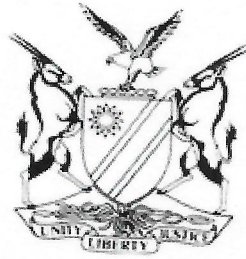


REPUBLIC OF NAMIBIA



PUBLIC PROCUREMENT REVIEW PANEL

Case number: RA/03-14/2026

ORDER

In the matter between:

SHIKUVULE TRADING CC

APPLICANT

and

OPUWO TOWN COUNCIL

1st RESPONDENT

AND OTHERS

Citation: *Shikuvule Trading CC v Opuwo Town Council and Others* (RA/03-13/2026)

Coram: Isabella Nowases (Chairperson), Lukas Kudumo Siremo, Martha Haipinge, Effaishe Nghiidipaa, and Martins Kambulu.

Heard: 17 April 2026

Decided: 17 April 2026

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

*[BID NUMBER: NCS/RFQ/OPTC-02/2025/2026 – PROVISION OF SECURITY
SERVICES AND CASH IN TRANSIT FOR OPUWO TOWN COUNCIL (01 APRIL 2026 –
APRIL 2029)]*

1. INTRODUCTION

1.1 The Review Panel was constituted in terms of section 58(1) of the Public Procurement Act, 2015, as amended, to hear an application lodged by Shikuvule Trading CC (hereinafter referred to as the “Applicant”), against Opuwo Town Council (hereinafter referred to as the “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”),

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.

2. PRELIMINARY ISSUES

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* they might have.

2.2 The Applicant submitted that the First Respondent’s replying affidavit was filed out of time, contrary to Regulation 42(4).

2.3 The due date for the filing of the replying was 01 April 2026. However, the affidavit was filed with the Review Panel Secretariat only on 02 April 2026.

2.4 The First Respondent confirmed the late filing of its replying affidavit.

3. FIRST RESPONDENT'S CONCESSIONS ON THE MERITS

- 3.1 The First Respondent informed the Review Panel that the parties had reached an agreement that the Panel should grant relief in terms of prayers 1, 2, and 5 of the Applicant's Notice of Motion.
- 3.2 The 1st Respondent conceded to the Applicant's submissions and acknowledged procedural and substantive irregularities in that it failed to issue a Notice of Selection of Award to unsuccessful bidders, contrary to the peremptory provisions of section 55(4)(a) and (b) of the Act and instead issued only an executive summary of the evaluation report.
- 3.3 The 1st Respondent admitted that it initially failed to respond to the Applicant's request for reconsideration but subsequently admitted that the Applicant's bid was in fact responsive, having achieved a technical score of 70%.
- 3.4 Its failure (1st Respondent) to issue the required notice deprived unsuccessful bidders of the standstill period contemplated under section 55(4A) of the Act, thereby prejudicing their right to seek reconsideration.
- 3.5 The 1st Respondent acknowledged its obligation to comply with the Act, the principles of administrative justice, and the directives of the Review Panel.

4. FINDINGS OF THE REVIEW PANEL

Having considered the submissions by the parties, the Review Panel makes the following determinations:

- 4.1 The Review Panel notes that the parties reached an agreement on both the procedural and substantive aspects of the application, including that the relief sought in prayers 1, 2, and 5 of the Notice of Motion should be granted.

4.2 The Review Panel further notes that the First Respondent conceded to material procedural and substantive irregularities, including its failure to issue the mandatory Notice of Selection of Award in terms of section 55(4)(a) and (b) of the Act.

4.3 The Review Panel finds that such failure constitutes a material procedural irregularity, which deprived the Applicant of its statutory right to request reconsideration within the prescribed standstill period.

4.4 In light of the agreement between the parties and the concessions made by the 1st Respondent, the impugned decision cannot stand and falls to be set aside.

ORDER

In the result, the following order is made:

1. The Executive Summary of the bid evaluation report, dated 03 March 2026, is hereby set aside in its entirety for non-compliance with the Act and the matter is referred back to the Public Entity for reconsideration in terms of Section 60(c) of the Act.
2. That the Public Entity must provide proof of implementation of this Order to the Review Panel Secretariat within thirty (30) days.
3. The effective date of this Order is 17 April 2026.



A handwritten signature in black ink, appearing to read "Isabella Nowases".

Isabella Nowases
Chairperson