



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE AND PUBLIC ENTERPRISES

PUBLIC PROCUREMENT REVIEW PANEL

**IN THE PUBLIC PROCUREMENT REVIEW HEARING
HELD ON 03 MARCH 2025**

IN THE MATTER BETWEEN

SIRKA INVESTMENT CC

APPLICANT

and

CENTRAL PROCUREMENT BOARD OF NAMIBIA

1st RESPONDENT

AND OTHERS

25 RESPONDENTS

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

BID NO: NCS/ONB/CPBN-04//2024 – PROVISION OF SECURITY SERVICES (GUARDING, ALARM MONITORING AND CASH-IN-TRANSIT /FIDELITY) TO THE SOCIAL SECURITY COMMISSION FOR A PERIOD OF 36 MONTHS

Coram: Doné Brinkman (Chairperson), with Kenandei Tjivikua, Lukas Kudumo Siremo, Mekondjo Katunga and Hellen Amupolo.

Heard: 03 March 2025

Decided: 03 March 2025

REVIEW PANEL ORDER

1. INTRODUCTION:

The Review Panel was constituted in terms of section, 58 (1) of the Public Procurement Act, 2015 as amended (the Act”) to hear a review application lodged by Sirka Investment CC, hereinafter referred to as the “Applicant”, brought against the Central Procurement Board of Namibia, a public entity, hereinafter referred to as the “1st Respondent”.

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 parties to raise any points in *limine*.

2.2 The 1st Respondent as well as one of the selected bidders (Six Thousand Security Services CC) indicated that they were not serve with the review application as provided for in the Public Procurement Act.

2.3 The 1st Respondent indicated that their IT Technician checked why the email is not in their mailboxes. It was found the email exceeded the limit (large files) and the sender should have received a notification that the email was not delivered.

2.4 The selected bidder (Six Thousand Security Services CC) noticed that they were not on the list of bidders served by Applicant. The Applicant could thus not prove that they served their Review Application on the Applicant.

3. REVIEW PANEL RULING ON THE POINTS *IN LIMINE*

3.1 Having heard and considered the Parties' arguments and submissions on the matter, the Review Panel ruled as follows:

a) It is established from the records as part of the evidence that the Applicant is non-compliant with Regulation 42(3) in that it failed to serve the review application on the 1st Respondent and all interested parties.

3.2 Having exhausted the points *in limine*, it is decided that the failure to service is fatal, and thus the hearing did not proceed to the merits of the application.

5. DECISION OF THE REVIEW PANEL

Having considered the above, the Review Panel makes the following order:

5.1 That the Applicants, application for review, be dismissed in terms of sections 60 (a) of the Public Procurement Act, 2015, as amended.

5.2 The public entity must provide proof of implementation of this Order to the procurement policy unit within thirty (30) days from the receipt of this Order, with a copy of such a report sent to the Review Panel Secretariat

7.3 The effective date of this Order is 03 March 2025.


Ms. Doné Brinkman
CHAIRPERSON (in this matter)



The seal is circular with the text "Republic of Namibia" at the top and "Ministry of Finance & Public Enterprises" at the bottom. In the center is the national coat of arms. Below the coat of arms, it reads "Public Procurement Review Panel".