



**REPUBLIC OF NAMIBIA**

**MINISTRY OF FINANCE AND PUBLIC ENTERPRISES**

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**PUBLIC PROCUREMENT REVIEW PANEL**

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**IN THE PUBLIC PROCUREMENT REVIEW APPLICATION HEARING  
HELD ON 06 JUNE 2024**

**IN THE MATTER BETWEEN**

**CENTRAL PROCUREMENT BOARD OF NAMIBIA**

**APPLICANT**

*and*

**G-STAR SECURITY SERVICES CC  
JOHANNES JOHNY NAKWAFILA**

**1<sup>st</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT**

**IN A DEBARMENT APPLICATION MADE IN TERMS OF SECTION 68 OF THE PUBLIC PROCUREMENT ACT, 2015, AS AMENDED READ IN CONJUNCTION WITH REGULATION 46 (2) OF THE PUBLIC PROCUREMENT REGULATIONS.**

*Bid No: NCS/OAB/CPBN-02/2023 – PROVISION OF SECURITY SERVICES TO THE NAMIBIA TRAINING AUTHORITY HEAD OFFICE, RUNDU, GOBABIS, OKAKARARA, VALOMBOLA, NAKAYALE, EENHANA AND ZAMBEZI VOCATIONAL TRAINING CENTRES (VTC's)*

**Coram: Selma-Penna Utonih (Chairperson), Hellen Amupolo, Paulina Iyambo, Brownny Mutrifa and Michael Gaweseb**

**Heard: 06 June 2024**

**Decided: 06 June 2024**

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**REVIEW PANEL ORDER**

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**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 the Central Procurement Board of Namibia, hereinafter referred to as the "Applicant", against G-Star Security Services cc and Johannes J. Nakwafila a bidder/supplier, hereinafter referred to as the "Respondent" whereby the Applicant sought relief from the Review Panel to debar the respondents in terms of section 68(d) of the Public Procurement Act read together with Regulation 46 (1) of the Public Procurement Regulations.

1.2 In line with Regulation 47 (1), the Review Panel, on 23 May 2024, held its preliminary sitting to determine whether the application by the Applicant contains reasonable and concrete grounds that would warrant the Respondent to be suspended and debarred from participation in public procurement activities for a period to be determined by the Review Panel.

1.3 In the same vein and in line with Regulation 47 (2), the Respondents were notified of the application before the Review Panel and accorded an opportunity to make written representations under oath. This was done in the letter to the Respondents dated 23 May 2024, which contained an invitation to the debarment application hearing.

**2. GROUNDS FOR DEBARMENT AS CONTAINED IN THE APPLICATION BY THE APPLICANT:**

2.1 According to the factual records submitted by the Applicant, the 1<sup>st</sup> Respondent participated in the bidding process conducted by CPBN on behalf of the Namibia Training Authority for the provision of security services for a period of 36 months.

- 2.2 The Central Procurement Board of Namibia stated that on 7 July 2023, the Bid Evaluation Committee, after conducting its bid evaluation, reported that one of the bidders, in the name of G-Star Security Services cc submitted a reference letter from the Namibian Institute of Public Administration and Management (NIPAM). However, it was discovered during the reference verification process that G-Star Security Services cc never rendered security services to NIPAM.
- 2.3 The purported reference letter was submitted by the 1<sup>st</sup> Respondent in its bidding document to meet a particular bidding requirement under ITB 5.5(b): the experience required to be demonstrated by the bidder should include, at minimum, that the bidder executed similar services during the last two (2) years in the security guard service sector.
- 2.4 The Applicant states that it was resolved on 20 July 2023 that the BEC should obtain confirmation in writing on the letterheads of the entities alleged to have been provided with the services by G-Star Security Services cc and seek clarification from NIPAM in respect of the reference letter submitted in this regard.
- 2.4 The Applicant further stated that NIPAM responded in a letter dated 26 July 2023, in which they indicated that the Respondent did not render any service of such nature or whatsoever as alleged. The BEC concluded that the 1<sup>st</sup> Respondent submitted false information as part of its bid.
- 2.5 On the strength of the review grounds, the Applicant prayed that the Review Panel debar the respondents for a maximum of five (5) years.

### **3. RESPONDENTS RESPONSE AT THE HEARING:**

- 3.1 Mr Ndeli Ndaitwah of the Respondents stated that the Respondent would not be disputing the facts as submitted by the Applicant but would rather seek the Review Panel's leniency on the proposed sanction of a maximum period of five (5) years, considering that the respondent is a first-time offender and does not deserve the harshest punishment that can be imposed on a bidder in matters of this nature.
- 3.2 Mr Ndaitwah submitted a number of mitigating factors as to why the dependent should not be subjected to the maximum debarment period and pleaded that the Review Panel rather impose a debarment period of at least one (1) year and six (6) months.

### **4. FINDINGS OF THE REVIEW PANEL:**

After having heard Mr Festus Hamukwaya for the Applicant and Mr Ndeli Ndaitwah for the Respondents and considered all the factual records before it, the Review Panel found the following and decided on the matter in accordance with Regulation 47 (3), as contained hereunder.

- a) That the Respondents could not dispute the allegations and, in fact, conceded to have committed such actions.

- b) That the Applicant objected to the lenient request of the debarment period after having considered the mitigation factors by the Respondent but, instead, left such discretion to the Review Panel.

**5. DECISION OF THE REVIEW PANEL:**

Having considered the above, the Review Panel makes the following order:

- 5.1 That in line with section 68 of the Public Procurement Act, 2015 as amended, read together with Regulation 47 (3) (b), the Review Panel debars the 1<sup>st</sup> Respondent, in the name of G-Star Security Services CC, for a period of twenty-four (24) months.

- 5.2 The effective date of this Order is June 2016

  
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**Selma-Penna Utonih**

**CHAIRPERSON: (i.r.o. this matter)**

