



PROCUREMENT POLICY



2025

HIGH LEVEL STATEMENTS

MANDATE

The mandate of Oshana Regional Council is to plan, administer and manage the socio-economic development of the region.

VISION

A leading region in the provision of socio-economic development and improved quality of life for inhabitants

MISSION

Oshana Regional Council is committed to govern, plan and coordinate the implementation of socio-economic development programmes for sustainable development and improvement of the living standards of the inhabitants.

CORE VALUES

The Council's governance framework is anchored by the following core values:

- ▶ **Integrity:** The Council acts ethically and with honesty in all its dealings, ensuring that the public trust is maintained even when not in the public eye.
- ▶ **Transparency:** The Council is committed to openness in its decision-making processes and operations, providing clear and accessible information to the public on all matters.
- ▶ **Inclusiveness:** The Council strives to treat all communities and individuals within the region fairly and equitably, ensuring that no group is left behind in the pursuit of socio-economic development.
- ▶ **Accountability:** The Council recognizes its responsibility to the people it serves and remains answerable for its actions, decisions, and use of public resources.
- ▶ **Innovation:** Embracing new ideas and approaches is central to the Council's goal of continuously improving service delivery to meet the evolving needs of the community.
- ▶ **Responsiveness:** The Council prioritizes timely and effective responses to the concerns and needs of its inhabitants, ensuring that services are delivered efficiently and effectively.

FOREWORD

The development of the Internal Procurement Policy marks a significant milestone in the journey of the Oshana Regional Council toward enhancing governance and operational efficiency. This policy has been crafted to align with the provisions of the Public Procurement Act (Act No. 15 of 2015) and the Public Procurement Regulation of 2017, which form the cornerstone of public procurement in Namibia.

The primary objective of this policy is to provide a clear and comprehensive framework for the procurement of goods, services and works, ensuring that our processes are conducted in a transparent, accountable, and fair manner. By adhering to the guidelines set out in this policy, we aim to achieve value for money in every procurement transaction, thereby maximizing the impact of public resources on the lives of our citizens.

This policy also underscores our commitment to ethical conduct and the prevention of fraud and corruption in procurement. It is essential that all individuals involved in procurement within the Oshana Regional Council understand and embrace the principles outlined in this document, as their role is critical in maintaining the integrity of our procurement system.

As we move forward, the Oshana Regional Council will continue to review and refine this policy to ensure that it remains relevant and responsive to the evolving needs of our region. I am confident that this policy will serve as a valuable tool in our efforts to enhance public service delivery and achieve our development goals.

Sincerely,



HON. ANDREAS UTONI
CHAIRPERSON
OSHANA REGIONAL COUNCIL

ACKNOWLEDGEMENT

The successful development of the Internal Procurement Policy for the Oshana Regional Council would not have been possible without the collective efforts of many dedicated individuals and institutions. I would like to extend our deepest appreciation to all those who contributed their time, expertise, and insights to this important policy.

First and foremost, I would like to acknowledge the valuable guidance and support provided by the external stakeholders. Their expertise in public procurement was instrumental in shaping the policy.

I wish also to extend our heartfelt appreciation to the Honourable Regional Governor, All Honourable Regional Councilors, Members of the Regional Procurement Committees, Procurement Management Unit, Bids Evaluation Committee, and all staff members whose dedication and commitment to upholding the principles of transparency, accountability, and fairness have been critical in the development of this policy. Their inputs has ensured that the policy is comprehensive, pragmatic, and effective in meeting the needs of the Oshana Regional Council.

Lastly, I wish to express my gratitude to all stakeholders, including suppliers, and the broader community, for their continued support and cooperation. Your contributions have been essential in ensuring that this policy is reflective of the values and aspirations of the Oshana Regional Council.

As we implement this policy, we look forward to your ongoing support and collaboration in our efforts to enhance the efficiency and effectiveness of our procurement processes.

Sincerely,



TEOPOLINA N. L. HAMUTUMUA,
CHIEF REGIONAL OFFICER

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ACRONOMYS AND ABBREVIATIONS

APP	Annual Procurement Plan
BEC	Bid Evaluation Committee
CPBN	Central Procurement Board of Namibia
IPP	Individual Procurement Plan
PC	Procurement Committee
PMU	Procurement Management Unit
PPA	Public Procurement Act
PPU	Procurement Policy Unit
RPN	Review Panel of Namibia



GLOSSARY OF CONCEPTS, TERMS AND JARGONS

- ▶ Act - Refers to the Public Procurement Act, No. 15 of 2015
- ▶ Affidavit – A written statement made under oath, used as evidence in the procurement process to verify certain claims or compliance requirements made by a bidder.
- ▶ Accounting Officer - The Chief Regional Officer or designated official within a public entity who holds accountability for the use of public funds.
- ▶ Bid - A formal offer submitted by a bidder in response to an invitation to bid, proposing to supply goods, services, or works in accordance with specified terms and conditions.
- ▶ Bidder- Any individual or entity that submits a bid in response to an invitation to bids, expressing an intention to provide goods, works, or services to a public entity.
- ▶ Bidding Document - The set of documents issued by a public entity to guide bidders in preparing and submitting their bids. These documents typically include instructions to bidders, specifications, and terms and conditions.
- ▶ Board - The Central Procurement Board of Namibia (CPBN), the entity established under the Act to conduct and oversee procurement processes for large and complex public projects that exceed prescribed thresholds.
- ▶ Consultancy Services - Professional services that involve expert advisory, design, or other technical or intellectual inputs provided by consultants to support project planning, development, and implementation.
- ▶ Contractor - Any natural or legal person or entity who enters into a procurement contract with a public entity to supply goods, works, or services.



- ▶ Goods - Tangible products or materials that are purchased, leased, or otherwise acquired by a public entity through a procurement process. This includes everything from raw materials to finished products.
- ▶ Guidelines - Official instructions or frameworks issued by the Procurement Policy Unit, including the Public Procurement Act, for the purpose of ensuring uniformity and compliance in the procurement process.
- ▶ Minister - Refers to the Minister responsible for public procurement, under whose authority policies and regulations related to procurement are formulated and implemented.
- ▶ Non-consultancy Services - Services that do not involve consultancy expertise but are procured for the execution of routine or operational tasks, such as maintenance, transportation, cleaning, and other logistical services.
- ▶ Procurement - The acquisition of goods, works, or services by a public entity through a process of inviting, evaluating, and awarding contracts, in compliance with the procedures outlined in the Public Procurement Act.
- ▶ Procurement Contract - A legally binding agreement between a public entity and a contractor for the supply of goods, provision of services, or execution of works, awarded through a procurement process.
- ▶ Public Entity - Any government institution, department, agency, local authority, or body established by law, which is responsible for the expenditure of public funds and is subject to the procurement regulations outlined in the Act.





