

PROCUREMENT NEWS

APRIL - SEPTEMBER 2024

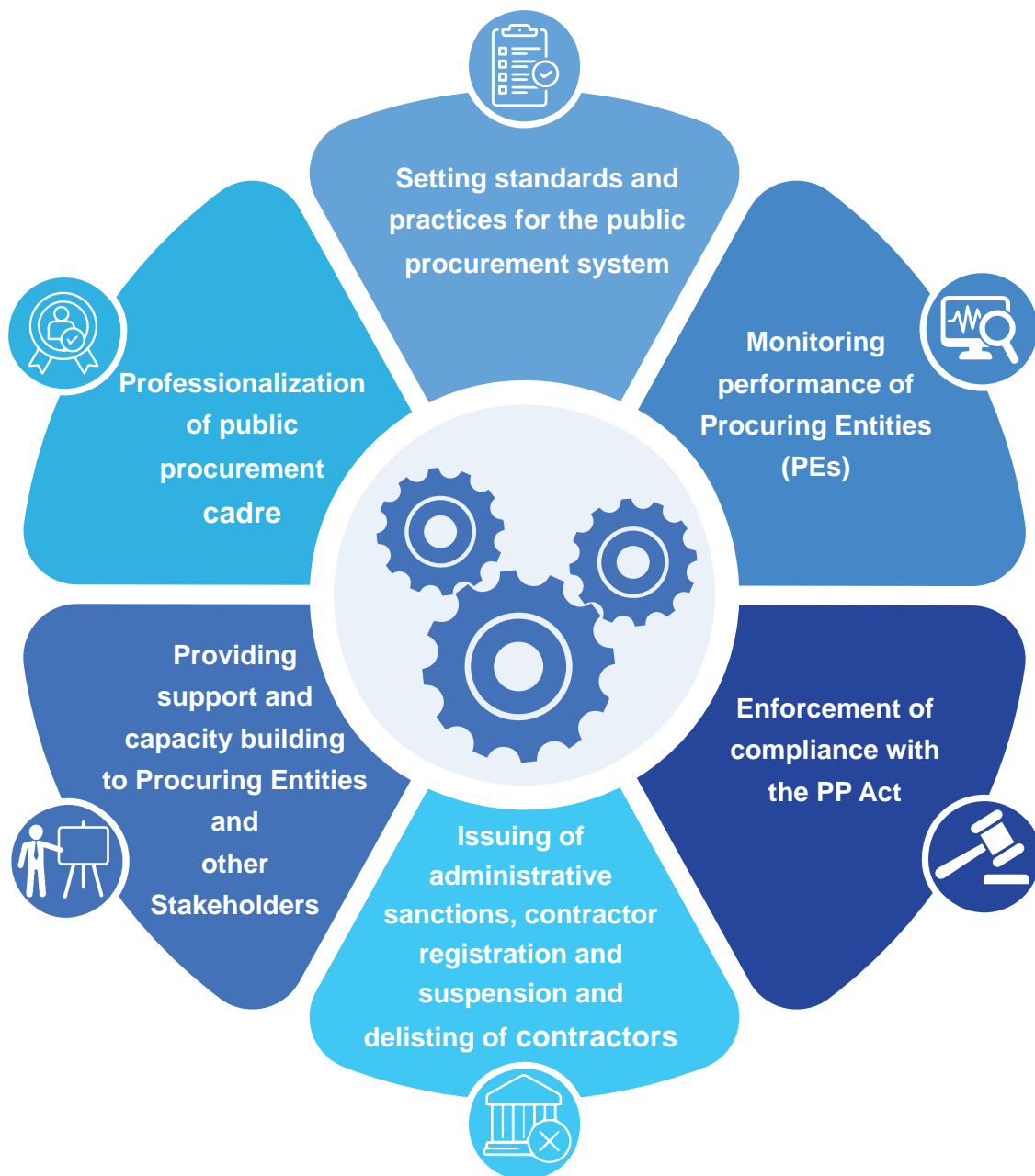


CORPORATE PROFILE

The Public Procurement Regulatory Authority (PPRA) was established by the Public Procurement Act of 2021 (the PP Act), which came into effect on 14 April 2022. PPRA has a nine (9) member Board appointed by the Minister of Finance in terms of section 13 (1) of the PP Act. The Board's appointment also effected on 14 April 2022.

The Board is responsible for providing strategic guidance and ensuring that PPRA successfully delivers on its mandate as highlighted in the PP Act. The PPRA Chief Executive Officer (CEO) is an Ex-Officio Member of the Board.

PPRA's mandate includes;



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EDITORIAL

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Public Procurement Regulatory Authority

“PPRA has been actively reaching out to educate stakeholders and raise awareness on the current changes”



PPRA Public Relations & Education Manager
Mr. Charles Keikothae

The journey of transitioning Public Procurement Regulatory Authority (PPRA) from the erstwhile Public Procurement and Asset Disposal Board (PPADB) continues and the highlight was the appointment of Ms. Tumelo Motsumi as the inaugural and substantive PPRA Chief Executive Officer. While she has been driving the transformation exercise on an acting basis, the appointment gives her the assurance and confidence as a torch bearer in the changing public procurement landscape.

Under the current challenging financial environment, PPRA has to explore avenues of raising the much-needed funds for the transformation exercise and ensure effective implementation of the new Public Procurement Act, 2021 hence partners such as the World Bank and the United States Trade and Development Agency (USTDA) are always critical and helpful.

The transformation exercise cannot achieve much success without the involvement of all stakeholders thus, despite limited resources, PPRA has been actively reaching out to educate stakeholders and raise awareness on the current changes.

Apart from education and awareness raising, capacity building has been instrumental in empowering Procuring Entities (PEs) on the new law hence the need to accredit PPRA training modules with both Botswana Qualifications Authority (BQA) and the Human Resources Development Council (HRDC).

“Kindly enjoy and give us feedback for continuous improvement.”



PPRA Chief Executive Officer
Ms. Tumelo Motsumi

“Ms. Motsumi has a distinct academic and professional background which includes Bachelor of Economics”

The Board of the Public Procurement Regulatory Authority (PPRA) appointed Ms. Tumelo Motsumi as the Chief Executive Officer of the Authority, effective 1st April 2024.

Ms. Motsumi was the Acting Executive Chairperson of the erstwhile Public Procurement and Asset Disposal Board (PPADB) from 1st November 2021 to 13th April 2022. When the Public Procurement (PP) Act, 2021, came into being, which transitioned the then PPADB into PPRA, she was appointed to lead the new organisation as the Acting Chief Executive Officer, from 14th April 2022.

Ms. Motsumi was instrumental in the public procurement transformation during her acting period as the CEO by ensuring that the transition to the new public procurement law is well managed. Her extensive knowledge of public

procurement, leadership and commitment have been critical in driving the transformation exercise and will assist drive the strategic vision of the PPRA.

Ms. Motsumi's notable achievements thus far include the following; Guiding the development of the Public Procurement Act as well as its implementation by among others transforming the then PPADB into a Regulator through the completion of PPRA's first four-year strategic plan as well as overseeing the PPRA organisational structure, related policies and programs, all of which are expected to be completed by the end of the current financial year.

