



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE

PUBLIC PROCUREMENT REVIEW PANEL

**IN THE PUBLIC PROCUREMENT REVIEW HEARING
HELD ON 13 JUNE 2025**

IN THE MATTER BETWEEN

MENDOZER INVESTMENT CC JVSUPECO TRADING CC

APPLICANT

and

**NAMIBIA POWER CORPORATION LTD
KAROO CONSTRUCTION JV MANGONJA GS & CO CC
AND OTHERS**

1st RESPONDENT

2nd RESPONDENT

3RD -7TH RESPONDENTS

L.K

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

BID NO: W/ONB/NPWR-03/2025 – RENOVATION AND UPGRADING WORKS FOR RUACANA EHA LODGE REVAMP PROJECT IN RUACANA TOWN, OMUSATI REGION

Coram: Lukas Kudumo Siremo (Chairperson), with Rainer Trede, Selma-Penna Utonih, Michael Gaweseb and Hellen Amupolo

Heard: 13 June 2025

Decided: 13 June 2025

REVIEW PANEL ORDER

1. INTRODUCTION:

Having heard Mr. Johannes Negumbo for the Applicant and Mr. Victor Gabriel for the 1st Respondent and having read the application for review filed in terms of section 59(1) of the Public Procurement Act, 2015, as amended, (hereinafter referred to as the “Act”), read with Regulation 42 of the Public Procurement Regulations (hereinafter referred to as the “Regulations”), the Review Panel made the following findings and subsequent order in respect of the matter.

2. GROUNDS FOR THE REVIEW OF THE APPLICATION

- 2.1 The Applicant is aggrieved by their disqualification on the grounds that they were deemed technically non-compliant, having scored below the minimum threshold of 75%.
- 2.2 On 23 April 2025, the Applicant submitted a request for reconsideration, specifically seeking a detailed executive summary outlining the evaluation criteria and sub-criteria applied during the technical assessment, along with explanations for the areas in which they were found non-compliant.
- 2.3 The Applicant received a response to their reconsideration request only on 15 May 2025, the same date on which they proceeded to file the current application for review. The Applicant contends that the decision to declare them non-responsive was unfair and unreasonable and asserts that the 1st Respondent failed to provide adequate and timely justification for the disqualification.

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3. APPLICANT'S SUBMISSIONS AT THE REVIEW PANEL HEARING:

- 3.1 The Applicant first indicated that it was not provided with a breakdown of where it scored less, other than the replying affidavit stating that it scored 74%. To this the 1st Respondent was given an opportunity to indicate the technical points lost and the specifics given was on key personnel, primarily the bricklayer and the plumber.
- 3.2 After learning that the applicant scored 74% and that on the key personnel, the bricklayer personnel and plumber personnel were scored zero (0) as each had a maximum of 2 points, the Applicant argued that it had submitted a qualified bricklayer with supporting documentation and that 2% was in its favour, which would result in a 76% mark.
- 3.3 The Applicant further argued that the bricklayer personnel it submitted for the project was a certain Thomas Shavuka with proof of qualifications and has not indicated a personnel by the name Absolom as stated by the 1st Respondent. Upon verification on the Applicant's bid on page 36, it was confirmed that Mr. Thomas Shavuka was indicated as Foreman and Absolom as a bricklayer.

4. 1st RESPONDENTS' SUBMISSIONS AT THE REVIEW PANEL HEARING:

- 4.1 The 1st Respondent submitted that the Applicant was disqualified on the grounds of technical non-compliance, having obtained a score below the minimum threshold of 75% required to proceed to the next stage of evaluation.
- 4.2 The 1st Respondent further submitted that the Applicant's bid was deficient in the following material respects:
- 4.2.1 Operation Integration Proposal: The bidding documents required submission of an implementation plan for the integration of partial lodge operations during construction. The Applicant failed to submit this plan.
- 4.2.2 Project-Specific Safety Risk Assessment: The bidding document required bidders to identify project-specific risks, assign risk ratings, propose mitigation measures for high-risk areas, and provide final risk ratings after treatment. The Applicant, however, did not propose any mitigation measures.
- 4.2.3 Similar Past Projects: Bidders were required to submit substantial proof of similar projects completed within the past five years, as main or sub-contractors, with a minimum cumulative value of N\$6 million. According to the 1st Respondent, only three of the Applicant's submitted projects met the specified requirements.
- 4.2.4 Competence of Key Personnel: Bidders were expected to provide CVs, qualifications, and registration certificates for all proposed key personnel. Full

marks were to be awarded only if all specified requirements were met. The 1st Respondent submitted that qualifications for some key personnel were not provided, resulting in a score of 0% in those sub-criteria for both bricklayer and plumber.

4.3 The 1st Respondent acknowledged that its response to the Applicant's request for reconsideration, submitted on 23 April 2025, was only issued on 15 May 2025. The 1st Respondent expressed regret for the delay and tendered an apology in that regard.

5. FINDINGS OF THE REVIEW PANEL

Having considered the written and oral submissions of the parties and examined the relevant documentation, the Review Panel makes the following findings:

5.1 Upon reviewing the bidding document, the Review Panel concurs with the 1st Respondent that the Applicant failed to submit curriculum vitae (CVs) for the positions of bricklayer and plumber and the Applicant also conceded on this observation.

5.2 In accordance with the stated evaluation criteria under the "Competence of Key Personnel" sub-category, where all required documentation (including CVs, qualifications, and registration certificates) is not provided, a score of zero is to be awarded. The Review Panel, therefore, finds that the allocation of a score of zero in this area was justified and in line with the provisions of the bidding document.

5.3 That the public entity has evaluated the Applicant's bid in line with section 52 (9) of the Act.

6. DECISIONS OF THE REVIEW PANEL

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

6.1 That in terms of Section 60 (a) of the Public Procurement Act, 2015 (Act No. 15 of 2015) as amended, the review application is hereby dismissed, and the Review Panel confirms the decision of the public entity in terms of Section 60(e) of Act.

6.2 The effective date of this Order is 13 June 2025.


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Lukas Kudumo Siremo
CHAIRPERSON (for this matter)