EXECUTIVE SUMMARY

Oshana Regional Council is committed to excellence in good governance and responsible stewardship of public resources. Efficient public procurement is a cornerstone of effective governance and is essential for delivering high-quality social services that meet the legitimate expectations of citizens.

This Procurement Policy establishes a robust framework aimed at ensuring that all Council's procurement processes are conducted in a manner that promotes efficiency, transparency, equity and accountability. Through the implementation of responsive procurement practices, the Oshana Regional Council aims to maximize the value of public resources while promoting social equity and facilitating the growth of local businesses.

This policy not only prioritizes compliance with relevant procurement regulations but also emphasizes the importance of ethical conduct, inclusivity, equity and sustainability in procurement.

As a dynamic document, this Procurement Policy will be regularly reviewed and updated to remain adaptable and responsive to emerging challenges and opportunities in the public procurement landscape.



2.

INTRODUCTION

Oshana Regional Council recognizes that effective public procurement is vital for fostering economic growth, enhancing service delivery, and promoting social equity within the community.

Therefore, the Procurement Policy is developed to provide a structured approach to procurement practices, ensuring alignment with national legislation and best practices. By establishing clear guidelines and processes, the Council aims to enhance transparency, accountability, and competition among suppliers, thereby maximizing the value derived from public expenditure.

This policy serves not only as a tool for efficient resource management but also as a commitment to ethical procurement that supports local businesses and empowers marginalized communities. By integrating principles of sustainability and inclusivity into procurement practices, the Council aims to create opportunities that contribute to the overall development of the Oshana Region.

As a living document, this Procurement Policy will be continuously reviewed and updated to reflect evolving needs, regulatory changes, and best practices in the domain of public procurement, ensuring that the Oshana Regional Council remains responsive to the dynamic challenges and opportunities in governance.

Weaknesses:	Threats:
<ul style="list-style-type: none"> • Insufficient organizational capacity to fully support procurement activities. • Limited understanding of procurement processes among staff. • Limited capacity among local bidders, particularly Micro, Small and Medium Enterprises (MSMEs). 	<ul style="list-style-type: none"> • Restricted resources for capacity building in procurement. • Risk of corruption undermining procurement integrity.

This analysis highlights key areas for improvement and forms the foundation for the structured, transparent, and accountable procurement framework outlined in this policy.



RATIONALE

This Procurement Policy applies to all procurement activities carried out by the Oshana Regional Council and its delegated functions. It governs the entire procurement lifecycle, from planning to contract management and asset disposal. This policy specifically applies to,

- a) All procurement of goods, works and services and disposal of assets undertaken by the Oshana Regional Council,
- b) The letting and hiring of anything or the acquisition or granting of any right,
- c) Contract management of goods, works and services procured or disposed of by the Oshana Regional Council.
- d) All pooled procurement and framework agreements.



ALIGNMENT

This policy is aligned to the Regional Council's Act No. 22 of 1992, Oshana Regional Council's Strategic Plan, as well as to the following legal instruments:



- Public Procurement Act No. 15 of 2015 (as amended), which provides the overarching legal framework for procurement in Namibia.
- Public Procurement Regulations of 2017, which outlines specific procedures to be followed in public procurement.
- Ministerial Exemptions and Directives issued by the Minister from time to time.
- The Code of Good Practices issued in terms of the Public Procurement Act (Act. No. 15 of 2015).



GUIDING PRINCIPLES OF THE POLICY

The Oshana Regional Council's procurement activities are guided by a set of core principles designed to ensure compliance with legal, ethical, and professional standards. These principles form the foundation for all procurement decisions and actions, promoting fairness, accountability, and effectiveness in the procurement process. All officials participating in procurement are accountable to the law and should uphold the principles for public procurement without fail.

6.1 PROCUREMENT INTEGRITY

Oshana Regional Council's officials should uphold the principle of integrity by demonstrating ethical conduct and strict adherence to professional standards. The procurement officials must execute their duties with honesty, transparency, and accountability, ensuring that procurement activities are free from fraud, corruption, and conflicts of interest.

6.2 ACCOUNTABILITY

The officials engaged in procurement activities are fully accountable for their actions and decisions. All members of the organizational structure have a responsibility to ensure that procurement is conducted legally, ethically, and efficiently.

6.3 TRANSPARENCY

The officials of Oshana Regional Council should maintain transparency throughout the procurement process. The Procurement Management Unit should ensure that procurement



information, including procurement plans, bid invitations, and award decisions is made accessible to all stakeholders, except where confidentiality is legally justified.

The Council shall publish its bids on its official website, the E-GP portal, and where possible in widely circulated newspapers to ensure open access in compliance with the Public Procurement Act (Act. No. 15 of 2015) and its Regulations.

6.4 COMPETITIVE SUPPLY

The Oshana Regional Council will promote fairness and inclusiveness, thereby ensuring that procurement methods foster a competitive environment, and offering equal opportunities for all eligible suppliers. This will enable the Council to promote innovation, reduces costs, and increases the overall quality of goods, services, and works procured.

6.5 EFFECTIVENESS

The Oshana Regional Council will strive to meet procurement objectives in a manner that supports its strategic goals. Procurement will therefore be executed with an aim to achieve the desired outcomes, contributing to the Council's service delivery and operational effectiveness.

6.6 EFFICIENCY

The Council will conduct its procurement processes efficiently in order to maximize the use of public resources and minimize delays and wastage. The Council will prioritize the timely delivery of goods and services while optimizing the use of available funds to ensure value for money.

6.7 FAIR-DEALING

The procurement officials are responsible to ensure that the procurement practices are impartial, consistent, and non-discriminatory, offering equal opportunity to all suppliers, purchasers, and consultants. The Council should ensure that all stakeholders can compete fairly in the procurement process, enhancing the credibility and integrity of the Council's procurement system.



6.8 VALUE FOR MONEY

The principle of value for money is central to all procurement decisions. The Council will ensure that public funds are used efficiently, balancing cost and quality to achieve the best possible outcomes. This principle encompasses both short-term affordability and long-term sustainability.

6.9 RESPONSIVENESS

Oshana Regional Council shall award contracts to bidders who comply fully with bid requirements, demonstrating satisfactory past performance and financial capability, and offering the most advantageous bid based on the evaluation criteria set out in the bidding documents.

6.10 INFORMED DECISION-MAKING

Procurement decisions will be based on reliable data, research, and analysis. The Oshana Regional Council will ensure that decision makers are equipped with accurate and relevant information to facilitate sound procurement judgments that align with the Public Procurement Act No. 15 of 2015.