She has also been instrumental in leading the review of the capacity building training modules to align them with the new Act and accrediting the non-credit

bearing modules with the Human Resources Development Council; re-accrediting PPRA with the Botswana Qualifications Authority as an Education and Training Provider until 2029, and completing the first compliance assessment of PEs which formed the baseline upon which improvements or otherwise in compliance of PEs to the PP Act will be determined.

The Board found Ms. Motsumi to be the ideal person to take the Authority forward based on her commitment to explore ways and means to continually make improvements to the Public Procurement Act and its implementation through stakeholder engagement particularly in the areas of citizen participation and empowerment; professionalisation of the procurement cadre and putting in place appropriate public procurement structures in Procuring Entities.



PPRA Board Chairperson Mr. Gerald Thipe (R) and Chief Executive Officer
Ms. Tumelo Motsumi (L)

Ms. Motsumi is a seasoned Economist and a procurement professional whose career spans over twenty-six (26) years having started with the then Botswana Technology Centre (BOTEC) in 1997 where she progressed to the level of Senior Economist until 2005 when she joined the Public Enterprises and Evaluation Agency (PEEPA) as a Business Analyst.

In 2008, she joined PPADB as a Principal Procurement Specialist and rose to the position of Manager in 2013, and that of Executive Director Services in 2017, and the Acting Executive Chairperson in November 2021.

Over the years, Ms. Motsumi gained experience and skill in project appraisal and transfer of technologies to industry, different forms of privatization such as divestiture and outsourcing as well as adjudication and compliance assessment in procurement.

Ms. Motsumi has a distinct academic and professional background which includes Bachelor of Economics (1997), University of Botswana; Master of Economics (2001), University of Stellenbosch, Republic of South Africa; MCIPS Chartered Institute of Procurement and Supply (2019); and Senior Management Development Programme (2014), University of Stellenbosch.

Other trainings she has undertaken include Project

Management; Project Appraisal; Audit and Monitoring of Procurement; Designing High Performance and Sustainable Public Private Partnerships (PPPs) in Infrastructure, Health, Education, Security and Sports Sector; and Procurement and Contract Management Procedures among others. She is also a BQA certified trainer and assessor in procurement.

Ms Motsumi sits in the Executive Committee of the African Public Procurement Network (APPN) and chairs the Southern Africa Regional sub-committee of the Network. APPN is network of all Regulators of Public Procurement in Africa meant for Capacity Building and sharing of information and experiences amongst member countries.

The Board, Management and Staff of PPRA congratulates Ms Motsumi on her appointment and look forward to her positive contribution in driving the transformation of public procurement and making PPRA a high performing organisation.



PPRA ICT Manager Mr. Oteng Raesima (In stripe shirt) and other staff members
applauding the appointment of Ms Motsumi as PPRA CEO



The Deputy Chief of Mission at the U.S Embassy in Botswana Ms. Allyson Algeo and Mr. Kennekae after the MoU signing.



The top table at the MoU signing ceremony

On the 25th September 2024 the Public Procurement Regulatory Authority (PPRA) signed a Grant Memorandum of Understanding (MOU) with United States Trade and Development Agency (USTDA) at Grand Palm Hotel, Gaborone. The US\$ 1.32 million USTDA grant is meant to strengthen compliance to the Code of Conduct and enforcement mechanisms for procurement officials and contractors, compliance monitoring and reporting and training.

Giving welcome remarks during the signing of the MOU, PPRA then Acting Chief Executive Officer Mr. Lucas Kennekae said it is noble that the PPRA and USTDA found it beneficial and necessary to partner in strengthening compliance and enforcement mechanisms of the Public Procurement laws, rules, processes and procedure in Botswana through Global Procurement Initiative (GPI). The GPI also seeks to cultivate understanding of Best Value Procurement as well as to build capacity of the developing and

middle-income countries to establish sound procurement policies and practices that ensure a fair, transparent, and level playing field in international tenders where the U.S. industry has expertise and will be interested to bid.

He stated that PPRA's relationship with the USTDA dates as far back as 5 March 2014 when the inaugural MOU was signed between USTDA and the erstwhile Public Procurement and Asset Disposal Board (PPADB). He said that the MOU was renewed every three years aiming at capacitating PPRA staff, Procurement Units at various Ministries, Parastatals, Land Boards and Local authorities in integrating best value procurement considerations in the public procurement system in order to achieve optimum results from the procurement process.

Mr Kennekae highlighted that since the initial signing of the MOU there has been meaningful collaboration between PPRA and USTDA geared towards operationalisation

of the GPI and strengthening procurement capacity of the Procurement Entities and the PPRA. He said the activities included three-day in-country workshops for 50 Botswana government officials in Gaborone on the 3 and 5 March 2014, and that the workshop participants were trained on topics including life-cycle cost analysis, framework contracts for ICT and construction, as well as debarment and contract management practices.

He said the workshops were facilitated by reputable Professors of Law from the George Washington University Law School (GW), and that participants also received specialised, sector-specific training from energy procurement specialists.

Mr. Kennekae pointed out that as a follow up to the above-mentioned workshops, an orientation visit to the United States for fourteen (14) Botswana procurement officials was organised and undertaken on the 6-13 December, 2014, and that



the delegates received advanced training on how to incorporate international best standards on public procurement into tenders.

He further stated that in addition to attending specialised training sessions at USTDA, the officials also traveled to Austin, Texas to examine case studies of value and quality-based procurement at the U.S. federal state.

Mr Kennekae further pointed out that a grant to fund two senior procurement advisors to assist the Ministry of Minerals, Energy and Water Resources in developing value for money tenders for water and energy was provided, and that the USTDA is reviewing proposals for potential future activities with Botswana.

He said that Botswana has shared lessons learnt and provided guidance to other GPI partner countries, including Ethiopia.

Further, he said that a two-day code of ethics training to 30 procurement officials was held in May 2016 as part of the GPI program with a goal of determining steps the then PPADB and the Government

of Botswana could take to adopt a procurement-specific code of conduct. This resulted in a code of conduct being developed.

He highlighted that PPRA participated in the development of a pilot course on Life Cycle Cost Analysis (LCC) as part of improving the Course alongside three other countries; Vietnam, India and Panama, adding that the curriculum was targeted at procurement officers globally. The goal was that it would be universally applicable and translated into online courses. He said that as part of this initiative, USTDA organized a workshop in Gaborone on the 22-26th July 2019 to train Government Procurement Officers from high spending Ministries, PPADB Board Members and Procurement staff. He said this was followed by two virtual training series on life cycle cost for best value procurement in 2021.

Moreover, he pointed out that in February and March 2022 USTDA provided 12 virtual training series on best value procurement to Government Buyers, Procurement Directors in Ministries and Local Authorities, and the PPRA staff.

He stated that topics covered amongst others included; Project Management in Infrastructure Procurement, E-procurement, Climate Considerations, all of which are relevant to the current public procurement reform process by the Government of Botswana and aligns well with the Public Procurement Act and Regulations.

Mr. Kennekae pointed out that in 2022, USTDA extended another technical assistance to the PPRA in the form of a US\$ 1,385,800.00 grant meant to finance the development of fundamental tools that will assist the PPRA in delivering its regulatory mandate. These tools include the Public Procurement Manual, Procurement Compliance Audit Manual as well as training of Procurement Entities, and the PPRA staff on both manuals.

