

Group Five under collusion spotlight once again

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The Competition Commission has submitted a case of collusive tendering against one of South Africa's construction giants, Group Five, to the Competition Tribunal.

This is the second time that the company has been accused of being involved in collusive activity.

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According to the commission, the illegal tendering occurred between three of the country's most prominent industry players Group Five, WBHO Construction and a subsidiary of Murray & Roberts – Concor Limited.

The commission said its investigation found sufficient evidence that Group Five had colluded with the other two companies in tendering for the Senekal project which is the rehabilitation of the National Route 5, section 4 between Senekal and Vaalpenspruit in the Free State.

"Group Five had bilateral collusive agreements with WBHO and Concor respectively in terms of which Group Five would submit a bid price lower than those submitted by WBHO and Concor in order to ensure that [it] won the tender," the commission said in a statement.

"The commission is requesting the Competition Tribunal to impose a maximum penalty of ten per cent of Group Five's annual turnover in respect of the contravention."

The group said it was not able to comment in detail due to the ongoing process with the commission.

"As advised in previous public announcements by Group Five, the group was implicated in four projects which were not protected by immunity and which were not settled due to discernible factual and evidentiary discrepancies in the commission's case," said Group Five.

The company also said that recently, the commission elected not to proceed further in respect of one of these implicated projects.

"Group Five maintains that there are evidentiary hurdles in the commission's case in respect of the remaining implicated projects and has been advised that it has good prospects of success in opposing the commission's referral of the matter. Our position on the implicated projects, as reflected in previous public announcements, therefore

remains unchanged.”

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