



REPUBLIC OF NAMIBIA

PUBLIC PROCUREMENT REVIEW PANEL

IN THE PUBLIC PROCUREMENT REVIEW APPLICATION HEARING
HELD ON 04 AUGUST 2025

IN THE MATTER BETWEEN

NAKAGALO TRADING CC

APPLICANT

and

NATIONAL PETROLIUM CORPORATION OF NAMIBIA
(NAMCOR)

1ST RESPONDENT

TRIPPLE ONE INVESTMENT CC
AND OTHERS

2ND RESPONDENT
RESPONDENTS

TK

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

Bid No: NCS/ONB/NC-04/2024 – PROVISION OF SECURITY SERVICES FOR NAMCOR FOR A PERIOD OF TWO (2) YEARS

Coram: Tulimeyo Kaapanda (Chairperson), Selma-Penna Utonih, Doné Brinkman, Brownny Mutrifa and Prof. Dr Rainer Trede concurring

Heard: 08 August 2025

Decided: 08 August 2025

REVIEW PANEL ORDER

1. INTRODUCTION

- 2.1 The Review Panel was duly constituted in terms of Section 58(1) of the Public Procurement Act, 2015, as amended, to hear and determine the Application lodged by Nakagalo Trading CC (“the Applicant”) against the decision of the National Petroleum Corporation of Namibia (“NAMCOR” or “the 1st Respondent”).
- 2.2 The application arises from the procurement process No. NCS/ONB/NC-04/2024, concerning the provision of security services to the 1st Respondent for a period of two years.
- 2.3 The Review Panel considered all documents properly filed of record, including the Applicant’s founding affidavit. The Replying Affidavits submitted by the 1st and 2nd Respondents were filed outside the prescribed timelines and were therefore not considered.

2. GROUNDS FOR REVIEW

- 2.1 The Applicant submitted that the successful bidder quoted a bid price below the gazetted minimum wage for security guards and should therefore have been disqualified.
- 2.2 The Applicant relied on the Instructions to Bidders (ITB), which provide that any bid price lower than the gazetted rate per guard per hour will be deemed non-responsive and shall be disqualified.
- 2.3 The Applicant alleged that the applicable minimum wage was N\$18.00 per hour per guard, and based on that rate, the selected bidder's pricing was allegedly non-compliant.
- 2.4 The Applicant further argued that failure by the 1st Respondent to disqualify the-successful bidder constituted a material irregularity and undermined the fairness of the procurement process.

3. FINDINGS OF THE REVIEW PANEL

3.1 The Review Panel agrees with the Applicant that the requirement to comply with the gazetted minimum wage is binding and forms part of the responsiveness criteria. The Instructions to Bidders make it clear that bids below the gazetted minimum wage "shall be disqualified."

3.2 The Review Panel notes that while the applicable minimum wage was N\$18.00/hour at the time of bidding in terms of the Government Gazette No. 8562, there is however an implementation schedule of the gazetted minimum wages are as follows:

- N\$13.50/hour for 2025
- N\$16.00/hour for 2026
- N\$18.00/hour for 2027

3.3 Based on this, the Review Panel concludes that the pricing submitted by the selected bidder, while potentially compliant for 2025, demonstrates no capacity to meet the increased minimum wage of N\$16.00/hour and above applicable for subsequent years of the contract.

4. DECISION OF THE REVIEW PANEL

4.1 That in terms of Section 60 (c) of the Public Procurement Act, 2015, as amended, the Review Panel hereby sets aside in whole the Notice for Selection of Award issued by the public entity dated 02 July 2025.

4.2 That the public entity is directed to re-evaluate the bids in full compliance with the bidding documents, including verification of bidders' ability to comply with the gazetted minimum wage throughout the entire contract period.

4.3 The public entity must provide proof of implementation of this Order to the Procurement Policy Unit within thirty (30) days of receipt of this Order, with a copy of such a report sent to the Review Panel Secretariat.


Tulimeyo Kaapanda
CHAIRPERSON (for this matter)

