



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$6.00

WINDHOEK - 1 June 2017

No. 6315

CONTENTS

Page

GOVERNMENT NOTICE

No. 129 Amendment of Public Procurement Regulations: Public Procurement Act, 2015 1

Government Notice

MINISTRY OF FINANCE

No. 129

2017

AMENDMENT OF PUBLIC PROCUREMENT REGULATIONS: PUBLIC PROCUREMENT ACT, 2015

Under section 79 of the Public Procurement Act, 2015 (Act No. 15 of 2015), I have amended the regulations set out in the Schedule.

C. SCHLETTWEIN
MINISTER OF FINANCE

Windhoek, 12 May 2017

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Public Procurement Regulations published under Government Notice No. 47 of 1 March 2017.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended by the insertion after the definition of “bid securing declaration” of the following definition:

““recruitment committee” means the recruitment committee referred to in section 11(1)(c) of the Act;”.

Insertion of Part 2A in Regulations

3. The Regulations are amended by the insertion of the following Part after Part 2 of the Regulations:

“PART 2A
INVITATION FOR APPLICATIONS, CONSTITUTION OF RECRUITMENT COMMITTEE,
INTERVIEWING AND RECOMMENDATION

Invitation for applications

4A. (1) The Minister must, in at least two daily newspapers circulating widely in Namibia, invite persons who meet the requirements of section 11 of the Act and not disqualified from being appointed as members of the Board in terms of section 14 of the Act to apply for appointment as members of the Board.

(2) An application referred to in subregulation (1) -

(a) is made in writing; and

(b) is submitted to the Minister within a period specified in the invitation referred to in that subregulation.

(3) Before the closing date of the applications under subregulation (1), the Minister must constitute a recruitment committee under regulation 4B for the purposes of evaluation of applications, shortlisting and interviewing of applicants.

Constitution of recruitment committee

4B. (1) The recruitment committee consists of seven persons appointed by the Minister in terms of subregulation (3).

(2) For the purposes of subsection (1), the Minister must request relevant institutions to nominate suitable and qualified persons to be considered for appointment as members of the recruitment committee.

(3) On receipt of the nominees under subregulation (2), the Minister must -

(a) consider the nominees and appoint seven persons as members of the recruitment committee, but must ensure gender balance in the membership; and

(b) appoint one of the members appointed under paragraph (a) as chairperson of the recruitment committee.

(4) If no -

(a) person or sufficient number of persons; or

(b) suitable and qualified persons,

are nominated under subregulation (2), the Minister may appoint a suitable and qualified person as a member of the recruitment committee.

(5) A person appointed under subregulation (4) is considered as having been properly appointed for purposes of subregulation (1).

(6) A person appointed as a member of the recruitment committee is appointed on such terms and conditions of service as may be agreed upon by the Minister and such person.

(7) The Minister must appoint or designate a person as secretariat of the recruitment committee responsible for clerical administration of the recruitment committee.

Evaluation of applications and shortlisting of applicants

4C. (1) The recruitment committee must evaluate the applications received under regulation 4A within seven days after the closing date of the applications under that regulation.

(2) If -

(a) no person;

(b) less than 12 persons; or

(c) no suitable, qualified fit and proper person having knowledge and experience relevant to the functions of the Board as required by section 11 of the Act,

applied under regulation 4A, the recruitment committee, must inform the Minister accordingly and the Minister may -

(i) re-invite for applications under regulation 4A for appointment as members of the Board; or

(ii) nominate suitable, qualified, fit and proper person to be interviewed by the recruitment committee for appointment as members of the Board.

(3) After having evaluated the applications submitted under subregulation (1) or (2), the recruitment committee must shortlist not more than 18 applicants to be interviewed by the recruitment committee.

(4) When shortlisting applicants under subregulation (3), the recruitment committee must have regard to the requirements of section 11(1)(a) which requires not more than five members to be of the same sex.

(5) The recruitment committee may only shortlist applicants who comply with section 11 of the Act and not disqualified from being appointed as members of the Board in terms of section 14 of the Act.

Interviewing of shortlisted applicants and recommendation to Minister

4D. (1) The recruitment committee must within 14 days after the shortlisting of applicants in terms of regulation 4C conduct interviews for the shortlisted applicants.

(2) When interviewing the applicants under subregulation (1), the recruitment committee must act efficiently, effectively, transparently, openly and with integrity.

(3) When conducting an interview for the applicants, the recruitment committee must have regard to the -

- (a) suitability, qualifications, knowledge and experience of an applicant in matters relating to procurement;
 - (b) knowledge of the applicant in the -
 - (i) functioning of the Namibian public procurement system, issues and trends relating to the supply, delivery of goods, works and services; and
 - (ii) public procurement principles and cycle, with special focus on supervision, monitoring, evaluation and procurement contract management;
 - (c) standard of professionalism of the applicant;
 - (d) management capacity of the applicant; and
 - (e) integrity and impartiality of the applicant.
- (4) After interviewing the applicants, the recruitment committee must within two days -
- (a) select not less than 10 applicants who passed the interview and who in the opinion of the recruitment committee are suitable, qualified, fit and proper persons having knowledge and experience relevant to the functions of the Board; and
 - (b) recommend the applicants selected under paragraph (a) to the Minister for appointment as members of the Board.
- (5) The Minister must from the list of the applicants recommended to him or her in terms of subregulation (4) appoint nine persons as members of the Board in terms of section 11 of the Act.”
-