



**PPADB CIRCULAR NO. 3 OF 2017**  
**(Made in terms of Section 28 of the PPAD Act)**

Ref: PPADB 1/1/1 I (1) Exch

2<sup>nd</sup> June 2017

The Permanent Secretary to the President  
 All Permanent Secretaries  
 The Director, Public Service Management  
 The Commander, Botswana Defence Force  
 The Commissioner, Botswana Police Service  
 Attorney General  
 Auditor General  
 The Registrar of the High Court of Botswana  
 The President, Industrial Court  
 The Director General, Directorate on Intelligence and Security  
 The Director General, National Strategy Office  
 The Ombudsman  
 Clerk of the National Assembly  
 The Secretary, Independent Electoral Commission  
 All District Commissioners  
 All Chairpersons, Ministerial Tender Committees  
 All Chairpersons, District Administration Tender Committees  
 All Chief Executive Officers, Parastatals

Dear Sir/Madam,

**ONLINE VERIFICATION OF PUBLIC PROCUREMENT AND ASSET DISPOSAL BOARD (PPADB) AND BOTSWANA UNIFIED REVENUE SERVICE (BURS) – CERTIFICATES AND REVISED TENDERING REQUIREMENTS**

Reference is made to the above matter.

1. It has come to the attention of the Board that there are some Procuring Entities (PEs) that continue to require bidders to provide submission of certified copies of PPADB certificates, Tax Clearance certificates, Trade licences, National Identity Cards, and other documents during tendering process for compliance purposes.

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This places a lot of burden on bidders as each time they submit tenders they need to certify copies which are also said to expire every three months.

2. The Board wishes to inform Procuring Entities that following its 2016 consultation with stakeholders including the contracting community, it resolved as follows;

**2.1 PPADB Contractor Registration Certificates:** PPADB certificates are no longer required during submission of tender documents. A contractor is only required to submit their PPADB registration name, and the registration will be verified online by the evaluation and adjudication committee to confirm registration in the appropriate discipline, code and sub code. In an endeavour to address the issue of certified copies of certificates and taking strides in e-bidding, the Board resolved that effective *1<sup>st</sup> April 2017*, tender documents will no longer require submission of a copy of a certified PPADB certificate. Procuring Entities should verify the status of PPADB registration of any contractor online through the Integrated Procurement Management System (IPMS) for all public tenders at <http://ipms.ppadb.co.bw>.

2.1.1 Contractors are also encouraged to verify their registration status online using IPMS. The revised PPADB Codes, Sub Codes and a step by step verification guide available at [www.ppadb.co.bw](http://www.ppadb.co.bw).

2.1.2 Tender documents should state the codes and sub-codes required for a tender and also contain a statement to the effect that procuring entities will verify the registration status of bidders on-line.

**2.2 Declaration Form for Tendering Purposes Tender:** In 2016, after consultation with stakeholders, the Board reviewed the Declaration by Directors and Shareholders form (re-named the Declaration Form for Tendering Purposes) and the Certificate of Authority of Signatory to address concerns raised by the contracting community. The salient changes to the form are as follows.

2.2.1 Renaming the Form from '**Declaration by Directors and Shareholders**' to the current name "**Declaration Form for Tendering Purposes**". The renaming came about as a result of combining the PPADB Declaration by Directors and Shareholders Form with the Ministry of Finance and Development Planning (as it was then was) Form of Declaration for 100% shareholding and Declaration in respect of price preferences.

2.2.2 Removing the requirement relating to the submission of Companies Intellectual Property Authority (CIPA) certified copies of registration certificates, and Identity documents for Shareholders and Directors.

2.2.3 The requirement for an oath was however maintained to attest to the veracity, correctness and truthfulness of the information provided.

- The revised form is attached for your appreciation.

2.3 **Certificate of Authority of Signatory:** The amendments effected are as follows;

2.3.1 Introduction of a statement guiding bidders that they are not required to complete the whole form but only the sections that are relevant or applicable to their legal entity.

2.3.2 A statement to the effect that all partners are jointly and severally liable for the execution of the contract was also incorporated.

2.3.3 For this form, the authorised signatory's names address, and capacity are to be provided.

- The revised form is also for your appreciation.