He stated that the project was at an advanced stage, pointing out that the project was expected to be completed by 30 October, 2024. The manuals will facilitate compliance and capacity building of the procurement personnel.

PPRA CONDUCTS STAKEHOLDER CONSULTATIVE WORKSHOP FOR WORKS



Participants during the deliberations of Works Consultative Workshop

Public Procurement Regulatory Authority (PPRA) Chief Executive Officer (CEO), Ms. Tumelo Motsumi says as part of the Authority's mission to regulate and oversee the public procurement system, in line with best practice, one of PPRA's strategic intents is to ensure compliance to the Public Procurement (PP) Act, 2021, and that in order to ensure effective undertaking of its oversight role, PPRA recognises the need to continually engage with stakeholders.

Giving welcome remarks at the Works Consultative Workshop in Gaborone on Wednesday, 11 September 2024, Protea Hotel, Ms. Motsumi pointed out that in order to improve service delivery, and ensure a more sustainable public procurement system that aligns to national strategic priorities (National Transformation Strategy, Public Finance Management Reforms etc.), it is necessary to interact with stakeholders for continual improvement of procurement procedures and processes.

She said that effective public procurement should optimise the balance between quality, cost, and delivery in line with Section 83 of the PP Act, 2021, as well as Public Procurement (PP) Regulations 12(a) and 60(3)(h)(iv) of 2023, and that it is mandatory to

assess reasonableness and completeness of a price when evaluating bids.

She highlighted that public procurement in Botswana is premised on the principles of value for money, transparency, fairness and competition as well as good governance, and that value for money is the most important principle as encapsulated in Section 7 of the PP Act, 2021.

Ms. Motsumi pointed out that it is imperative to highlight that value for money is not merely about achieving the lowest price, which would be a very narrow inference of the term.

"It is about achieving the optimum combination of whole life costs, which factors in both price and quality. In some quarters it has been defined as 'the most advantageous combination of cost and quality to meet customer requirements.' Recently, sustainability has also been added to the definition", she said.

Ms. Motsumi further pointed out that the basis for requiring price analyses and documentation is that it is consistent with sound business practice, and ensures value for money and that public funds are expended

in the most efficient (cost-effective) manner, thus conserving limited resources. She said a price that is excessive or unreasonable totally fails to accomplish these important goals.

“A price which is determined to be fair and reasonable is the fulfilment of this important objective, as it concludes that the proposed price is fair to both parties, not just the buyer, but the Contractor as well, considering the quality, cost, delivery and other factors”, she said.

She stated that following several other stakeholder engagements, it has become apparent that there is a need to revisit the issue of reasonableness of price, particularly as it relates to works contracts, pointing out that the expressed challenge by Procuring Entities (PEs), in measuring reasonableness of price for works contracts, is what prompted the consultative workshop.

Ms. Motsumi highlighted that the participants serve as critical stakeholders well suited for such engagement, particularly as this presents an opportunity for PPRA to:

- sensitise them on effective application of the PP Act, 2021;
- learn from participants, on the best ways to measure reasonableness of price, with particular reference to works contracts; and
- solicit and/or offer further advice as may be considered helpful and relevant.

She urged participants to freely share their experiences and whatever constraints encountered so that pragmatic ways of addressing those could be found with a view to facilitating fair competition and transparency in public procurement.

PROCUREMENT CYCLE FOR GOODS



Public Procurement Regulatory Authority (PPRA) announced 13-17 May 2024 as the Business Continuity Awareness Week (BCAW 2024), a campaign organized by the Business Continuity Institute (BCI) to raise awareness on Business Continuity and Resilience under the theme “**Empowering tomorrow: Building resilience today.**”

Business Continuity Management (BCM) is focused on planning for unexpected events which can impact critical business infrastructure and processes. It ensures that in the event of a major operational disruption, measures are in place not only to minimise the impact of such an event but also to facilitate the recovery and continuation of operations within timeframes acceptable to stakeholders.

Business Continuity Planning (BCP) is an organization's preparation process aimed at ensuring that critical business functions can be performed and available to all stakeholders in the event of a business interruption, emergency or incident which damages or prevents access to operational facilities and/or key processing equipment/s. Some critical business functions at PPRA include customer service, SharePoint intranet, IPMS, Internal Procurement, and printing services. An effective BCM develops a roadmap for maintaining service levels, consistency and recoverability for these operational

activities. In addition, BCP involves determining the strategy and methodology by which desired continuity will be achieved.

The week-long event was dedicated to raising awareness and promoting best practice for building resilience in organizations. The PPRA's participation reflects its commitment to embedding resilience practices in the organisation, ensuring that staff is prepared for any potential disruptions to operations. Each day of the Business Continuity Awareness Week had a focused activity as follows:

Interactive Session

The week kick started with an Interaction Session. Interactive sessions are used to encourage creative thinking and brainstorming. Opening remarks were made by the then Acting Chief Executive Officer, Mr. Augustine Tema, who encouraged staff to participate fully in the Awareness week. The Acting CEO stated that the organisation is aware that an incident can strike with major repercussions and little, or no, warning. He said that being prepared to keep critical processes running during an incident is a must. He said the successful embedding of a BCM mindset and culture within PPRA is primarily dependent upon it becoming an integral part of the organization's strategic and day-to-day management.

Battle box updating and Survey

A Battle box is a quick access to necessary supplies. The Battlebox

contains clear and concise incident management documentation to be used as a first response in managing the evacuation process, ensuring effective communication that will support the entire incident process in a hands-on approach. It provides storage of items such as (Processes, contracts, BCM plans, spare keys, master keys, staff list, etc.) that might be needed in case of disaster. The objective of BCM is to enable carrying on with service provision in the event of disasters. Continuous updating of the battle box ensures achievement of the mandate to avoid loss of production.

BCM Testing and Validation

PPRA does regular testing as a mechanism to ensure the Authority reaches the level of comfort and that the continuity/recovery strategies and supporting infrastructures are sufficient to cope with a real-life crisis. Without adequate testing at the appropriate layer, staff and management may not work appropriately.

BCM Refresher Course

It is important that the employee base in general is aware of BCM efforts being undertaken by the organization and their specific role in the larger scheme of things. For example: every employee must be aware of what they have to do when the emergency alarm goes off, evacuation procedures, and communications during the crisis. This training includes almost all the staff - the management and employees. The topics that the

participants were trained on, were Definition of BCM, Planning for Disruptions, Reasons for Business Continuity Planning and BCM Lifecycle. The participants were given workshop evaluation forms in the form of questionnaires to

evaluate the workshop.

Debate Competition

The last activity of the week was a competition between two groups (Staff and Management) in the form of a debate. This was to check their

level of understanding on business continuity. Management was of the motion that Business Continuity Management is essential and worth spending on while staff was opposing the motion. Overall BCM champions (Winners) were the Management.