6.11 CONSISTENCY

The Oshana Regional Council will ensure that all procurement processes follow consistent procedures and principles across all transactions. Through consistency, the Council will foster trust in the procurement system and ensure fairness and uniformity in all procurement activities.

6.12 LEGALITY

All procurement activities shall comply with the provisions of the Public Procurement Act (Act No. 15 of 2015), as amended. The Council will ensure that all contracts and procurement actions are legally binding, valid, and enforceable in accordance with national laws.

6.13 INTEGRATION

The Oshana Regional Council should integrate national policies into its procurement,

particularly those aimed at empowering disadvantaged groups. The Council will give preference to local bidders, prioritize goods with local content, and support micro, small, and medium enterprises (MSMEs), as well as previously disadvantaged persons, including people living with disability, women and the youth.

In addition, procurement decisions will reflect the Council's commitment to environmental sustainability, job creation, and economic empowerment, in line with the Public Procurement Act and the Code of Good Practices.



POLICY DIRECTION

7.1 POLICY OBJECTIVES

The primary objective of this Procurement Policy is to ensure that the Oshana Regional Council procures goods, works, and services of the highest quality at optimal value, while upholding the principles of transparency, accountability, fairness and equity.

This policy is designed to standardize procurement procedures, enhance operational efficiency, and enforce strict compliance with the Public Procurement Act (Act No. 15 of 2015). Furthermore, it establishes robust control measures to safeguard public resources and ensure that procurement activities are conducted in an ethical, efficient, and legally compliant manner.



IMPLEMENTATION FRAMEWORKS

8.1 GOVERNANCE AND INSTITUTIONAL ARRANGEMENTS

Procurement governance at the Oshana Regional Council is designed to ensure compliance with the Public Procurement Act (Act No. 15 of 2015) as amended and its regulations. The governance framework establishes clear roles and responsibilities to promote accountability, transparency, and the efficient execution of procurement processes.



8.1.1 ROLE OF THE OSHANA REGIONAL COUNCIL

The Oshana Regional Council as the governing body, plays a critical role in promoting good corporate governance within the procurement framework. While the Council's direct involvement in procurement activities is limited, it is responsible for ensuring that procurement systems are robust and compliant with the Public Procurement Act (Act No. 15 of 2015) as amended. This roles include:

8.1.1.1 STRATEGIC GUIDANCE

The Council provides overall direction and strategic guidance to the procurement function to ensure that it supports the Council's mandate effectively.

8.1.2 POWERS AND ROLE OF THE ACCOUNTING OFFICER

The Accounting Officer of the Oshana Regional Council holds the authority and responsibility to ensure the proper functioning of the Council's procurement system.

Key roles include:

- (a) The Accounting Officer must set up an internal organizational structure, which include the Procurement Committee, Procurement Management Unit and ad hoc Bid Evaluation Committee for the conduct and management of procurement in the Council.
- (b) The Accounting Officer is responsible for the full compliance with the Public Procurement Act (Act No. 15 of 2015), Directives and Instructions made under the Act.
- (c) The Accounting Officer must engage in in procurement planning, plan each step of the procurement process and prepare the Annual Procurement Plan.
- (d) The Accounting Officer must certify the availability of funds before the commencement of each procurement process.
- (e) The Accounting Officer must ensure that the proceedings of the internal organization structure are properly recorded and kept in a safe and secure place.
- (f) The Accounting Officer authorize procurement awards and sign procurement contracts.

8.1.3 ORGANIZATIONAL STRUCTURE FOR PROCUREMENT

The procurement organizational structure within the Oshana Regional Council is designed to promote efficiency, accountability, and adherence to procurement procedures.

8.1.3.1 PROCUREMENT COMMITTEE (S)

The Procurement Committees are constituted by the Accounting Officer in consultation with the Procurement Policy Unit. The Procurement Committees plays an important role in the Council's procurement system.

8.1.3.1.1 STRATEGIC INTERVENTIONS FOR PROCUREMENT COMMITTEES' OPERATIONAL EFFICIENCY

The Chairpersons of the Procurement Committees should ensure that the Council's strategic intervention aimed at promoting procurement effectiveness and efficiency are implemented:

- The Accounting should constitute two (2) Procurement Committees with different threshold to oversee the procurement processes of the Council.
- The Chairpersons of the Procurement shall ensure that the Procurement Committees meet once every week.
- The Head of Procurement should liaise with the Chairpersons and in the absence of Chairpersons, the Deputy Chairpersons of the Procurement Committees and organize Procurement Committees' meetings weekly.

8.1.3.1.2 FUNCTIONS OF THE PROCUREMENT COMMITTEE

The Chairpersons of the Procurement Committees should ensure that the committee's key functions are carried out in line with this policy. The functions of the Procurement Committees are:

- Oversee the procurement process conducted by the Council.
- To recommend to the Accounting Officer bidding processes.
- To review the evaluation of a pre-qualification, and attend to bid clarification pertaining to procurement.
- To annually submit to the Accounting Officer a list of procurement contracts awarded.
- To recommend to the Accounting Officer the approval for the award of the



procurement contract.

- Ensuring compliance with procurement procedures and the Annual Procurement Plan.
- Providing oversight to safeguard the integrity of the procurement process.

8.1.3.2 PROCUREMENT MANAGEMENT UNIT (PMU)

The Procurement Management Unit (PMU) is responsible for managing the day-to-day procurement activities of the Council from initiation to the award of the procurement contract. The Members and Head of PMU are appointed by the Accounting Officer in consultation with the Procurement Policy Unit.

8.1.3.2.1 STRATEGIC INTERVENTION FOR PMU OPERATIONAL EFFICIENCY

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- In order to ensure operational efficiency there shall be an enforced weekly rotational calendar for the attendance of PMU. The rotational calendar strengthen the Council structural capacity to administer procurement and harmonize division of labor.
- All divisions and delegated functions of the Council should be represented at PMU by duly appointed members. It is the responsibility of Heads of Divisions and Heads of Delegated Functions of the Council to ensure that their divisions and functions are represented in the Procurement Management Unit.
- The Head of PMU shall administer an attendance register at PMU, which should be signed daily by Members of PMU serving during the respective week.
- The Head of PMU should bring to the attention of the Accounting Officer any challenge, and obstacles which may constrain the procurement processes including absence of PMU members.
- Members who are unable to attend their shift due to legitimate commitments and circumstances should put it in writing for the attention of the Accounting Officer.
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8.1.3.2.2 FUNCTIONS OF THE PROCUREMENT MANAGEMENT UNIT

- Provide secretariat services and technical input and supports the functioning of the Procurement Committee.
- Serves as the channel of communication for procurement in the Council.
- Handles complaints by suppliers, contractors or consultants and report to the Accounting Officer
- Prepares an Annual Procurement Plan for the Council three months before the beginning of the Financial Year

- Implement procurement policy decisions of the Council and decisions made by the Review Panel
- Prepares an individual procurement plan for each relevant individual procurement as per prescribed thresholds
- Keep records of procurement
- Monitor every stage of the procurement process and ensure delivery of procurement contracts
- Provide timely procurement reports to the Accounting Officer

8.1.3.3 BID EVALUATION COMMITTEE (BEC)

The members of the Ad hoc Bid Evaluation Committees are appointed by the Accounting Officer. The Bid Evaluation Committee (BEC) is responsible for evaluating bids in strict accordance with the criteria set forth in the bidding documents.

