82, which you said it is a sample of the bank statement of Gubis. Can we just go there? And perhaps to be correct, it is not a sample of the entire statement. We have taken out at least what is the payments made to Gubis by Tshwane. So it is File 4 of 4, the small file, and then it is probably page 953.

20 **COMMISSIONER SPIES:** Correct, Commissioner. As I stated, it is just the amounts that was paid to Gubis on ad hoc services that is reflected in that statement.

ADV MOSIKILI: And to be correct, in your statement, Commissioner Spies, you say that this will reflect amounts between July 2024 and June 2025. But if you pay close

attention, unless I am mistaken, it seems on the second column that total only relates to payments made in 2025.

COMMISSIONER SPIES: The ad hoc services, when I actually look at it, there is other emails that I will touch later on. It originates from an email which was sent on the 12th of March and in that email, it was mentioned that in January 2025 and February 2025 it escalated, that the ad hoc escalated. So that is why this is only looking at that period of the six months, but it is in the financial year 2024-
10 2025 when this was drawn from what was paid to Gubis.

ADV MOSIKILI: And, Chair, at the relevant times, we will draw the necessary links with the chats that must have been at that relevant time to show the effect of these payments. I will not put that to Commissioner Spies to deal with. Commissioner Spies, perhaps then you can go to paragraph 31 that you started dealing with.

COMMISSIONER SPIES: So during this time, that amount of R59 000 000 was paid to Gubis⁸⁵ for ad hoc services only. But I have been informed that Mr Mnisi and Deputy
20 Commissioner Dhlamini communicated with each other on 5 March by sending messages through Sergeant Nkosi in relation to the creation of purchase orders for ad hoc services.

The purchase orders created out of this process were registered on the TMPD system only on the 6th of

March and these include purchase orders for ad hoc services ostensibly procured for Gubis85 solution in the aggregated amount of R13 635 133.60. And that is R11 000 000 plus VAT. And I have attached a spreadsheet of those as well.

I must actually state that obviously I have been informed of this. I have not at that stage and as I stated, I was appointed on 1 March 2025. And my first week at Tshwane Metro Police was an administrative induction,
 10 contract sign, payroll, admin uniform issue. Effectively, I started to work on Monday the 10th, actually doing work. And on the 12th, I discover an email which then referred back. I did not know these were happening at the back end at all.

ADV KHUMALO SC: Can you, for the record, just tell us what the roles or positions of Mr Mnisi and Dhlamini are and if they are still with the City of Tshwane?

COMMISSIONER SPIES: Mr Mnisi is the Chief Financial Officer of the City of Tshwane. And Deputy Commissioner
 20 Dhlamini is a Deputy Chief Metro Police in the City of Tshwane and he is the Deputy Chief of Support and Administrative Services.

ADV KHUMALO SC: And they are both still there?

COMMISSIONER SPIES: Yes, Mr Mnisi is definitely still there. Commissioner Dhlamini, I have seen in the media

and I have been informed that he has been suspended on last week Friday due to his name being appeared here at the Commission.

ADV KHUMALO SC: And who is the Chief of Police?

COMMISSIONER SPIES: The Chief of Police is Commissioner Yolande Faro.

ADV KHUMALO SC: Say that again?

COMMISSIONER SPIES: Commissioner Yolande Faro.

ADV KHUMALO SC: F-A?

10 **COMMISSIONER SPIES:** R-O.

ADV KHUMALO SC: F-a-r-o?

COMMISSIONER SPIES: Yes.

ADV MOSIKILI: It is Faro.

ADV KHUMALO SC: And not the biblical Faro then.

COMMISSIONER SPIES: Could be biblical, but it is F-a-r-o.

ADV MOSIKILI: And for the record, Chair, she is lined up to come and assist with some information at the Commission. Commissioner Spies ...[intervenes].

20 **CHAIRPERSON:** I notice that Commissioner Dhlamini's name is spelled with an H here, whereas, if I am not mistaken, everywhere else it is without the H.

COMMISSIONER SPIES: Commissioner, for a change, I think I am correct.

CHAIRPERSON: Is it?

COMMISSIONER SPIES: His rank as well, I have noticed that his rank is indicated as General. He is not a General. He is Deputy Commissioner is his rank, and his post Deputy Chief of Metro Police.

CHAIRPERSON: Okay, all right. Thank you.

ADV MOSIKILI: I think we were very much scolded by Commissioner Spies during consultations that we must not refer to him as Genera, but I think we might have picked that up from the conversations. But it is correct that he
10 should at least enjoy the rank of Deputy Commissioner. Perhaps then, because we need to correct something, Commissioner Spies.

Can you go to page 954? It is the same file we are dealing with, 4 of 4. So you will just have to flip over two pages if you have not left that page. So it is File 4, page 954. That will be Annexure 8.1 that you refer to in your statement. Now, at the very first paragraph in your statement, you say that these amounts here are for ad hoc services. Can you speak to that? Because that does not
20 seem to be the case.

COMMISSIONER SPIES: The amounts on page 954 is purchase orders that has been created specifically for ad hoc services. It is smaller amounts, for instance, R353 000 and R269 000. And if you total that up, which has been created on the 6th of March when it was created, it comes to

a total amount of R11 000 000. Whereas Gubis85 Solutions has a normal Watchman Services that is deployed, which is in the other spreadsheet, of R3 500 000 per month. So this is specifically related to ad hoc services that has been created.

ADV MOSIKILI: Thank you. Can we then go to, I think we are starting to deal with the next paragraph, 32.

ADV BALOYI SC: Maybe before you do that, Commissioner, in the evidence of Sergeant Nkosi, the
10 WhatsApp exchanges that are referred to, there is a series of exchanges that are about uploading the purchase orders and payments being approved. They have been uploaded. They have been shown on my system. There is a bit of that.

Now, looking at this 954 page that you were looking at, the purchase orders were created all on the same day, or at least they carry the same date, the 6th of March 2025. For purposes of services delivered and for which payment is being claimed, because all of that exchange ends up, all
20 this uploading of purchase orders ends up with payment being approved and made within a very short space of time.

What does it mean when the purchase order is uploaded? Has the service already been rendered and invoiced for, or ordinarily the purchase order comes before the service? How does the system work, as you

understand? I understand that it is somebody's speciality, but to the extent that you are here and you are speaking to page 954, how would it work?

COMMISSIONER SPIES: Commissioner, normally within the department there will first be a requisition created by the department for services to be rendered, and then a purchase order will be generated based on the requisition from the department, and that purchase order will then be given to the supplier.

10 **ADV BALOYI SC**: Okay.

COMMISSIONER SPIES: He will then deliver the work as per the purchase order, and at the end of the period when he delivered the work, he will submit an invoice.

ADV BALOYI SC: I see.

COMMISSIONER SPIES: And that invoice will then be processed, linked to the purchase order and to the requisition, and that payment will then be effected. For Watchman Services, there is a purchase order created in the beginning of the financial year because it is a fixed
20 deployment of how many guards will be deployed, and that is then one purchase order for that service for the year.

Sorry, but the ad hoc services, purchase orders are created as and when it is needed, and that is then as soon as the purchase order is created, it is then paid per invoice as it is delivered. There is also a monitoring team from the

Asset Protection Security Services that if there is a purchase order, that they will actually go and inspect and see that there is guards deployed, there is work being done, and then the invoice process is signed off.

This is done in my division in the security section portion of it, which is headed by Director Tshukudu Malatji. So he, and even the award letters, will then verify that the work has been done, sign it off, and submit it for payment. Okay.

10 **ADV BALOYI SC:** Thank you.

ADV MOSIKILI: I suppose, Commissioner Spies, the more pointed question would be, is it possible to load these purchase orders and have them processed where the actual work has not been done?

COMMISSIONER SPIES: I cannot do that. The purchase orders is created by the finance department or in our department. I do not know exactly who the individual is who created. If they corrupt, most probably it can happen, but it should not be able to happen. There should be a trail of the
20 requisition, sign off, the purchase order trail. There should be a paperwork trail to that, and that should then be linked to work actually being conducted as well.

ADV MOSIKILI: Yes. I think we will touch base a bit later on, on ghost, at least ghost employees that are at least not positioned where they are and all of that, dealing with the

invoices. But then can we proceed?

CHAIRPERSON: Just before that, you referred to site inspections to see or verify whether work is indeed being done. Are those inspections ad hoc?

COMMISSIONER SPIES: Commissioner, what we have done is we have, in APS is the asset protection, we have very few people. We have only got seven regional supervisors, but the department itself, through Commissioner Faro, we have decided to deploy 54 Metro
10 Police officers to the same function so that they, as per shift basis, that they actually visit all sites and the sites are randomly visited and OB entries are made.

There is also a checklist, which as per the SLA there is a penalty clauses if there is non-compliance to specific items. If a security guard, for instance, does not have uniform on or if a security guard does not have a torch or a security guard does not have a PSiRA appointment card, for all of that, there is penalty clauses that is being levied.

20 So since I took over, there was not previously until last year, April, there was not really penalty clauses levied. But from May last year, penalty clauses are definitely implemented because of the monitoring system that we put in place to make sure that the guard deployment are verified and are checked and if there is then mishaps where

it does not happen, there is penalty clauses against them.

Even if there is a breach at, let us say for instance, one of our stores, there is a breach and lawnmowers or grass cutters are stolen, the company is, if it is their negligence related to it, there is guards that was on duty and they slept, for instance, in that. The levy will be either replacement of the goods or the value of the goods will then be a credit note put or a debit note put against the invoice. So that is definitely taking place now.

- 10 **CHAIRPERSON**: At the beginning of your response, you used “randomly”. Does that mean the inspections are ad hoc or not really?

COMMISSIONER SPIES: It is randomly, the inspections itself is not ad hoc. It is a team that has been appointed and they work a specific shift because we work on a 24-7 system. So that team is assigned as an inspection and monitoring team.

CHAIRPERSON: All right.

COMMISSIONER SPIES: Their function is not ad hoc.

- 20 **CHAIRPERSON**: All right.

COMMISSIONER SPIES: They must do the inspections of all sites in the region and the sector where they are deployed.

CHAIRPERSON: All right. Thank you, thank you. Mr Mosikili?

ADV MOSIKILI: Thank you. Commissioner Spies, can we then proceed to paragraph 32?

COMMISSIONER SPIES: The total amount paid under this TMPD 2/2016/2017 to all the service providers since inception, that is 1 March 2022 when they started to the end of January 2026, because when I draw the statement, that was when we actually draw the figures.

