

KEY ELEMENTS OF THE PUBLIC PROCUREMENT ACT 15 OF 2015

SINCE 2017

**ALL STATE ENTITIES
MUST ADHERE TO THE
NEW PROCUREMENT
BILL AND REGULATIONS**

**REGULAR SUPPLIERS /
SERVICE PROVIDERS
SHOULD ENSURE THAT
THEY HAVE SUBMITTED
COMPANY PROFILES AND
SUPPORTING
DOCUMENTS TO GET
ONTO THE “PRE-
APPROVED SUPPLIER
ELIGIBILITY LISTS” OF
EACH AND EVERY STATE
ENTITY IN ORDER TO BE
INVITED FOR POSSIBLE
“RESTRICTED BIDDING”
PROCUREMENT.**



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CENTRAL PROCUREMENT BOARD

Only high value tenders will be dealt with by the Central Procurement Board (CPB). The procurement thresholds, which the three categories of state entities may handle directly (before having to go through the CPB are:

- N\$5m to N\$15m for non-consultancy services;
- N\$10m to N\$20m for consultancy services;
- N\$15m to N\$25m for goods; and
- N\$20m to N\$35m for works contracts.

With regard to exclusive preference to local suppliers, the thresholds were set for values not exceeding N\$30m for works tenders and N\$10m for goods, non-consulting services and consultancies

State entities have to award a contract to the lowest qualifying bidder. All participating bidders must be notified whom the state entity recommends for the award. Aggrieved tenderers then have seven days to object to the recommendation but must pay N\$5,000 for an “application for review” to the Review Panel.

NEW PROCUREMENT REGIME

The Act makes provision for nine methods of procurement for goods, works, and non-consultancy services, while consultancy services are done through “Requests for Proposals”:

Open Advertised Bidding (open to any suppliers / service providers, including international bidding with a threshold of N\$25m for goods and N\$40m for works contracts);

Restricted Bidding (if specific goods / services are only available from a limited number of bidders up to N\$3m for supplies and works and N\$2m for non-consultancy services – at least five suitable suppliers must be invited to quote);

Request for Sealed Quotations (for readily available standard goods, works and non-consultancy services up to N\$2m – at least three suitable suppliers must be invited to quote);

Direct Procurement (from a single source without competition for exclusive right holders for such goods);

Execution by Public Entities (when it is practical to provide the goods / services in cases where no bidders can be attracted);

Emergency Procurement (to take immediate action in case of emergencies);

Small Value Procurement (without formal competition for goods, works and services not exceeding N\$15,000);

Request For Proposals (for consultancy services up to N\$5m) and Expressions of Interest (consultancies below this threshold);

Electronic Reversed Auction (a phase in any other appropriate procurement method, where the state entity lists the maximum price it is willing to pay).