8.1.3.3.1 UNDERLYING PROCEDURE FOR BID EVALUATION

The bid evaluation and contract award process represent a critical phase in the procurement lifecycle, ensuring the selection of suppliers who best meet the Council's requirements. All bids shall be evaluated against pre-established criteria, with the contract being awarded to the most responsive and qualified bidder, based on a comprehensive assessment of both technical and financial factors.

8.1.3.3.2 STRATEGIC INTERVENTION FOR BEC OPERATIONAL EFFICIENCY

- The Accounting Officer may co-opt members from other Public Entities' organizational structures to serve in the Ad hoc Evaluation Committee to enhance skills diversity and promote transparency.
- The Head of PMU should notify the Accounting Officer of all technical bids requiring evaluation immediately after the bids closing for the appointment of Ad hoc Bid Evaluation Committees.
- The Chairperson of the Ad hoc Bid Evaluation Committee upon appointment has a responsibility to ensure that bid evaluation commences within five (5) days after the closing date of the bid.
- The Bid Evaluation process should be finalized within 14 days. The period of evaluation may be extended but should not exceed 30 days.
- Members of the Ad hoc Bid Evaluation Committees should sign the evaluation report and a declaration for the conflict of interests.



- Members who are unable to attend evaluation committee meeting due to legitimate commitments and circumstances should put it in writing for the attention of the Accounting Officer.
- Members of the Bid Evaluation Committee should sign performance agreement in respect of procurement and their performance will be assessed by the Accounting Officer. Members of the Bid Evaluation Committee are accountable to the Accounting Officer for their performance in respect of procurement.

8.1.3.3.3 FUNCTIONS OF THE BID EVALUATION COMMITTEE

Technical and Financial Evaluation: The BEC shall conduct a thorough evaluation of bids, assessing them against merit-based criteria, technical specifications, and cost-effectiveness, ensuring adherence to the requirements outlined in the bidding documents.

Recommendation of Award: Following the completion of the evaluation process, the BEC shall submit its recommendation for contract award to the Procurement Committee. This recommendation will be based on the bid that offers the best overall value and meets all technical and financial requirements.

The Bid Evaluation Committee's role is crucial to ensuring that procurement decisions are made objectively, in line with the principles of good governance, and in the best interest of the Oshana Regional Council.

8.1.4 ROLE OF INSTITUTIONAL STRUCTURES

There are several external institutional structures which provide oversight, guidance, and review the procurement activities of the Oshana Regional Council.

8.1.4.1 PROCUREMENT POLICY UNIT (PPU)

The Procurement Policy Unit is responsible for issuing procurement policies, guidelines, and directives. Its role includes: The PPU formulates national procurement policies that ensure adherence to the Public Procurement Act. Provides training and support to Oshana Regional Council in order to enhance procurement capacity. The PPU monitors procurement practices of the Council and other public entities to ensure compliance with the Public Procurement Act (Act No. 15 of 2015).



8.1.4.2 CENTRAL PROCUREMENT BOARD (CPB)

The CPB is responsible for conducting procurement for high - value contracts that exceed the threshold of the Oshana Regional Council and other public entities.

The Head of PMU in collaboration with the user unit shall request and submit the bid information in the prescribed manner to the Central Procurement Board to conduct the procurement above the threshold on behalf of the Council.

8.1.4.3 REVIEW PANEL

The Review Panel is responsible for resolving disputes related to procurement decisions. The panel adjudicates complaints raised by bidders and suppliers concerning procurement processes and decisions made by the Council. It also ensures that procurement disputes are resolved fairly, transparently, and in compliance with the Public Procurement Act.

8.1.4.3.1 PROCEDURES FOR APPLICATION FOR REVIEW

Procurement Process	Step	Process Description
Bidder submit application for review to Council	Step 1	<ul style="list-style-type: none">» The application for review by a bidder must be received with 7 days of the stand –still period.» The Council receive application for review and channel to the Procurement Committee for deliberation.» The Procurement Committee may refer the application to the Bid Evaluation Committee if re-evaluation is required or make appropriate recommendation to the Accounting Officer.
Council respond to the bidder	Step 2	<ul style="list-style-type: none">» The Council should respond to the» bidder within 3 days with its decision



Dissatisfied bidder lodge application with Review Panel	Step 3	<ul style="list-style-type: none"> » If the bidder is not satisfied with the Council's decision, bidder may lodge an application for review with the Review Panel within 7 days of the stand still period. » The bidder must furnish the Council with a copy of the application lodged with the Review Panel within 7 days of the stand still period. » The Council within 2 days of receipt of the application for review, responds with a replying affidavit on the issues raised to the Review Panel
Review Proceedings by the Review Panel	Step 4	<ul style="list-style-type: none"> » The Review Panel will conduct review » proceedings and make a decision within 7 days.
Decision of the Review Panel	Step 5	<ul style="list-style-type: none"> » The Council will implement the decision of the Review Panel in respect of the bid under review.

8.2 RESOURCE MOBILIZATION

This policy will be implemented with funding from the Oshana Regional Council operational budget. The Oshana Regional Council will make budgetary provision for the implementation of the procurement policy annually.

8.3 MONITORING AND EVALUATION

The Council will comply with PPU compliance framework established to monitor procurement activities. Monitoring and Evaluation will be should be done by Internal Auditors through routine quarterly audits to ensure policy adherence and to identify areas for improvement.

8.4 ADVOCACY AND DISSEMINATION

The Oshana Regional Council shall in line with its Communication Strategy create awareness about this policy with all stakeholders and beneficiaries.



PROCUREMENT PLANNING

Efficient procurement planning is critical to ensuring that procurement processes are timely, cost-effective, and aligned with strategic objectives. The Oshana Regional Council shall adopt the following planning mechanisms to achieve these outcomes:

9.1 ANNUAL PROCUREMENT PLAN (APP):

The Council will prepare an Annual Procurement Plan (APP), outlining all planned procurement activities for the upcoming financial year. The APP must be completed three months before the commencement of each financial year and submitted for approval by the Accounting Officer. Once approved, the APP will be submitted to the Procurement Policy Unit and made publicly available through the Council's website and the E-GP platform.