We always pay 30 days later. So the figures as dated until January 26, was R2 900 023 467.84, which
10 makes it approximately R730 857 466 per annum, our annum. It is a financial year, which is July to June. And then I have created the spreadsheet of a summary of all payments to the 22 companies from March, including the total pay to each company during this period, attached as Annexure RS29. But this excludes ad hoc services ...[intervenes].

ADV KHUMALO SC: So the 15-month extension, it is a billion rands. I mean, if the contract, the three-year contract expired in February last year, and you extended it
20 and now it has been extended again until June this year, I mean, that is at least a year and four months. That is easily a billion rands.

COMMISSIONER SPIES: It is approximately R750 000 000.

ADV KHUMALO SC: A year?

COMMISSIONER SPIES: A year.

ADV KHUMALO SC: And then you add the other four months, because remember you said the extension, the current one, is going to run until June.

COMMISSIONER SPIES: That is correct.

ADV KHUMALO SC: So a year would have been last year March until this year March. And then you add, you know, May, June, hopefully they would have finalised it by then. That is 14 months.

10 **COMMISSIONER SPIES:** That is correct, Commissioner.

ADV KHUMALO SC: So it gets you over R800 000 000 easily.

COMMISSIONER SPIES: This is only for the Watchman Services. When you add the ad hoc that escalated this year, it is going to be close to a billion.

ADV KHUMALO SC: Ja.

CHAIRPERSON: You must ...[intervenes].

COMMISSIONER SPIES: And I must state in the spreadsheet – sorry, Commissioner.

20 **CHAIRPERSON:** I was saying – you want to take us there?

COMMISSIONER SPIES: In the spreadsheet, when it was created ...[intervenes].

ADV MOSIKILI: Commissioner, maybe let me just direct you to where to find the spreadsheet. That will be on page ...[intervenes].

CHAIRPERSON: Perhaps let us deal with the spreadsheet at 11:25.

ADV MOSIKILI: Indeed, Chair.

CHAIRPERSON: Let us adjourn and resume then.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: The spreadsheet.

ADV MOSIKILI: Indeed. Commissioner Spies, before we went for tea, we were talking about an amount of 2 billion, 10 and you prepared a spreadsheet to demonstrate how that amount came out. The spreadsheet, it is on file 4, the small one again, page 963. So, 963 will be where you deal with a total of 2 billion, and the actual document starts at 956.

COMMISSIONER SPIES: That is correct, Commissioner.

ADV MOSIKILI: Yes, can you speak to that?

ADV KHUMALO SC: I think 2 billion is an understatement. I mean, this is almost 3 billion. Is it not 2.9 billion?

ADV MOSIKILI: That is correct, Chair.

COMMISSIONER SPIES: Commissioner, this I had drawn 20 up when we started with the tender. Actually, I created the spreadsheet to keep track of everything right from the beginning. So, on the left-hand side, the columns are the 22 companies, and then I had to go back in history with the assistance of the previous staff so that I can get the original amounts which was paid, and then it lists the

companies per month, how much was paid to the companies.

However, I must, right from the point I will go, say that amount is related to the watchman services, because even though in March 25, when this allegation of increase of ad hoc services came up, I even drew graphs from these to see where is the spike, that I can actually notice what happened, if there was a spike at all, and I could not get any spike in it immediately from that.

10 So, to me, this graph just shows the total that has been paid for the watchman services, the 2.9 monthly deployment at fixed sites. The watchman services, what I have discovered in the meantime, is paid from the requesting departments' vote numbers. So, if there is water and sanitation department or energy department or whichever department asks for ad hoc watchman services, the funding is made available from their budget, and it is not reflected on us as TMPD and in the payments that is reflected here.

20 **ADV MOSIKILI**: Commissioner Spies, is it then correct, when you look at this spreadsheet, the amounts there are fairly average and consistent. Would it be then correct to at least postulate that if there was any room for manipulation, it would have to fall under the ad hoc services as compared to the watchman services?

COMMISSIONER SPIES: Correct.

ADV MOSIKILI: Can you comment to that?

COMMISSIONER SPIES: The watchman services, the deployment, it very slightly differs. It could be that there is one or two guards added over a period of four to five months and then reduced again with one or two guards. So, the payments stay consistent through the years. There is very, very little movement there in the watchman services. And that is in the analysis as well that I performed on this
10 that is why it sounded to me very strange and fishy that there is these large amounts being paid to security, whether us picking this up. And only then, when we start to delve into this deeper and deeper, we actually discovered that the fluctuations actually came from the ad hoc services that was assigned on the sideline.

ADV MOSIKILI: Commissioner Spies, can you then pick it up from the next paragraph, where you deal with the financial obligations, paragraph 34 of the statement?

COMMISSIONER SPIES: At the end of June, which is the
20 end of our financial year, it was very clear that our budget needs an upliftment of R91 million because we have exceeded our budget and we could not pay for the services because of these sideline ad hoc services. So, there was then, by the Chief of Police, a specific letter that was drafted in the department to say that the service providers

for the period of May to June 2025 is that they must be paid, and it is recommended by the Chief of Police has actually created a letter to the CFO, who is Mr Gareth Mnisi, and then it was approved by the City Manager, Mr Mettler, that the upliftment of the funds be authorised so that the service providers could be paid in the financial year. And that letter is attached to my reference as RS210, but it is obviously not me that actually signed or drafted it. It was drafted and done by the Deputy Chief Dhlamini in the support and finance admin and then signed off by the Chief of Police as recommended and requested, and the CFO to recommend it, and approved by the City Manager.

ADV MOSIKILI: Chair, I believe that this letter is quite important, this upliftment letter of funds. Can Mr Spies go to it? I need you to read it into the record. That letter appears, it is still on file 4, page 964. And perhaps for the record, then read paragraph 1, 2, 3, and the last paragraph of that letter.

COMMISSIONER SPIES: The subject of the letter is upliftment of funds on security services, watchman services:

“The Tshwane Metro Police Department wishes to seek approval for the upliftment of funds on security services to the amount of R91 million for 2024-2025 financial year to settle invoices for

security services rendered for the period of May and June 2025. The City operates a hybrid security model that integrates both in-source security guards and contracted private security companies. This approach was adopted following a court ruling in August 2021, which directed the City to contract 22 private security service providers for a three-year period. These contracted services began their services with the city on 1 March 2022, and the contract expired on 28 February 2025. An approved extension of the current contract was set to expire on 30 June 2025. The BAC approved a further extension of the security services for a period of three months from 1 July to 30 September 2025. During the financial year, the city approved and made a budget available of R307 129 702 for provision of security services to protect the property assets and personnel of the City of Tshwane. During the budget adjustment period, an additional R350

million was allocated to this service as the initial budget allocated was in deficit. The adjusted budget was calculated and determined based on our monthly expenditure on the normal security services contract, and it meant that the city would be able to honour its financial contractual obligations until the end of the financial year if only normal security services were honoured. The budget for watchman services is centralised with the TMPD. The client departments are allowed to procure ad hoc security services that are based on their security needs and following the need assessment. The above-mentioned provision is to be followed provided that such proof is made subject to the availability of funds. The cost thereof should be borne by the client department for these additional services. And the client department's water and sanitation department approved additional security services but did not make funds available to enable the TMPD to settle the

invoices. The understanding was that the client department would identify savings within their budget and transfer funds to the TMPD vote. However, that did not materialise. This resulted in the TMPD having to pay for the ad hoc services rendered from the normal contract budget, thereby creating a deficit of R57 million for the month of June, and a further R34 million, a total of R91 million, will be required for the month of May and June to cover for the ad hoc services that would have been rendered. This is then recommended by Commissioner Faro as the Chief of Police, and it was recommended by Mr Mnisi as the Chief Financial Officer, and he had a comment that he added to say that the department, to ensure that mechanisms are put in place to ensure that expenditures within the limits of the budget in the 2025-2026 financial year, and it was then approved by the city manager, Mr Mettler, on the 2nd July 2025.”

ADV MOSIKILI: Commissioner Spies, is there anything that you want to add or comment on that request for an upliftment of that R91 million?

COMMISSIONER SPIES: The budget initially was created, if you base it on the previous financial year, the initial budget allocated was half of what was normally allocated, and that is why in the adjustment budget, the budget was adjusted to make sure that it is comparable with the previous financial year and the projected services.

10 However, when the watchman services started being paid, and the ad hoc suddenly came in January, February, and March, the department processed those ad hoc services against our budget, and not against the client department budget where it originated from, and that made that by the end of April we were already depleted on our own budget, and then in May and June we obviously did not have the funds from our own budget to pay it, and that is why the upliftment was then stated to say that the regional department should have paid it, and the money should be
20 uplifted so that it can actually be transferred, because the departments between one another should have done the transfer into one another's, do a journal, and what they call a GL, which is a general ledger, vote number to do the accounting of that.

ADV MOSIKILI: Thank you, Commissioner Spies. The

next paragraph, it identifies a person by the name of Tshukudu Malatji, and the next paragraph they have significant relevance to him. Can you take us through that and also explain who is Mr Malatji, and where does he fall in the chain of command within the TMPD? Thank you.

COMMISSIONER SPIES: Director Tshukudu Malatji is, and I just have to go slightly back into the history, is that the section that dealt with the security tender in the 2016-27 process was then called the Asset Protection Services Unit,
 10 which was a unit within the division specialised policing services. That unit was relocated to the city manager's office in 2019 from TMPD.

So, there was instruction that this unit are relocated to the city manager's office, and that project managers on the various award letters was then indicating that Director Tshukudu Malatji and Mr Nava Pillay is, in terms of the award letters, managing the security contract, TMPD 2, 2016-17. And the whole period from 2019, from the start of the tender, everything was then done from this
 20 APS unit in the city manager's office.

In July 24, this unit was then relocated back to Tshwane Metro Police with effect from 1 July 2024, and it was placed then under the new division of which I am now the divisional head, Asset Protection and Security Services. And part of my portfolio is that this division of Asset

Protection and Security Services have then this section within me, which is the security services and guarding section, and Director Tshukudu Malatji is appointed as the Director for Security and Guarding Services, and he reports directly to me.

The deployment, the monitoring of the security companies and the invoicing processes fall directly under his auspices. He signs off on it, he does the deployment of it, and once he signs off it and do the deployment, he
10 obviously, as the sectional head, he submits it directly to the Deputy Chief Support and Administration, which falls under the control of Deputy Commissioner Umashi Dhlamini.

