



REPUBLIC OF NAMIBIA

MINISTRY OF FINANCE AND PUBLIC ENTERPRISES

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11 August 2023

Our Ref.: Your Ref.:

**TO: ALL ACCOUNTING OFFICERS
ALL PUBLIC ENTITIES**

Dear Accounting Officers,

**SUBJECT: DIRECTIVE ISSUED IN TERMS OF SECTION 73 OF THE PUBLIC
PROCUREMENT ACT, 2015 (ACT NO 15 OF 2015) REPLACING THE
DIRECTIVES ISSUED ON 17 OCTOBER 2018 AND 29 AUGUST 2019
IN RESPECT OF THE VALIDITY OF MANDATORY DOCUMENTS
TO BE SUBMITTED BY BIDDERS DURING BIDDING PROCESSES IN
TERMS OF SECTION 50(2) OF THE SAME ACT**

1. The above-captioned subject matter refers.
2. Section 73(1) of the Public Procurement Act, 2015 (Act No 15 of 2015) ("the Act") states as follows:

The Minister, pursuant to a policy of the Government or when he or she thinks it necessary or expedient, may direct in writing the Policy Unit, Board or public entity to attend to any aspect or matter of general application relating to procurement of goods, works or services, or to the letting or hiring of anything or the acquisition or granting of any right for or on behalf of the public entities and for the disposal of their property.

3. In addition, section 50(2) of the Act states as follows:
"In addition to other documents or information which may be required from a bidder or supplier, the bidder or supplier must submit the following documents at the time of submitting a bid to a public entity, failing which the bidder or supplier must be disqualified –

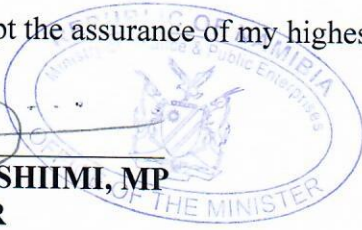

(a) a valid certificate of good standing with the Receiver of Revenue;

(b) a valid certificate of good standing with the Social Security Commission or, in the case where

- (c) *a company has no employees, confirmation letter from the Social Security Commission;*
 - (d) *as required by the Affirmative Action (Employment) Act 198 (Act No 29 of 1998) –*
 - (i) *a valid affirmative action compliance certificate issued under section 41 of that Act;*
 - (ii) *an exemption issued under section 42 of that Act; or*
 - (iii) *a proof from the Employment Equity Commissioner that the bidder or supplier is not a relevant employer as defined in that Act*
 - (e) *a written undertaking as contemplated in section 138(2) of the Labour Act, 2007 (Act No 11 of 2007); and*
 - (f) *a valid –*
 - (i) *certificate of business registration for an entity incorporated or registered under the company or close corporation laws of Namibia;*
 - (ii) *certificate of registration of a co-operative registered under the laws regulating co-operatives in Namibia;*
 - (iii) *document serving as evidence of registration as a trust and the trust deed for a trust registered under laws regulating trusts in Namibia; or*
 - (iv) *partnership agreement in the case of a partnership, a valid joint venture agreement in the case of a joint venture or a valid agreement in case of other similar arrangements, but a bidder or supplier who is a sole proprietor only needs to comply with the provisions of (a) to (d).*
4. The provisions of section 50(2) quoted above, require bidders to submit valid listed documents at the time of submission of their bids.
5. Pursuant to the above, public entities are hereby directed that a document required in terms of section 50(2) of the Act is accepted as valid if such document is:
- 5.1 A valid original document;
 - 5.2 A valid certified copy of an original document, as certified by a Commissioner of Oath appointed in terms of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No 16 of 1963) as amended; or
 - 5.3 A printout of a valid electronic or online document issued in terms of the Electronic Transactions Act, 2019 (Act No 4 of 2019), subject to the authentication or validation of such printout by a public entity during the bid evaluation process, in accordance with the authentication or validation guidelines of the issuing authority.

6. **In light of the above, all public entities are notified that the Directives issued on 17 October 2018 and 29 August 2019, respectively, on the above-mentioned subject matter are hereby withdrawn and replaced with this Directive, with immediate effect.**

Please accept the assurance of my highest consideration.



IIPUMBU SHIIMI, MP
MINISTER



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14 August 2023

Our Ref.: Your Ref.:

**TO: ALL ACCOUNTING OFFICERS
ALL PUBLIC ENTITIES**

Dear Accounting Officers,

**SUBJECT: THE ISSUANCE OF ONLINE OR ELECTRONIC GOOD STANDING
CERTIFICATES BY THE SOCIAL SECURITY COMMISSION**

1. The above-captioned subject matter refers.
2. Kindly be informed that the Minister of Finance and Public Enterprises has issued a Directive on 11 August 2023 titled: **DIRECTIVE ISSUED IN TERMS OF SECTION 73 OF THE PUBLIC PROCUREMENT ACT, 2015 (ACT NO 15 OF 2015) REPLACING THE DIRECTIVES ISSUED ON 17 OCTOBER 2018 AND 29 AUGUST 2019 IN RESPECT OF THE VALIDITY OF MANDATORY DOCUMENTS TO BE SUBMITTED BY BIDDERS DURING BIDDING PROCESSES IN TERMS OF SECTION 50(2) OF THE SAME ACT.**
3. In terms of the above referenced Directive, a printout of a valid electronic or online document issued in terms of the Electronic Transactions Act, 2019 (Act No 4 of 2019), subject to the authentication or validation of such printout by a public entity during the bid evaluation process, in accordance with the authentication or validation guidelines of the issuing authority, is accepted as a valid document required from bidders or suppliers in terms of section 50(2) of the Public Procurement Act, 2015 (Act No 15 of 2015) ('the Act').
4. The Social Security Commission has introduced online Good Standing certificates, which bidders can obtain by printing from the Social Security website. In addition, Social Security has introduced a verification process that can be used to verify and

validate these online generated good standing certificates, which process is set out in a Manual titled **“Online Good Standing Application User Manual”**.

5. This letter serves to inform all public entities that printouts of these online Social Security Good Standing certificates should be accepted as valid documents in terms of section 50(2) of the Act, once the verification of these documents has been done in accordance with the process set out in the Manual referred to in paragraph 4 above.
6. Pursuant to the above, the Board and all Public Entities are hereby advised to ensure that this new requirement is incorporated into all bidding documents to be issued to bidders henceforth, in order to ensure that bids are evaluated according to the criteria and methodology set out in the bidding documents.
7. The Manual referred to in paragraph 4 above, is attached hereto, for ease of reference.

Please accept the assurance of my highest regard.


MR. FRANCOIS BRAND
HEAD: PROCUREMENT POLICY UNIT