The representatives for the debate were as follows:

Participants	Divisions	Group
Mr. Martin Monna	Corporate Services Division	Staff
Mr. Ontiretse Diboko	Executive Office	Management
Mr. Letso Makgosa	Contractor Registration Unit	Staff
Owen Tshepo Katse	Strategy Division	Management
Valentine Modise	Supplies Division	Staff
Lefoko Ramoatlhodi	Services Division	Management



Management Representatives (L) and Staff Representatives (R) during BCM Debate



Staff listening attentively during BCM debate session

The Public Procurement Regulatory Authority (PPRA) through the Chief Executive Officer, Senior Manager, Strategy, Research and Policy and the Public Relations and Education Manager attended the Business Botswana 17th National Business Conference, Adansonia Hotel, Francistown, 25-28 August 2024, held under the theme, “***Invigorating Economic Transformation through the Private Sector***”. Various topics were discussed through different speakers.

When officiating the conference, His Honour, the Vice President of the Republic of Botswana Mr. Slumber Tsogwane, challenged all participants to engage in collaboration and speak from the heart, to come up with solutions and not dwell on problems, adding that there are more opportunities than challenges.

He said that the National Business Conference has got two primary objectives; to bring businesses together and to provide a platform for businesses to network. He said every two years the Conference takes place in Francistown for networking and honest assessment of how government and the private sector are doing, and that it should not be a blame game platform.

His Honour the Vice President pointed out that the target to attain high income status will not be possible without input of the private sector. He said the 17th National Business Conference comes at a time when the global economy is facing challenges hence the theme of the conference is appropriate as underpinned by the National Transformation Strategy. He said the aim is to achieve a diversified export led economy, and that government alone cannot achieve economic diversification without the private sector, but can only provide an enabling environment.

He said that the African Continental Free Trade Agreement (AFCFTA) provides much needed opportunities and that, “we should ask ourselves a question, what kind of products should we be known of?”

He expressed happiness that Business Botswana is supporting citizen economic empowerment through #Pusher BW, and called for upping the game on competitiveness, adding that PPPs should be exploited.

His Honour, the Vice President called for more education on government initiatives pointing out that there was a huge out cry when borders were closed for certain imports. He emphasized that the objective of the decision was to reduce the import bill and to promote food security. He further emphasized that the out cry mainly emanated from lack of or inadequate information on the objectives of such initiatives or decisions.

PPRA Chief Executive Officer Ms. Tumelo Motsumi was also part of the facilitating team as she was involved in a Roundtable Discussion on Tuesday, 27 August 2024 in the morning under the topic, “Empowering the Private Sector through Innovative Public Procurement”.

There were eleven (11) resolutions at the end of the conference (from the different topics discussed) as follows:

1. **Private Sector Growth through Digital Transformation**
 - a. Integrate digital transformation into educational curricular and invest in capacity building to equip individuals with essential digital skills.
 - b. Foster collaboration between government and private sector to drive digital initiatives and transition to a private sector-led economy.
2. **Private Sector-Led Economy through Transformative Leadership****
 - a. Promote inclusivity through different fora for various demographic groups and encourage domestic resource mobilization through crowdfunding.
 - b. Broaden the definition of innovation beyond digital advancement and support

transformational leadership that empowers creative thinking.

3. Export-Led Economy

- a. Establish an export facilitation fund to support exporters and improve trade efficiency.
- b. Build the capacity of trade facilitation agencies to ensure seamless trade and provide incentives for exporters, such as tax breaks.
- c. Develop targeted industries and infrastructure to enhance Botswana's competitiveness in the global market.

4. Private Sector Growth through Value Chain Development

- a. Increase government investment in research and development to drive innovation within value chains.
- b. Foster a global mindset among entrepreneurs to expand beyond the local market.

5. Empowering the Private Sector through Innovative Public Procurement

- a. Implement a one-stop e-Portal for SMEs to streamline transactions and improve data capture.
- b. Promote private-to-private mentorship programs and financial literacy to empower startups.
- c. Ensure timely government payments to service providers to improve cash-flow and private sector participation.

6. Private Sector Growth through Privatization

- a. Align privatization strategies with Vision 2036 and national development plans, ensuring clear communication of responsibilities. Establish effective governance structures for both private and government entities to facilitate the privatization process.
- b. Encourage a proactive approach by the private sector in leading privatization efforts, reducing reliance on government.

7. Linking Poverty and Inequality Reduction with Private Sector Growth

- a. Implement fair and predictable taxation for the private sector and establish independent regulators
- b. Encourage CSR as a mandate for businesses

to contribute to community development and address poverty.

8. Accelerating Growth through AFCFTA

To position Botswana as a specialized Industrial Hub for the AFCFTA by:

- a. Identifying at least 5 regional value chains (RVC) in specific industries (salt, meat, vaccine, leather, automotive) and develop a world class marketing strategy for each one.
- b. Build a collaborative and enabling ecosystem for SMEs and ICBTs (esp. youth & women owned) by aligning efforts of enterprise support organizations in those specific industries (regulators, funders, HCPs, market development agents, transport and logistics, infrastructure-digital/physical).

9. Empowering the Health Sector for Effective Service Delivery

- a. Facilitate public-private collaboration in healthcare innovation to reduce costs and improve access.
- b. Invest in infrastructure for vaccine and medicine manufacturing to position Botswana as a global player.
- c. Promote medical value tourism by incentivizing the private sector to export healthcare services.

10. Creating Synergies between Higher Education and the Private Sector**

- a. Evolve the education-private sector relationship into a more integrated partnership that adapts to industry needs.
- b. Promote integrated learning and the development of skills aligned with technological advancements.
- c. Strengthen research funding and enhance the regulation of educational programs to drive innovation and industry alignment.

11. Fostering Mindset Change, Accountability, and Culture for Effective Implementation**

- a. Strengthen the date ecosystem and improve financial literacy to support informed decision-making.
- b. Encourage early childhood education and alignment of the education system with global trends to foster innovation.

TRAINING AND ADVICE ON THE NEW PUBLIC PROCUREMENT ACT, 2021

The Authority wishes to inform all PEs and other Stakeholders that it offers training on the new Public Procurement Act. Accordingly, PEs and other stakeholders are advised to approach the Authority for training on the new Act where required. This is important for purposes of creating consistency, common understanding and promote compliance to the Act. This is also important to create standard approach to issues and to support PEs through this transition period.

PPRA REVIEWS CAPACITY BUILDING FEES

The Public Procurement Regulatory Authority (PPRA) has increased its capacity building fees with effect from 1st September 2022. The increment follows a partial review of the capacity building fees which have been and are still below the market. The reviewed fees are part of the cost recovery policy meant to bring a level of self-sustenance.

COST DESCRIPTION	RATES AFTER REVIEW (BWP) EFFECTIVE 01/09/2022
Procuring Entities (PEs)' workshops per day for 30 or less participants	15 000.00
PEs with more than 30 participants for each extra participant per day	750.00
Where workshop takes half a day or less, the client organization pays for each participant per day	7 500.00
Workshops for contractors per delegate per day	750.00

In addition, the following categories have rates as shown below:

- Procuring Entities in the Private Sector will be charged P1 000.00 per person per day.
- Youth businesses will be charged fifty percent (50%) of the total cost.
- Capacity Building Fees for online and face-to-face mode of delivery will be charged at the same rate.