And, however, Director Malatji has been suspended by Commissioner Faro on recommendation from myself since the 4th of July due to consequence management being implemented against him. And at the moment, Colonel Reginald Mahlangu is acting in his stead formally as the Director of Security and Guarding Services, and that matter of Malatji is still ongoing. It is sub judice, it started as the
20 disciplinary hearing, but it is not yet concluded.

ADV MOSIKILI: Commissioner Spies, just to assist the Commission, how has been your relationship with Director Malatji since you arrived in March 2025? The professional relationship, I mean.

COMMISSIONER SPIES: It has been a very difficult

relationship because I was appointed and in my very first week, I have set up an appointment or meeting with all my subordinates to introduce myself to them. And during the meeting, the discussions was held and everyone introduced themselves to me and what their function is so that I understand who they are, and he elected to speak last.

And when he then started to speak, he opened the discussion completely disrespectful towards me, stating that he has got a higher rank than me because he is a
10 commissioned officer and I am not a commissioned officer. So, I then called him into my office after the meeting to discuss with him, to say that he does not understand the concept of a commissioned officer.

A commissioned officer in the South African Police Services Act is the South African Police Services Office who has been Commissioned and signed off by the President because of his appointment as officer. But that is when you resign from the South African Police Service, it becomes a ceremonial rank that you, if you are not fired,
20 you can keep the ceremonial rank, but you have no powers, no function whatsoever, it is only a ceremonial rank.

And he was, prior to his appointment in the City of Tshwane, he was in the South African Police Service. And I understood that his rank was either captain or colonel. And then we had a discussion about that and I stated to him, it

is true that I am not a commissioned officer because I am not in the South African Police Service, we are in the Metro Police, and he must make a choice how he wants to be addressed by me.

Does he want to be addressed as a captain or a colonel or as a director? Because he is a director appointed and I will address him as director or else I can address him as a colonel, which is a much lower equivalent rank to that. And he then stated, no, he is a director. So,
10 we left it at that. But whenever I give him instructions, he would actively disobey my instructions, and he would not do whatever I have informed him to do.

And it came to a head when, and that is part of his disciplinary hearing where there is a forensic investigation that is being done into breaches at our city and also of declarations that has not been fully declared in terms of senior management declarations. And that is why he was then placed on suspension, and a disciplinary matter has been initiated against him and that is still carrying on to
20 date.

ADV MOSIKILI: And then at paragraph 39, when you say all deployment and monitoring of security companies, would that include the deployment of ad hoc security? Or what do you mean by that?

COMMISSIONER SPIES: That is his function. So as per

the appointment letter and in the SLA, I think in the SLA it is under point 9 of the SLA. But in the appointment letter where it states that Director Malatji and Nava Pillay is responsible for the management of this contract and then in the SLA it states specifically his position as director of security services. He is responsible for deployment. He must therefore, if there is a necessity for a deployment, he makes the decision to deploy security officers.

ADV MOSIKILI: Thank you, Commissioner. The next
10 ...[intervenes]

ADV BALOYI SC: Does that mean, Commissioner Spies, that any questions about whether there had been deployment and therefore justifying an invoice from a service provider and the payment of that invoice, are matters that Mr Director Malatji would be accountable, must explain, he is the person to explain that. Is that what you mean in paragraph 39?

COMMISSIONER SPIES: Correct, Commissioner. The
20 actual deployment will then obviously be followed by an invoice. And the invoice process, the service provider would submit the invoice to the office. The asset protection security services officers will deal with a combination and making up the evidence pack that must go to finance department, and that will proceed through as the invoice to Director Malatji will sign off on the invoice.

He certified that the work was conducted. And from him it will then go to the TMPD finance section that will do the uploading into the finance system and do the bureaucracy process at the back end of that. I must state, however, and I think it is my very next portion, is that where we will touch on that when we get to it, is that the process has been slightly changed for that, is that we do not allow ad hoc services now.

We have introduced a new procedure from between
10 the 12th of March, which initiated from the 1st of April, where the client departments would now fill in a form that has been designed by us, and this form will then have to be signed off with a motivation and full explanation why they would need ad hoc guards. It will go to their group head, which is the head of their department, and it will, if the group head has a cluster, because some of the departments are clustered together with a chief operating officer.

It will also have to be signed off by the chief
operating officer that they actually need this extra ad hoc
20 guards and that they make provision that we can use their funding and budget. It will then come through to us as a department, to me specifically. I will then instruct a different section within the Asset Protection and Security Services than the guarding services to go and do a minimum-security risk assessment based on this

application, and based on what the risk assessment then prescribed, we will then instruct the guarding side that you may now proceed to deploy ad hoc guards. So, between the 12th of March and the 1st of April, this new process was instituted to control the ad hoc guards in a much better method.

ADV BALOYI SC: When you say the 1st of April, you mean 2026?

COMMISSIONER SPIES: 2025.

10 **ADV BALOYI SC:** I see.

COMMISSIONER SPIES: No, it is not yet.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Commissioner Spies, the next topic, you deal with the stoppage of this ad hoc security services. And in that paragraph, take us through that paragraph, and then you make reference to an email after that. Perhaps that is with the paragraph, and then we will go to the annexure to that.

20 **ADV BALOYI SC:** Maybe before you do that again, something that I wanted to check with Mr Mosikili. This evidence about Director Malatji, on the face of it, it is quite benign when you look at the statement, and I am concerned that we may miss the significance of it because of how you are handling it, if it is going to come up, if it is of particular, or he is of particular significance along the way.

ADV MOSIKILI: Yes, Commissioner Baloyi. The very next topic, subtopic, deals with that. The witness canvassed the nature of the relationship and the chain of command, and the instructions given, and we will speak to that when he talks about the stoppage of these ad hoc services and what transpired and what the role of Mr Malatji then, or how he behaved to that instruction.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: Commissioner Spies, I think we can then
10 continue from paragraph 41.

COMMISSIONER SPIES: On Thursday, the 12th of March, and I have previously mentioned this specific date, just after 4 o'clock in the afternoon, I was sent an email that originated from Deputy Commissioner Umashi Dhlamini, and in this email he stated that the deployment of ad hoc guards had grown exponentially. There were an extra 30 sites that were added in January 25, and then a further six sites were added in February 25, and we are using our own budget and will run short of funding. And I have attached the email
20 then as RS11, and there were two attachments as well to this email. The one listed a deployment of sites for January 2025, and the other one listed the sites for February 2025.

ADV MOSIKILI: Chair, I would just – so, the reference there is RS211 and 112. I would just need to guide the Commissioners to the relevant pages. We will have to jump

to file 2 of 4. Then you will find this email on page 337. So, the Chair will see that the labelling would say, the old label would say RS25.1, but we have cross-referenced that to be paragraph RS211.

CHAIRPERSON: You said page three what?

ADV MOSIKILI: 337.

CHAIRPERSON: 337.

ADV MOSIKILI: Yes.

ADV BALOYI SC: Are you saying the tab should be re-
10 numbered?

ADV MOSIKILI: We will re-number the tabs.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: Thank you, Commissioner Baloyi. Commissioner Spies, can you then speak to the document on 337?

COMMISSIONER SPIES: That is the email that I am referring to from Umashi Dhlamini, and it is dated Wednesday, 12 March, 16:04. It is sent to me and the Chief of Police, Deputy Commissioner Bolhuis, Brigadier Nkomo,
20 as the acting Deputy Chief of Specialised Services, Deputy Commissioner Nomsa Nhlapho, Mr Veli Nwandule, Jethro Seleka, Priscilla Radiokana, Tshukudu Malatji, Reginald Mahlangu, and Colonel Elvis Madihlaba is cc'd, and then there is attachment with two sheets, and that is January and February 25 listed sites. When Commissioner Dhlamini

then stated to me:

“Deputy Commissioner, please produce the attached ad hoc security invoice. In particular, note that the ad hoc is increasing exponentially with the increase in allocated sites. The current spending trend will inadvertently result in the depletion of funds before the financial year with the potential of overspending on the associated GL. It is observed that at least 30 additional sites were added in January, totalling 37. By February 25, six more sites were added for ad hoc duties. The implication with this addition is that the spending consumes the finances budget for the extension of the contract for additional four months. If this trend persists, the fear is that main contractual obligations will be at zero budget before the end of the extended contractual period. You advise to manage ad hoc duties and minimise new sites to ensure that funds are available before the commencement of the deployment. That you approve the

deployment of additional new sites for control purposes. Further that you explore the possibility of engaging the requesting sister department and to persuade them to engage the CFO to approve or make funds available for ad hoc duties. That upon approval and availability of the said funds, the necessary journal be made according so

10 that our budget is not overburdened.”

ADV MOSIKILI: Now, Commissioner Spies, before we go to the annexures, at first glance, this email seems to be someone who is concerned about the increasing allocation in terms of the ad hoc services and is concerned about the financial implications thereto. What is your understanding of this email?

COMMISSIONER SPIES: Initially, if you just look at it from the first two paragraphs, that is exactly what it looks like. Someone is concerned about it, and he wants to make sure

20 that we do not run out of money. However, with hindsight and sending it to me, there is a flurry of emails that originate from this, within minutes from one another, where I send back to him an email requesting how was it historically handled, who managed it, because it was remit. I actually started the 2nd of March.

I do not know why this process has been initiated. So, I ask him what happens with this. As I ask him this, the Chief of Police came in between with the email to say, stop this, no additional budget will be made available. And then the discussion came back. And if you look then at the last one, this email is clearly someone who is setting me up to say that I must request for additional funding, because the last one is that I explore the possibility of engaging the requesting sister departments.

10 So, this email is actually putting a challenge and a problem that has been created, and now it says, but let us go to other departments to ask for funds. So, this email looks to me like it is actually trying to get more funding and budget, and that is what I must actually start doing, is to get funding and budget for it.

ADV MOSIKILI: Thank you. Can we then go to the annexures that Mr Umashi Dhlamini attaches to this email? And can you speak to that? That appears on the very next page, which is page 338.

20 **COMMISSIONER SPIES:** This is only the one annexure, January security ad hoc on 338. There is also a February ad hoc one. But I can speak to the January one.

ADV MOSIKILI: I will refer you to the February spreadsheet as well, which was inserted later on. I will take you there. Let us speak to the one in January, as it is

there.

