



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE

PUBLIC PROCUREMENT REVIEW PANEL

Tel. : (00 264 61) 209 2319

Fax : (00 264 61) 236454

Head Office,
Moltke Street,
Private Bag 13295,
Windhoek

Enquiries: **K. Kashonga**

**IN THE PUBLIC PROCUREMENT REVIEW
HELD ON 04 DECEMBER 2020
IN THE MATTER BETWEEN**

WILRU INVESTMEN 100&49

APPLICANT

AND

NAMIBIA INDUSTRIAL DEVELOPMENT AGENCY

SILVERGATE TRADING ENTERPRISE

SOMNAM INVESTMENT

KARSTEN MARKET

SOUTHERN CROSS & MARKET

1st RESPONDENT

2nd RESPONDENT

3rd RESPONDENT

4rd RESPONDENT

5th RESPONDENT

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

BID NO: S/RFP/NIDA-07/08/2020 PROVISION OF NATIONAL AND
INTERNATIONAL MARKETING AND LOGISTICS SERVICES FOR FRESH
FRUITS.

Present : Mekondjo Nghipandulwa (Chairperson) with Brownly Mutrifa, Ono-
Robby Nangolo, Tulimeyo Kaapanda and Petrina Johannes concurring.

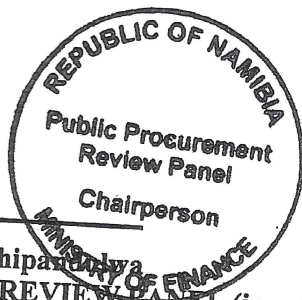
Heard : 04 December 2020

Decided : 04 December 2020

REVIEW PANEL ORDER

Having heard Mr. Evaristus Evaristus from Wilru Investment 100 & 49 (the Applicant), Mr. Phillip Namundjebo on behalf of 1st Respondent, as well as other joined interested parties, and other documents filed of record, the Review Panel observed the following:

1. That the 1st Respondent acted contrary to Section 47 (1) of the Act read with Regulation 35 when it set a deadline for the submission of bids, which is less than 30 days from the date of publication of such invitation;
2. Further that there was non-compliance by the 1st Respondent with Regulation 7 (2) when it failed to commence with the evaluation process within 5 days after the opening of bids.
3. That the 1st Respondent acted contrary to Section 52(9) of the Public Procurement Act, Act 15 of 2015 (hereinafter referred to as the Public Procurement Act) when it used an evaluation criteria and methodology that was not set out in the bidding document.
4. As a result, the Review Panel hereby:
5. Directs the 1st Respondent, in terms of Section 60 (b) of the Act, to act or proceed in a manner that is in compliance with this Act and;
6. Order that the procurement proceedings be terminated and start afresh in terms of 60 (f).



MS. Mekondjo Nghipandulwa
CHAIRPERSON: REVIEW PANEL (i.r.o this matter)