



Pauli van Wyk <pauli@dailymaverick.co.za>

Scorpio questions: SARS

Ntsakisi Ramunasi <Ntsakisi.Ramunasi@treasury.gov.za>

Mon, Sep 17, 2018 at 4:19 PM

To: Pauli van Wyk <pauli@dailymaverick.co.za>

Cc: Media <Media@treasury.gov.za>

Dear Pauli

Please find below responses to your query, **attributable to National Treasury:**

1. My understanding is that National Treasury did not review and approve Gartner's contract and tender with SARS, contrary to what was stated hereunder by Gartner. Is that correct?

Deviations to appoint Gartner between December 2014 and December 2017 were not referred to National Treasury prior to effecting appointments.

2. Was Gartner entitled to search for a BEE partner on the SITA database?

Gartner should have searched for a BEE partner in the SARS database in a fair and transparent manner because a bid was not advertised publicly with a condition on how sub-contracting should be done.

3. SARS officially said the following in answer to a question about Gartner's BEE partner:

"Gartner is better positioned to answer this question. SARS however contracted with Gartner Ireland (Gartner) and the contract contained provisions relating to sub-contracting. Gartner was not permitted to sub-contract its work under this agreement without the written consent of SARS which SARS could not unreasonably withhold. SARS' records indicate that no such consent to subcontract was sought from SARS nor granted.

In the process of the execution of the work by Gartner, SARS is aware that certain emails included the domain name rangewave.com."

It seems from SARS' answer that Gartner was compelled to ask permission before a partner was appointed. The company had not done so. What is your view?

In terms of clause 20.1 of the General conditions of contract: *The supplier shall notify the purchaser in writing of all subcontracts awarded under this contracts if not already specified in the bid. Such notification, in the original bid or later, shall not relieve the supplier from any liability or obligation under the contract. Gartner breached this clause*

4. Kindly comment on any fact the OCPO would want to highlight or contextualise.

Gartner should have indicated in its proposal that it will sub contract some work to a BEE partner indicating the percentage of sub contracted work as required by the standard bidding document 6.1 (For more information on the standard bidding document, please refer to <https://www.salga.org.za/Documents/Suppliers%20and%20Vendors/Standard%20Bid%20Documents/SCM-Bid-documents-SBD-6-1.pdf>)

Regards,

From: Pauli van Wyk <pauli@dailymaverick.co.za>
Sent: Sunday, 16 September 2018 7:48 PM
To: Ntsakisi Ramunasi <Ntsakisi.Ramunasi@treasury.gov.za>
Subject: Fwd: Scorpio questions: SARS

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