Training and advice on the new Public Procurement Act, 2021

The Authority wishes to inform all Procuring Entities and other Stakeholders that it offers training on the new Public Procurement Act. Accordingly, Procuring Entities and other stakeholders are advised to approach the Authority for training on the new Act where required. This is important for purposes of creating consistency, common understanding and promote compliance to the Act. This is also important to create standard approach to issues and to support Procuring Entities through this transition period.

For any clarification on the matter, kindly contact the PPRA Capacity Building Coordinator Mr. Lisani Nzhuzha at Tel: +267 3602057 or Email: lnzhuzha@ppra.co.bw

PPRA CELEBRATES BOTSWANA'S 58TH INDEPENDENCE DAY

The Public Procurement Regulatory Authority (PPRA) staff, dressed in Tswana attire, joined other organisations and Batswana at large in celebrating and appreciating Botswana's 58th Independence anniversary. The day was celebrated under Vision 2036 pillar of "**A Proud and Secure Nation**".

The day is celebrated on the 30th September of every year, and this year, Botswana is short of only two years to reach its diamond jubilee.

Giving remarks during the event, the then Acting PPRA Chief Executive Officer, Mr Lucas Kennekae stated that Batswana celebrate their Independence Day with an understanding and appreciation of the sacrifices that their fore-fathers made to build a legacy that we

now have.

He said that some will say it was a struggle while some will call it some other names, adding that Batswana have now been celebrating year on year the independence of their country with pride because it is an indication of a resilient nation.

He said every time he takes a look of where Botswana was at the time of independence, he always feels like this has been a mammoth task beyond understanding.

He highlighted that at independence Botswana had absolutely nothing and it found its feet from its independence, taking off from that point to become an icon of envy to many nations.



PPRA Staff during the 58th Independence celebration at PPRA showcasing Botswana culture



PPRA Staff during the 58th Independence celebration at PPRA showcasing Botswana colours

PPRA RELEASE THE 2024 PRICE REFERENCE GUIDES FOR COMMON USE ITEMS

Section 7 of the Public Procurement Act (the PP Act) mandates the Public Procurement Regulatory Authority (the Authority) to uphold principles of fairness; equity; competition; transparency; accountability; efficiency; non-discrimination; honesty; value for money and public confidence in procurement standards and practices.

In line with Section 83 of the PP Act, the Authority annually compiles and issues the Price Guides. These are a presentation of indicative unit prices for goods, services, and works; their specifications as well as units of measure for commonly procured goods and services. The Price Guides provide indicative prices for reference by Procuring Entities (PEs) and Procurement Units (PUs), as well as by Bidders, in preparing their bids; to estimate contract value and measure the reasonableness of prices when evaluating a tender.

The main goal of compiling the Price Guides is to strengthen the public procurement system to achieve high levels of rationality. PEs and PUs are therefore mandated to make use of the Price Guides in determining the reasonableness of prices when evaluating a tender.

The following list of twenty-three (23) Price Guides have therefore been published for the 2024/2025 financial year (effective 1st April 2024):

No.	SUPPLIES	SERVICES	WORKS
1	Animal Feed	Accommodation & Conferencing Services	Works Professional Fees
2	Building Materials	Accounting, Assurance & Tax Services	
3	Car Batteries	Advertising Services	
4	Domestic Supplies	Freight Forwarding & Customs Clearing Services	
5	Food Rations	ICT Support & Maintenance Services	
6	Furniture	Legal Services	
7	Oils & Lubricants	Management Consultancy Services	
8	Personal Protective Equipment	Office Contract Cleaning Services	
9	Stationery	Security Services	
10	Toners		
11	Tyres		
12	Vehicles		
13	Vehicle Spares		

Please note that the Price Guides as well as the applicable **Instructions on the use of the Price Guides** are readily available and accessible from the Authority website: www.ppadb.co.bw and the Integrated Procurement Management System (IPMS): <https://ipms.ppadb.co.bw>.

How to use the Price Guides

- Identify the lowest price of interest from the bidders who have passed the technical and financial assessments (depending on the method of evaluation employed);
- Compare the price of interest identified in 2.1 above, with the Reference Price (the average price, as reflected in the Price Guide); for the specific item/service and locality. In instances where the location is not specified, the price of the nearest locality indicated in the Price Guide should be used;
- Calculate the deviation of the price from the Reference Price using the limit of + (plus) or – (minus) 15% as illustrated in Table 1.1 below. Prices that fall within the margin of deviation are considered reasonable.
- Should the bid price fall outside the +/- 15% bracket of the reference price, without any justification for this discrepancy, the bidder is disqualified, irrespective of the extent of derogation from the 15%; and the next lowest price is considered. This process should be followed until a suitable Contractor that falls within the margin is identified.

Note 1 It is imperative to highlight that although careful consideration has been made to ensure that the Price Guides are up to date; there may be instances where Reference Prices are exceptionally low or high, due to various (justifiable) reasons such as discounts and exchange rate fluctuations. If such occurrences exist, they ought to be interrogated further; with Procurement Entities carrying out due diligence and taking into cognisance market dynamics. Upon embarking on such, and noting the discrepancies, the PEs are to duly notify the Authority on these and seek advice on way forward.

Note 2 In some instances, the price list includes brand names for the respective items, these would solely be mentioned to emphasize the specification of the item. Therefore, the stated brand names are not an exclusive recommendation or prescription by PPRA, but merely mentioned to augment description of the item.

Note 3 The use of the Price Guides in assessing reasonableness is not applicable to Works Construction projects, unless there is procurement of items that constitute building materials (as per the specific Price Guide), which would in such instances be a supplies function. Furthermore, the specified +/- 15% deviation threshold, indicated above, is not to be confused with the Engineers' estimate, which has been abolished.

Note 4 The published reference prices should be used as they are, and not be altered in any way, particularly the application of Price Guides which have reference prices that are inclusive of VAT when bidders comprise of companies that are both VAT registered and VAT exempt entities. If bidders being evaluated comprise of companies that are a combination of both VAT registered and VAT exempt entities, the bidders' prices should be evaluated without VAT for them to be comparable.

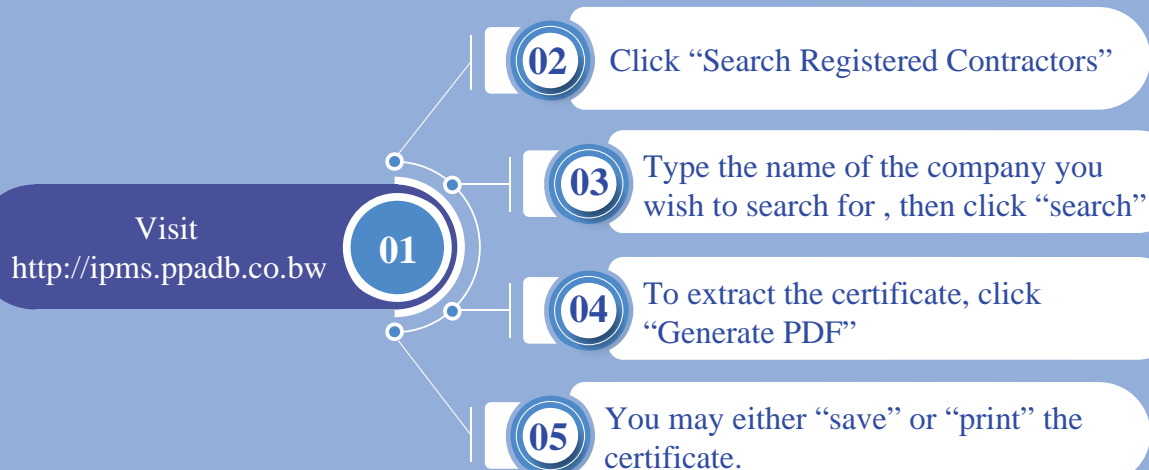
Note 5 In the use and application of the Price Guides, PEs are expected NOT to make any amendments or alterations to the published Price Guides, but instead, they are to engage PPRA to offer guidance when in doubt.