9.2 NEEDS ASSESSMENT

All directorates inclusive of delegated functions shall undertake comprehensive needs assessments to ensure that procurement activities are directly aligned with the Council's strategic objectives. This ensures that resources are allocated efficiently and that procurement decisions are justified based on actual requirements.

9.3 BUDGET ALIGNMENT

All procurement activities must be aligned with the approved Council budget. No procurement shall proceed without obtaining an approved financial certificate, ensuring that all expenditures are authorized and budgeted in advance. This step is crucial for maintaining fiscal discipline and accountability.





PROCUREMENT REPORTING

The Council will prepare procurement accountability reports on a monthly, quarterly and annual basis, as follows:

10.1 MONTHLY PROCUREMENT REPORT

The Head of Procurement should submit monthly procurement reports to the Accounting Officer within 5 days of the subsequent month, and table the same report at the Executive Management Committee. The Accounting Officer will table the monthly procurement report to the Council.

10.2 QUARTERLY PROCUREMENT REPORT

The Head of Procurement should submit quarterly procurement reports to the Accounting Officer and Procurement Policy Unit within 15 days of the subsequent quarter, and table the same report at the Executive Management Committee. The Accounting Officer will table the quarterly procurement report to the Council.

10.3 ANNUAL PROCUREMENT REPORT

The Head of Procurement on the recommendation of the Procurement Committee should submit an annual procurement report to the Accounting Officer within 15 days of the subsequent financial year.



PROCUREMENT METHODS

The Oshana Regional Council shall make use of the following procurement methods, selecting the most appropriate method based on the value, nature, and urgency of the procurement:

11.1 OPEN ADVERTISED BIDDING

The officials must use Open Advertised Bidding consistently to promote fair competition in procurement. This is the default procurement method for the Council. PMU should issue public adverts to invite bids from a wide pool of potential suppliers through widely circulated newspapers.

When procuring within the country, the Council must use Open National Bidding, and Open International Bidding when goods, works and services cannot be sourced with the country. This method only applies to procurements above N\$2 million and within the Public Entity's procurement threshold.

11.2 RESTRICTED BIDDING

The officials must use restricted bidding when the market for required goods, works, and services is limited, and only a few suppliers possess the capability to meet the procurement requirements. The method may also be employed to reduce the time for evaluating large volume of bids as prescribed. Restricted bidding can only be used for procurement within a value threshold of N\$3 million.

11.3 REQUEST FOR SEALED QUOTATIONS

When the Council is procuring goods, works and services from a wide range of suppliers, officials must make use of Request for Sealed Quotations (RFQ). This method is efficient for acquiring goods, works and services within a short time frame, while still ensuring competitiveness. This method applies to procurement above N\$15,000 and below N\$2 million.

11.4 DIRECT PROCUREMENT

Officials are discouraged from using Direct Procurement as it reduces competitiveness. Direct Procurement may only be used when there is a sole supplier, an urgent need, additional goods, works and services, and in events of emergencies as prescribed.

11.5 EXECUTION BY PUBLIC ENTITIES (EPE)

Where appropriate, the Council may procure goods, works, and services directly from another public entity to leverage the entity's expertise or legal mandate, ensuring efficiency and alignment with public service objectives. The officials must only procure from public entities listed in the Public Procurement Regulations of March 2017.



11.6 EMERGENCY PROCUREMENT

The officials must use this method when unforeseen emergency circumstances arise that require immediate procurement to prevent serious consequences to the Council's operations, public safety, or the welfare of the community. PMU in consultation with the user department should report all emergency procurement undertaken to the Procurement Policy Unit.

11.7 SMALL VALUE PROCUREMENT

For minor procurements, the official must use the small value procurement method to acquire goods, works, and services below a set value threshold of N\$15,000.00, ensuring a simplified and expedited process.

11.8 REQUEST FOR PROPOSAL (RFP)

The officials should utilize Request for Proposals for complex procurements where goods, works, or services cannot be clearly defined in advance. This method allows for flexibility in evaluating technical proposals based on the solutions provided by bidders.

11.9 ELECTRONIC REVERSE AUCTION

The Council will make use of Electronic Reverse Auction for procurements suitable for online bidding as prescribed. This method allows suppliers to bid down their prices in a real-time competitive process, optimizing costs and efficiency for the Council.

11.10 STANDARD BIDDING DOCUMENTS

The user departments should make use of the correct Standard Bidding Documents from the Procurement Management Unit. The officials preparing bid documents should familiarize themselves with the applicable standard bidding documents for each procurement method and the nature of procurement.





12

BIDDING PROCESS

The Open Advertised Bidding process is the Oshana Regional Council's default method of procurement. The Council will promote procurement methods that promote competitiveness and inclusivity. The table below outlines the key stages of the bidding process, from identifying procurement needs to finalizing contracts.

Table: Bidding Process: Open Advertised Bidding

Stage	Procurement Stage	Process Description
Stage 1	Needs Identification	The User Department shall liaise with the Procurement Management Unit (PMU) to identify procurement needs in alignment with the approved Annual Procurement Plan (APP).
Stage 2	Funding Determination	The Financial Advisor shall verify the availability of funds, after which the Accounting Officer will approve the Financial Certificate to confirm budgetary allocation.
Stage 3	Bid Preparation	The PMU, in collaboration with the User Department, will prepare the bid documents and the Individual Procurement Plan (IPP), ensuring full compliance with procurement regulations.
Stage 4	Approval of Bidding Documents	The Procurement Committee (PC) shall review, vet, and approve the bidding documents and the proposed procurement method in accordance with the APP or, where necessary, recommend a revised method.
Stage 5	Process Approval	The Accounting Officer shall review and either approve or decline the proposed procurement process.

Stage 6	Bid Invitation	The PMU will formally invite bids through open advertisement, as per the approved procurement plan. The duration of advertisement is as follow; <ul style="list-style-type: none"> » Small Value Procurement (IQ): 7 days on Council's website and E-GP portal » Request for sealed quotation (RFQ): 14 days on Council's website and E-GP portal » Restricted Bidding: 7-14 days to be delivered to suppliers » Open National Bidding (ONB): 30 days in newspaper, Council Website and E-GP Portal » Open International Bidding (OIB): 30 days
Stage 7	Clarification Period	Bidders may request clarifications from Council regarding the bid. Modifications, substitutions, or withdrawal of bids are allowed before the bid submission deadline.
Stage 8	Bid Closing and Opening	At the bid opening session, the PMU will publicly read out the name of each bidder, the total bid amount, any discounts/alternatives, mandatory documents and the bid security (if applicable).
Stage 9	Bid Evaluation	The Bid Evaluation Committee (BEC) will evaluate the technical aspects of the bids, while the Procurement Committee will assess the non-technical aspects. The evaluation of bids will be based on pre-determined criteria that are clearly outlined in the bidding documents
Stage 10	Procurement Committee	The Procurement Committee will review the evaluation report submitted by the BEC and recommend the procurement award or cancellation to the Accounting Officer.
Stage 11	Selection of Procurement Award	The Accounting Officer shall review and either approve or decline the proposed procurement process.
Stage 12	Procurement Award	The procurement award shall be published on the Council's website and the Electronic Government Procurement (E-GP) portal within 7 days of the award decision.
Stage 13	Contract Signing	The successful bidder must sign the contract within 30 days of the procurement award notification. (If the successful bidder fails to sign a procurement contract and submit the bid security to the council, PC will recommend the next responsive bidder for contract award).





