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**Zondo commission – deceased Mpambani behind kickback spreadsheet, says partner**

Businessman Edwin Sodi struggled to find his way out of a barrage of questions over a spreadsheet presumably meant to detail expenses his company, Blackhead Consulting, was to incur in relation to the R255-million asbestos eradication contract it entered into with the Free State government in 2014. He returned to the commission of inquiry into state capture on Wednesday.

A joint venture (JV) between Blackhead and Diamond Hill Trading – a company owned by Sodi's late business partner Ignatius "Igo" Mpambani – was awarded a contract, without going to tender, to oversee the eradication of asbestos roofs in about 300 000 houses across the province's townships. According to Sodi, it was on Mpambani's insistence that they sub-contracted a company called Mastertrade 232, owned by a friend of his, Sidney Radebe. The JV also enlisted the services of Sodi associate Martin Zwane. Out of this arrangement, Mastertrade was paid R44-million.

The spreadsheet in question – created in May 2015 – became the centre of attention as next to each entry are initials in one column and in another, amounts to be paid, presumably, to the initialled entity. The commission seeks to prove that the initials are those of officials of the provincial department of human settlements and other individuals who were allegedly instrumental in making the project happen.

On Wednesday Sodi denied having ever seen the detailed document, attributing its creation to Mpambani. However, evidence leader Advocate Paul Pretorius read a contradictory submission from Sodi from the transcript of a 2019 interview with the commission's investigators, where he regretted not asking Mpambani what the initials meant.

"That statement presumes or assumes rather, that you saw the spreadsheet at the time but you didn't ask Mpambani about the letters or the names that appear on it," said Pretorius, noting that this was a more probable version.

"Chair, what I acknowledged are two things. I acknowledged that there was a spreadsheet that we discussed. The contents of what ultimately came out is different to what we agreed on. I also acknowledge that there is a spreadsheet that was e-mailed to me, but further to that I also acknowledge, with the benefit of hindsight, that I should have opened the spreadsheet and interrogated it, which is something that I didn't do," said Sodi. Had he done that, he asserted, he would have confronted Mpambani about the additional entries.

Pretorius pressed on, arguing that the statement in the transcript makes a different point. Sodi, however, persisted that it meant he should have made a point of looking at the document.

The document was on Sodi's computer, as Mpambani did not have his own laptop with him on the day of its creation. Mpambani then e-mailed the document to his own computer, and later back to Sodi for his consideration.

What they had agreed to record on it was expenses to be incurred in respect of the JV's sub-contractors, which would not have been more than three or four line items, said Sodi.

Why then, would the partners need a spreadsheet for so few expenses, asked commission chairperson Deputy Chief Justice Raymond Zondo.

"Because, chair, we needed to make sure that the amounts are recorded, okay, and we keep that as a record, you know, that it has to be recorded somewhere. That was the feeling, that we've got to record it elsewhere, to know that these are the amounts that must be paid."

Pretorius was not convinced. He argued that it was improbable that a businessman who stood to incur costs in the tens of millions of rands would not bother to inspect a document that detailed this.

"What is quite extraordinary is that a businessman dealing with a contract worth R255-million would not want to see the record. You've acknowledged now that it's important to have these matters recorded accurately, and you don't want to see it. And the first time you see it is several years later when investigators come and visit."

"Chair, again, as I'd indicated, it was not something that was difficult to calculate at all."

"That is assuming that the spreadsheet that Mr Mpambani prepared was in accordance with your understanding. Until you see the spreadsheet, you don't know that's what he has done," argued Zondo.

"Yes, chair. The assumption was that what was going to be recorded is the discussion that we had about those expenses and the revenue and so forth..."

The arrangement between Mpambani and Sodi, the latter said, was that they would each take half of the spoils, once all expenses had been paid.

According to the spreadsheet, Pretorius noted, next to Sodi's name was an entry of R86-million, which shows that presumably to be his earnings, and makes the broader, more detailed spreadsheet with initials more plausible. This is considering that as per the JV arrangement, each partner would get 50% of what is left over after expenses, and if Sodi's version was that only three or four expense items were to be incurred, then the R86-million would not have been an accurate reflection of what Sodi would get.

Pretorius submitted to Zondo that his team is to interrogate the full set of financial documents relating to Blackhead in that period as part of its investigation.

In the past Sodi has described Mpambani as the one who "opened doors" for the contract to materialise, and was also the one handling all transactions relating to the JV. He accused Mpambani of transferring the entire final tranche of payment from the department to his own personal bank account, resulting in Sodi suing his estate.

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