Table 1.1 Illustration: Use of the limit of Deviation

No.	Item Code	Item Name	Description / Specification	Unit	Price (BWP)	+-15%	Price range+-15%	
							-15%	+15%
BMW 5 SERIES SEDANS								
1	VL001 01	BMW	520d, Gear Paddles for Automatic Transmission	Each	578,509	86,776.35	491,732.65	665,285.35
2	VL001 02	BMW	520i, Gear Paddles for Automatic Transmission	Each	546,930	82,039.50	464,890.50	628,969.50
3	VL001 03	BMW	528i, Sport Automatic Transmission	Each	657,895	98,684.25	559,210.75	756,579.25
4	VL001 04	BMW	530d, Sport Automatic Transmission	Each	744,737	111,710.55	633,026.45	856,447.55
5	VL001 05	BMW	535d, Sport Automatic Transmission	Each	859, 211	128,881.65	730,329.35	988,092.65

In evaluating the price of a **BMW 520d, Gear Paddles for Automatic Transmission**, in the above instance, any price quoted by the bidder that ranges between P491,732.65 and P665,285.35 is considered reasonable. However, should the bidder's price fall outside the specified range, **without any justifiable cause**, irrespective of the extent to which it varies, the bid should be disqualified from further evaluation.

HOW TO SEARCH FOR REGISTERED CONTRACTORS ON IPMS



PPRA OPENS THE RESOURCE CENTRE FACILITY

The Public is informed that Public Procurement Regulatory Authority (PPRA) will, with effect from 1st April 2024, open the resource center facility for use by the Public. The resource center will be offering the following services at a fee:

- Creation of new Contractor Registration Applications
- Application for Additional Codes
- Application for upgrade
- Attend Clarification(s)
- Update Basic Profile
- Password reset

The authority will with effect from 1st April 2024 provide the following services at a cost as per the below schedule:

SERVICE		PRICE (BWP)
RESOURCE CENTRE	NEW APPLICATION	300.00
	ADDITIONAL CODES/UPGRADE	150.00
	RENEWAL	150.00
	ATTEND CLARIFICATION	75.00
	CHECK APPLICATION STATUS	30.00
	UPDATE BASIC PROFILE	75.00
POST REGISTRATION CHANGES	CHANGE OF ENTITY NAME	300.00

The public is advised that the above services are applicable to those who require physical handhold interaction with PPRA staff, otherwise the online platform remains available to be fully utilised free of charge. Therefore, the public is encouraged to utilise the password reset self-service online facility, apply for codes from the comfort of their homes, workplace or anywhere, where there is an internet connectivity.

Please note that the charges are for handholding fees, the applications will still be subjected to set requirements and due process.

Further, the resource centre services will be provided at PPRA Francistown office only while availability of such services in the Gaborone office will be communicated in due course.

For more information on the services kindly contact the Public Relations and Education Office at (+267) 360 2014 / 82 / 17.

RETURNING OF PUBLIC PROCUREMENT FORMS

Following enactment of the Public Procurement Act, 2021 (PP Act/the Act), the new Public Procurement Regulations of 2023 (PP Regulations/the Regulations) came into effect on the 28th of March 2023. The Regulations make provision for the use of the revised public procurement forms catalogued at Schedule 1 of the Regulations.

The PPRA requested all Procuring Entities, which have the old forms, i.e, PPADB Form 1A, PPADB Form 1B, PPADB Form Three (3), First Schedule and Second Schedule to return all of them to the PPRA offices and furnish the Authority with a savingram to request the new forms. The deadline for the return of the old forms was set for 30th November 2023.

The new forms consist of Form D (previously called Second Schedule, Form G (former 1A, Form 1B has been separated into two; Form I (Financial Opening, and Form H (Technical Proposal Opening), and Form E.

Procuring Entities were and continue to be advised that Form 3, which is not within Schedule 1 of the revised Regulations, is available on request from the Authority. All addressees were advised to ensure that the communication was widely distributed to all their departments at the earliest opportunity and ensure timely action of its contents.

SALE OF PPRA PROCUREMENT FORMS

The new Public Procurement Regulations of 2023 (PP Regulations/the Regulations) make provision for the use of the revised public procurement forms catalogued at Schedule 1 of the Regulations.

All Accounting Officers are informed that effective 1 April 2024, the under-listed Public Procurement were availed to Procuring Entities at a cost of P200.00 per booklet, for mandatory use by all Procuring Entities:

- Form D - Requisition form,
- Form E - Availability of Funds,
- Form G - Single Envelope,
- Form H - Dual Envelope (Technical Opening),
- Form I Record of Financial Opening (Dual Envelope or package)
- PPRA form 3 (recommendation for award)

Controlled copies of the remaining forms, listed in Annexure 2, are available in the PPRA website at no cost.

Annexure 2

FORM	REASON
Form A - Schedule 1 (Evaluation Report)	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the procurement.
Form B - List of restricted Items	It needs to be editable to allow PEs to insert as much content as dictated by the number of projects
Form C - Annual Procurement Plan)	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the procurement.
Form F – Integrity Agreement	It will form part of the bidding document and therefore should be editable
Form J – Application for deviation from use of a Procurement method	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the request and reasons thereof
Form K – Application to use Alternative Procurement Process	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the request and reasons thereof
Form L- Request for Retroactive Approval)	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the request and reasons thereof
Form M – Declaration of Beneficial Owners	It will form part of the bidding document and therefore should be editable
Form N – End of Activity Report	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the procurement and observations made
Form O – Declaration of interest	Not ideal to sell as individuals may use its non-availability as a defence when prosecuted for failure to declare interest
Form P – Confidentiality Relating to Procurement Process	Not ideal to sell as individuals may use its non-availability as a loop hole where they fail to observe confidentiality
Form Q – Request for Change of Particulars of contractor in contractor's	To be done online
Form R – Application for Registration in Contractors' Register	To be done online
Form S – Application for Upgrade of Contractor	To be done online
Form T – Application for Downgrade of Contractor	To be done online
Form U – Application for Restoration of Contractors Name in the Contractors Register	To be done online
Form V – Application for Renewal of Certificate of registration	To be done online
Form W – Submission of Allegations to Authority	It needs to be editable to allow PEs to insert as much content as dictated by the nature of the allegations
Form X – Application to be removed from Register of Suspended or De-listed Contractors	To be done online
Form Y- Lodging of Complaints	Not ideal to sell to bidders for them to submit complaints
Schedule 2 – Fee	This is not a form but rather a list of Contractor Registration fees

Fairs and Exhibitions

As planned in the 2024/25 Public Education Plan, Public Procurement Regulatory Authority (PPRA) participated in a number of Fairs and Exhibitions to raise awareness on the new PP Act, 2021, and PPRA mandate.

