



## NATIONAL PROCUREMENT ACT PROCUREMENT INSTRUCTION

03/2019

1<sup>ST</sup> April 2019

**SUBJECT: WAIVER TO HAVE CONTRACT MANAGEMENT OF COMMISSION PROCUREMENTS ASSIGNED TO THIRD PARTY CONTRACT MANAGEMENT SERVICES, SECTION 73 NATIONAL PROCUREMENT ACT 2018**

### 1 INTRODUCTION

#### 1.1 Authority

This Procurement Instruction (hereafter PI) is issued under Section 45 of the *National Procurement Act* (hereafter NPA). The Board of the National Procurement Commission (hereafter NPC) and the APC Committee (APCC) may issue PIs or Guidelines not inconsistent with this Act, which are necessary or desirable for carrying out or giving effect to the NPA and in general for the better control and management of procurement.

### 2 PURPOSE

#### 2.1 Section 73 Waiver

All public and statutory bodies undertaking procurement with the NPC is waived from requiring contract management to be assigned to third party contract management services.

Irrespective of this waiver, a public or statutory body can formally apply to the NPC to assign third-party contract management services of a contract or classes of contracts if it requires this due to lack of technical experience and/or capacity to execute the management of a contract to reasonable and sufficient standards. The NPC must consider this request and respond within 7 days of its decision. If this application has been if denied, the NPC must provide reasons for the rejection. The body has the right to seek administrative review for this decision with the APCC in accordance with section 75 of the NPA.

#### 2.2 Period of the Waiver

This APCC waiver ceases on 31st March 2025. Further terms and conditions shall be determined by the NPC prior to 31st March 2025.

**DAIRI VELE**  
**Secretary for Treasury**  
Chairman - APCC

**Date:** 1<sup>st</sup> April 2019

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