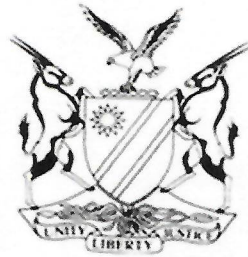


REPUBLIC OF NAMIBIA



PUBLIC PROCUREMENT REVIEW PANEL

Case number: RA/10-04/2025

ORDER

In the matter between:

OMLE SECURITY SERVICES

APPLICANT

and

**NAMIBIA TRAINING AUTHORITY
THE CHIEF EXECUTIVE OFFICER
THE CHAIRPERSON OF BEC
NDEMUTYAVELA SHOMONGULA
OTE TRADING CC
NEBBY INVESTMENT CC
AND OTHERS**

**1ST RESPONDENT
2ND RESPONDENT
3RD RESPONDENT
4TH RESPONDENT
5TH RESPONDENT
6TH RESPONDENT**

Citation: *Omle Security Services v. Namibia Training Authority & Others (RA/10-04/2025)*

Coram: Ehrenfried Honga (Chairperson), Hilka K. Alberto, Hannu Shipena, Martha Haipinge, and Hendricus Beukes.

Heard: 30 October 2025

Decided: 30 October 2025

IN A REVIEW APPLICATION MADE IN TERMS OF SECTION 59 OF THE PUBLIC PROCUREMENT ACT, ACT NO 15 OF 2015, AS AMENDED

[BID NO: NCS/ONB/NTA-01/2025-PROVISION OF SECURITY SERVICES TO THE
KHORIXAS, NKURENKURU AND KEETMANSHOOP, VOCATIONAL TRAINING
CENTRES (VTCs) FOR A PERIOD OF 18 MONTHS

1. INTRODUCTION

1.1 The Review Panel was constituted in terms of section 58 (1) of the Public Procurement Act 2015 (Act 15 of 2015) as amended (the “Act”), to hear an application lodged by Omle Security Services, (hereinafter referred to as the “Applicant”), against the Namibia Training Authority, a public entity, (hereinafter referred to as “1st Respondent”).

1.2 Having joined the Applicant and the 1st Respondent and other interested parties in terms of Regulation 42(5)(a) of the Public Procurement Regulations (hereinafter referred to as the “Regulations”) of the Public Procurement Act No. 15 of 2015 as amended (hereinafter referred to as the “Act”); and

1.3 Having read the respective applications 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. POINT *IN LIMINE*

Service of the Review Application

2.1 The 4th and 6th Respondents raised a preliminary point that they were not served with review application from the Applicant, alleging that the Applicant had failed to comply fully with Regulation 42(3) of the Public Procurement Regulations, 2015.

2.2 In response, the Applicant submitted that the review application was duly served on the First Respondent and the affected bidders via email and provided documentary proof of such service.

2.3 Having examined the evidence of service provided, the Review Panel was satisfied that the Applicant had complied with Regulation 42(3). The Review Panel accordingly dismissed the point *in limine* and proceeded to determine the matter on its merits.

3. GROUNDS FOR REVIEW BY THE APPLICANT

3.1 The Applicant contended that the 1st Respondent failed to evaluate bids in accordance with the Public Procurement Act and the bidding documents. In particular, it alleged that the successful bidders had serious arithmetic errors that materially altered their bid values and caused some bids to fall below the statutory minimum wage threshold of N\$13.50 per hour.

3.2 The Applicant also argued that there was no proper technical scoring during the evaluation and that the Bid Evaluation Committee failed to demonstrate how the successful bidders met the minimum technical requirements.

3.3 It was further alleged that the undertakings required under clause 3.5 of the bidding document, concerning compliance with section 138 of the Labour Act, were either missing or obtained improperly after bid opening.

4. SUBMISSIONS BY THE APPLICANT DURING THE PROCEEDING

4.1 The Applicant submitted that, in terms of procurement rules, all bids must be opened on the same day they close to ensure transparency and fairness. The prices announced at bid opening, it argued, must remain unchanged throughout the evaluation process.

4.2 The Applicant further alleged that there were substantial discrepancies between the prices announced at bid opening and the final evaluated prices after arithmetic corrections. It argued that such large differences could not be explained as mere arithmetic errors and might indicate irregular manipulation.