COMMISSIONER SPIES: So, this list that Commissioner Dhlamini then submitted to me, it listed the companies on the left-hand side, the sites where they have been deployed to, and then the amount, excluding and including VAT, that have to be paid to these service providers. The first two companies are Triotic Protection Services, who has been deployed to Klipgat Wastewater Treatment Works, and that listed for a few months, like October 24, November 24,
10 December 24, and January 25.

Then the next one for January is Mogalagadi Security, which is listing the Refilwe Reservoir, also for November, December, and January. The total for those two companies is R2.8 million, and that looks very normal for an ad hoc. It is like two guards or three guards deployed to these sites.

However, the third company in the ad hoc services is Gubis85 Solutions Security, which then lists a total of 37 deployments, which is the Rietvlei Nature Reserve, Rooiwal
20 for long before, Rooiwal July 24, August 24, September 24, October 24, November, December 24, Rooiwal January 25, Zithobeni Reservoir and Pump Station, Waverly Reservoir, Valhalla Pump Station, Sunderland Pump Station, Soshanguve L Pump Station, Soshanguve DD Pump Station, Refilwe and Rayton Pump Stations, Muckleneuk,

Elarduspark, Carina, Brickfield, Brakfontein, Moreleta, Montana, Magalies, Rosslyn Reservoir, Louwlandia Pump Station, Klipkruisfontein, Klapperkop, ISCOR, Low and High Reservoir, Hercules West Reservoir, Hercules East, Grootfontein Pump Station, Glenway 2, Glenway 1, Garsfontein, Florana, and Findlay. This also relates back to the previous list of payments that was actually made that I already testified to. And then February, even more sites were then added.

10 **CHAIRPERSON**: Your mic is off now.

COMMISSIONER SPIES: Sorry, Commissioner, I hit it with a book.

CHAIRPERSON: Perhaps please repeat the last thing you said. Maybe it was the last sentence. I am not sure.

COMMISSIONER SPIES: This includes then a total of 37 sites for Gubis85 Solutions, but the second attachment lists February, which added more sites, and which I could also then, I just do not know where it is in this bundle.

ADV MOSIKILI: I will help you find it. It is on file 4 of 4.

20 So, it is that smaller file, and you will need to go towards the end of that document at page 992.

COMMISSIONER SPIES: Commissioner, on page 992 is then the February security ad hoc services, which ...[intervenes]

ADV MOSIKILI: Commissioner, just wait for the

Commissioners to find their way.

CHAIRPERSON: We found it.

ADV MOSIKILI: Thank you, Chair. You may proceed, Commissioners Spies.

COMMISSIONER SPIES: Again, it listed the first two companies as Triotic Protection Services, which is still deployed to Klipgat Wastewater, and then Mogalagadi, which is still deployed to Refilwe Reservoir for ad hoc. And then it lists Gubis⁸⁵ again for February, which is very
10 similar in nature, except that there is now an extra six sites, which brought the total then to 43, ending with Findlay Reservoir, and it is a total then listing of R14 million for Gubis.

ADV MOSIKILI: Can you then, Commissioners Spies, when you look at these two annexures, remember they are attached to an email by Mr Umashi Dhlamini. What do you make of them? What picture does it paint? Because both of them refers to three security companies, and how work has been allocated to them in terms of the ad hoc services
20 between the month of January and February. And remember, keep in mind that we have 22 companies on this tender. Now we are listed, or Mr Umashi Dhlamini makes reference to only three companies, but even on the picture painted by these two annexures, what is your fair view of that?

COMMISSIONER SPIES: From that it looks like the two companies initially has got a normal ad hoc that has been requested at specific two sites, but then it is as if there is favouritism towards Gubis⁸⁵, and that someone has deployed and assigned first 37 and then 43 only to Gubis, while there is 22 companies that it could be shared between. But it looks like it has been only assigned to Gubis, the majority of all the work, and it looks also that it is the Water and Sanitation Department which causes this
10 major increase in the ad hoc services.

ADV MOSIKILI: What, according to you, could be a plausible explanation as to why so much work is directed towards one company, which is quite evident here?

COMMISSIONER SPIES: From my perspective, there is no plausible that so much work can be directed to one company. The initial award and the way the tender is run is that it is a fair treatment and it is fairly allocated to everyone. There should be no preferences of which company depends on which region. Some companies are
20 specifically restricted, not by us per region, but because of their own deployment.

Because a smaller company and a larger company depends on where they are based, and it would be extremely unfair for us to take, for instance, a company which is based in Sector 1 or Region 1, which is

Soshanguve, the Winternest area, and we deploy them, for instance, to Bronkhorstspuit which is in Region 7. So, the allocation of sites, wherever it is needed, is based on where the companies are based and where they are originating from.

To assign, therefore, all the water, sanitation, pump station and reservoirs, it sounds highly illogical that it can only go to one company, because some of those pump stations, from obvious reading from that, you can see it is
 10 either in Garsfontein, which is Region 5, and Region 4 in the southern, and Region 2 and 1. So those stations are spread over, and it should have been allocated to other companies as well, depending on who is closest to them.

ADV MOSIKILI: Chair, I am not ...[intervenues]

ADV BALOYI SC: Can we, though, fairly say this long list indicates favouritism of Gubis85, if we do not know the underlying facts, such as do the other companies have the kind of personnel, the numbers, that would be able to meet these requests for ad-hoc security and the underlying facts
 20 that we would have to know first before we come to the conclusion that this indicates favouritism?

COMMISSIONER SPIES: Commissioner, there is, in every region and the sites, I have got analysis of all the sites and all the companies that have been deployed, and there is, when you are in Region 7, which is the Bronkhorstspuit

area, the companies there is not really deployed into Pretoria West, which is Region 3. So, we do tend to deploy companies to where they are based and where their main basis of operation is.

But when you look at what has happened here with Gubis, is that they have been deployed across the city. So even if you take just one or two sites, which is in Valhalla, versus in Garsfontein, which is on the opposite side of the city, it is one site. If you add a guard or two from a
 10 company, which is already in the western side of the city, and you add one or two guards to them at a reservoir, versus in Garsfontein you add one or two guards, this deployment of guards is definitely favouritism towards one company, because everything from water was assigned to Gubis only.

ADV MOSIKILI: Thank you, Commissioner Spies. I think you started speaking about a chain of emails, which we make reference to paragraph 44. But before we get there, can we go through paragraph 42, 43, and then when we get
 20 to 44, we will go back to that line of emails to give better context to what you are saying.

COMMISSIONER SPIES: This email was sent after hours at 4 minutes past 4. So when I received the email, I immediately replied to Commissioner Dhlamini to say to him, but asking him in a paragraph, who has deployed this,

what is the context, how has it historically been dealt with, the process, because he stated there that I must start controlling it and that, so I asked him how was it historically dealt with that he can answer me.

I have sent that to him. At the very same time when I sent that to him, I sent to Director Malatji the same email I forwarded to him, and he has already been cc'd in this email, but I sent it to Director Malatji as well, to say can you immediately draw up a report for me, explaining
10 how this process worked and how the deployment was done. And I gave him a deadline of, this is Wednesday, I gave him a deadline of Friday, that he has time during Thursday to complete this report and give feedback to me.

And then at approximately 20 minutes past 4, the Chief of Police, Commissioner Faro, also came in and saw this email and she started to reply. And then there is a flurry of emails from her where she first stated, and I verbatim, but the emails are attached, where she stated 30 additional sites, I am not approaching anyone to increase
20 the budget, this is irregular, Ad hoc services must be stopped.

And then immediately thereafter she sent a second email to me to say that I must provide a report to her, I must investigate it, and I must also introduce a new process to manage and control this ad hoc services because it is

definitely irregular and she is not going to do a budget increase application for this. Every time that she sent an email, I obviously, because it is now critical and we are managing this, so I am sending that email then directly to Malatji as well and say further to my first email, the Chief Instructor, this report, please add this to your report.

And then the final one where she says, stop all ad hoc services with immediate effect. I then send it to Malatji to say, as of tomorrow morning, because this is already
 10 after hours, as of tomorrow morning, stop the ad hoc, because guards that is already deployed at 6 o'clock in the evening, they work a 12-hour shift system, you cannot after hours in the middle of the night say to someone, stop, the guard's already on site. So, my instruction to Malatji was that the very next morning, stop the ad hoc services with immediate effect until a new process is actually implemented.

ADV BALOYI SC: What does it mean, stop? Does it mean the site is left unguarded? Or your watchmen section of
 20 appointments will look after that?

COMMISSIONER SPIES: That is correct, Commissioner. The site will be left unguarded when we say stop the services, because immediately from all of that email, it looks like it is an irregular deployment, it was done with no authorisation, so we are actually doing, at that moment in

my head, we are doing illegal work, and that must be immediately stopped. And he must write the report to me back as to why was this deployment necessary, where is the risk assessments that was conducted upon this, and what is the need that forced that we need to add this extra guards to us.

ADV KHUMALO SC: Sorry, my mic was off. Who deploys and who allocates work to a particular secret company? Is it the TMPD or the client department?

10 **COMMISSIONER SPIES:** It is TMPD.

ADV KHUMALO SC: It is TMPD.

COMMISSIONER SPIES: In terms of the tender, the contract management of the tender is placed within TMPD, and the award letters and the SLA assigns this function to Director Malatji. He is the one who, in terms of the award letter and in terms of the SLA is the director security, he must perform the function.

ADV KHUMALO SC: But does it mean that the client department makes a request to TMPD to say we want you to
20 allocate security guards at this reservoir or at this site?

COMMISSIONER SPIES: That is correct, Commissioner.

ADV KHUMALO SC: Thank you.

ADV MOSIKILI: Commissioner Spies, just to piggyback from Commissioner Baloyi's question, and maybe use the words that have been commonly featured in this

Commission, is it practically possible, or in all instances, to immediately stop the ad hoc work that is already issued, in all circumstances?

COMMISSIONER SPIES: No, the immediate stop, as I stated earlier, if I say stop it now, and it is coming back to the word immediate, I said stop it immediately from tomorrow morning. So, I cannot issue the instruction 4 o'clock in the afternoon to say stop now and then expect that by 5 o'clock or something it will be stopped. The night
10 shift is already on its way, it is already starting to work, and they will only conclude the next morning. So, I actually, in my email, I explained to him, stop this service by tomorrow morning, that the service will not continue then.

ADV BALOYI SC: What does it mean, that kind of instruction? I assume that a purchase order, if things are done properly, from how I have understood you, a purchase order would have preceded a deployment decision. You now have a service provider who is sitting with a purchase order. What does it mean when you say stop immediately?

