



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE

PUBLIC PROCUREMENT REVIEW PANEL

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**IN THE PUBLIC PROCUREMENT REVIEW
HELD ON 07 MAY 2021**

IN THE MATTER BETWEEN

OSHIKOTO REGIONAL COUNCIL

1ST APPLICANT

AND

TECHMEDO CONSTRUCTION CC

RESPONDENT

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

BID NO: W/ONB/ORC DEAC 01/2018/2019: CONSTRUCTION OF FOUR
MODULE CLASSROOM AND A STORE AT ELAMBO COMBINED
SCHOOL

Present Mekondjo Nghipandulwa (Chairperson) with Brownly Mutrifa, Tulimeyo
Kaaconda, Kenandei Tjivikua and Doné Brinkman concurring.

Heard : 07 May 2021

Decided : 07 May 2021

REVIEW PANEL ORDER

Having heard Mrs. Christella Mwenyo on behalf of the Applicant and Mr. Sebastian Namupala the Respondent who attended the Review proceedings virtually;

Further having read the Application for Review and other documents filed as part of the record, the Public Procurement Review Panel subsequently finds the following:

GROUNDS FOR REVIEW

- 1) The Applicant (Oshikoto Regional Council) alleged that the contractor, the Respondent, has been dragging the project of constructing four classrooms at Elambo Combined School and has not completed the project within the agreed period of 4 (four) months.
- 2) The Applicant alleged that they have tried to engage with the contractor several times regarding the project but did not get the desired cooperation and commitment.

RELIEF SOUGHT FROM THE REVIEW PANEL

- 3) The Applicant requested the Review Panel to grant approval for the suspension, debarment and disqualification of the Respondent from participating in a procurement process for a period of 5 (five) years, as the Applicant does not want to do business with the bidder in the future.

FINDINGS OF THE REVIEW PANEL

- 4) The Review Panel established that the Applicant failed to comply with the initial agreed contract signed on 2 October 2018 in that it failed to resort to remedial action when it realized that the Respondent did not adhere to the contract to complete the project within the determined period. The Applicant instead delayed and did not execute