



PPADB CIRCULAR NO.9 of 2021
(Made in terms of Section 28 of the PPAD Act)

Ref: PPADB3/1/1/1 I

27th October 2021

The Permanent Secretary to the President
All Permanent Secretaries
The Commander, Botswana Defence Force
The Commissioner, Botswana Police Service
Attorney General
Auditor General
The Governor, Bank of Botswana
The Registrar of the High Court
The President, Industrial Court
The Director General, Directorate on Intelligence and Security
The Director General, National Strategy Office
Director, Public Service Management
The Director General, Directorate on Corruption and Economic Crime
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 Parastatals
All Land Boards
All Local Authorities

Dear Sir / Madam

**RE: APPOINTMENT OF MEMBERS OF MINISTERIAL TENDER
COMMITTEES AND DISTRICT ADMINISTRATION TENDER COMMITTEES
DURING THE TRANSITION PERIOD OF THE NEW PUBLIC PROCUREMENT
BILL**

Kindly refer to the subject at caption.

1. The new Public Procurement Bill was approved by Parliament during its July sitting. This followed an intensive exercise of the review and consolidation of the current

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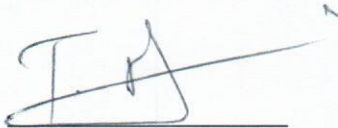
Page 1 of 3

Public Procurement and Asset Disposal Act (PPAD Act) and Local Procurement and Asset Disposal Act (LAPAD Act). The Bill is currently awaiting His Excellency, The President's assent and signature after which the new Act will replace the current LAPAD Act and PPAD Act. The new law is however envisaged to come into effect early in the year 2022, most likely on 1st April 2022.

2. Among other salient revisions, the New Law will phase out Ministerial Tender Committees (MTCs) and District Administration Tender Committees (DATCs). These two structures will be replaced by the Office of the Director, Procurement Oversight (Buyer) with the Accounting Officer being the ultimate Adjudicator on procurement related transactions in every Ministry.
3. Members of MTCs and DATCs are currently appointed by PPADB, upon recommendations from Accounting Officers, in line with Regulation 8, sub regulation 1 (c). Given the impending reality as aforementioned, the Board found it necessary to reflect on its continuous appointment of MTC and DATC Members during this transition period. Upon reflection it was considered that it is not ideal to continue to appoint new Members a few months before the New Law comes into place and that this may adversely affect continuity in Committees over the short space of time left.
4. The Board has therefore made a decision that **all currently serving Committee Members' tenure should remain valid up until the date when the new law comes into effect** and these Committees are dissolved. This will enable the Board to focus on the transformation exercise and trim off some exercises such as appointment and training of new Committee members that will be irrelevant when the new law comes into place.
5. Accounting Officers are advised that as and when members' tenure lapses before the new law effects, PPADB should be informed so that the administrative formalities such as signing relevant documents could be arranged, however that should not stop committees from functioning.
6. The Board further took cognizance of the fact that there are other exceptional cases where the appointment of a new member will be inevitable. This may be due to various reasons such as, but not limited to, retirement, transfer, death, redeployment of an old member. In such extraordinary circumstances, the Board resolved that Accounting Officers be allowed the latitude to recommend other Officers to replace the affected Members, on a case by case basis and in line with the standing procedure for appointment of MTC and DATC Members.

7. Furthermore, the Board resolved that for MTCs and DATCs which currently do not have a full complement of 7 Members, Accounting Officers should be allowed to recommend appointment of such Members in line with the current process of appointment of Members.
8. In conclusion, let me take this opportunity to acknowledge and appreciate the dedication displayed by MTC and DATC Members, despite the known challenges they face daily and wish them all the best in the last lap of this worthwhile race.
9. Thank you.

Yours faithfully,



Tumelo Motsumi
Acting Executive Chairperson