

**PPADB CIRCULAR NO.8 OF 2021**  
**(Made in terms of Section 28 of the PPAD Act)**

**REF: PPADB 3/1/1/1 I**

19<sup>th</sup> October 2021

The Permanent Secretary to The President  
All Permanent Secretaries  
Director, Public Service Management  
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 of Botswana  
The President, Industrial Court  
The Director General, Directorate on Intelligence and Security  
The Director General, National Strategy Office  
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 Chief Executive Offices, Parastatals  
All Chairpersons, Land Boards  
All Local Authorities

**RE: DELISTING OF MARCIAN CONCEPTS (PTY) LTD AND ITS REMOVAL  
FROM THE PUBLIC PROCUREMENT AND ASSET DISPOSAL CONTRACTOR  
REGISTRATION REGISTER**

**Rev. No: 00**

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1. Be advised that the Public Procurement and Asset Disposal Board (the Board/PPADB) in the exercise of its powers in accordance with Sections 50, 116, 123, 124, 125 and 126 of the PPAD Act, considered a matter emanating from investigations and recommendations of the Suspension and Delisting Committee and took a decision as enunciated below.
2. Marcian Concepts (Pty) Ltd was charged as follows:
  - a. Charge 1: Possible contravention of Clause 2.2 of the Code of Conduct of Contractors which states that a Contractor shall not use its, or his or her association or relationship with the Board or its Committees, or Government departments or agencies for the Contractor's advantage, material gain or advancement.
  - b. Charge 2: Contravention of Clause 3.6 of the Code of Conduct of Contractors which Clause provides that "A Contractor shall not engage in any activity that gives one bidder an improper and unethical advantage over other bidders".
  - c. Charge 3: Contravention of Clause 4.2 which provides that "A contractor shall not submit false information during the tendering process in order to deceive the Board, a procuring or disposing entity or client into believing that the contractor has capabilities to perform contracts which the contractor is not capable of doing by: 4.2.2 Overvaluing the contractor's assets.
  - d. Charge 4: Show cause why the Contractor should not be delisted and or removed from the PPADB register of Contractors in terms of Section 49 which provides that "the Board shall be responsible for all aspects of the management of the contractor registration system, inclusive of all decisions on application for registration, reclassification of registered firms and the discipline of contractors in breach of the code of conduct and defaulting on the execution of awarded bids".

3. Proceedings on the above charges were undertaken by the Suspension and Delisting Committee which subsequently placed recommendations before the Board. The Board on the 4<sup>th</sup> of October 2021 found the Contractor guilty of all the charges proffered against it with regard to illegitimate and improper registration and they were called upon to show cause why it should not be de-listed and removed from the contractor registration system with immediate effect.
4. The Board on the 6<sup>th</sup> October 2021, having considered all relevant factors including its statutory mandate to ensure the integrity and public confidence in the procurement process resolved to permanently delist and/or remove Marcian Concepts (Pty) Ltd from the contractor registration system with immediate effect, for the reason that their registration is *void ab initio* (having no legal effect from inception). The Contractor shall be removed from the Integrated Procurement Management System (IPMS) for all the Codes and sub-codes **that they held as per the Certificate attached herein (which has since been declared void)**.
5. In accordance with Section 125 of the PPAD Act the suspended contractors are debarred by the Board from registering a newly incorporated entity/ies for the duration of their suspension respectively.
6. It is highlighted to the Contractor and the larger public that in terms of Section 126 of the PPAD Act, where the defaulting shareholders, directors and senior officers of the suspended contractor join another contractor in key operational positions, such contractor shall be debarred from bidding on new tenders until the period of suspension has lapsed.
7. Procuring Entities, Ministerial Tender Committees, District Administration Tender Committees, Land Boards, Parastatals, all Government Departments and all entities falling within the ambit of application of the PPAD Act are herein advised of the Board's decision. All are directed not to engage in public procurement or asset disposal (including Micro Procurement) with the suspended contractors and the defaulting Directors, Shareholders and Senior Officials holding key operational positions in the Contractors' operations.

8. Procuring Entities are herein informed that the suspended contractors are not to benefit from public procurement and asset disposal. Procuring Entities are further advised that where they currently have ongoing contract(s) with a suspended contractor, they are empowered by Regulation 7B(1) of the Suspension and Delisting Regulations to decide, in consultation with the Board, whether or not to cancel any ongoing contracts with a delisted contractor, taking into consideration the factors prescribed in Regulation 7B (1) (a) to (f). It is therefore emphasized to Procuring Entities that the decision of whether or not to cancel any ongoing contracts with a delisted contractor must be made in consultation with the Board. All Procuring Entities must therefore submit their position on the matter to the Board for consideration speaking to each contract entered into with the affected Contractors, if any.
9. The Suspension and Delisting Regulations and Code of Contractors are annexed hereto to guide all on offences and penalties that can be imposed against Contractors.
10. Information on suspended or delisted Contractors is available in the PPADB website: [www.ppadb.co.bw](http://www.ppadb.co.bw).

Thank you.

Yours faithfully,



**K. K. KETSHAJWANG**  
**ACTING EXECUTIVE CHAIRPERSON**