



MINISTRY OF FINANCE

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OFFICE OF THE MINISTER Procurement Policy Unit

Head Office

Moltke Street

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Windhoek

NAMIBIA

Mr. P M Nsundano (209 9413)

Enquiries:.....

Our Ref.:.....

Your Ref.:.....

09 December 2022

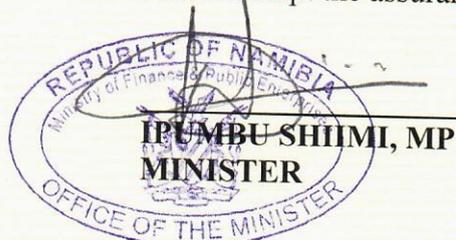
**TO: HON MINISTERS
YOUR WORSHIP THE MAYORS
CHAIRPERSONS OF REGIONAL AND LOCAL COUNCILS
CHAIRPERSONS OF ALL GOVERNING BODIES**

Attention: All Accounting Officers

SUBJECT: WITHDRAWAL OF THE DIRECTIVE ON ACQUISITION OF LEGAL SERVICES

1. The above-captioned subject matter refers.
2. Kindly take note that in order to remain consistent with the Public Procurement Act, 2015 as amended, the Directive issued on 29 November 2018 on the above-mentioned subject matter is hereby withdrawn with immediate effect. A new Directive replacing the above-mentioned Directive is attached hereto, for ease of reference and immediate implementation by all public entities.

Please accept the assurance of my highest consideration.





REPUBLIC OF NAMIBIA

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CHAIRPERSONS OF ALL GOVERNING BODIES**

Attention: All Accounting Officers

**SUBJECT: EXEMPTION DIRECTIVE ISSUED IN TERMS OF SECTION 4(2)
READ TOGETHER WITH SECTION 73 OF THE PUBLIC
PROCUREMENT ACT, 2015, AS AMENDED, REGARDING THE
ACQUISITION OF LEGAL REPRESENTATION SERVICES**

1. The above-captioned subject matter refers.
2. Section 4(2) of the Public Procurement Act, 2015 (Act No. 15 of 2015) as amended ("the Act") states as follows:

The Minister may, with or without condition, as the Minister may determine, grant a general or specific exemption by way of a directive for specific types of procurement or disposal from the application of certain provisions of this Act that are not practical or appropriate for the purpose for which such goods are let, hired or disposed of, including goods, works and services being procured.

3. In addition, section 73(1) of the same Act states that:
The Minister, pursuant to a policy of the Government or when he or she thinks it necessary or expedient, may direct in writing the Policy Unit, Board or public entity to attend to any aspect or matter of general application relating to procurement of goods, works or services, or to the letting or hiring of anything or the acquisition or granting of any right for or on behalf of the public entities, and for the disposal of their property.

4. Pursuant to the above, I hereby, in terms of section 4(2) read together with section 73(1) of the Act, grant an exemption to all public entities from the application of Part 5 and

6 of the Act, except for sections 36 and 50 of the Act, in respect of the acquisition of legal representation services.

5. For purposes of this Directive, legal representation services mean representation of a public entity by a legal practitioner in legal (court or tribunal) proceedings and all incidental services thereto.
6. Public entities may use direct procurement I terms of section 36 to procure legal representation services.
7. Further, kindly take note that the procurement of any other legal services which is not legal representation or not incidental thereto should be conducted in compliance with the applicable provisions of the Act.
8. All public entities are further reminded to comply with the provisions of section 50 of the Act at all times.
9. Please accept the assurance of my highest consideration.

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