



IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2 (1) OF  
THE SPECIAL INVESTIGATIONS UNIT AND  
SPECIAL TRIBUNALS ACT 74 OF 1996  
(REPUBLIC OF SOUTH AFRICA)

Case number: GP14/2024

Before the Honourable Madam Justice Victor 30 April 2025

In the matter between:

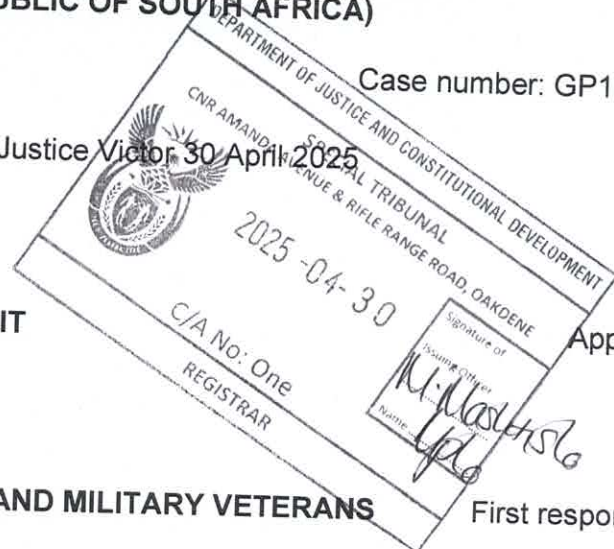
**SPECIAL INVESTIGATING UNIT**

and

**DEPARTMENT OF DEFENCE AND MILITARY VETERANS**

**SOFTWAREONE EXPERTS SOUTH AFRICA (PTY) LTD**

**THREEFRAMES (PTY) LTD**



Applicant

First respondent

Second respondent

Third respondent

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**ORDER**

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Having read the papers filed of record, it is ordered by agreement as follows:

1. The Departmental Commercial Procurement Board ("**DCPB**") Resolution dated 25 January 2018 to award the purchase of Microsoft Licences to the second respondent ("**SoftwareOne**") for a 3 (three) year period, and the subsequent

Letter of acceptance issued to SoftwareOne dated 12 February 2018 (together the "**Bid**"), and any and all agreements entered into by and between the first respondent (the "**Department**") pursuant to the Bid are reviewed and set aside.

2. The Bid, and any and all subsequent agreements entered into by and between the Department and SoftwareOne for the purchase of Microsoft Licences pursuant to the Bid are declared to be unconstitutional, unlawful, invalid and of no force and effect, and are set aside.
3. SoftwareOne shall repay to the applicant (the "**SIU**") the profits it derived from all software licences obtained by the Department pursuant to the Bid (the "**SoftwareOne profits**"), to be determined as follows:
  - 3.1. Within ten court days of this order, SoftwareOne shall appoint an independent expert to determine the SoftwareOne profits.
  - 3.2. Within twenty court days of the appointment of the independent expert, SoftwareOne shall deliver to the SIU the report of the independent expert.
  - 3.3. The SIU shall within twenty court days refer the report to its own independent expert for consideration and if the sum of the SoftwareOne profits is disputed by its expert, the matter may be enrolled by the SIU, on papers supplemented as appropriate, for a determination by this Tribunal. Affidavits shall be exchanged in accordance with rule 10(4) of the Rules of this Tribunal.

- 3.4. If the sum of the SoftwareOne profits is not disputed or is agreed upon by the parties the SIU shall then apply to this Tribunal, on papers supplemented as appropriate and in the light of the report of the independent experts, for an order requiring SoftwareOne to repay the SoftwareOne profits.
4. The issue of costs shall be determined at the finalisation of paragraph 3 above.



  
JUDGE M. VICTOR  
PRESIDENT OF THE SPECIAL TRIBUNAL