

**SPPRA CIRCULAR NO.: 4/2015**

**ISSUE DATE: 10 JUNE 2015**

**ADDRESSED TO: TENDERERS, SUPPLIERS, PROCURING ENTITIES, AND  
TENDER BOARDS**

**SUBJECT: FEES FOR LODGING APPLICATIONS FOR  
ADMINISTRATIVE REVIEW AND APPEALS AGAINST  
SUSPENSION**

**EFFECTIVE DATE: 1<sup>st</sup> MARCH 2015**

**STATUTORY REFERENCE: SECTIONS 66 AS READ WITH S46(2), 48(2) AND 57(7)  
OF THE PUBLIC PROCUREMENT ACT NO.7 OF 2011**

1. This SPPRA Circular has been issued in terms of Sections 46(2), 48(2) and S57(7) as read with Section 66 of the Public Procurement Act No.7 of 2011. The Act provides for the payment of fees for receiving applications for review, administrative review, and appeals against suspension from tenderers and suppliers.
2. These fees will cover the costs of receiving, processing and hearing applications for review, administrative review and appeals against suspension. The end to end process involves the conduct of investigations and the engagement of subject-matter experts and therefore the recoupment of such expenses is hereby being addressed.

3. In light of the foregoing, when submitting applications for review in terms of section 47 of the Act, tenderers and suppliers shall pay fees to the Agency in accordance with paragraph 5 herein below and submit, to the procuring entity, a copy of the proof of payment with the application for review.
4. When submitting applications for administrative review in terms of section 49 of the Act, tenderers and suppliers shall pay fees to the Agency in accordance with paragraph 5 herein below and submit, to the Agency, a copy of the proof of payment with the application for administrative review.
5. The schedule of fees is as follows:
  - (a) 0.5% of the evaluated contract price offered by the review or administrative review applicant to the procuring entity in the procurement proceedings;
  - (b) 0.5% of the value of the contract concerned in the case of an appeal against suspension;
  - (c) Subject to a minimum fee of E1,000.00 if the percentage fee is lower than E1,000.00; and
  - (d) Subject to a maximum fee of E30,000.00 if the percentage fee is higher than E30,000.00.
6. The above mentioned fee is payable at the SPPRA offices, 1<sup>st</sup> Floor, Nkhotfotjeni Building, Dzeliwe Street, Mbabane. All applications for administrative review and appeals against suspension shall therefore only be enrolled, processed and finalized once this fee has been paid with the Agency.
7. Any application or appeal lodged with the procuring entity and or the Agency will be regarded as incomplete if the proof of payment is not attached thereto.
8. This circular shall be deemed to have come into force and effect on the 1<sup>st</sup> of March, 2015.

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**B.J. Motsa**

**EXECUTIVE DIRECTOR**

**SWAZILAND PUBLIC PROCUREMENT REGULATORY AGENCY**