



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE

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PROCUREMENT POLICY UNIT

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WINDHOEK
05 August 2022

Enquiries: Mr. W.Haraseb (061- 209 9406)

TO: ALL ACCOUNTING OFFICERS
ATTENTION: ALL PMU HEADS,

INSTRUCTION NOTE
PROCEDURE FOR AMENDMENT/APPOINTMENT TO INTERNAL PROCUREMENT
STRUCTURES BY PUBLIC ENTITIES

1. The purpose of this instruction note is to elucidate the procedure for amendment of internal procurement organizational structures in terms of section 25(1) (a) and 26(1) of the Public Procurement Act, 2015 (Act No. 15 of 2015) (hereinafter referred to as "the Act") read together with regulation 11, 12 and 13 of the Public Procurement Regulations, 2017 (hereinafter referred to as "the Regulations").
2. In terms of the above-stated provisions of the Act and the Regulations the accounting officer is empowered to appoint staff members to serve on the internal procurement structures after **consultation** with the Procurement Policy Unit.
3. Furthermore, in terms of section 25(2), *"the disqualifications referred to in section 14 apply with the necessary changes to persons generally eligible for appointment as members of procurement committees or as staff members of procurement management unit"*.
4. Similarly, in relation to the appointment of the Bid Evaluation Committee, section 26(2) states that- *"The disqualifications referred to in section 14 apply with the necessary changes to persons generally eligible for appointment or co-option under subsection (1).*
5. For ease of reference section 14 of the Act as referred to above, states the following:
 14. *A person does not qualify for appointment as member of the Board, if the person -*
 - (a) *is a member of Parliament, a regional council or local authority council;*
 - (b) *has, been convicted, whether in Namibia or elsewhere, of theft, fraud, forgery or perjury, an offence under any law on corruption or any other offence involving dishonesty during the period of 10 years before the date of appointment;*
 - (c) *is an un-rehabilitated insolvent;*
 - (d) *has under any law been declared to be of unsound mind; or*
 - (e) *has been removed from an office of trust during the period of 10 years before the date of appointment."*

6. Furthermore, Regulation 5(3) of the Public Procurement Regulations states that:
“(3) A member of an internal structure appointed or designated under these regulations must enter into a performance agreement with the accounting officer within 30 days of being designated or appointed.”

7. In this regard, the following documents/forms must be fully completed and signed by all appointed staff members in the internal organizational structures:
- a) Public Procurement Code of Ethics and Conduct;
 - b) Section 14 Declaration Form; and
 - c) Performance Agreement.

8. In addition, Section 74(1) reads as follows:

*“An accounting officer may delegate or assign to a staff member any of the powers or functions conferred upon or imposed on the accounting officer by or under this Act, **except the power to issue contract awards, sign agreements and appointing or recommending staff members for appointment to procurement committee, bid evaluation committee or procurement management unit.**”*

9. We should emphasise that in terms of section 74(1) of the Act quoted above, only an accounting officer as defined in section 1 of the Act has the authority to appoint staff members to internal procurement structures. Similarly, this power cannot be delegated.

10. Considering the above, kindly take note that the Accounting Officer should submit the following information to the Policy Unit when requesting for an amendment to their internal procurement structures:

- a) Reasons for requesting amendment prior to the expiration of the appointment period of staff member/s;
- b) A letter signed by the Accounting Officer;
- c) A completed excel sheet in the template format as attached hereto, of which the electronic version is sent the Procurement Policy Unit; and
- d) All Accounting Officers in acting capacity must attach a letter of appointment by the appointing Authority which shows that they are duly appointed in acting capacity.

11. Public Entities are no longer required to submit copies of the appointment letters and aforesaid documents in Paragraph 7 (a) (b) and (c) to the Procurement Policy Unit. However proper filling must be maintained which shall be audited during routine monitoring exercise.

12. Public entities and staff members appointed to internal procurement structures should note that the information requested in the template will be held confidential in the PPU database and will be used exclusively to inform, capacitate, educate and update staff members on matters concerning public procurement which is a responsibility of the Procurement Policy Unit as outlined in section 6 and 7 of the Act.

13. All requests for amendments must be addressed as follows:

Mr. Francois Brand
HEAD: Procurement Policy Unit
PROCUREMENT POLICY UNIT
Private Bag 13295, Windhoek
Attention: Mr Willibarth Haraseb
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14. All Public Entities are reminded of section 66(1)(a) of the Act which states that a staff member appointed to an internal procurement structure must act fairly and impartially and without fear, favour or prejudice to ensure a fair and competitive procurement process.

15. Further, kindly be reminded that no changes may be made to a Public Entity's internal procurement structure without prior **consultation** with the Procurement Policy Unit.

16. This instruction note should be brought to the attention of all Heads of Procurement Management Units and all members of the internal procurement structures of public entities.

Please accept the assurance of my highest consideration.


FRANCOIS BRAND 2022-08-05
HEAD: PPU