13 INTEGRATION AND EMPOWERMENT STRATEGIES

The Oshana Regional Council is committed to advancing the government's socio-economic empowerment objectives by implementing the Code of Good Practice in accordance with Sections 70, 71, and 72 of the Public Procurement Act, No. 15 of 2015, as amended.

To achieve these objectives, the Oshana Regional Council shall adopt and enforce the following procurement preferences, designed to promote equitable participation, economic empowerment, and sustainable development.

13.1 CODE OF GOOD PRACTICE (MARGINAL PREFERENCE)

National Preferences

In accordance with Section 71 of the Public Procurement Act, No. 15 of 2015, as amended, the Oshana Regional Council shall give preference to Namibian bidders and prioritize the procurement of goods and services with significant local content.

National preferences shall be applied to promote local industry development, ensure the retention of economic benefits within Namibia, and support local businesses to contribute to job creation and economic growth, as follows:

- (a) The Council must give national preference to a bidder who qualifies as a Namibian bidder in terms of section 71(3) of the Act. Namibian majority owned businesses (51%).
- (b) The Council should demonstrate that the bidder meets the local content (Annexure B) and complies with the Act.
- (c) The maximum cumulative allowable margins of preference applicable to national preferences for price evaluation purposes is 10%.

Exclusive Preferences

The Oshana Regional Council shall extend exclusive preferences in procurement to specific categories in line with the region's needs and government empowerment objectives. The maximum cumulative allowable margin of preference applicable to exclusive preferences for price evaluation purposes is 10%.



The Council should for every procurement give a reason for not applying the Code of Good Practice. Exclusive preference should be applied for one or combination of the following categories in line with the Code of Good Practice, as follows:

- ▶ **Locally Manufactured Goods:** 1st priority shall be given to goods that are manufactured and assembled in Oshana Region. 2nd priority shall be given to goods manufactured and assembled in Namibia. This preference shall strengthen local production capacity.
- ▶ **Micro, Small, and Medium Enterprises (MSMEs):** The Council shall implement preferential procurement measures to promote the participation of MSMEs, including simplified processes and the reservation of certain procurement opportunities.
- ▶ **Previously Disadvantaged Persons:** The Council shall prioritize businesses owned by previously disadvantaged individuals, including marginalized communities as part of its commitment to correcting historical inequalities.
- ▶ **Women and Youth:** The Council shall ensure the inclusion of businesses that are at least 51% owned by women and youth, fostering economic opportunities for these underrepresented groups.
- ▶ **Environmental Protection:** Suppliers who promote environmentally sustainable practices and provide eco-friendly products or services shall be given preference in procurement.
- ▶ **Employment Creation:** Preference shall be granted to suppliers that demonstrate a clear contribution to job creation, especially those who employ local residents and promote skills development in Namibia.

13.2 PROCUREMENT DIRECTIVES

The Oshana Regional Council shall implement procurement directives which outline specific measures for ensuring the participation and empowerment of targeted groups and industries. These directives are issued by the Minister from time to time.

13.3 EXEMPTIONS

In exceptional circumstances, and subject to the approval of the Minister, the Oshana Regional Council shall seek exemption from certain provisions of the Public Procurement Act (Act No. 15 of 2015) to support the empowerment initiatives of the government.

- (a) These exemptions shall only be sought when it is demonstrated that local suppliers are



)unable to meet the required standards, quality, or timelines for a specific procurement, and there is clear ground for empowerment in line with government policies.

- (b) The Council will seek specific exemptions in every case from the Minister for approval for a period of 1 - 3 years.

13.3.1 REGIONAL EMPOWERMENT STRATEGIES

The following strategies must be implemented for the total empowerment of Micro, Small and Medium Enterprises (MSME) and Youth owned businesses operating in Oshana Region. The Council enforces measures for the support of informal traders to grow, and fair distribution procurement contracts.

13.3.1.1 PROCUREMENT RESERVATION FOR MSME IN THE REGION

The Council must give preference to Micro, Small and Medium Enterprises in the region with the capacity to execute specific procurement of goods, works and services within a value threshold of N\$50,000.00, as follows:

- (a) Each division and delegation shall reserves 15% of works to Micro, Small, and Medium (MSME) Enterprises operating within Oshana Region.

13.3.1.2 PROCUREMENT RESERVATION FOR YOUTH

Businesses in the Region

The Council must give preference to businesses owned by the youth in the region, provided they have the capacity to execute specific procurement of goods, works and services within a value threshold below N\$50,000.00, as follows:

- (a) Each division and delegation shall reserves 15% of works to majority youth owned businesses operating within Oshana Region, in order to address youth unemployment.

13.3.1.3 PROCUREMENT FROM INFORMAL TRADERS

The Council shall procure goods, works and services of suppliers from the region who do not possess obligatory documents, as follows:



- (a) The Council will procure project materials and items for Rural Development Programmes from suppliers operating within Oshana Region, to promote rural development and industrialization. Informal Traders will be exempted from obligatory documents in terms of Section 50 of the Public Procurement Act (Act No. 15 of 2015).
- (b) The Procurement of food items including oxen and goats required for celebration of National Events at constituency offices should be sourced from the respective constituency.
- (c) In this regard, the Council should seek prior exemptions each year in terms of Section 4 (2) of the Public Procurement Act No. 15 of 2015 from Section 50 of the Public Procurement Act (Act No. 15 of 2015).

13.3.1.4 EQUITABLE DISTRIBUTION OF CONTRACTS

The Oshana Regional Council shall ensure that public contracts are distributed equitably across all qualified suppliers, with a focus on promoting inclusivity and fair access to procurement opportunities.

The Council shall implement measures to avoid the concentration of contracts in the hands of a few suppliers and ensure that all businesses from various socio-economic backgrounds benefit from public procurement activities, as follows: 2

- (a) The Council shall limit the number of procurement contract awards per year per contractor / supplier to 3 contracts for all works with a value threshold above N\$ 500,000.00.
- (b) Procurement Committee shall maintain a database of all contracts awarded for reference. The Council shall seek prior approval from the Minister through a general exemptions.





