

2 July 2024

Ref: PRAZ/C/47

Mr. E. Matsvaire
Acting Chief Executive Officer
TOBACCO INDUSTRY AND MARKETING BOARD (TIMB)

RE: REQUEST FOR REVIEW BY THE SPECIAL PROCUREMENT OVERSIGHT COMMITTEE (SPOC): TENDER NUMBER TIMB/MVT/006/2024- PROVISION OF MOTOR VEHICLE TYRE REPLACEMENT

Your minute dated 11 June 2024, on the above subject matter refers.

At the Special Procurement Oversight Committee (SPOC) Meeting No. 21 of 2024 held on 27 June 2024, Members observed the following: -

- The Accounting Officer's procurement process was for the Provision for Motor Vehicle Tyre Replacement using Framework Agreements.
- The tender was advertised in line with section 38 (2) of the Public Procurement and Disposal of Public Assets (PPDPA) Act [Chapter 22:23] and 2 x bidders participated in the process.
- Both bidders were not responsive to tender administrative requirements.
- The Accounting Officer over specified one of the tender requirements by requesting bidders to submit at least three stamped and signed letters of trade reference where similar goods were provided from January 2021 to date.
- The Accounting Officer was advised to craft a Standard Bidding Document with requirements that achieve public procurement objectives as set under section 4 of the PPDPA Act.
- The Standard Bidding Document stated that the minimum number of bidders to be considered to enter into Framework Agreements was three (3) and the maximum was five (5). It is in line with this clause that the Accounting Officer was recommending to cancel the tender due to a smaller number of bidders who participated in line with the Standard Bidding Document.
- The Accounting Officer did not apply provisions of section 47 of the PPDPA Act for missing historic documents. However, this did not have an impact on the outcome of the tender as the bidders had other shortcomings.
- The Accounting Officer was recommending to cancel the tender due to insufficient number of bids received in view of section 42(1)(d) of the PPDPA Act.

Accordingly, the SPOC through **SPOC RESOLUTION 0411** of 27 June 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 **TIMB/MVT/006/2024** as follows:

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MVT
TM

SPOC Reference No & Date	Outcome	Accounting Officer's Award	Value (US\$)
<p>SPOC 0411</p> <p>27.06.24</p>	<p>Certify</p> <p>Recommends</p> <p>Orders</p>	<ul style="list-style-type: none"> • To the best of its knowledge and ability, that the Accounting Officer's proposed cancellation withstands scrutiny. • That the Accounting Officer can proceed to cancel Tender No. TIMB/MVT/006/2024 for the Provision of Motor Vehicle Tyre Replacement Using Framework Agreements due to insufficient number of bids received in view of section 42(1)(d) of the PPDPA Act. • That the procurement proceedings be recommenced, as follows: - <ul style="list-style-type: none"> ○ Debrief the bidders on the reasons for tender cancellation. ○ Review the process (investigation into unsuccessful procurement proceedings) in line with section 24 of the PPDPA (General) Regulations 2018. ○ Process the requirements in line with section 30 (Selection of Procurement method) of the PPDPA Act as read in conjunction with section 10 (<i>Financial thresholds</i>) of the PPDPA (General) Regulations. ○ Comply with all provisions of the PPDPA Act and PPDPA (General) Regulations on all future tenders. 	<p>N/A</p>

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.



CR C. Ruswa *CR*
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].**