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Astute Observations with Alisa Amupolo - Public Procurement Act 101

2022-07-26 [Staff Reporter](#)

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Namibia enacted a Public Procurement Act No. 15 of 2015, following a regimented process, is currently under review, and is heralded as the best benchmark in the market, particularly for public entities.

According to the Act, its objects inter alia is to regulate the procurement of goods, works and services, the letting or hiring, acquisition or granting of rights, and the disposal of assets of public entities.

The Act also established the Procurement Policy Unit and the Central Procurement Board of Namibia (CPBN), which oversees the examination and evaluation of bids above a designated threshold amongst other cardinal functions.

In terms of internal structures of the public entities and the board itself, provision for procurement committees, establishment of procurement management units and appointment of bid evaluation committees is made.

Without being granule; the Act also made provision for procurement methods, bidding process, challenge and review; preferences to categories of persons, goods manufactured, mined, extracted, produced or grown in Namibia, to Namibian registered small and medium enterprises, joint venture

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The accounting officers at public entities ultimately vested with accountability for compliance to the procurement regime. This responsibility has two folds in practical sense, one within the ambit of the board of directors in terms of their fiduciary duties, who may further delegates powers to the accounting officers and management. On the other hand, the CPBN is mandated to direct and supervise accounting officers in managing the implementation of procurement contracts awarded by its board through its monitoring and evaluation unit.

The Act was followed by promulgation of public procurement regulations, which came into effect from 1 April 2017 and subsequently amended, presenting more elucidated details, coupled with other implementation tools. Yet, several accounting officers find this to be an onerous task, particularly to filter the Act and its regulation down the company policies, considering the nature of business and its operational environment.

While there is general compliance on the annual procurement plans, when it comes to values projected, there is a still a lot of work to be done to avoid pushing through the plan for compliance purposes, however, with thumb sucked fingers which could spell problem down the line.

Further, one of the functions elucidated for the accounting officers is to step up internal structures inter alia procurement management units and procurement committees with a view to achieve efficiency and effectiveness. Mind you, more than one procurement committee may exist for different thresholds or categories of procurement. However, this may be inhibited by the size of the organisation, considering that there are other internal structures to be appointed such as ad-hoc bid evaluation committee which pre-emptive and not discretionary, leaving no room for interpretation.

This may particularly ring true when it comes to appointing both alternative and substantive members, the rotation could prove to be a challenge in a lean structure, resulting in the same members evaluating bids consecutively and at times this body overstaying its welcome which may pose risk for collusion. Another challenging aspect is the capacity of the organisation to monitor performance of contractors in addition to those awarded by CPBN, which may result in non-performance and prolonged disputes without recourse at an expense of the organisation.

Similarly, when institutions find themselves swimming in murky water, there is an urge for ubiquitous approach of applying for exemption all together in lieu of being declared as a public entity. Whilst it may not necessarily imply a willy-nilly approach to procurement if such were to be granted, it becomes cumbersome, may create avenues to circumvent the process, and may be subject to abuse and lack of transparency. Then there are entities that may not have been in operations during such time and thus were not listed in the gazette of public procurement threshold; which raises debate whether such entities are ought to follow their own procurement process. Though, this is an exception rather than a norm, companies may potentially exploit this loophole and present a chicken and egg predicament, if it's neither implied in implicit or explicit terms which makes the review timely.

Hence, the governance culture and operational maturity can be the determinant, which may also pave way for e-procurement. Over and above aligned procurement policies, capacity building to strengthen internal operational processes is pivotal. The absence thereof weakness compliance and may result in low adherence to the mechanism established to fulfil the intended outcome of the Act to realise the greatest socio-economic benefits from the procurement process and empower and advance small and medium enterprises, designated categories and persons.

****The opinions expressed in the article are that of the author alone and are in no way linked to any affiliates.***

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For its own sake.



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they decide to go on strike or not. Photo: Emmency Nuukala

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the children

eko Tjitemisa

0 000 government
on whether to strike
y.
rnment reaffirmed
as just not enough
ments for public

employees. Finance minister Iipumbu Shiimi and labour minister Utoni Nujoma attended the media conference.

However, the Public Service Union of Namibia (PSUN) called on civil servants to turn up in numbers next week to determine whether they should go on strike.

At a media briefing last week, deputy secretary general Ujama Kaahangoro said government cannot say there is no

SERVANTS on page 2

city es lots

market segments. “Availing erven translates directly to housing opportunities, however, this involves significant finances and time to implement,” were the words of mayor Sade Gawanas yesterday, when she dismissed claims the opposition-led municipality is a shadow of its former self.

Her press conference, a day after she stormed out of the management council press conference, was aimed at addressing pertinent issues confronting the council.

Chiefly, she touched on the strategic plan

years remaining
council of the
cipality has set
residential plots

earmarked for
hile 3 000 are
high-income

year plan, familiarisation visits and renewal
of agreements with sister local authorities,
courtesy visits and key discussions and
outcomes and council meeting highlights.

Her remarks come a day after management
committee member Jürgen Hecht painted a
bleak picture of the municipality.

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