

12 September 2024

Ref: PRAZ/D/U/2

Mr. L. Churu  
Acting Town Clerk  
CITY OF GWERU

**RE: REQUEST FOR REVIEW BY THE SPECIAL PROCUREMENT OVERSIGHT COMMITTEE (SPOC): TENDER NUMBER COG/FA/02/05/2024 - PROCUREMENT OF TONER CARTRIDGES USING FRAMEWORK AGREEMENT**

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Your minute dated 15 August 2024 refers.

At the Special Procurement Oversight Committee (SPOC) Meeting No.30 of 2024 held virtually on 5 September 2024; Members observed the following:

- The Accounting Officer's procurement process was for the Procurement of Toner Cartridges under Framework Agreement and Subsequent Call-off Contract.
- The Accounting Officer adopted the Framework Agreement method in line with section 21(2) and section 30 of the Public Procurement and Disposal of Public Assets (PPDPA) Act [Chapter 22:23] as read with section 11 of the PPDPA (General) Regulations whereby suppliers will be engaged through call-off orders on an as and when required basis at varying prices.
- The Accounting Officer advertised the tender in line with section 38(2) of the PPDPA Act and 3 x bidders responded.
- The Accounting Officer evaluated the tender in line with the Standard Bidding Document and 2 x bidders were disqualified for failing to meet mandatory requirements and 1 x bidder met all the tender requirements.
- The Accounting Officer was of the view that the prices quoted by **Ovacoda Investment P/L** were on the high side and entering into framework agreements with the bidder would not result in the attainment of public procurement objectives as stated under section 4 of the PPDPA Act.
- The Accounting Officer was recommending to cancel the tender due to non-responsive bid in view with section 42(1) (d) of the PPDPA Act when in fact there was a responsive bid on the process.
- The Accounting Officer should have considered to shortlist the bidder since award will be done using call off contracts at the secondary stage where due diligence will be conducted and further to that since this was an open framework the Accounting Officer had room to enroll additional bidders on the process thereby subjecting the bidder to more competition.
- Members agreed that the Accounting Officer should proceed to shortlist the bidder that responded since award will be done using call off contracts and contract price could be negotiated for at the secondary stage.



Accordingly, the SPOC through SPOC RESOLUTION 0578 of 5 September 2024, having reviewed the Accounting Officer's submission in terms of section 54 (10) of the Public Procurement and Disposal of Public Assets (PPDPA) Act [Chapter 22:23], **RESOLVED** on Tender Number COG/FA/02/05/2024 as follows:

SPOC Reference No & Date	Outcome	Accounting Officer's Award	Value
SPOC 0578  05.09.24	Does Not Certify  Orders	<ul style="list-style-type: none"> <li>• To the best of its knowledge and ability, that the Accounting Officer's proposed cancellation of Tender No. COG/FA/02/05/2024 For Procurement of Toner Cartridges through Framework Agreement and Subsequent Call-Off Contracts withstands scrutiny, due to the fact that there was a responsive bid on the process.</li> <li>• That the Accounting Officer proceed to shortlist and enter into a Framework Agreement with the responsive bidder, Ovacoda Investment P/L, and:               <ul style="list-style-type: none"> <li>○ Open up the procurement process so as to onboard additional suppliers on the process within a period of 90 days;</li> <li>○ Conduct due diligence before award of each call-off contract to ensure attainment of value for money at the secondary stage;</li> <li>○ Submit quarterly reports for calculation of contract administration fees in line with Part VI of the Fifth Schedule to the PPDPA (General) Regulations as amended.</li> <li>○ Comply with all provisions of the PPDPA Act and PPDPA (General) Regulations.</li> </ul> </li> </ul>	N/A

You are therefore advised to proceed as follows: -

1. Take all necessary steps as directed by the resolution.
2. In all communications, please quote the above **SPOC RESOLUTION** number and the date.

  
C. Ruswa  
Chief Executive Officer  
PROCUREMENT REGULATORY AUTHORITY OF ZIMBABWE



**FOR AND ON BEHALF OF THE SPECIAL PROCUREMENT OVERSIGHT COMMITTEE  
IN ACCORDANCE WITH SECTION 54 (3) OF THE PUBLIC PROCUREMENT AND  
DISPOSAL OF PUBLIC ASSETS ACT [CHAPTER 22:23].**