



**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case No: CO112Aug26

In the matter between:

The Competition Commission

Applicant

And

Thuo Construction (Pty) Ltd

Respondent

Panel: I Valodia (Presiding Member)
T Vilakazi (Tribunal Member)
A Ndoni (Tribunal Member)

Heard on: 29 September 2026

Decided on: 29 September 2026

ORDER

The Competition Tribunal ("Tribunal") hereby confirms the Consent Agreement, annexed hereto, between the Competition Commission and Thuo Construction (Pty) Ltd, as an Order in terms of section 49D read with section 58(1)(a)(iii) and 58(1)(b) of the Competition Act, No.89 of 1998, as amended.

Signed by Imraan Valodia
Signed at 2026-09-29 11:27:26 +02:00
Reason: Witnessing Imraan Valodia

**Presiding Member
Prof. Imraan Valodia**

**29 September 2026
Date**

Concurring: Prof. Thando Vilakazi and Ms Andiswa Ndoni



RECEIVED

By Themba Chauke at 5:18 pm, Aug 27, 2026

competitiontribunal
SOUTH AFRICA

Form CT 6

About this Form

This Form is issued in terms of the Competition Tribunal Rules.

Please indicate in the space provided the nature of your motion, including specific reference to the relevant section of the Act or Tribunal Rules.

If this Notice of Motion concerns a matter being brought in terms of Division E of Part 4 of the Competition Tribunal Rules, it must comply with the requirements of Competition Tribunal Rule 42(3).

Contacting the Tribunal

The Competition Tribunal
Private Bag X24
Sunnyside
0132
Republic of South Africa
tel: 27 12 394 3300
e-mail: ctsa@comptrib.co.za

Notice of Motion

Date: 27 August 2026 **File #** _____

To: The registrar of the Competition Tribunal

Concerning the matter between:

THE COMPETITION COMMISSION _____ (Applicant)
and THUO CONSTRUCTION (PTY) LTD _____ (Respondent)

Take notice that the COMPETITION COMMISSION
intends to apply to the Tribunal for the following order:

Confirmation of the attached Settlement Agreement entered into between the Competition Commission and Thuo Construction (Pty) Ltd in respect of a contravention of section 4(1)(b)(iii) of the Competition Act 89 of 1998 (as amended), as an order of the Competition Tribunal in terms of section 49D read with section 58(1)b of the Act.

Name and Title of person authorised to sign:

Bukhosibakhe Majenge - Chief Legal Counsel

Authorised Signature:

Date:

**For Office
Use Only:**

Tribunal file number:

Date filed:

IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA
(HELD IN PRETORIA)

RECEIVED

By Themba Chauke at 5:18 pm, Aug 27, 2026

CT Case No: _____

CC Case No: 2025Nov0022

In the matter between

THE COMPETITION COMMISSION

APPLICANT

and

THUO CONSTRUCTION (PTY) LTD

RESPONDENT

CONSENT AGREEMENT IN TERMS OF SECTION 49D AS READ WITH SECTION 58(1)(b) OF THE COMPETITION ACT, NO. 89 OF 1998, AS AMENDED, BETWEEN THE COMPETITION COMMISSION V THUO CONSTRUCTION (PTY)LTD IN RESPECT OF ALLEGED CONTRAVENTION OF SECTION 4(1)(b)(iii) OF THE COMPETITION ACT, 1998, AS AMENDED

PREAMBLE

The Competition Commission and Thuo Construction (Pty) Ltd hereby agree that an application be made to the Competition Tribunal for the confirmation of this Consent Agreement as an order of the Competition Tribunal in terms of section 49D read with section 58(1)(b) of the Competition Act, No. 89 of 1998, as amended, in respect of alleged contravention of section 4(1)(b)(iii) of the Act on the terms set out below.

1. DEFINITIONS

For the purposes of this Consent Agreement the following definitions shall



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apply:

- 1.1. **"Act"** means the Competition Act, No. 89 of 1998, as amended;
- 1.2. **"Complaint"** means the complaint submitted by The Department of Justice and Constitutional Development under case number 2025Nov0022 against Pule & Vic and Thuo Construction, in terms of section 49B(2)(b) of the Act;
- 1.3. **"Commission"** means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Act, with its principal business address at 1st Floor, Mulayo Building (Block C), DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng;
- 1.4. **"Commissioner"** means the Commissioner of the Competition Commission, appointed in terms of section 22 of the Act;
- 1.5. **"Confirmation Date"** means the date of confirmation of this Consent Agreement as an order of the Tribunal;
- 1.6. **"Consent Agreement"** means this agreement duly signed and concluded between the Commission and Thuo Construction in full and final settlement of the Complaints; investigated under case number **2025Nov0022**.
- 1.7. **Department of Justice and Constitutional Development"** means a government department responsible for providing administrative and financial support to the court system and judiciary, oversees the National Prosecuting Authority, provides legal advice and representation to organs of the state and facilitates law reform, with its principal place of business situated at Momentum Center, 329 Pretorius Street, Pretoria;
- 1.8. **"Day"** means any calendar day other than a Saturday, a Sunday or an official public holiday in South Africa;
- 1.9. **"Parties"** means the Commission and Thuo Construction (Pty) Ltd;



