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ESPPRA CIRCULAR NO: 1/2019

ISSUE DATE: 16th JANUARY 2019

ADDRESSED TO: PROCURING ENTITIES AND ENTITY TENDER BOARDS

SUBJECT: PUBLIC OFFICERS DOING BUSINESS WITH PUBLIC ENTITIES (GOVERNMENT DEPARTMENTS, PARASTATALS AND LOCAL GOVERNMENT).

EFFECTIVE DATE: 16th JANUARY 2019

STATUTORY REFERENCE: SECTION 66 READ WITH SECTION 10 (b) (ii) AND 60 (2) OF THE PUBLIC PROCUREMENT ACT NO.7 OF 2011

1. This circular has been issued in terms of Section 66 as read with Section 10 (b) (ii) and Section 60 (2) of the Public Procurement Act No.7 of 2011. The Act provides for the non-participation of public officers and politicians in public procurement.
2. The Agency has noted, with great concern, during its monitoring and oversight function execution that public officers continue to participate in public entities' tenders much against the provisions of the Act. This circular is issued as an instruction to Controlling Officers and Entity Tender Boards (including Government Tender Board) to ensure that during tender evaluation processes, assurance is made that public officers do not participate in public entities' tenders.

3. Public Officer as defined in the Act means any officer employed in the public service including in procuring entities, requesting entities, the Agency and Tender Boards.
4. The Agency will closely monitor adherence to this instruction. Failure to adhere to this provision of the Act could result to suspension of the tenderer in accordance with Section 55 of the Act.

ESWATINI PUBLIC PROCUREMENT REGULATORY AGENCY