



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE

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NAMIBIA

29 August 2019

**TO: HON. MINISTERS
HON. GOVERNORS
YOUR WORSHIP THE MAYORS
CHAIRPERSONS OF BOARDS**

Attention: All Accounting Officers for Public Entities

SUBJECT: AMENDMENT TO THE DIRECTIVE ISSUED ON 17 OCTOBER 2018 TITLED "DIRECTIVE IN TERMS OF COMPULSORY DOCUMENTS TO BE SUBMITTED"

The Procurement Policy Unit herewith in terms of Section 7(1)(d) and (h) of the Public Procurement Act, 2015 (Act No. 15 of 2015) issue the following directive.

1. Directive and Interpretation of Section 50(2):

The Public Procurement Act, 2015 (Act No. 15 of 2015) in section 50(2) reads as follows:

"(2) A bidder or supplier is disqualified from bidding if such bidder or supplier –

- (a) is not in good standing with the Receiver of Revenue;**
- (b) is not in possession of a valid certificate of good standing with the Social Security Commission or, in the case where a company has no employees, confirmation letter from Social Security Commission;**
- (c) is not, as required by the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998), in possession of a valid affirmative action compliance certificate issue under section 41 of that Act;**
- (ii) an exemption issued under section 42 of that Act; or**

- (iii) a proof from the Employment Equity Commissioner that the bidder or supplier is not a relevant employer as defined in that Act; or
- (d) has not submitted a written undertaking as contemplated in section 138(2) of the Labour Act, 2007.”

The provisions of the Act as stated herein requires that bidders should show that they comply with the aforementioned section and needs to show compliance with the Act and Legislation as quoted therein.

The Procurement Act, 2015 requires that valid legal documentation be provided by a bidder when submitting bids.

The Public Entities are directed that documents in terms of Section 50(2) are accepted as follows:

1. A valid original document; or
2. A valid certified copy of an original document, as certified by **the (Namibian Police)** is hereby amended to read as follow:
 - 2.1 A valid original document; or A valid certified copy of an original document, as certified by a Commissioner of Oath appointed in terms of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) as amended.

Public Entities are directed to do due diligence to ensure that the laws of Namibia are complied with at all times.

2. Bidding in terms of Section 29 read with Section 50(2):

Public Entities are advised that citizens of Namibia and entities incorporated in Namibia in terms of Section 29 are required to comply with the provisions of Section 50(2) of the Public Procurement Act, 2015 and all other laws of the Republic of Namibia.

3. This directive is effective from 29 August 2019.

Yours faithfully,


CARL HG SCHLETTWEIN, MP
MINISTER

