

**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 06 OCTOBER 2021**

**IN THE MATTER BETWEEN**

**CENTRAL PROCUREMENT BOARD OF NAMIBIA      APPLICANT**

**AND**

**KINETIC OVATIONS INVESTMENTS CC      RESPONDENT**

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

**BID NO:       PROCUREMENT FOR THE CONSTRUCTION OF NEW PRIMARY  
SCHOOL AT SWAKOPMUND IN THE ERONGO REGION – PHASE 1  
ON BEHALF OF MINISTRY OF EDUCATION, ARTS AND CULTURE  
(W/ONB/CPBN-08/2020)**

**Present       Tulimeyo Kaapanda (Chairperson) with Brownly Mutrifa, Kenandei  
Tjivikua and Donè Brinkman and Mekondjo Nghipandulwa concurring.**

**Heard     :   06 October 2021**

**Decided   :   06 October 2021**

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**REVIEW PANEL ORDER**

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Having heard, Mr. Festus Hamukwaya and Ms. Nicola David on behalf of the Central Procurement Board of Namibia (the “Applicant”) and Mr. Ileni Velikoshi representing Kinetic Ovations Investment CC (the “Respondent”) and subsequently having read the application for the suspension, debarment and disqualification of the bidder filed by the Applicant in terms of Section 68 (2) read with Regulation 46 (1) and other documents filed of record, the Public Procurement Review Panel observed that:

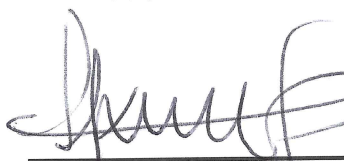
1. It was a requirement in the Applicant’s bidding document, specifically ITB 12.1(j) on page 27 that bidders should submit proof of credit facilities net of other contractual requirements for a minimum amount of N\$7.5 million. The credit facilities should be submitted in the form of 100% liquid assets (statement from a financial institution as proof) or a letter of intent stating the above-mentioned amount from a financial institution or at least 50% liquid assets and 50% credit facilities.
2. The Respondent submitted a letter of intent from Standard Bank Namibia, which was not authentic. The Respondent admitted that the letter at the center of the application is indeed fake, however, it argued that a disgruntled partner submitted it without knowledge and consent of the company owners.
3. There was documentary evidence that the bid bears the signature of the authorized person as per the power of attorney, thus the Review Panel concluded that:

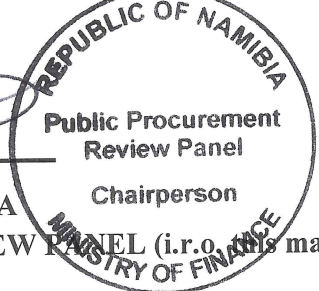
1. *The Respondent acted contrary to Section 68 (a) of the Public Procurement Act, Act 15 of 2015 (hereinafter referred to as the Public Procurement Act) when it supplied false information in the process of submitting a bid.*
2. *The Respondent violated Section 67(1) (a) when it engaged in or abets any corrupt or fraudulent practice.*

#### **DECISION OF THE REVIEW PANEL**

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

The Respondent is suspended from participating in the current procurement process under review and is further debarred from participating in the public procurement process for a period of two (2) years in terms of Section 68 (2) read with Regulation 46 (1).

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



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Public Procurement  
Review Panel  
Chairperson  
MINISTRY OF FINANCE