



**REPUBLIC OF NAMIBIA**

**MINISTRY OF FINANCE AND PUBLIC ENTERPRISES**

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**PUBLIC PROCUREMENT REVIEW PANEL**

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**IN THE PUBLIC PROCUREMENT REVIEW HEARING**

**HELD ON 07 JULY 2023**

**IN THE MATTER BETWEEN**

**BERTHA SECURITY SERVICES CC**

**APPLICANT**

**AND**

**NAMIBIA POWER CORPORATION (PTY) LTD  
AND OTHERS**

**1<sup>ST</sup> RESPONDENT**

*Hf*

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

**BID NO: NCS/OAB/NPWR/03/2023- PROVISION OF SECURITY SERVICES TO NAMPOWER PROPERTIES COUNTRY WIDE FOR A THREE-YEAR PERIOD**

**Present: Gilbert Habimana (Chairperson), with Ehrenfried Honga, Brownly Mutrifa, concurring. Selma-Penna Utonih and Mekondjo Katunga**

**Heard : 07 July 2023 (the date above is indicating the 23 June and this one is 7 July)**  
**Decided : 07 July 2023**

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**REVIEW PANEL ORDER**

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**1. INTRODUCTION**

A hybrid meeting was held, using both physical and virtual modes.

Having heard **Mr. N. Ndaitwah** representing the Applicant, and **Mr. V. Gabriel** representing the 1<sup>st</sup> Respondent, and having read the application for review in terms of Section 59(1) of the Public Procurement Act, 2015 (Act No.15 of 2015) (hereinafter referred to as the "Act"), read with Regulation 42 of the Public Procurement Regulations of the Public Procurement Act, 2015 (hereinafter referred to as the "Regulations").

Having read the application for review and other documents filed as part of the record, the Review Panel made the following findings and subsequent order.

**2. Points *in limine* raised on 07 July 2023 by the Chairperson**

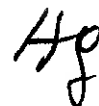
At the commencement of the review proceedings, the Chairperson enquired on whether the Applicant served the application for review on the First Respondent and whether the applicant had submitted their bid to the Respondent.

**3. Applicant's response to the points *in limine***

The Applicant responded that the application for review was not served on the respondent but Applicant wanted to bring to the attention of the review panel their understanding of the definition of a bidder. According to the Applicant, they considered themselves as a bidder because they bought the bidding documents advertised by the Respondent, with the intention to partake in the bidding process but applicant was late for submission.

**4. RESPONDENT'S response to at the *point in limine***

**4.1** The respondent stated that the applicant has not submitted any bid to the Respondent because they were late.



4.2 The Respondent also noted that the Applicant attempted to submit their documents but they were late. Therefore the applicant's assertion that they were prevented from submitting their bid because of the clarifications of 08 June 2023 is fallacious. The Applicant missed the deadline of submitting their bid.

**5. FINDINGS OF THE REVIEW PANEL**

- 5.1 The Review Panel found that in terms of section 1 of the Act, Applicant's review application is based on a non-existent bid.
- 5.2 Therefore, the application for review is not properly before the Review Panel.

**6. DECISIONS OF THE REVIEW PANEL**

In the premise, the Review Panel makes the following order:

- 6.1 That the review application filed by the Applicant in respect of **BID NO: NCS/OAB/NPWR-03/2023** – Provision of Security Services to Nampower Properties (Countrywide) for a three (3) year period, is dismissed in terms of section 60 (a) the Act.
- 6.2 The effective date of this Order is 07 July 2023.



GILBERT HABIMANA  
CHAIRPERSON: REVIEW PANEL (i.n.c. this matter)