CONTRACT MANAGEMENT

The user departments shall monitor contractor performance to ensure compliance with contractual terms.

14.1 CONTRACT SIGNING

The user departments must ensure that the successful bidder sign the contract within 30 days of the procurement award notification. If applicable the supplier should submit the bid security to the Council before signing the procurement contract.

If the successful bidder fails to sign a procurement contract or fail to submit the bid security to the Council, the user department shall alert Procurement Committee to recommend the next responsive bidder for contract award.

14.2 SITE PROGRESS CERTIFICATION AND VARIATIONS

The user departments shall maintain proper record of site progress inspection reports, completion certificates and minutes of handover and site progress meetings. Any amendments and variations to contracts must be documented and approved by the Accounting Officer on the recommendation of the Procurement Committee.

14.3 SUPPLY CONTRACTS

The delivery notes must be signed by officials authorized to receive the procured goods. The user department must ascertain that only officials acquainted with the procured goods may receive and certify the goods to be in good order.

14.4 DISBARMENT OF SUPPLIERS AND CONTRACTORS

The user department should document factual record on the misconduct of contractor relating to the execution of the procurement contract or any other misconduct relating to the responsibilities of the bidder.



The user department must submit the factual record to the Procurement Management Unit for the attention of the Procurement Committee. The Procurement Committee may recommend to the Accounting Officer for the Council to submit an application for suspension or disbarment of bidder or supply due to misconduct.

The Council will also lodge application to the Review Panel for the suspension bidders from participation in the bidding process on the grounds of:

- (a) Supplying false information in the process of submitting a bid or prequalification application,
- (b) Bid rigging or collusion between the bidders or a bidder and a supplier, agent, or staff member concerning the formulation of any part of the bidding documents,
- (c) Interference by a supplier with the participation of competing bidders,
- (d) Misconduct relating to the submission of bids, including corruption, bid rigging, price fixing, a pattern of under - pricing bids, breach of confidentiality, misconduct relating to execution of procurement contracts, or any other misconduct relating to the responsibilities of the bidder or supplier,
- (e) Conviction for an offence relating to dishonesty, fraud, obtaining or attempting to obtain a procurement contract within five years prior to the bidding.



PROCUREMENT RECORDS

The Council shall ensure that records of procurement processes are maintained and made available for audit and public scrutiny, as prescribed. Moreover;

- ▶ All stores, bidding boxes and safes must be securely locked and inaccessible by unauthorized persons.
- ▶ The stores for procurement records, PMU offices, Bid Evaluation offices and Procurement Committee offices should be installed with cameras.
- ▶ The Head of Procurement and designate procurement officials must take custody of the keys to the bid boxes and stores designated for procurement records.
- ▶ The records shall be retained for 10 years as provided for by the Archives Act (Act No. 12 of 1992).





DISPOSAL OF ASSETS

Disposal of assets will be conducted in accordance with the Public Procurement Act (Act No. 15 of 2015) as amended. The Oshana Regional Council may not dispose of any State assets or cause anything of the State to be let or hired without the prior written authorization of the Treasury made in terms of the State Finance Act, 1991 (Act No. 31 of 1991).



ETHICAL CONDUCT IN PROCUREMENT

The Oshana Regional Council upholds ethical conduct in its procurement processes. All procurement staff, committee members, and officials engaged in procurement activities should observe the highest standards of professionalism, fairness, transparency, and integrity.

The Council recognizes that ethical behavior is essential for safeguarding public trust, preventing corruption, and ensuring accountability and fairness in procurement.

17.1 GENERAL OBLIGATIONS

Personnel involved in the procurement process must perform their duties in a manner that upholds the credibility and integrity of the Council's procurement function. Specifically, they are required to:

- ▶ **Adhere to procurement laws and procedures:** Procurement officials must fully comply with the Public Procurement Act, its regulations, and any relevant directives from the Procurement Policy Unit (PPU).
- ▶ **Ensure Fairness and Impartiality:** Procurement processes must be conducted impartially, free from favoritism or bias, and without any improper influence, ensuring equal opportunity for all bidders.



- ▶ **Promote Transparency:** Procurement processes should be open and transparent, allowing for scrutiny and ensuring that all decisions and actions are justifiable.
- ▶ **Uphold Accountability:** Procurement staff are accountable for their decisions and actions. Proper documentation of procurement processes must be maintained to ensure accurate and up-to-date records.

17.2 AVOIDANCE OF CONFLICTS OF INTEREST

The Council's procurement officials should avoid conflicts of interest, which occur when a staff member's personal interest interferes with their impartiality. To prevent conflicts of interest members shall be subjected to:

17.2.1 DECLARATION OF INTEREST

Procurement personnel must declare any personal or financial interest that could influence the outcome of a procurement process before participating in Procurement Committee (PC) and ad hoc Bid Evaluation Committee (BEC) meetings.

17.2.2 RECUSAL FROM PROCEEDINGS

Officials with a conflict of interest must recuse themselves from the procurement process to ensure impartiality and prevent undue influence.

17.2.3 AVOIDING UNDUE INFLUENCE

Procurement officials must not use their position to influence procurement outcomes for personal gain or for the benefit of related parties.

17.3 PROHIBITION OF CORRUPT AND FRAUDULENT PRACTICES

The Council's procurement officials are prohibited from engaging in corrupt, fraudulent, coercive, collusive, or obstructive practices. Specifically:



17.3.1 PROHIBITION ON BRIBERY AND GIFTS

No procurement official may solicit, accept, or offer any bribes, gifts, or favors in connection with procurement activities.

17.3.2 PREVENTION OF FRAUDULENT BEHAVIOR

Procurement staff must not falsify information or misrepresent facts in a way that compromises the procurement process.

17.3.3 COERCIVE AND COLLUSIVE PRACTICES

Procurement officials must not engage in practices that limit competition, colluding with suppliers, and giving unfair advantage to any bidder.

17.4 SPECIFIC ETHICAL REQUIREMENTS FOR PROCUREMENT STAFF

The following measures shall be implemented to ensure adherence to ethical standards by all procurement personnel:

- (a) **Appointment by Accounting Officer:** All procurement staff, including members of the PC and BEC, must be appointed by the Accounting Officer in consultation with the PPU. Only officially appointed individuals may serve in these roles.
- (b) **Signing of Performance Agreements:** Procurement personnel must sign performance agreements that define their duties and responsibilities in procurement, including specific ethical conduct requirements.
- (c) **Disqualification Declaration:** All procurement staff must sign a disqualification declaration, affirming their eligibility to participate in procurement processes.
- (d) **Adherence to Code of Conduct and Ethics:** All procurement officials must sign and comply with the Public Procurement Code of Conduct and Ethics, which outlines principles such as integrity, impartiality, and transparency in procurement activities.
- (e) **Declaration of Conflict of Interest:** During PC and BEC meetings, members are required to declare any potential conflicts of interest to the respective committee and recuse themselves from the specific procurement proceedings.



