

MEDIA RELEASE

COMMENCEMENT OF THE PUBLIC PROCUREMENT ACT, 2021

The public is informed that the Public Procurement Act, 2021 (the Act) commenced on Thursday, 14th April 2022.

Public Procurement Act

Subsequent to the commencement of the Act, the Public Procurement and Asset Disposal (PPAD) Act, and the Local Authorities Procurement and Asset Disposal (LAPAD) Act were repealed hence one public procurement law governing all central, local government, lands boards, and public bodies which includes parastatals.

PPADB transitioned to PPRA

The Act also ushered in Public Procurement Regulatory Authority (PPRA), a transition from the then Public Procurement and Asset Disposal Board (PPADB) as of 14th April 2022. PPRA has now assumed regulatory functions and will no longer be involved in adjudication and award of tenders and handling of complaints. Asset Disposal has been removed from the Public Procurement Act and is now administered under the Public Finance Management Act.

PPRA Mandate

PPRA is to be an oversight authority responsible for regulation of public procurement in Botswana. setting standards and practices for the public procurement system, regulating and controlling the public procurement system. The Authority is also responsible for monitoring performance of Procuring Entities (PEs) and enforcement of compliance with the Act. The mandate of the Authority also includes providing and supporting capacity building and professionalization of public procurement cadre.

Public Procurement Tribunal

Decisions of Accounting Officers on complaints are appealed to the Public Procurement Tribunal. The Public Procurement Tribunal has replaced the Independent Complaints Review Committee (ICRC). The Tribunal Secretariat is presently at the Ministry of Finance. Worthy of note is that the new law has made it mandatory for complainants to exhaust the administrative procedure of resolution of complaints first, before approaching courts of law.

Accounting Officer

The new Public Procurement law provides that the Accounting Officer is fully responsible for all procurement activities within his/her Procuring Entity/Organization

In support of the Accounting Officer, the Public Procurement Act provides for structures, which consist of a Procurement Oversight Unit, a Procurement Unit, and establishment of an ad-hoc evaluation committee to assist the Accounting Officer to execute procurement functions under the Act. Accounting Officers (AO) are now responsible for handling complaints. Complaints are to be first handled by AO and any appeals emanating from AOs' decisions on complaints are to be appealed to the Public Procurement Tribunal.

New procurement methods

The new law also introduces new procurement methods such as competitive dialogue, reverse auction, unsolicited bid, best and final offer, and negotiated procedure. The new Act also covers Public Private Partnership (PPPs).

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