



**ESwatini Public Procurement Regulatory Agency  
(ESPPRA)**

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**REQUEST FOR EXPRESSION OF INTEREST**

**FOR**

**SELECTION OF STANDING REVIEW PANEL MEMBERS**

**REFERENCE NUMBER: EOI/18/003**

**09 May 2019**

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# ADVERTISEMENT

**REQUEST FOR EXPRESSION OF INTEREST (EOI)**  
**SELECTION OF STANDING REVIEW PANEL MEMBERS**  
**RFP NUMBER: EOI/18/003**

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The Eswatini Public Procurement Regulatory Agency (ESPPRA) invites sealed Proposals from suitably qualified admitted attorneys of the High Court of Eswatini to constitute the standing review panel for the Agency in line with section 50 of the Public Procurement Act No.7, 2011.

**The Agency seeks to engage suitably qualified legal experts who are admitted attorneys of the High Court of Eswatini with demonstrable legal expertise and experience in Public Procurement Law or related field.**

The proposal shall consist of a Technical Proposal, marked “**Technical Proposal – EOI18/003**” and should be sealed in an envelope: and addressed to “**Chief Executive Officer, Eswatini Public Procurement Regulatory Agency, Rhus Office Park, Karl Grant Street, Mbabane**”.

The Proposal must be deposited in the Tender Box situated in the **Eswatini Public Procurement Regulatory Agency offices, Rhus Office Park, Karl Grant Street, MBABANE** at the latest by **09:30 hours (Eswatini time) on the 24<sup>th</sup> May 2019**. Late proposals received by telegram, facsimile, email or similar medium will not be considered.

Requests for clarification, which must be in writing, should be addressed, via email, to [ynxumalo@sppra.co.sz](mailto:ynxumalo@sppra.co.sz). The Agency will strive to promptly respond in writing via e-mail to any requests for clarification up until close of business on **the 15<sup>th</sup> May 2019**. Written copies of the Agency’s response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective Bidders.

For administrative and technical enquiries, please contact the Procurement Clerk- Ms. Yeyezile Nxumalo in writing at E-mail: [ynxumalo@sppra.co.sz](mailto:ynxumalo@sppra.co.sz)

## TERMS OF REFERENCE

### 1. BACKGROUND

The Eswatini Public Procurement Regulatory Agency (ESPPRA or “the Agency”) is an independent public enterprise established under section 9 of the Public Procurement Act of 2011 (the Act). Section 9(2) of the Act mandates the Agency to serve as an independent regulatory body, with responsibility for policy, regulation, oversight, professional development and information management and dissemination in the field of public procurement. Section 11(1) of the Act requires the Agency to have the competence, authority, power and responsibility to enforce the Act and public procurement regulations issued under the Act. In this regard, the Agency oversees all public procurement conducted by procuring entities and the scope of this oversight covers Government Ministries, Departments and Agencies, as well as category “A” public enterprises and Local Government Authorities / municipalities.

The Agency now seeks to engage and retain suitably qualified admitted attorneys of the High Court of Eswatini with proven expertise and experience in different legal specialities particularly in public procurement law, including litigation in public and private sector enterprises and companies.

### 2. GENERAL OBJECTIVES

The Objective of this EOI is to acquire proposals from suitably qualified admitted attorneys of the High Court of Eswatini for the subsequent selection and appointment to the Standing Review Panel as per the provisions of section 50 of the Public Procurement Act No.7, 2011.

### 3. SCOPE OF WORK

As per the provisions of section 50 read together with section 51 of the Public Procurement Act, No.7, 2011, the Agency shall select from the Standing Review Panel members to constitute the Administrative Review Committee on a case by case basis. Their functions are enshrined in section 51 which *inter alia* provides that unless such case is dismissed, the Independent Review Committee shall;

- I. Immediately institute an investigation
- II. Issue a written decision, within fifteen working days after the submission of the application.
- III. In conducting its investigation, the Independent Review Committee shall have the power to;
  - a. Access any information, documents, records and reports in respect of any aspect of the procurement process subject to the investigation
  - b. Summon witnesses and examine witnesses and parties concerned.
- IV. The committee shall make a decision which shall state;

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- a. Whether the application is upheld, in whole or in part or dismissed;
  - b. The reasons for the decision; and
  - c. Any corrective measures that are to be taken or remedies ordered in accordance with section 52.

#### **4. TIME FRAME**

The appointment will be for a period of twenty-four (24) months and the Agency shall enter into a service level agreement with the successful candidates.

#### **5. RENUMERATION**

As per the provisions of section 50 (8) of the Public Procurement Act No.7,2011 The members of an Independent Review Committee shall be paid sitting allowance and travelling allowances as are paid to the members of the governing body of a category A, Group 1 public enterprise.

#### **6. QUALIFICATIONS, KNOWLEDGE AND EXPERIENCE**

- a) Admitted attorneys of the High Court of Eswatini who are “fit and proper” with integrity and in good standing;
- b) Five (5) years or more experience in the provision of legal services
- c) Knowledge and experience in Public Procurement Law or related fields will be an added advantage
- d) No direct or indirect personal involvement in public procurement functions during the period of their service on the standing review panel.

#### **7. INSTUCTIONS TO TENDERERS**

- Tenderer should submit the following required documentation;
  - Certified Admission Certificate
  - Detailed CV
  - Certified copies of qualifications
- Tenderer should provide at least one copy of ruling where you were once a chairman of a tribunal, hearing or arbitration
- Tenderer should be a Principal Attorney or Partner
- Submission deadline is Friday, 24<sup>th</sup> May 2019 at 09:30 am
- Proposals should be hand delivered at ESPPRA premises
- Proof or confirmation letter from law society that tenderer is in good standing
- Participation in other professional bodies (regional or local) apart from Law Society would be an added advantage

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## 8. EVALUATION CRITERIA

The Agency will consider the following factors when determining the most competitive proposals for legal services: The minimum pass mark required to pass is 70%

<b>Criteria</b>	<b>Scoring Weighting</b>
• Admitted attorneys of the High Court of Eswatini who are “fit and proper” with integrity and in good standing	10
• Practising attorneys with not less than 5 years as a practising attorney	20
• Experience in Public Procurement or related field	10
• Evidence of relevant experience and milestones achieved	60