20 **COMMISSIONER SPIES**: Commissioner, ad hoc services with a purchase order are to procure the services of ad hoc services. That can be, in terms of the SLA, it can be stopped any time. It can be very quickly initiated, and it can be very quickly stopped. So, when the purchase order was created, it was for the ad hoc services, and when we

give the instruction now, the ad hoc services stop.

Parallel to this process, we already started with a process where we were redoing the minimum-security risk assessments of all council sites, because the risk assessment was conducted in 2019, of the 1 087 sites. So, when this actually started to place, I already initiated the process where we started to do a reassessment of all sites. And part of those sites that has now been deployed, we then obviously, we started with those sites as well, to say
10 why is security needed at all 1 087 sites.

That risk assessment has been concluded. We actually have now way more sites, 1 251. But the fact that the ad hoc was started, it was started on a need, and there was a - I want to say openly today, when I look back at it, there was a false need created. Because I also did look at what security – I have got another section within my division that looks at investigating loss control section that investigate breaches, that investigated any losses.

And that section, when they do the statistics, they
20 look back at trends analysis and what happened at specific sites or specific departments. And when I look back to that, there was no increase in breaches or attacks on reservoirs or water pump stations. There were isolated incidents, at the most, approximately six for that financial year. So, there is on the one side, there is this ad hoc creation.

On the other side, there is analysis of breaches that was conducted, which means that there is no or very little breaches. There is no need for this. There is no risk assessment done, conducted before the time. And when this stopped, immediate with the ad hoc, is that we immediately were already busy with risk assessments, that we placed these sites in a first priority basis to do the risk assessments to determine it.

And even to date, when we complete it, it is still not
 10 needed to have all of those sites actually protected in this serious manner of having guards. There are minimum security risk requirements, which is much more needed, which could include things like fences and burglar bars and alarm systems, which we are looking at, rather than deploying people to those sites at a massive cost to the city.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Thank you. Chair, one aspect I forgot to put on record. When we are dealing with those allocations
 20 of sites to Gubis for January and February, we have to run that list with the purchase orders that we saw earlier on. And obviously, juxtaposed to the conversations that were happening at that relevant time. But I will not put that to this witness to connect the dots, but we need to put it there to say that we noted that from the record. Commissioner

Spies, can we then go to the emails that you referred to, to give better context to what you were saying? In terms of the timelines, let us start at – so, it is file 2 of 4 at page 342. So, it is a bigger file, bigger of the file.

COMMISSIONER SPIES: Page?

ADV MOSIKILI: Yes, at 342. So, you will guide us with the timelines there. I see at the bottom it starts at – so, it is Wednesday, 12th of March 2025, at 04:04:28 seconds pm. Can you start with that chain of exchange of emails?

10 **COMMISSIONER SPIES**: Correct, this is the original email that I just testified about. It originated from Umashi Dhlamini. And then at 16:07, which is three minutes later, I replied to all again to say to Commissioner Dhlamini:

“Who approved and mandated Ad Hoc Security Services? Who decided to give the instruction for this? And how is this process managed within the department historically?”

I must state that to date I have not received an answer on
20 this email, even though I have asked the question. But then if you go from that email to the previous page, because it is obviously in chronological order, is that at 16:14, the Chief of Police then replied to us as Deputy Chiefs to say:

“Dear DCs, 30 additional sites only for January 25, with exclamation marks.

Who approved this, DC Bolhuis?”

And I must just pause here, how she is addressing this to DC Bolhuis, is that when the Asset Protection Unit was relocated from the City Manager's Office to the Metro Police Department on 1 July 2024, the position that I am now occupying was vacant. And I was only appointed on 1 March 2025. So, for the period 1 July 24 to 28 February 25, Deputy Commissioner Bolhuis was assigned as caretaker for this division, and that is why she would address this to
10 him. Then she goes on to say:

“I am not signing off any documentation or requesting additional funds. We are currently in MayCo.”

This is the Mayoral Committee:

“This will not be entertained. And DC Spies, please launch an investigation in this regard.”

And then in this email conversation, she obviously then added again an email to me to say:

20 “Add it to the below email. This behaviour must stop, as it will cause audit queries, which will not only affect the department but the city as a whole. I am not going to request additional budget for unauthorised ad hoc sites. I will

request an investigation and consequence management. Two reports must be drafted, the authorised ad hoc sites deployment and unauthorised ad hoc sites deployment.”

If we go then to page 340, she then issued at 04:22 an instruction to me:

10 “Deputy Commissioner Spies, please stop any ad hoc deployment until the correct procedure determined by you has been implemented, bearing in mind that there is no additional funding already.”

And then obviously I forward this whole conversation, as and when it happened, I forward every portion to Director Malatji to say, and further to the ad hoc deployment of guards, stop the deployment of all ad hoc guards as with effect tomorrow morning.

ADV MOSIKILI: And do we have a response to that email?

20 **COMMISSIONER SPIES:** No, Director Malatji is - Commissioner Dhlamini has never responded to me in my question to date, and Director Malatji has also not responded to me at all. Even though I have asked that reports and everything, and that is part of why there is consequence management happening, which I cannot divulge more, but part of that is that, and I have stated that

already, is I introduced a new procedure between the 12th of March and the 1st of April, in that we as a department created and designed a new application form, a new process flow, and we have submitted that process flow to the – it was then the acting COO, the Chief Operating Officer, Dr Malaka, and between us we refined the process, and then up to eventually when on 1 April it was instituted as a new process for all ad hoc guards going forward, as I have already explained.

10 **ADV MOSIKILI**: Commissioner Spies, before you go there, can you inform the Commission if your email to Mr Malatji to stop the deployment, did it achieve the desired or intended purpose, as far as you can recall?

COMMISSIONER SPIES: Initially it did not, and the understanding was that the deployment of ad hoc guards would be stopped, and we have in our department, every second week we have a Monday budget meeting where we discuss the budget, and the staff from the CAPEX and the OPEX side will then present the current status of the budget
20 to us.

So when we got to the end of March and the first week of April, to that budget meeting, it was indicated, but by then everyone already knew that ad hoc guards were deployed in January and there is invoices that must be processed, and obviously January's invoices will only be

submitted in February, it will only be paid in March. So, when we hit the April meeting, we actually, the person from finance highlighted to us that we are exceeding there are ad hoc guards that has been added, we must urgently resolve this.

We then all indicated, but that is the January payments that is currently being affected, and we only stopped it on the 12th of March. So, there will still be payments coming through for February, and also then for
10 the first portion of March. So this was then, in the first week of May, it was again mentioned, and we are all making assumptions that this is February's payments that is now being affected, and then in June, the same amount of payments came through, which March should have been a half payment, and not a full payment again.

I then went and I said to Director Malatji in person, I said to him, I have instructed you to stop the security guards, why is there still invoices coming through for the same full amount of that? And then he indicated to me that,
20 you know, he is not going to do the stop of it if it is not in writing from me. And I said, but I have sent you an email, and my email instruction and my verbal instruction that I have followed up with you, that is, you should have stopped it.

I then took the effort on myself to, I actually write a

letter, on a letterhead, where I send it to Gubis85 specifically to say, as of now, you stop this. This was dated on the 24th of June. I sent a letter to them to say, stop the service with immediate effect on 30 June. Not immediate, I must stop using the word immediate. I said, stop the service with effect 30 June, because their contract at that stage, in the parallel process, their contract has been extended from February 28 BAC resolution with four months to 30 June. So, their contract will in any case stop 30 June.

10 So, I said to them, as with effect from 1st of July, the services must be stopped. That is on the 24th of June that I have sent that letter myself to them to say, stop your services.

ADV MOSIKILI: Commissioner Spies, I think that speaks to paragraph 46 of your statement, and might I then refer you to what you make reference to in Annexure RS213, which appears on the file that you should have in front of you, file 2 of 4, page 345. Can you speak to the document there, please? What is that document?

20 **COMMISSIONER SPIES:** That is correct, Commissioner. That is the letter that I then sent to Gubis85 Solutions on the 24th of June, where I say:

“Stoppage of ad hoc services which have not been approved in terms of any written process. The above matter bear’s

reference. Kindly take note that all the sites mentioned on the attached Annexure A were identified by the Tshwane Metro Police as the sites belonging to the Department of Water on which ad hoc security services are being rendered without any approval based on written process. Therefore, the Tshwane Metro Police Department has taken a decision to stop these services with effect from the 1st of July 25. To this effect, you are hereby requested not to continue deploying security on all the sites listed on the Annexure A, and your cooperation in this will be regarded.”

This letter is actually the one that is – so, I sent a letter to them, but the very next day they sent this letter back to me as received. And they then made a lot of attachments that they added to that letter as well.

20 **ADV MOSIKILI:** Before you go there, Commissioner Spies, just so that we align, you testified earlier on that you issued instructions on the 12th of March.

COMMISSIONER SPIES: Correct.

ADV MOSIKILI: To Director Malatji to say that no more deployment. Obviously, one would accept then that by the

fact that in June you are sending another letter, or at least you are sending a letter to Gubis. There is a suggestion that what you had said or instructed to happen had not happened, that is one. But also secondly, it seems to, when you look at paragraph 3 of that letter, it would seem that you have a new effective date, which is now July, which - so how do you align all of those three elements that I have just reflected?

COMMISSIONER SPIES: As I stated is that we already
 10 knew in the department that January and February and half of March was already being processed and it was instructed in its past tense. We cannot change what happened in the past and that is why at the April, the May and the beginning of June, we were still thinking it is the payments of those months that has already been done that is now being processed because payments are always late.

The June payments, close to this 24th of June, in that middle of June, the payments came in again and the finance, the person from finance then said to me, but here
 20 is the same amount of that and then it triggered, but March should have been a half month, it should not be a full month and that is when we queried, when I queried with Malatji to say, but I have told you on the 12th of March already to stop this.

Why is a full payment still coming through? And

that is when the conversation started with that he is alleging that he does not listen to my instructions via email, I must do it in writing for that, which I then did in writing and part of that is the reason I gave 1 July is because their tender will, in terms of a contract, their tender will end in any case on 30 June so that they can finish this two or three days that they are busy because it is now clear that they were still running services in June and that is why the dates is dated like that.

10 **ADV MOSIKILI:** Thank you. Then let us deal with the response from Gubis to your letter and that you converse at paragraph 47 of your statement.

