



**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 APPLICATION HEARING  
HELD ON 19 JUNE 2024**

**IN THE MATTER BETWEEN**

**AVS OFFSHORE AND ONSHORE SERVICES AFRICA CC  
PERGAM ITALIA S.R.I**

**1<sup>st</sup> APPLICANT  
2<sup>ND</sup> APPLICANT**

*and*

**NAMIBIA POWER CORPORATION (PTY) LTD  
CHOPPER WORX SOLUTIONS  
FLYCAM (PTY) LTD**

**1<sup>st</sup> RESPONDENT  
2<sup>nd</sup> RESPONDENT  
3<sup>rd</sup> RESPONDENT**

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

***BID NO: NCS/OIB/NPWR-01/2024 – PROVISION OF AERIAL GIMBAL LINE INSPECTION SERVICES WITH INFRARED THERMOGRAPHY (IR), ULTRAVIOLET (UV) DETECTION AND HIGH-RESOLUTION IMAGERY OF THE 400KV NETWORK (KOKERBOOM-AUAS, ARIES-KOKERBOOM AND KOKERBOOM-OBIB LINES) WITH A HELICOPTER***

***Coram: Ehrenfried Honga (Chairperson), Selma-Penna Utonih, Kenandei Tjivikua, Michael Gaweseb and Tulimeyo Kaapanda***

**Heard: 19 June 2024**  
**Decided: 19 June 2024**

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## **REVIEW PANEL ORDER**

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### **1. INTRODUCTION:**

- 1.1 The Review Panel was constituted in terms of section 58 (1) of the Public Procurement Act, 2015, as amended to hear an application lodged by AVS Offshore and Onshore Service Africa CC and PERGAM-Italia S.R.I, hereinafter referred to as the “Applicants”, against the Namibia Power Corporation (PTY) Ltd, a public entity, hereinafter referred to as the “1<sup>st</sup> Respondent” whereby the Applicant sought relief from the Review Panel to review and set aside the decision of the 1<sup>st</sup> Respondent, amongst others.
- 1.2 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 hereunder towards the end.

### **2. POINTS *IN LIMINE***

- 2.1 As a matter of procedure and before the merits of the matter could be heard, the Chairperson requested the Applicants to run through the sequence of events that have led to the filing of the review application.
- 2.2 The first applicant submitted that having received the Notice of Selection of Award on 10 May 2024, they applied for reconsideration on 16 May 2024 and received a response from the public entity on 28 May 2024. Having not been satisfied with the public entity's decision, the applicant lodged an application for review on 6 June 2024.

2.3 Having considered the applicant's submission, the Chairperson sought confirmation from the Applicant whether the application for review was lodged in conformity with Regulation 42 (2), particularly sub-regulation (b), which concerns the application fee that needs to accompany the application.

2.4 In response, the Applicant indicated that an error occurred while processing the payment, which was erroneously made to the wrong account instead of the designated state account. This error was made on June 10, 2024. Subsequent to that, the payment was only redirected to the state account the following day, June 11, 2024.

### **3. FINDINGS OF THE REVIEW PANEL**

Having considered the preliminary discussion, the Review Panel made the following findings:

4.1 That the Applicant's application is not properly lodged with the Review Panel, in that it was non-compliant with Regulation 42 (2) (b). This is so as the application was not accompanied by the prescribed application fee of N\$5000, at the time of lodging.

4.2 That the payment of the application fee was made outside the prescribed timeframe as far as Regulation 42 (1) is concerned.

4.3 The Review Panel could have been lenient if the apparent erroneous payment had been made at least within the prescribed timeframe for lodging a review application.

### **4. DECISION OF THE REVIEW PANEL**

Based on the above, the Review Panel Order the following:

9.1 That the Review Application is dismissed, in terms of section 60(a) of the Public Procurement Act, 2015, as amended.