PPRA participated in the Business Botswana Northern Trade Fair, now in its 28th edition, 22-26 May 2024 in Francistown under the theme, “**Sustainable Innovation: Building a Greener tomorrow**”, which underscored a commitment to environmental responsibility.

The primary objective of the fair was to furnish exhibitors with a platform for active business promotion and networking among peers. Furthermore, it serves as a pivotal occasion for enhancing brand visibility, launching new products, and amplifying the reach of existing ones.

PPRA also participated in the inaugural Selebi Phikwe Trade Fair & Agric Expo which was held on 10-13 July 2024. The event’s theme was “**Innovating for Food Self-Sufficiency**”. The Trade Fair & Agric Expo was set to be the most extensive and exciting, with a wide range of exhibitors showcasing the latest in agricultural technology, sustainable farming practices, and innovative products. The expo presented an exciting opportunity for networking, fostering professional relationships, exchanging ideas, gaining inspiration, and career advancement.

Further, PPRA participated in the Annual Ghanzi District Show, 2024 held on the 22-27 July 2024. The Ghanzi Show was established in 1974, and the 2024 edition was the 50th anniversary of the showyear. The event has grown into a very important national event attracting national and international exhibitors and individuals of diverse cultures. The week-long show attract + 6000 people and over 400 Exhibitors and SMMEs such as banking and insurance, car dealers especially dealers in heavy trucks and plant machinery as well as agricultural retailers and exhibitors. The diverse products and services as well as activities

form the bed-rock of the event.

PPRA also joined multitudes of regulators and oversight organisations during the International Ombud Expo 2024 which brought together over 500 Ombud offices, human rights bodies, grievance handlers, integrity organisations, and related oversight and governance institutions from over 100 countries.

Building on the exceptional success of the inaugural event and subsequent United Nations General Assembly Resolution 75/186 of December 2020, these institutions showcased their role, operations, and performance impact. Convened under the theme: Trusted Institutions: Righting Injustices, Bolstering Quality Governance, the Expo was held in Gaborone, Botswana, Fairground Holdings on the 29 July to 2 August 2024. Worth noting is that PPRA won the best exhibitor award at the Expo.

PPRA also has participated in the 17th Botswana Consumer Fair held in Gaborone on 26 August to 1st September 2024. The event’s theme was “**Building a Sustainable Future: Balancing an Economic Growth and Environmental Conservation**” aimed at linking the business community with the buyers and to create a trading platform. According to the organisers, the fair was an all-inclusive event with an objective of creating an interactive forum for local and international exhibitors and visitors.

Fairs and Exhibitions offer great opportunities that promote and diversify the economy through the creation of live platforms for various sectors thereby promoting direct trade. Different stakeholders are brought together to constitute Fairs and exhibitors from different sectors such as;

- Hospitality and tourism operators
- Retailing, agriculture, manufacturing, services, and government departments
- Mining Sector
- Food Court
- Entertainment



PPRA stall during the International Ombud Expo 2024, Ditshupo Hall (L) Ms. Mogomotsi Segolame and Mr. Charles Keikothae during the Expo (R)



Ms. Mogomotsi Segolame and Mr. Tebo Gaarogwe attending to a customer during the Ghanzi District Show (L) Mr. Tebogo Kgabi and Mr. Phenyio Victor in Orange Overalls assisting customers during Selibe Phikwe Open Day (R)

Open Days

PPRA also held Open Days as follows; Molepolole 27 – 28 May 2024, Tlokweng 30 – 31 May 2024, Kasane 13 – 14 August 2024, Serowe 21 – 22 August 2024, Palapye 9 – 10 September 2024 and Masunga, 22 – 23 September 2024. Open days assist in capacitating local contractors on online registration and raise awareness on public procurement matters. The event was carried out through the Mobile Office which is a one stop facility fully furnished to offer contractor registration services, and public education.

Further, Open Days provided an opportunity for face-to-face interaction with PPRA customers and the

general public, apart from the two currently available offices in Gaborone and Francistown.

Kgotla Meetings

PPRA also addressed kgotla meetings in Bokspits on 2 September 2024, Middlepits 3 September 2024, Tsabong 4 September 2024, Werda 5 September 2024, Makopong 4 September 2024, and Omaweneno on the 4 September 2024.

Kgotla Meetings are part of the stakeholder engagement program and their aim is to sensitise the general public and stakeholders on both the role of the PPRA and the new Public Procurement law.

REQUIREMENTS FOR CHANGE OF COMPANY OWNERSHIP

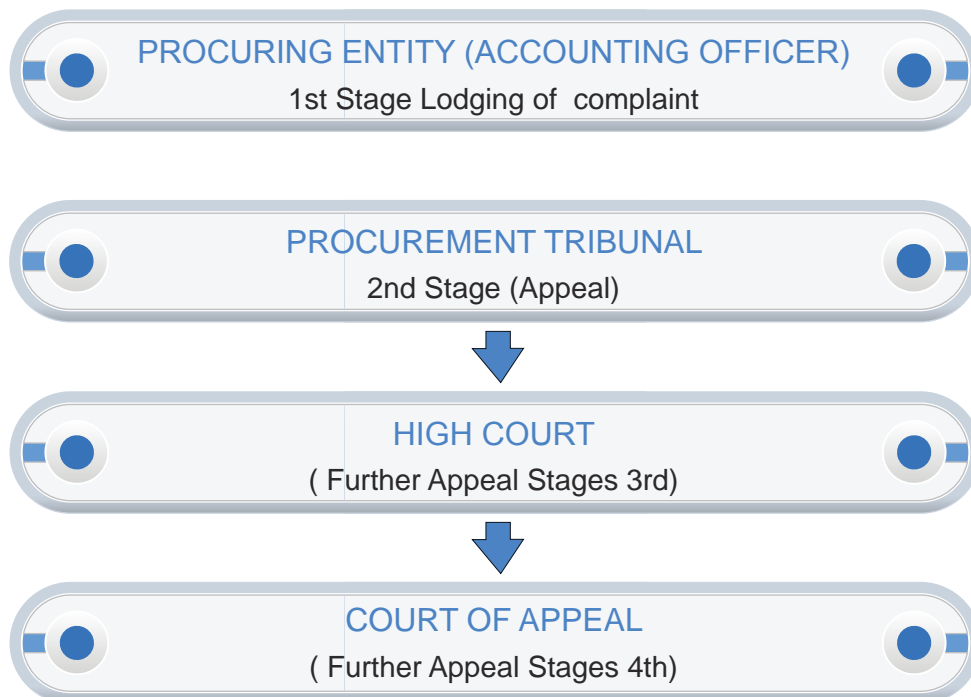
The following are mandatory requirements to change ownership for a PPRA registered company:

- Company letter requesting the changes.
- Company Resolution effecting the changes.
- Certificate of Incorporation - Form 4 certified by CIPA.
- Form 2 showing Directors and Shareholders' certified copy
- Form 13 showing changes in Directorship certified by CIPA
- Share Transfer forms – received by CIPA
- Cancelled and current Share Certificate certified by the Company Secretary.
- Bank letter showing the changes indicating signatories to the company account.
- Certified copies of the identity document to show Directors and Shareholders.
- Relevant and valid trading licence bearing the new name (where the applicant wants the PPRA registration to be transferred to the new name).