COMMISSIONER SPIES: So, on the 26th of June I then received the email from this company with the email address of info@gubis85.co.za and the electronic mail was signed off by Calvin Mahlangu. But there is then together with this letter, which I have just indicated here, they have also attached a lot of attachments. The one is they sent my own letter back to me, they have sent me the original award
20 letter that they were issued to them in 2022, they have sent a report through to me of their services rendered and then they attached a file called deployment and they stated that they had written instruction to deploy, which none of us in the department knew they had. I then looked at this on the 26th, I looked at this deployment list only and I went through

this list, and it is, I think it is 43 pages of deployments that was done. It is all these sites, the total at the end of the day, the 43 sites, there is an individual page for every deployment. I scanned through that and I noticed that the deployments were done by Inspector Phiri, who did the deployments. So, I scanned in the beginning a few and then right at the end again and I saw it is inspector Phiri that deployed these sites.

ADV MOSIKILI: Commissioner Spies, apologies for
10 interrupting you. Can we, so that we can follow and the Commission can also have a proper understanding, can you go to page 382 on the same file 2 of 4. Can you confirm that this document is part of - are you there?

COMMISSIONER SPIES: Yes.

ADV MOSIKILI: Can you confirm that this document is part of the annexures that you received from Gubis85 Solutions when they responded to your, what you call a stoppage letter?

COMMISSIONER SPIES: Correct, this from 382 to 424 is
20 the list of letters that was in the electronic pdf file stated deployment of officers, of guards and this is the, where I - which I quickly scanned through, and I saw that it was signed off at the bottom. You can see that for any enquiries on this matter, please contact Lebohang Phiri and then there is a signature, and it is a Mr AL Phiri and then next to

it is PAYE number and Inspector Phiri.

So I scanned through this right up to the end and initially I noted that everything according to me is signed by Mr Phiri, so my initial thought was everything was Mr Phiri and I must state that this page 8, I say page 18 but 18 in the report, two of the files is not Mr Phiri but it is a page in my pdf, it is 18 and 19. I am just trying to find them.

ADV MOSIKILI: All right, we will get to those two. What I need you to explain is that ...[intervenes]

10 **ADV KHUMALO SC:** Sorry, to interrupt you, the one on page 400, Commissioner Spies, is it one of the two that you are referring to, 399 and 400? They seem to be the two that were not signed by Phiri.

COMMISSIONER SPIES: That is correct Commissioner, so in my doc, or in the document that came from, um, Gubis85, there were, it is one document with 43 pages and page 18 and 19 is then page 399 and page 400 which has been signed off by Dr KE Madihlaba. There is Inspector Phiri that I have signed it off and as I stated is that they sent this
20 back to me to say that, but we had written permission to proceed with it and when they sent this to me and I looked at it, I replied back to them to say, but in any case your contract ended the 30th, so stop the services even if you had this and that.

I did not say anything further to them about this.

What I then did is, this is the first time that us and even the department, I even spoke to Deputy Commissioner Bolhuis about it, none of us knew that these letters were issued and I looked at these letters and Inspector Phiri, in terms of command and control, in our ranking structure, if you go from the bottom up, you have a Constable Sergeant Inspector, then a Superintendent, Lieutenant Colonel, Colonel, Brigadier, which is the Director level and the Deputy Chief level.

10 Inspector Phiri, in my mind and at that moment in time, is way too low to authorise any expenditure or even to deploy. According to my understanding of the SLA and the award letters, it should have been Director Malatji that did this. So, I then immediately, when I got this letter, I forwarded this whole package, this whole email to GAR, which is our Group Audit and Risk Department, Mr Mafumane Baloyi[?] and I said to him, can you please investigate this urgently?

20 It looks like it is either fraudulently issued, or it is incorrectly issued and that. Mr Baloyi then responded to me about a week later and he stated to me that there is enough evidence against Inspector Phiri that we can start and proceed with consequence management against him. And the moment I received that mail ...[intervenes]

ADV MOSIKILI: Commissioner Spies, I am sorry to

interrupt you.

COMMISSIONER SPIES: Sorry.

ADV MOSIKILI: I think we are just one step ahead. I suppose the question is, Inspector Phiri, could he issue those instructions under the authority of Mr Malatji? Is it possible?

COMMISSIONER SPIES: Inspector Phiri has been assigned, he is a Metro Police officer that is been assigned to the APSS, the Asset Protection Security Services, as a
10 regional supervisor. And in that turn, he reports as a regional supervisor, he reports to then Senior Superintendent Madihlaba, who is now a Colonel Madihlaba. But he reported to, Colonel Madihlaba, Colonel Mahlangu, Reginald Mahlangu, and to Director Malatji. So that is the direct line of command between them. And as I stated already, Inspector Phiri should not have at all the authority to deploy this. If he deployed it, it is either under the direct instruction of Director Malatji, who was in any case wrong, because it should have been Director Malatji who issued the
20 instruction.

ADV MOSIKILI: Before we go to the steps that you took, Commissioner Spies, can you just explain to the Commission? Remember we have a situation here where at least the Commission knows at the back that there are conversations between Sergeant Nkosi, Mr Gareth Mnisi,

and Umashi Dhlamini. That we know between January and February.

And now we have purchase orders that were also reflective of February transactions that were loaded up. And then thirdly, we have a list that was attached to an email to you by Mr Umashi Dhlamini listing the allocation of ad hoc work and specifically dealing with January and February. And now to add to that, there is this document again provided to you that seems to suggest to us, at least
10 when I look at it, it is allocation of work for at least from page 382 starting with January 2025. Albeit we might have issues as to who issued those instructions and whether Phiri would have had the necessary authority to do so. But when you put all of those four factors together, can you tell us if you want to comment on that? Perhaps that is the best way to give you an opportunity to comment.

COMMISSIONER SPIES: If I base it on the dates that I receive, obviously this is speaking in hindsight because I only received this on the 26th of June. But the purchase
20 orders that I now know was all created on March 6th, but the deployment letters were already created in 14th of January. It is completely wrong way around. Normally there would have been, the correct procedure would have been, there would have been a risk assessment.

There would then have been a deployment with a

purchase order to say we need to deploy extra people. A purchase order would be generated and then the deployment letter will follow. It would not be the other way around. It is as if this was created on 14th of January already and then in March, here by the 6th of, 4th, 5th, 6th of March, suddenly a large amount of purchase orders was created to align with these letters that was then issued on 14th of January already.

And we discovered it then on 26th of June when it
 10 was sent back to us to say but we have written permission to do this. It is not that we have not written permission. But it must also be stated that Inspector Phiri, and I have stated many times, he is at the inspector level with zero authority to deploy. His function is a regional supervisor monitoring the guards and monitoring that the function is actually done. He does not have deployment authority at all.

ADV BALOYI SC: Just to be sure about what you are saying in your explanation, the letter, the one letter is dated
 20 the 14th of January 2025. That is the one at page 382. And I am just using it as an example, the date. It is the 14th of January 2025. You say the purchase order fits in where in terms of date. Does it come after this kind of letter, or does it come before this kind of letter?

COMMISSIONER SPIES: The purchase order was created

after this letter on 6th of March.

ADV BALOYI SC: No, we know that. We know as a fact that it was created on the 6th of March. What I am asking is the sequence of dates. Is that how it works?

COMMISSIONER SPIES: No.

ADV BALOYI SC: That a purchase order comes after this kind of deployment letter or is it the other way around?

COMMISSIONER SPIES: It is the other way around.

ADV BALOYI SC: Okay.

10 **COMMISSIONER SPIES:** You must first do the risk assessment. Now in the process is where you must first do the risk assessment. After the risk assessment, if it is then necessary to deploy, there will then be a purchase order created for the deployment and then the deployment will take place.

ADV BALOYI SC: Okay, thank you.

ADV MOSIKILI: Then ...[intervenes]

ADV KHUMALO SC: Sorry, this deployment letter, if you just look at the one on page 420, they do not say for how
20 long the deployment is. So, you are just deployed to a site with effect from they give a date and time. But then they do not say, for example, that it is going to be a month or it is going to be for two months. So, it is an open-ended deployment until it is withdrawn.

COMMISSIONER SPIES: Correct, Commissioner, which is

not correct.

ADV KHUMALO SC: For ad hoc services, that is improper because you are effectively giving an evergreen mandate if you do not put an end date to it.

COMMISSIONER SPIES: That is correct, Commissioner. That is why initially when I stated as well as ad hoc services is an emergency deployment for a specific reason, for a specific period, ad hoc services is not an open-ended and off we go. So, this process is definitely wrong.

10 **ADV MOSIKILI:** I am indebted, Commissioner Khumalo. Commissioner Spies, you were then engaging the Commission on the steps that you then took having discovered or received the email from Gubis with the annexures and you deal with paragraph 51 or 50 or 52 of your statement.

COMMISSIONER SPIES: That is correct, Commissioners. I obviously, as I already stated, I sent this email plus all the attachments. I have sent it to Mr Mafumane Baloyi for investigation. As I already stated, Director Malatji was
20 appointed as the project manager, and he had to deal with all aspects of this tender, and an inspector does not have the authority to deploy or incur any cost on behalf of the city.

Mr Baloyi has replied to me later that stated he believes there is enough evidence that consequence

management can be initiated and I then forwarded his email plus all the evidence to Brigadier Minnaar. He is the head of our internal affairs within the Metro Police with a request for it to be investigated and then consequence management to be instituted.

Brigadier Minnaar appointed a Freddy Chauke from the internal affairs section to do the investigation and then at a much later stage, about a month later, Mr Chauke approached me informally and said to me that he cannot
10 conclude this investigation. He has done a lot of legwork, but he could not conclude it as it is extremely technical. He also cannot obtain internal evidence and more evidentiary proof.

It is one of the challenges we have as a Metro Police Department is that when it becomes obvious that it is criminal, it becomes a criminal matter and we do not have criminal investigative powers and no one in the city will allow us to actually go and scratch for information and get it because some of these you need to get the real information
20 and he then said to me what should he do with this investigation because he came to a dead end.

I suggested to him that he write a closeout report on the investigation to his Brigadier Minnaar and his Deputy Chief because it is internal affairs, it falls under Brigadier Commissioner Umashi Dhlamini, that is where the section

resides. So, I suggested to him that he write a closeout report where whatever he is saying to me now is that he stated in his closeout report and he requests and recommends that the report be referred back to Group Audit Risk that they appoint a forensic company so that it could be forensically properly investigated.

