

IN THE SPECIAL TRIBUNAL
(REPUBLIC OF SOUTH AFRICA)

CASE NO: FS01/2024

BEFORE THE HONARABLE JUSTICE MAKHOBIA
05 MAY 2025

In the matter between:

THE SPECIAL INVESTIGATING UNIT

Applicant

and

BUTHELEZI EMS (PTY) LTD

[Registration Number: 2013/065417/07]

1st Respondent

**MEMBER OF EXECUTIVE COUNCIL FOR THE DEPARTMENT
OF HEALTH: FREE STATE**

2nd Respondent

BUTHELEZI ONE STOP EMERGENCY MEDICAL SERVICES

[Registration Number: 2008/206843/23]

3rd Respondent

BUTHELEZI EMS (PTY) LTD

[Registration Number: 2006/206518/23]

4th Respondent

B EMS

[Registration Number: 2006/133117/23]

5th Respondent

J.M.

DRAFT ORDER

HAVING heard counsel for the Applicant and having read the papers filed on record;

IT IS ORDERED THAT:

1. The appointment of Buthelezi EMS (Pty) Ltd with registration Number: 2013/065417/07 (1st Respondent) by the Free State Department of Health (2nd Respondent) and the subsequent contracts concluded thereafter for the rendering of Inter-Facility Emergency Medical Services in terms of bid number DOH(FS)20/2013/2014 is hereby reviewed and set aside.
2. The payments made by the Free State Department of Health (2nd Respondent) under the above bid and contract to the following entities;

2.1. Buthelezi One Stop Emergency Medical Services with registration number 2008/206843, and

2.2. Buthelezi EMS (Pty) Ltd with registration number 2006/206518/23, and

2.3. B EMS with registration number 2006/133117/23

are declared unlawful, unprocedural and unconstitutional.

3. The above mentioned entities are ordered to return the monies unlawfully paid as follows:

3.1. Buthelezi One Stop Emergency Med – **R40 619 506.40**;

3.2. Buthelezi One Stop EMS - **R4 739 819.04**;

3.3. Buthelezi EMS - **R305 196 897-00**, and;

3.4. B EMS - **R182 233 548-12**.

4. The 1st Respondent are to file with this Tribunal, within forty five (45) days of this order, audited statements of expenses incurred, the income received and the net profit they would have made under the disputed tender and/or services contract together with supporting vouchers.

5. Within 60 (thirty) days of the submission of the financial statement, the parties shall undertake a debatement of the financial records, including invoices and payment schedules, to determine all amounts received by the First Respondent under the impugned contracts.

6. Upon written demand by the Special Investigating Unit, and within 60 (sixty) days of service of such demand the First Respondent is ordered to pay the Applicant the amount found to be due and payable in terms of paragraph 5 of this order, together with interest a tempore morae as prescribed from time to

time, calculated from date of service of the review application until date of payment.

7. In the event of dispute arising in relation of the execution or non-compliance of this order, either party may request that Case Management Conference be convened by the Tribunal, in order for directions to be issued regarding the further conduct of the matter.
8. The costs of these proceedings, including costs of two counsel on scale C, to be paid by the 1st, 3rd, 4th and 5th Respondents, the one paying and the other to be absolved on a scale as between attorney and client.

Counsel for the Applicant:

Adv M M Mojapelo SC

Adv K R Maleka


Attorney for the Applicant:

Ms Stella Zondi, Office of the State Attorney, Pretoria

For the Respondent:

Mr Buthelezi (self)

BY ORDER OF THE TRIBUNAL

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	
SPECIAL TRIBUNAL	
CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDEN	
	2025 -05- 05
C/A No: One	Signature of Issuing Officer: <i>[Handwritten Signature]</i>
REGISTRAR	Name: <i>[Handwritten Name]</i>

REGISTRAR