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- 1.10. **"Pule & Vic"** means Pule & Vic Construction CC, a company registered in accordance with the laws of the Republic of South Africa, with its principal place of business at 73 Louis Street, Waterkloof Ridge Pretoria, 0181.
- 1.11. **"Tender"** means Department of Justice and Constitutional Development tender number RFB 03-2025 for the supply and installation of perimeter fence at Mpumalanga and Limpopo provincial offices.
- 1.12. **"Thuo Construction"** means Thuo Construction (Pty) Ltd, a company duly incorporated in accordance with the laws of the Republic of South Africa, with its principal place of business at Waterkloof Golf Estate, 188 Sterrewag, Waterkloof Heights, 0181.
- 1.13. **"Respondents"** means Pule & Vic & Thuo Construction;
- 1.14. **"Tribunal"** means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Act, with its principal place of business at 3rd Floor, Mulayo Building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng;

2. THE COMMISSION'S INVESTIGATION AND FINDINGS

- 2.1 On 12 November 2025, the Commission received a complaint in terms of section 49B(2)(b) of the Act from the Department of Justice and Constitutional Development alleging that the Respondents tendered collusively when responding to tender number RFB 03-2025 for the supply and installation of perimeter fence at various Mpumalanga and Limpopo provincial offices.
- 2.2 The allegations against the Respondents are that they have agreed and/or engaged in concerted practice to tender collusively when responding to the tender in contravention of section 4(1)(b)(iii) of the Act. It is alleged that the Respondents colluded when responding to the above tender in that their bid documents had the same surname, telephone numbers and email addresses. The complaint was investigated under case number: 2025Nov0022.



2.3 The Commission's investigation found that the Respondents assisted each other when responding to the above tender. In this regard, the investigation found that the director of Thuo Construction saw the tender advertisement and informed the director of Pule & Vic of the opportunity. They agreed that the director of Thuo Construction would oversee the preparation of both Respondents' bids. The director of Thuo Construction also asked an estimator to prepare pricing for both Respondents. In addition, the director of Pule & Vic, who is a former director of Thuo Construction, instructed Pule & Vic employees to attend the compulsory briefing sessions at various sites in Mpumalanga and Limpopo provinces on behalf of Thuo Construction.

2.4 The Commission concluded that the above conduct of the Respondents amounts to collusive tendering in contravention of section 4(1)(b)(iii) of the Act.

3. ADMISSION OF LIABILITY

3.1 Thuo Construction does not admit liability in respect of the conduct described in the Complaint referral and in paragraph 2 above.

4. AGREEMENT REGARDING FUTURE CONDUCT

Thuo Construction agrees and undertakes to:

- 4.1. refrain from engaging in any conduct that may be in contravention of section 4(1)(b) of the Act, and from engaging in any prohibited practice in future;
- 4.2. prepare and circulate a statement summarizing the content of this agreement to its employees, managers and directors within 30 (thirty) days of the date of confirmation of this Consent Agreement as an order of the Tribunal;
- 4.3. develop, implement and monitor a competition law compliance programme as part of its corporate governance policy, which is designed to ensure that its employees, management, directors and agents do not engage in future contraventions of the Act. In particular, such compliance programme should include mechanisms for the identification, prevention, detection and monitoring



of any contravention of the Act;

- 4.4. submit a copy of such compliance programme to the Commission within 60 (Sixty) days of the date of confirmation of the Consent Agreement as an order by the Tribunal.

5. SETTLEMENT AMOUNT

- 5.1. Thuo Construction undertakes to pay a settlement amount of R43 282.14 (**Forty-Three Thousand, Two Hundred and Eighty-Two Rands, Fourteen cents**). This amount does not exceed 10% of Thuo Construction's annual turnover for the financial year which ended February 2026.
- 5.2. Thuo Construction shall make a once-off payment of the settlement amount set out in paragraph 5.1 above to the Commission within 30 (thirty) days after confirmation of this Consent Agreement as an order of the Tribunal.
- 5.3. The payments shall be made into the Commission's bank account, details of which are as follows:

Bank name:	Absa Bank
Branch name:	Pretoria
Account holder:	Competition Commission Fees Account
Account number:	4087641778
Account type:	Current Account
Branch Code:	632005
Reference:	2025Nov0022/Pule & Vic

- 5.4. The settlement amount will then be paid over by the Commission to the National Revenue Fund in accordance with section 59(4) of the Act.

6. MONITORING AND COMPLIANCE

- 6.1. All reports in relation to conditions set out in this agreement, including but not limited to Compliance programmes, Proof of payment(s) etc. shall be

submitted to the Commission at CartelSettlements@compcom.co.za.

7. FULL AND FINAL SETTLEMENT

- 7.1. This agreement, upon confirmation as an order of the Tribunal, is entered into in full and final settlement in respect of the Commission's investigation under Case Numbers: **2025NOV0022** and. This also concludes all proceedings between the Commission and Thuo Construction.

For Thuo Construction (Pty) Ltd

Dated and signed at PRETORIA on the 19 day of AUGUST 2026



Harriet Malala

Director

For the Commission

Dated and signed at _____ on the _____ day of _____ 2026



Doris Tshepe

Commissioner