At the same time when this happened, he then went out and I then reported the matter to the Hawks, Colonel Livion Maseko, which is the head of Pretoria Hawks. I
10 reported it to him to say we know we have got a criminal matter here which to me looks more criminal and it is not now just an administrative problem anymore and our internal affairs we cannot investigate it further it is now going to be referred to a forensic audit.

Can you please from the Hawks perspective also investigate this matter. And then when we get to paragraph 52, this only came to my knowledge last week on the 10th of March, is that I was under the impression that the report was closed out, it was sent to GAR for investigation and
20 that a forensic company has been appointed. Because during this period in the last two three months forensic auditors and forensic companies did approach me to get information and take statements from me regarding this process.

So, my impression was that this report is actually

the one that they are busy investigating. But then on the 10th of March Brigadier Minnaar forwarded an email to me when he said to me sorry DC, I did not originally cc'd you because on the 30th of July Brigadier Minnaar sent the report that the investigator Freddy Chauke has done together with these recommendations.

Brigadier Minnaar sent it to Deputy Commissioner Dhlamini to say to him DC here is our report with the recommendation that it be forwarded through the Chief's
 10 Office to GAR. It got stuck there, it never went further than that and on the 10th of March when I started to query and to say actually I started the week before because the forensic investigators were with me and I mentioned them this report and they are like no but we investigate the same matter from another avenue, it is not from that report and when I went back to Brigadier Minnaar he sent his email to me to say no here is a report I have sent it to my Deputy Chief, I omitted to include you in the original one. And then I said to him can you please make sure that it immediately gets to
 20 GAR because it is critical for the current investigation. And I was then informed by the Chief of Police the very next morning when we discussed it, she said no she is already signed off on the report it is with group audit now at the moment.

ADV KHUMALO SC: Commissioner should that date not be

2026 that 10th of March?

COMMISSIONER SPIES: Sorry Commissioner it is - I did correct it last night but it is 2026 it was last week Monday.

ADV MOSIKILI: Thank you Commissioner Khumalo. Perhaps while we are there can we then go to this investigation investigative report that will appear on file 4 the small file and that will be page 993. Did you find it Commissioner Spies?

COMMISSIONER SPIES: Yes.

10 **ADV MOSIKILI**: Thank you. For the record what is that document?

COMMISSIONER SPIES: This is the report that was then sent to me on the original email on 10th of March 2026, but it is the report that Brigadier Minnaar has then submitted and it is dated 29 July 25 but it was attached to the email of 30 July 2025 to Commissioner Dhlamini.

ADV MOSIKILI: Can you please for the record read the subject matter of that report in the introduction?

COMMISSIONER SPIES: The subject matter was the Metro
20 Police Inspector issuing written instruction to deploy at all guards beyond his mandate. And the letter then in the introduction portion it specifically stated:

“On 27 June this Directorate received
allegations to investigate against
Inspector Phiri for issuing written

instructions to Gubis85 Security Solution
to deploy ad hoc guards which is way
beyond his mandate.”

ADV MOSIKILI: And then unless the Chairperson wants
you to read the entire report, I would direct you to
...[intervenes]

CHAIRPERSON: Please not.

ADV MOSIKILI: Thank you, Chair. I would then direct you
to page 996 where we deal with the challenges and then
10 after that the conclusion of that report.

COMMISSIONER SPIES: Under point 4 challenges:

“The investigation is unable to test the
allegation against 22 companies to
establish whether Inspector Phiri issued
the instruction to all the service providers
to deploy ad hoc guards.”

And as noted we only have this file from Gubis coming back
to us to say no but we have here is the 43 list. He also
stated then unable to interview Director Malatji the reason
20 was Director Malatji has then already been suspended from
our service and he is unable to conduct background check
on members of Gubis85 Solution and the City of Tshwane
officials.

We do not have access to make a link there for it
and we are unable to interview or obtain statements from

Inspector Phiri. He refused and he could not get hold of him at all to actually do this and he could also not confirm with SAPS if there were any cases against the city by Gubis85 Solution for work done or any litigations. And he was also unable to source the standard operating procedure for compliance purposes, and he was unable to source full financial records for the content of this memo. And then he made the conclusion which is aligned to what I say to say:

10 “But the allegations submitted have substance and indicate a possible crime of fraud and corruption. However thorough forensic investigation would be more suitable to indicate cost to the municipality and all the employees involved of misconduct.”

Because at that stage even though it shows towards Phiri it could be the whole group that is involved in this which we did not know and obviously we did not know the WhatsApp's and the underground stream that was going on. The
20 annexures he attached everything that I have testified to so far, the emails the service level agreements between it. And then he recommended that the Chief of Police and DC Spies take cognisance of the content of this memo that delegations be referred to group audit and risk for further investigation and that he says then that:

“If point 2 is not possible an external audit be requested for the content of this memo and that the cost implication for the content cannot be determined but will be an exuberant amount.”

Today with hindsight we know ...[intervenes]

ADV KHUMALO SC: I do not understand why Phiri cannot be instructed to give a statement. I really do not understand. Who is Phiri's supervisor? Who does he report
10 to?

COMMISSIONER SPIES: Commissioner, it is not in my section. He has luckily been promoted out of my section to regional policing but since Friday we have been trying to get hold of him. He has been given instructions. His direct supervisor has been given instruction that he must report Monday morning past 10 o'clock at the office. He has failed to do so. So disciplinary steps and consequence management is being introduced again for that as well. So, we are trying to get hold of him, but we are starting with
20 consequence management, not us, but the department and his regional divisional head.

ADV KHUMALO SC: Yes, but it must not look like Tshwane is only doing that because it is now appearing before the Commission. I mean if these things are from 2025, I do not understand why the challenges that are listed

here. Unable to interview Malatji if he is suspended and suspended but unable to interview and obtain a statement from Inspector Phiri. That I do not understand. Why could that not be done before this report was finalised?

COMMISSIONER SPIES: Commissioner, I cannot answer to that. I know that this report was concluded on the email that was already sent on the 29th of July. It was done by Internal Affairs and on the 30th of July it was sent to the Deputy Chief Dhlamini for his office. In that short period
10 between when I gave the instruction for the investigation to the end of that month, that investigation, the Investigator Chauke is the only one that can really answer why he could not get hold of him.

I do not know the reason why he could not get hold of him. And I also did not know this report at all until last week the 10th to say but where is that report? Is it with GAR and what is GAR's outcome from this? And that is when Brigadier Minnaar sent it to me to say no it was sent to his Deputy Chief Dhlamini and he thought it was already
20 sent through to GAR close to a year later.

ADV KHUMALO SC: Yes, because now there must be a complex forensic investigation that cost the city a lot of money. I mean I do not understand that.

COMMISSIONER SPIES: There is already a forensic investigation happening.

ADV KHUMALO SC: Yes.

ADV MOSIKILI: Commissioner Spies, then it is your testimony that this report perhaps can we just, it would be fair to say that this report at least it was delayed on the desk or doorstep of Mr Umashi Dhlamini as far as you are informed.

COMMISSIONER SPIES: Correct. It was sent in terms after the email threat it was sent on the 30th of July by Brigadier Minnaar to Commissioner Dhlamini and then
10 nothing further happened with it until last week when it was started to be queried again because of the forensic investigation that is ongoing.

ADV MOSIKILI: Chair, perhaps it is safe to point out that when the witness was dealing with under challenges 4 where they say that the city was unable to conduct a background check on members of Gubis Solutions and City of Tshwane officials to establish any relationships. We have done that and we will deal with that in the fullness of time. And then Commissioner ...[intervenes]

20 **CHAIRPERSON:** Are we to make anything of the fact that this is not signed or nothing turns on that? Or maybe there is a signed copy somewhere?

ADV MOSIKILI: Let us put that to the Commissioner Spies.

COMMISSIONER SPIES: Commissioner, this was the - it was the email that was sent to me that was originally sent

on 30th of July. This email was just forwarded to me as that, so I do not have a signed copy.

CHAIRPERSON: Okay.

COMMISSIONER SPIES: But I have been informed by Commissioner Faro that Brigadier Minnaar and she signed off on it, and the signed version is with GAR. So, I do not have sight of the signed version but there is definitely a signed version that has been sent off.

ADV MOSIKILI: Thank you Chair. I suppose to complete
10 that then when Chief of Police Faro comes, we can put that to her to complete the - to round off the point. Commissioner Spies, you had mentioned the involvement of the Hawks, and you deal with that at paragraph 53. Can you just take the Commission through that?

COMMISSIONER SPIES: This 100 percent matter I have provided to Colonel Livion Maseko from the Hawks to say that it looks like inside the investigation is not going well inside. Can you please investigate it as well. Colonel Maseko then informed me at that same time when I handed
20 him all the evidence to say investigate it. He stated to me that but from the Hawks themselves they were already investigating Gubis because there was an anonymous informant and reporter who reported to them what we call the concept of ghost billing.

It will be where the company is supposed to deploy

five or six guards per shift, but they only deploy one or none and then they will invoice the five or six guards, and they will be paid accordingly. The Hawks were then already investigating the specific portion of Gubis85, and they said they will add this to the investigation. I must however note that to date obviously the police does not have to take me into their confidence, but the investigation is still ongoing. I have not received any feedback on that investigation.

ADV MOSIKILI: Chair, I would seek your guidance. I see
10 that it is almost 1 o'clock.

CHAIRPERSON: Let us continue to the end.

ADV MOSIKILI: Yes, we have about 10 paragraphs to cover which is about four pages.

CHAIRPERSON: But some of those have long lists of names so it will be quick to go through those.

ADV MOSIKILI: That would have been my suggestion, Chair to say if we can just go through and then we can finish definitely before 2 o'clock. Yes, definitely.

CHAIRPERSON: Thank you, Mr Mosikili.

20 **ADV MOSIKILI:** Thank you, Chair. Commissioner Spies, can we then move to the next tender of the two tenders that we wanted to discuss and that you deal with at it starts at paragraph 54 and that will be the tender 1 2024-2025. Can you take us through that please?

COMMISSIONER SPIES: At paragraph 54 tender 1 of

2024-2025 it relates to the monitoring and prevention of illegal land and building occupation service as well as the demolition of any illegally erected structures in the city of Tshwane. Informally between us we call it the land invasion tender because it is the prevention of land evasion and the removal of this.

