



REPUBLIC OF NAMIBIA
MINISTRY OF FINANCE

PUBLIC PROCUREMENT REVIEW PANEL

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IN THE PUBLIC PROCUREMENT REVIEW
HELD ON 11 NOVEMBER 2019

IN THE MATTER BETWEEN

ERONGO QUARRY & CIVIL WORKS (Pty) Ltd	APPLICANT
AND	
CENTRAL PROCUREMENT BOARD OF NAMIBIA	1 st RESPONDENT
NAMIBIA POWER CORPORATION (Pty) Ltd	2 nd RESPONDENT
COLEMAN TRANSPORT (Pty) Ltd JV THREE QUEST TRADING ENTERPRISES	3 rd RESPONDENT
ALIGNED TRADING ENTERPRISES	4 th RESPONDENT
AM-PM INVESTMENTS CC	5 th RESPONDENT
B AND H MAINTENANCE SERVICES	6 th RESPONDENT
DE ROUTE INVESTMENTS CC	7 th RESPONDENT
EVALE HOLDINGS (Pty) Ltd	8 th RESPONDENT
GREEN SUN INVESTMENTS (Pty) Ltd	9 th RESPONDENT
GRINROD NAMIBIA STEVEDORING (Pty) Ltd	10 th RESPONDENT
HOKMA AND SHAKAYINA INVESTMENTS CC	11 th RESPONDENT
JOHN NAMUSHE CONSTRUCTION AND INVESTMENTS	12 th RESPONDENT

MALEMBEKA MINING (PTY) LTD
MELVILLE ISLAND INVESTMENTS (Pty) Ltd
MUSHI BUSINESS GROUPCC
NAMENERGY RESOURCES (Pty) Ltd
NDI HOLDINGS (Pty)
PRINCIPAL INVESTMENTS (Pty) Ltd
SASHA TRADING AND EARTHWORKS CC
SHAMROCK INVESTMENTS NUMBER 52 CC
WINDHOEK COAL DISTRIBUTORS (Pty) Ltd

13th RESPONDENT
14th RESPONDENT
15th RESPONDENT
16th RESPONDENT
17th RESPONDENT
18th RESPONDENT
19th RESPONDENT
20th RESPONDENT
21th RESPONDENT



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

BID NO: G/ONB/CPBN-01/2019 SUPPLY AND DELIVERY OF 300 000METRIC
TONS OF STEAM-COAL TO VAN ECK POWER STATION, WINDHOEK

Present: Ono-Robby Nangolo (Chairperson), with Fillemon Immanuel, Mekondjo
Nghipandulwa, Tulimeyo Kaapanda and Michael Gaweseb concurring.

Heard: 11 November 2019

Decided: 14 November 2019

REVIEW PANEL ORDER

Having heard Mr. James Diedericks and Gilroy Kasper for the Applicant, Mr. Festus Hamukwaya for the Respondent, and other interested parties who were in attendance, and having read the application for review and other documents filed of record:

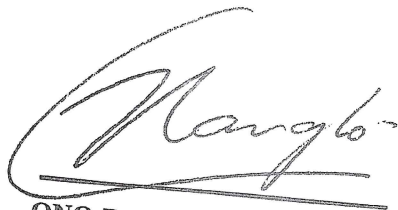
Whereas the Review Panel noted the submissions made during the hearing and subsequently found the following:

1. That members of the Bid Evaluation Committee of the 1st Respondent acted contrary to Section 52(9) read with Regulation 33(1)(q) when during the examination and evaluation of the bid-
 - 1.1. The bidders were subjected to a qualification criteria, in stage 2 on technical compliance for submitting a letter of intent from a Namibian road transport company regardless of whether such bidder does not intend to use road transport and,
 - 1.2. When it only assessed bidders on road transport insurance (as confirmed by the BEC Chairperson) while the bid document makes provision for vehicles, vessels and rail wagons to be used.
2. That the 1st Respondent conducted the procurement process in relation to this bid in violation of Section 57 of the Public Procurement Act, 2015 (Act No. 15 of 2015) when it allowed for a debriefing with the Applicant during the Standstill period before an award was made.

3. That the 1st Respondent conducted the procurement process contrary to Section 35(14) of the Procurement Act read with regulation 38(2)(c) and (d), when the 1st Respondent at its own volition unilaterally extended the prescribed 7 day standstill period during the bidding process.
4. That the members of the Bid Evaluation Committee of the 1st Respondent scored bidders differently for same set of documents and evaluation criteria.

In the result the Review Panel make the following order:

1. That the application against the respondents is competent and upheld.
2. That the evaluation of the bids under consideration is unlawful and irregular and is set aside.
3. That the extension of the 7 day standstill period and debriefing is unlawful and irregular.
4. That the notice and selection for award in favour of Coleman Transport (Pty) Ltd JV is unlawful and irregular and as a result, it is set aside.
5. In the premise and in accordance with Section 60(b), the 1st Respondent is hereby directed to re-evaluate the bid and proceed in a manner that is in compliance with the Act.



ONO-ROBBY NANGOLO
CHAIRPERSON: REVIEW PANEL (IRO THIS MATTER)