2.4 **Botswana Unified Revenue Service (BURS) Tax Clearance Certificate:**

As communicated through Circular No. 1 of 2017, BURS has also embraced online services through the introduction of online application and issuance of Tax clearance certificates. Third parties wishing to verify the validity of the BURS Certificates will be able to do so on the BURS e-services portal at [www.burs.org.bw](http://www.burs.org.bw). You are therefore advised of the developments and are notified that it is sufficient for bidders to avail their TIN number. It should however be noted that Exemption certificates for Tender Purposes for Foreign entities or persons not available for online application will therefore continue to be issued manually by BURS.

2.5 The requirement of submission of certified academic certificates has been retained. This should be certified by commissioners of oaths or notarised by Notary Public in respect of foreign documents. This is done to avert fraud as there is no way of verifying the academic certificates due to lack of an interface system with numerous Universities. Further it has been observed during previous tenders that some bidders submit academic certificates without the owner's consent, and in some instances even the consent letters are forged. In light of this, the Board resolved to maintain this requirement.

2.6 **Trade Licenses:** Trade licenses are no longer required as Compliance documents because when the Board registers Contractors, such are taken into consideration. Where it is necessary to verify the licensing status of a bidder, the Board advises that PEs can make submission of certified copies of trade licence a condition of award rather than a compliance requirement.

3. The Board herewith highlights the revised requirements for tendering purposes;

3.1 **PPADB registration certificate:** Submission of certified PPADB certificate is no longer a requirement. Tender documents should state codes and sub-codes required with a statement to the effect that procuring entities will verify contractor registration status on-line.

3.2 **BURS Tax Clearance:** Provide a tax registration number, and the certificate to be verified online.

3.3 **Declaration form for tendering purposes:** The form is to be filled in full. An oath is thereafter taken before the Commissioner of Oath to attest to the correctness and truthfulness of the information provided.

3.4 **Certificate of Authority of Signatory:** Provide National Identity (Omang) number or notarised copy of Passport for foreigners.

3.5 **Trade licences:** No longer required as Compliance documents. Where required, their submission should be made a condition of award.

4. Tender Documents should therefore be amended accordingly to include the online verification of PPADB and BURS certificate issue.

## 5. Micro Procurement

5.1 The Board has also been made aware that PEs require the above-mentioned documents under micro procurement. PEs are reminded of Regulation 60 (2) in the PPAD Regulations which states that, "*In the micro-procurement method, the selection of a supplier shall be conducted on a sole supplier basis without competition and without the requirement of the following – (a) bidding documents; (b) written bid; and (c) signed contract document*". The Board appreciates that for governance purposes PEs prefer to source quotations from suppliers to ensure competition at micro-procurement level. However contractors should not be unduly burdened by onerous demands at this level.

5.2 PEs are reminded of **PPADB Circular No. 7 of 2012** which exempted small businesses who wish to engage in micro procurement (at the time micro-

procurement (at the time micro procurement was P30, 000.00, and the threshold was increased to P50, 000.00 in 2016) from registering with PPADB.

- 5.3 The Board advises PEs to keep lists of suppliers which should be updated periodically to avoid situations where PEs will rely on same companies for micro procurement. Critical requirements such as trade licenses and tax clearance may be made a requirement for inclusion in the list. The list could then be used to select suppliers on a rotational basis during micro procurement provided the quality and pricing is reasonable. Accounting Offices are encouraged to find ways of preventing corruption in micro procurement through improved oversight.
- 5.4 PEs are also advised to enter into framework contracts where common user items have not been included in existing framework contracts under the Office of Accountant General to avoid frequent use of micro procurement which is prone to abuse.

6. Kindly feel free to liaise with PPADB for clarity where needed.

Thank you.

Yours faithfully,



**BRIDGET P JOHN**  
EXECUTIVE CHAIRPERSON

Declaration to establish that Directors, shareholders, partners, members have not participated through any other bid for the same tender.