It is also a tender that originated from 19 August 2024 and then in paragraph 55 I state the BSC committee which is a Bid Specification Committee on 19 August and I
 10 also deduce this from the records because I was not yet appointed. It was also prior to my appointment, and I will get to how I am involved in this specific tender. Is that the BSC members were a Mrs Kgaugelo Thomas, Mrs Phatu Mukheli, Mr Abel Mosalla, Mr Pieter Robinson, Mr Lesiba Thupudi and Mr Sipho Hlope. And then I listed a timetable that I can read from the records which is on the advertisement date was 26 August.

ADV MOSIKILI: Perhaps just to pause there in terms of the timetable that he is about to read the significant
 20 relevance to that. The Chair would remember that during the testimony of Sergeant Nkosi there was much debate about when certain documents were submitted from one of the companies and it was Ngaphesheya then. So that this timetable becomes relevant because this is a tender that they at least bid for. Commissioner Spies, apologies you

may proceed with the timetable.

COMMISSIONER SPIES: So, the bid was originally advertised on 26 August. There was a briefing session with all bidders on the 12th of September 24, and the bid closing date was then the 2nd of October 2024. The bid expired on the 3rd of January 2025, and this date was later extended to 2 March 25 and again to 30 June 25. That is for the evaluation of the bid itself.

And then the Bid Evaluation Committee members
 10 were Mr Victor Kgopa is the Director for Performance Management who was the Chairperson of the BEC. And Ntshekang Sekane from Human Settlements Planner. Joe Mabunda who is a Director Brigadier in Tshwane Metro Police Department. Sipho Nkomo who is a Director Brigadier in Tshwane Metro Police Department. Obed Sandhlane who is the Human Settlements Planner and Ephriam Selepe Deputy Director at Buying Supply Chain Management.

This tender was also during the process and was
 20 selected for probity and after the probity recommendations were included it was presented to the Bid Award Committee on 25 September 2025, and this committee then resolved and approved the tender on the 7th of October. The members of this bid award committee on the 7th of October were Mr Gareth Mnisi as the Chief Financial Officer who

was the Chairperson.

Mr Koena Nkoko is the Group Head from the Health Department. Mr Terrance Kgoete is the Director from Demand Management and Supply Chain. Mr Gerald Shingane is the Group Head from Group Human Capital. Dr Ndivho Lukhwareni is the Group Head from Energy and Electricity. Mrs Nonto Memela who is the Group Head from Human and Housing Settlement.

Mr Musa Khumalo is the Governance and Support
10 Officer and Mrs Minky Motseo who is the Division Head at Contract Management Legal. And then based on this recommendation and approval from this committee the following eight companies were approved and their actual award letters as signed by the Chairperson of the BAC and the city manager on the 9th of October is attached at RS2 16.1 to 16.8 and this tender commenced on the 1st of November 2025.

And then the companies mentioned there is Elshaddai Security Services, Gubis85 Solution,
20 Ngaphesheya Construction Projects, NIST Investments, Red Ant Security Relocation and Eviction Services, Two Cops in Security Services, Vimtsire Security and Protection Services and X and G Security Services. And then this becomes why my involvement in this.

I was appointed as the Acting Chief of Police for

the period 22 December 2025 to 14 January 2026 because Commissioner Faro was on an annual leave and then when she returned, she was ill and it was extended then to the 16th of January. My acting letter as Chief of Police is attached as RS217. And then on Thursday the 15th of January I signed the service level agreement between the land invasion tender companies and the city.

So, the service level agreement after the award letters is issued, the award letters together with the BAC
 10 report goes to the legal department who then create and draft the SLA. They verify that it is correct, they forward it then to the department to sign off as owner department the SLA and that is the Chief of Police function. So, because I am the Acting Chief of Police, I sign the SLAs together with witnesses on behalf of the city and then the day thereafter the companies themselves will then sign the SLA on behalf of the companies.

ADV KHUMALO SC: Is it one or eight? How does it work?
 Is it one SLA or eight SLAs?

20 **COMMISSIONER SPIES:** No, it is eight, 100 percent the same SLAs except the name of the company and the signatories at the bottom, the address details. But the SLA from where it starts with the wording of the SLA to where it ends with the wording is 100 percent the same SLA for all companies.

ADV MOSIKILI: And Chair for the record, we need not go there, but for the record those would appear on page 348 to 381 of file 2 of 4.

CHAIRPERSON: Thank you, Mr Mosikili.

ADV MOSIKILI: Thank you. You can continue Commissioner Spies.

COMMISSIONER SPIES: And then paragraph 60 is my involvement in this tender was the signing of the SLAs as the Acting Chief of Police. This tender is ongoing, and as I
10 stated it commenced 1 November and the total amount paid to these companies as of the end of January, because payments is always reflected 30 days later, is a total of R10 733 802.72 for the services provided from the 1st of November 25 to the end of January 2026. And then I state:

“Further is that I obviously am aware of evidence before the Commission that suggested Mr Mnisi, and I state here General Dhlamini, but to me is Deputy Commissioner Dhlamini and Sergeant
20 Nkosi conspired to secure the appointment of Ngaphesheya Construction and Projects as one of the successful bidders on this tender, despite the fact that the Ngaphesheya bid was non-compliant. The city has thus far paid

Ngaphesheya a total amount of R2 028
154.32, ostensibly for services provided
to the city in terms of this tender, TMPD
1 24-25.”

And then I also attach a spreadsheet of these payments as
RS290. And then these statements and a confirmation
statement that I have seen from Mr Veli Nwandule, who is
from our finance section, he assisted me in understanding
the accounting aspects of how these payments are being
10 affected, because the tender is not under my control, it is
with our division, regional and specialised policing services
that manage the land invasion and anti-land evasion and
eviction and removal of shacks and things like that.

ADV KHUMALO SC: Can I just ask, in paragraph 62,
where you say the city has thus far paid Ngaphesheya, is
that as at end of January or as at the date of your
statement?

COMMISSIONER SPIES: It is at the end of January.

ADV MOSIKILI: Perhaps just to round off that point, I refer
20 you to page 991 of file 4.

COMMISSIONER SPIES: Sorry, the page number?

ADV MOSIKILI: 991. So that is the file 4, the very small
one.

COMMISSIONER SPIES: Correct, that is the purchase
orders and the payments that was affected then from

November to now, that has been paid to the company itself. And that was at - even though the purchase order is dated 27 February, but it is for the work that was linked to this company, and it was actually paid. The payments are made later than normal, because we take about 30 days to pay companies.

ADV MOSIKILI: And Chair, just to be, for the record, where in paragraph 63 Commissioner Spies says that he has been aware of the evidence before the Commission, he
10 has been provided with the necessary transcript, which - can you confirm that you have familiarised yourself with the transcript dealing with the allegations at paragraph 63?

COMMISSIONER SPIES: Correct, Commissioner, but it is a small extract of Sergeant Nkosi where he specifically discussed me, my name and the involvement there and then up to where this land invasion portion is, that transcript portion, it is approximately, I have not counted, but it is about 15 to 20 pages.

ADV MOSIKILI: Thank you. And then lastly, you did refer
20 to Mr Veli Nwandule who assisted you and you have indicated in your statement that we intend on filing at least a confirmatory statement to an extent that he assisted you in better understanding of the accounting aspect of this tender.

COMMISSIONER SPIES: Correct, he is dealing with the

finances at our department, and he explained all of these processes at the back end to me.

ADV MOSIKILI: Yes, and lastly then, Commissioner Spies, this is the last aspect which is your conclusion and this is - will be your chance to issue out any remarks that you might want to make to, before the Commission at the end of your statement.

ADV BALOYI SC: Maybe before you do that, that transcript you say, it is a small part of Sergeant Nkosi's
10 evidence where it relates to you and Ngaphesheya. I just want to be sure. It also includes the discussion on Gubis.

COMMISSIONER SPIES: That is correct, Commissioner.

ADV BALOYI SC: You have said that.

COMMISSIONER SPIES: It is a portion about where my name is mentioned to say something about, he is the one that stops the services and then it mentioned Gubis, it mentioned Ngaphesheya and it speaks about Mphefu.

ADV BALOYI SC: Yes.

COMMISSIONER SPIES: And that it is that portion of his
20 testimony that was provided to me to read through.

ADV BALOYI SC: Thank you.

ADV MOSIKILI: Commissioner Baloyi, just for the record, that specific portion of the transcript is referred to, just for the marking, at page 998 and this is filed for page 998 to 1033, so it is a bit more than 30 pages or so dealing with

those allegations. Thank you. Commissioner Spies, I think I had invited you to make your closing remarks in line with your conclusion at paragraph 65.

COMMISSIONER SPIES: Commissioner, there is one part of my statement that I will read, but there is also another part that I want to add, is that:

10 “I obviously submit this statement to highlight the institutional failures or the subversion of lawful authority that I experienced during my limited time at Tshwane Metro Police. My actions taken in my official capacity as Acting Chief and at this time, as instructed by the Chief, were aimed at upholding the integrity of the department, addressing serious allegations of misconduct.”

20 But then I also further have to state that, and it is with genuine respect towards the Commission, is that I testified as a whistleblower at the Commission and the victimisation of whistleblowers, even in my new career, the way I am being - and I do not want to put it openly as abuse, but it is the way I am being addressed. My nickname is, for instance, they will make jokes about it, to say Madlanga Commission, when I enter into a conversation or when I sit in a meeting.

There are people that say that my presence threatened them, and I am taking notes, and I will use it against future commissions and that. I would really ask the Commission if we can really look at something eventually in recommendations, which look at how do we protect whistleblowers? How do we make it as easy as possible for genuine people who wants to upkeep the law, who wants to be honest, how can we protect them from coming out in divulge?

10 There is a lot of honest people that are too afraid to speak, and the few of us that do speak about it, we are properly victimised, and there is genuinely something that needs to be done to protect whistleblowers. It is my final remarks I implore if that can be looked at. How do we protect people who wants to genuinely be honest and speak about this and get this scrounged out of the law enforcement completely?

ADV MOSIKILI: That will be the evidence of Commissioner Spies, Chair.

20 **CHAIRPERSON:** Thank you very much again, Deputy Commissioner Spies. You are excused. Thank you.

COMMISSIONER SPIES: Thank you very much, Commissioners.

NO FURTHER QUESTIONS

CHAIRPERSON: Tomorrow, Thursday and Friday, I have

personal commitments that I cannot get out of, and then for the whole of next week, the Commission has resolved not to sit. So, we will resume at 09:30 on the 7th of April 2026. Let us adjourn.

INQUIRY POSTPONED TO 7 APRIL 2026

INQUIRY ADJOURNS

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