



# **REPUBLIC OF NAMIBIA**

## **MINISTRY OF FINANCE**

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### **PUBLIC PROCUREMENT REVIEW PANEL**

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**IN THE PUBLIC PROCUREMENT REVIEW**

**HELD ON 21 OCTOBER 2022**

**IN THE MATTER BETWEEN**

**PHIM CONSULTING ENGINEERS JV OM'KUMOH CONSULTING  
ENGINEERS**

**APPLICANT**

**AND**

**MUNICIPALITY OF SWAKOPMUND  
OTHERS**

**FIRST RESPONDENT &**

**IN A REVIEW APPLICATION MADE IN TERMS OF SECTION 59 OF THE  
PUBLIC PROCUREMENT ACT, ACT 15 OF 2015**

**BID NO: CS/RP/SM-01/2022: CONSULTANCY SERVICES, DESIGN AND  
SUPERVISION OF MUNICIPAL SERVICES EXT 32, KAMERSDORF  
SWAKOPMUND**

**Present:** Fillemon Wise Immanuel (Chairperson) with Donè Brinkman,  
Ehrenfried Honga, Mekondjo Katunga and Michael Gaweseb.

**Heard : 21 October 2022**

**Decided : 21 October 2022**

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**REVIEW PANEL ORDER**

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Having heard **Mr. Shepherd Kaiboni** for the Applicant, **Mr. Hofney Kananjembo** for the First Respondent, as well as other joined interested parties, respectively, and subsequently having read the application for review in terms of Section 59(1) read with Regulation 42 of the Public Procurement Act. No. 15 of 2015 and other documents filed of record, the Review Panel observed the following:

*That the Applicant acted contrary to Regulation 42(1) of the Public Procurement Regulations when it lodged its application for review after Seven (7) days of receipt of the decision of a public entity;*

*Further that the Applicant acted contrary to Regulation 42(3) of the Public Procurement Regulations in that it failed to serve copies of the review application on a public entity and on any other interested parties*

**1. FINDINGS OF THE REVIEW PANEL**

- 1.1 The Applicant's evidence affirmed the Review Panel's observation above, in that it submitted its application for review in respect of the bid number CS/RP/SM-012/2022: Services for Supervision of Municipal Eext. 32, Kamersdorf, Swakopmund, outside the standstill period contrary to the provisions of Regulation 42(1). As a result the Applicant confessed that its Review Application was not properly before the Review Panel and therefore not a candidate for adjudication.
- 1.2 Further, it was the Applicant's evidence that it had not complied with Regulation 42(3) for failure to serve copies on the interested parties, including the bidder selected for possible award.

## 2. REVIEW PANEL DECISION

2.1 That in terms of the Public Procurement Act, 2015 (Act No. 15 of 2015) read with its Regulations the Review Panel is not vested with the powers to condone the late review applications and non service.

2.2 In the premise, the Review Panel resolved to dismiss the review application in respect of the bid number CS/RP/SM-012/2022: Services for Supervision of Municipal Eext. 32, Kamersdorf, Swakopmund, in terms of Section 60 (a) of the Public Procurement Act.

2) This Order is effective from 21 October 2022.



**FILLEMOM WISE IMMANUEL**

**CHAIRPERSON: REVIEW PANEL** (i.r.o. this matter)