**PART A**

I, \_\_\_\_\_ (full name), in my capacity as ..... (state position in Entity)

hereby declare that on my behalf, and on behalf of the owners, partners / directors/ shareholders /administrators and/or Other (Please specify) .....

of:

..... (name of Entity)

of:

..... (Postal/physical address)

that, in connection with the enclosed tender,

All information contained herein is true and not misleading, and it is to the best of my knowledge factual and binding on the Entity and/or its Representatives. I state that the (State Name of Entity) ..... and/or its representatives confirm that they have not, through other entities, participated in the same tender and offer the same products in response to the same items.

NOTE THAT: In the case of competing franchises, the franchises may bid for the same item but with different products. Item means the commodity required by the procuring entity indicated in the ITT. Product means the commodity offered by the bidder.

I declare and confirm that the Entity and/or its Representatives have in fact not participated in the same tender and offered the same products in response to the same items, through any other registered company or other entity. I hereby provide a current list of Directors/ Administrators/ Partners/ Members and/or Shareholders for the Company/Partnership/ Society/Joint Venture/ Private Foundation/Statutory Body and/or other (Please specify) .....

	DIRECTORS/MEMBERS/ PARTNERS NAME and/OR Other Specify).....	CAPACITY ENTITY	IN	NATIONALITY	PERCENTAGE OF SHAREHOLDI NG
1					
2					
3					
4					
5					
6					
7					

	SHAREHOLDERS NAME	NATIONALITY	PERCENTAGE OF SHAREHOLDING
1			
2			
3			
4			
5			
6			
7			

If more space is required attach additional sheet. Note that Public companies should state which stock exchange the company is listed under.

I further acknowledge that should any of the directors, partners, and shareholders, members/administrators /(others please specify) be found to be associated in a similar or other manner in another company/entity, participating in this tender and offering the same products in response to the same items, this shall disqualify this Company/Partnership/ *Society/Joint Venture/ Private Foundation/Statutory Body*, and whichever company or other entity the said director/partner/shareholder/member and/or administrator is consequently involved in.

I further acknowledge that should the Company /Partnership/ *Society/Joint Venture/ Private Foundation/ Statutory Body* or any of its affiliates or subsidiaries be found to have participated in the same tender and offered the same products in response to the same items, the said Company/Partnership/ *Society/Joint Venture/ Private Foundation/Statutory Body*/(others please specify) and its affiliates and/or subsidiaries shall be disqualified.

The Company/Partnership/ *Society/Joint Venture/ Private Foundation/ Statutory Body*/(others please specify), through its agents, employees or directors has not illegally communicated with any member of the procuring department or the Public Procurement and Asset Disposal Board, except as may be permitted in the relevant "instructions to tenderers" or by law.

The Company/Partnership/ *Society/Joint Venture/ Private Foundation/Statutory Body*/(others please specify), through its agents, employees, partners, members, administrators and/or directors has not paid or offered to pay any consideration, favour or promise to any member of the procuring department or any person employed by or associated with Public Procurement and Asset Disposal Board (PPADB) or its Committees.

I declare that this tender is submitted by us in our own right and we have not colluded in any way with any other /potential tenderer in the production and submission of this tender other than in the establishment of a joint venture or sub-contractor arrangement as fully and correctly declared in the tender.

I acknowledge that if after the award of this tender any of these declarations are found to be false then any contract(s) between ourselves and the procuring department and/or PPADB shall be terminated forthwith and we may be barred from future tendering for government services and liable to possible prosecution.

I confirm that our entity has undertaken not to collude to withdraw from a tender award, only for the reason that an unsuccessful bidder be awarded the tender. I confirm further that the entity has undertaken not to engage in frivolous complaints and litigation that frustrates project implementation.

SIGNED: ..... NAME: .....

DATED:.....

.....  
Entity

.....  
Stamp

## PART B

1. Declaration to establish Eligibility for Reservation and Price Preferences for 100% Citizen Owned Contractor / Companies and other Entities.
2. The declaration shall be signed by all Businesses tendering for reserved contracts and contracts subject to preferences, as a condition of each tender.
3. The 100% citizenship requirements for shareholders, etc contained therein shall not withstand any previous consents and practice, be pre condition for the award of any reserved tender.

### Definition

4. The following definitions shall apply to this declaration:

**100% Citizen Owned Contractor / Company:** a natural person or an incorporated company wholly owned and controlled by persons who are citizens of Botswana.