COMPLAINTS AND DISPUTE RESOLUTION

COMPLAINTS PROCESS

In an effort to reduce frivolous or vexatious complaints that delay the procurement process/ projects, this complaints process was put in place. Frivolous or vexatious are complaints that ; Lack arguable basis in law or fact or their contention is baseless and intended to cause delays or frustrate the procurement process.



Complaints and disputes are first referred in writing to the accounting officer within 10 days from the date of the award decision publication, then appealed within 14 days to the Procurement Tribunal before they can be appealed to court.



Mr. Tema (L), and Mr. Moswetsi (R)

PPRA recently bid farewell to two (2) of its Executive Management employees who retired after a long and dedicated service to the organisation. The two senior officers; former Acting Executive Director Works and Substantive Divisional Manager Works Mr. Augustine Tema and former Contractor Registration Unit Manager, Mr. William Moswetsi have been with the organisation for more than 15 years and seeing it through its transformation from the predecessor entity, Public Procurement and Asset Disposal Board (PPADB). They have seen the organization grow over the years and contributing to the economy of the country through enabling project execution.

Delivering a farewell message on Tuesday, 2 July 2024 during a farewell ceremony at PPRA, the then Acting Chief Executive Officer, Mr Lucas Kennekae, appreciated the two veterans for their invaluable contribution to the public procurement sector. Mr Kennekae highlighted that Mr Tema joined PPADB in November 2004 and Mr Moswetsi in December 2007.

He pointed out that sometimes it is difficult when looking back from where one comes from, adding that

during those times things were very hard, but hard not because employees were not productive, but simply because it was during the humble beginnings of the PPADB.

He said that assessment for eligibility for Contractor Registration used to be undertaken by select Procuring Entities and by the time PPADB was tasked with the exercise it started by developing contractor registration modules through IPMS during which time registration had to be migrated from hard copies to the online system while still registering new applicants and this was quite a lot of work which required officers to work extra hours and knocked-off very late.

He said that almost all procurement specialists had to assist with registration of contractors and Board Members spent most of their time at the Board Room processing applications.

Mr. Kennekae stated that after the situation had normalized, PPADB was then tasked with development of Standardised Bidding Documents to ensure uniformity in public procurement, and the

two seasoned employees were up to the task as they ensured that their teams delivered.

When given a chance to say his farewell remarks, Mr Tema said he was very thankful for the almost twenty (20) years he has been at PPADB and PPRA, and that he had a wonderful journey looking from where they started up to the present.

He said he leaves PPRA very proud of the services he rendered since they had to deal with complex situations which sometimes led to court cases. He said they attended court where such cases were heard with confidence and the knowledge that they delivered waterproof service, advice and recommendations adding that even statistics could attest to that.

Mr Tema said even after the enactment of the Public Procurement Act, 2021, people out there still

appreciated what PPADB had done and by so saying proving that they had confidence in PPRA and they will remain with that.

On his part, Mr Moswetsi said he had a very long journey as a public servant which started at the Botswana Defense Force in 1986 where he grew through the ranks and resigned in 2002 to join PPADB. He stated that after joining PPADB it was a very different environment and culture where he had to do quite a lot of work by himself without a secretary to assist him with activities such as typing or printing templates, letters and documents for him.

Mr Moswetsi closed his remarks by a quote; “For those that I have helped, I wish I could have done more. For those I could not help, I ask for understanding. For those who have helped me, I am grateful for all you did”.

SCOPE OF THE ACT

To re-enact, with amendments, the Public Procurement and Asset Disposal Act under a new name, the Public Procurement Act to, continue the Public Procurement and Asset Disposal Board as the Public Procurement Regulatory Authority;

- Asset disposal function removed and provided for under the Public Finance Management Act
- Procuring entities fully accountable for all procurement activities
- Maximise economy and efficiency in procurement
- Promote competition among contractors
- Provide for fair and equitable treatment of all contractors
- Promote the integrity of, and fairness and public confidence in the procurement process



STAFF MOVEMENT

MOVEMENT OF STAFF (APRIL 2024 – SEPTEMBER 2024)

New Appointments

Division (S)	Name (s)	Designation	Band	Last Date
Corporate Service Division	Ms. Tsholofelo Segopodiso	Office Assistant (Procurement)	2	01 April 2024

Resignations

Division (s)	Name (s)	Position	Band	Last Date
Services	Mr. Mmolaadira Autlwetse	Principal Procurement Specialist- Environment	5	09 September 2024
Supplies	Ms. Matshidiso Boitshepo	Senior Procurement Specialist	4	29 September 2024

Retirement

Division (S)	Name (s)	Designation	Band	Last Date
Works	Mr. Augustine Tema	Works Manager	6	02 July 2024



PPRA Francistown Office Staff posing for a group picture

SOME SNAPSHOTS FROM THE PUBLIC PROCUREMENT ACT, 2021

**DID YOU
KNOW?**

INTERESTING FACT

An Accounting Officer may delegate procurement functions of a;
(a) procurement oversight unit and procurement unit to a user Department within a procuring entity; and (b) procurement unit and user department to another procuring entity, or to a procurement agent or a procurement service provider.

The members of an Evaluation Committee shall be appointed by an Accounting Officer and shall consist of not less than three members, which may include a member who is not an employee of a procuring entity, where the expertise of such employee is required.

A procuring entity shall select a procurement method on the basis of;
(a) an estimated value of a procurement requirement; or (b) the circumstances pertaining to a procurement requirement.

A procuring entity shall make a proposal for an annual or periodic procurement planning and integrate the proposed annual or periodic procurement planning with the applicable budget processes, based on any approved or indicative budget, as may be appropriate.

The Authority shall develop and issue, and amend when necessary, a standardised bidding package and contract, which shall be used on a mandatory basis by any procuring entity as may be prescribed.

A procuring entity shall consist of;
(a) the Accounting Officer; (b) the procurement oversight unit; (c) a procurement unit; (d) an ad hoc Evaluation Committee; (e) the user Department; or (f) any other appropriate structure put in place by the Government.

The Authority, procuring entity and any other entity that falls within the scope of this Act shall — (a) keep and maintain detailed records of all their processes; and (b) preserve, maintain and safeguard all relevant documents issued and received.

Public Officers, employees of a public body are prohibited from participating in public procurement and their immediate family members are prohibited from bidding in any procurement activity where the public officer is employed.

Section 76:1 of the Public Procurement Act states that all works, services and supplies procurement shall be reserved for a 100% citizen or a citizen contractor. However, this is not degree absolute as where there is no qualified 100% citizen or citizen owned company; the tender go down to majority citizen shareholding, then minority citizen shareholding, and if still no qualified citizens it will go to Open International.

PROCUREMENT NEWS

APRIL - SEPTEMBER 2024



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