4.3 The Applicant pointed out that the 4th Respondent had an original bid amount of N\$14,233,000 for Lot 2, which decreased to N\$1 016,452.80 after arithmetic correction, a decrease of over N\$12 million. Similarly, the 6th Respondent's bid for the same Lot allegedly increased from N\$613,370.88 to N\$1,188,406.08. The Applicant argued that such drastic adjustments were unjustified and suspicious.

4.4 The Applicant contended that, under the Public Procurement Act, 2015, arithmetic corrections are permitted only for minor calculation errors, not for substantial changes that affect the bid's total value or competitiveness.

4.5 Finally, the Applicant referred the Panel to clause 3.5, on page 48 of the bidding document, which requires bidders to provide a written undertaking in compliance with section 138 of the Labour Act concerning minimum wage obligations. The Applicant argued that this was a mandatory requirement, and failure to comply should automatically disqualify a bidder.

5. SUBMISSIONS BY THE 1st RESPONDENT DURING THE PROCEEDING

5.1 The 1st Respondent disputed the Applicant's interpretation of the N\$13.50 hourly rate, stating that this rate is prescribed under the Labour Act and does not form part of the bid's arithmetic evaluation.

5.2 It explained that bid prices represent total service costs, including operational and administrative expenses, and not only wage components. The 1st Respondent stated that the Bid Evaluation Committee identified arithmetic errors in several bids and corrected them in accordance with section 52 of the Act, which permits the rectification of arithmetic errors during evaluation.

5.3 The 1st Respondent further emphasized that such corrections were applied equally to all bidders and were not intended to favour any particular company. It was further submitted, by the Respondent, that the minimum wage threshold was not included as an evaluation criterion in the bid document. Therefore,

compliance with the minimum wage requirement was not a determining factor in bid selection.

5.4 The 1st Respondent denied that there was no technical evaluation and stated that all bids were subjected to such an assessment, with only two found non-responsive and excluded before financial evaluation.

6. FINDINGS OF REVIEW PANEL

Having considered the evidence, submissions, and the applicable law, the Review Panel makes the following findings:

6.1 The Review Panel observed inconsistencies relating to the submission of undertakings required under clause 3.5 of the bidding document. Clause 3.5 required all bidders to submit a mandatory undertaking to comply with applicable labour laws. The evidence points to undertakings in relation to Clause 3.5 of the bidding document, requested after the bid opening, which would be procedurally irregular. Furthermore, since all bidders had already signed undertakings confirming compliance with labour laws, there was no basis to selectively follow up with certain bidders to determine whether their offered prices would enable them to pay wages above the prescribed minimum threshold. Lastly, because this follow-up was not conducted uniformly across all bidders, the process was not transparent.

6.2 The Review Panel emphasises that public entities bear a statutory duty to ensure compliance with both the Public Procurement Act and all applicable labour legislation.

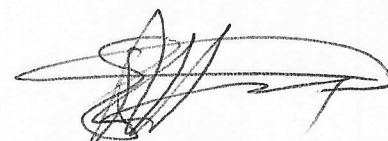
6.3 Additionally, while the 1st Respondent asserted that a technical evaluation was conducted, the Review Panel found that technical score sheets were not presented in the Executive Summary. However, the 1st Respondent demonstrated, through a spreadsheet, that indeed the technical evaluation process was done, before the financial evaluation.

6.4 Regarding arithmetic corrections, the Review Panel noted that certain adjustments were substantial and inadequately justified. For example, for the Khorixas Lot, Ndemutyavela Shomongula Security Services CC, who was the successful bidder on this lot, had its opening bid price N\$12,186,720 reduced to N\$870,480 after arithmetic error corrections: that is a reduction in the bidding price by about 93%. "Section 52(1) of the Act expressly prohibits asking or permitting any bidder to change the price or substance of its bid. Section 52(5) only permits correction of arithmetic errors. As such the panel view was that a 93% reduction is not an arithmetic correction but constitutes a substantial price change after opening."

6.5 Furthermore, it was the view of the Review Panel, that any changes for the purpose of arithmetic correction ought to be transparent, documented, and clearly explained in the evaluation report to maintain the integrity of the procurement process.

ORDER

1. The Review Panel, in terms of section 60 (c) of the Act, set aside in whole the Notice for selection of Award issued by the public entity;
2. The Review Panel orders that the public entity re-evaluate all bids strictly in accordance with section 52 (9) of the Act;
3. That 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.
4. The date of the order is 30 October 2025

A handwritten signature in black ink, appearing to read "Ehrenfried Honga".

Ehrenfried Honga
Chairperson