**Control:** the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of managerial and financial authority and power in determining the policies and directing the operations of the business.

**Net Amount:** the financial value of the Contract at the time of the award of the Contract, exclusive of sales tax which the law requires the Employer to pay to the Contractor.

**Owned:** Having all the customary incidents of ownership, including the right of disposition, and sharing in all the risks and profits commensurate with the degree of ownership interest or shareholding as demonstrated by an examination of the substance as well as the form of ownership arrangements

5. The company operates banking and savings accounts, the only authorised signatories are:

- i. ....  
(Bank Name and Name of signatory) (Omang No. /Passport)
- ii. ....  
(Bank Name and Name of signatory) (Omang No. /Passport)
- ii. ....  
(Bank Name and Name of signatory) (Omang No. /Passport)
- iv. ....  
(Bank Name and Name of signatory) (Omang No. /Passport)

### 6. Undertakings

The Tenderer confirms that it is a 100% Citizen owned contractor/company and undertakes to remain a Citizen Contractor for the duration of the Contract. The Tenderer further undertakes not to subcontract more than 25% of the Net Amount to non-Citizen Contractors in the performance of the Contract.

7. Sanctions relating to reserved treatment

Any changes in Ownership or Control which violate the definition of a Citizen Contractor or the subcontracting of more than 25% of the Net Amount of the Contract to non-Citizen Contractors shall be sufficient reason for the Procuring Department to terminate the Contract.

8. All the shareholders of .....(Name of company) have read this declaration and agree to its contents.

- a) All the shareholders hereby give consent verification of the information provided above and understand that this may include but not limited to the verification of assets, liabilities, accounts, bonds and undertake to notify the competent authorities of any change to the information provided in this Declaration within seven days of such occurrence.
- b) I understand and declare that each matter here deposed to is essential for the tender validity of .....(Name of company)'s

**NB:** The Procuring Entity reserves the right to confirm the authenticity of the information provided above.

THUS SIGNED AND SWORN TO BEFORE ME COMMISSIONER OF OATHS AT \_\_\_\_\_ ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_, AT \_\_\_\_ AM / PM, THE DEPONENT HAVING  
ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS DECLARATION AND  
THAT IT IS BINDING ON HIS CONSCIENCE.

\_\_\_\_\_  
COMMISSIONER OF OATHS

CAPACITY:

Republic of Botswana

TENDER RETURNABLE DOCUMENTS	TENDER SCHEDULES CERTIFICATE OF AUTHORITY OF SIGNATORY
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Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A COMPANY	B PARTNERSHIP	C JOINT VENTURE	D SOLE PROPRIETOR	E OTHER

**A. Certificate for company**

I, \_\_\_\_\_, authorised representative of \_\_\_\_\_, hereby confirm that by resolution of the board Mr/Ms \_\_\_\_\_, acting in the capacity of \_\_\_\_\_, was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

**B. Certificate for partnership**

We, the undersigned, being the key partners in the business trading as \_\_\_\_\_ hereby authorise Mr/Ms \_\_\_\_\_, acting in the capacity of \_\_\_\_\_, to sign all documents in connection with the tender offer for Contract \_\_\_\_\_ and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all of the partners. Attach additional pages if more space is required.

Furthermore we attach to this Schedule a copy of the partnership agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is

authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all partners.

**C. Certificate for Joint Venture**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms \_\_\_\_\_, an authorised signatory of the company \_\_\_\_\_, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract \_\_\_\_\_ and any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Furthermore we attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY
Lead partner		

**D. Certificate for sole proprietor.**

I, \_\_\_\_\_, hereby confirm that I am the sole owner of the business trading as \_\_\_\_\_.

**E. Certificate for other.**

I, \_\_\_\_\_, hereby confirm that I am \_\_\_\_\_ of the business trading as \_\_\_\_\_.

THUS SIGNED AND SWORN TO BEFORE ME COMMISSIONER OF OATHS AT \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_, AT \_\_\_\_AM / PM, THE DEPONENT HAVING  
ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS DECLARATION AND  
THAT IT IS BINDING ON HIS CONSCIENCE.

\_\_\_\_\_  
COMMISSIONER OF OATHS

CAPACITY:  
(