- (f) In the case of the Accounting Officer, conflict of interest is declared to the Council to appoint designate Accounting Officer for the specific concerned procurement.
- (g) All conflict of interests' declarations must be in writing. The Accounting Officer writes a letter to the Chairperson of the Council, and whereas BEC and PC members indicate and sign the declaration forms and have declarations recorded in minutes. Failure to declare a conflict of interest will result in disciplinary action.

17.5 ENFORCEMENT OF ETHICAL CONDUCT

The Oshana Regional Council must enforce ethical standards in procurement by taking disciplinary actions against the officials found guilty of violating ethical standards. In the event of any ethical violations:

(a) Disciplinary Action shall be taken:

The Council shall hold procurement staff to account if found guilty of violating ethical conduct. The staff may face disciplinary measures, including suspension, service termination, or legal prosecution, depending on the severity of the breach in line with Section 66 of the Public Procurement Act No. 15 of 2015.

(b) Reporting Mechanisms:

Informants and whistleblowers should report unethical conducts and corruption to the Accounting Officer, Chairperson of the Council, Anti-Corruption Commission and or the Namibian Police. The Council should investigate all allegations of corruption and take appropriate action.

(c) Audit and Oversight:

The Internal Auditors should conduct regular audits to ensure compliance with ethical standards and detect any irregularities in procurement activities. The Accounting Officer may also appoint external auditors or investigators to investigate allegations of unethical conduct and corruption.





CAPACITY BUILDING

The Oshana Regional Council has a responsibility to build capacity of its staff members involved in procurement. The Council should make a compulsory budget provision annually for capacitating staff members in the field of procurement.

18.1 TRAINING AND DEVELOPMENT

The Council will design and implement targeted in-house training programs, including both foundational training workshops. These training sessions will cover various aspects of public procurement.

18.2 TECHNICAL SUPPORT FROM THE PROCUREMENT POLICY UNIT

The Council in collaboration with the Procurement Policy Unit, will engage experts and facilitators to provide technical guidance and specialized training. This partnership will focus on enhancing the capacity of procurement officials to handle all procurement procedures.

18.3 CERTIFICATION AND PROFESSIONAL DEVELOPMENT

The Council shall sponsor and facilitate the training certification of its procurement officers through accredited professional bodies. The Council's support for staff participation in relevant certification programs will ensure that procurement staff are equipped with industry-standard qualifications, enhancing their ability to conduct procurement in a sound and efficient manner.

18.4 CAPACITY BUILDING FOR SUPPLIERS

The Council with the support of PPU in empowering local suppliers, particularly small and medium enterprises (SMEs), by providing training and information sessions on how to engage effectively in public procurement processes.

This will foster greater participation, competition, and compliance among local suppliers, contributing to the socio-economic empowerment objectives of the Council.





REVIEW AND AMENDMENT

This policy will be reviewed every 3-5 years, and as needed to reflect changes in legislation, regulations, and operational requirements. Amendments must be approved by the Oshana Regional Council.



CONCLUSION

This policy serves as a guiding framework to ensure transparency, accountability, efficiency, and fairness in all procurement processes. By aligning with the Public Procurement Act, No. 15 of 2015, as amended, and other relevant legal frameworks, this policy strengthens governance structures, enhances compliance, and promotes value for money in public procurement.

Through the implementation of this policy, the Council commits to fostering economic empowerment, supporting local enterprises, and ensuring equitable participation in procurement activities.

The Council further recognizes the importance of continuous improvement, capacity building, and stakeholder engagement to maintain a procurement system that is responsive, effective, and aligned with national development goals.

As procurement remains a dynamic field, the Oshana Regional Council shall periodically review and update this policy to reflect emerging trends, regulatory changes, and best practices. Successful implementation requires the commitment and collaboration of all stakeholders, ensuring that procurement practices remain ethical, competitive, and aligned with the Council's strategic objectives.





BIBLIOGRAPHY

1. African Development Bank (AfDB) Procurement Guidelines (2015).
2. Code of Good Practice on Preferences (issued under Section 72 of the Public Procurement Act, No. 15 of 2015).
3. Guidelines for the Structure of a Public Policy Document (National Planning Commission)
4. Guidelines on Procurement Methods and Procedures (Procurement Policy Unit, Ministry of Finance and Public Enterprises).
5. Public Procurement Act, No. 15 of 2015 (as amended). Republic of Namibia.
6. Public Procurement Regulations (Government Gazette of the Republic of Namibia).
7. State Finance Act, No. 31 of 1991 (as amended). Republic of Namibia.
8. Oshana Regional Council Strategic Plan (2023-2028).
9. World Bank Procurement Framework (2016).
10. Namibia Vision 2030 and the Fifth National Development Plan (NDP5).
11. United Nations Convention Against Corruption (UNCAC).

PROCU
CONTR



**REMENT
ACT**

AFFIDAVIT

**ACCOUNTING
OFFICER**

BID

BIDDER

**CONSULTANCY
SERVICES**

CONTRACTOR



APPENDICES

Annexure A: Policy Implementation Action Plan

Annexure B: Local Content for National Preference

LOCAL CONTENT (Paragraphs 1,7(b) and 8(c))

Nature of procurement	Minimum local content
Good	40% or more of the manufacturing costs of the goods, if the goods are manufactured in Namibia or if they are grown, mined or extracted in Namibia.
Works	50% or more of the employees for the works must be Namibian citizens.
Consultancy Service	50% or more of the employees for rendering the service must be Namibian citizens.
Consultancy Service	50% or more of the employees for rendering the service must be Namibian citizens.

Annexure C: Margins of Preference for different nature of procurement

PROCUREMENT GOODS	Margin of Preference
Namibian Shareholding	3%
Goods (Manufactured, grown, mined, extracted)	4%
Namibian Employees	3%
Total:	10%



CONSULTANT SERVICES	
Namibian Shareholding	3%
Services rendered by Namibian Team leader	4%
Services rendered by Namibian employees	3%
Total:	10%
NON-CONSULTANT SERVICES	
Namibian Shareholding	3%
Services rendered by Namibian (key employees)	2%
Services rendered by Namibian employees	3%
Materials	2%
Total:	10%
CONSULTANCY SERVICES (INDIVIDUAL)	
Namibian	5%
WORKS	
Namibian Shareholding	3%
Materials 50 - 60%	2%
Services rendered by Namibian key personnel inclusive of Management	2%
Services rendered by Namibian semi-skilled employees	3%
Total:	10%

