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REVIEW PANEL AND HIGH COURT OF NAMIBIA DISMISSED REVIEW APPLICATION BY ADAPTIVE BUILDING LAND CONSTRUCTION CC (JV) CHINA STATE CONSTRUCTION ENGINEERING CORPORATION (SOUTHERN AFRICA) PTY LTD IN FAVOUR OF CPBN

Adaptive Building Land Construction CC in a Joint Venture with China State Construction Engineering Corporation suffered a double blow after its review application was dismissed by both the Review Panel and the High Court of Namibia.

The bidder in question participated in the bid facilitated by the Central Procurement Board of Namibia (CPBN) on behalf of Namibia Water Corporation (NAMWATER) for the Construction of the Naute-Keetmanshoop Water Pipeline Replacement and Ancillary Works. However, the bidder was deemed non-responsive and was disqualified from the bidding process due to the following reasons:

1. The Bidder provided a reference letter for project in similar works completed, however, the reference letter does not indicate the project value or give a brief description of scope of work done as required in the Instruction To Bidders.
2. Secondly, the bidder provided a reference letter and take over certificate for the Schwartzkuppe project, however the reference letter does not specify the diameter of the pipe as required in the Instruction to Bidders.

Subsequently, Adaptive Building Land Construction CC approached the Review Panel to set aside CPBN's decision in awarding the bid in question to JDN Civil Engineering in joint Venture with New Era Investment (PTY) LTD, as per the Notice for Selection of Procurement Award and Executive Summary issued by CPBN on 23 October 2023. The Review Panel dismissed this review application in favour of CPBN at its hearing held on 19 December 2023. Not satisfied with the ruling of the Review Panel, the bidder in question further approached the High Court of Namibia for an interdict for CPBN not to award the bid, pending the outcome of the review application. In her ruling on 16 January 2024, Acting Judge De Jager, struck the application from the roll. This ruling is based on the grounds that the applicant failed to effect physical service on the fourth to the seventh respondents, including the selected bidder JDN Civil Engineering CC JV New Era Investment (Pty) Ltd. The court deemed this as a flagrant disregard to the rules of service and refused condonation and struck the interim relief sought under Part A of the application from the roll.

With the High Court ruling, CPBN will now forge ahead to award the contract to JDN Civil Engineering in joint Venture with New Era Investment (PTY) LTD. This contract is valued at a cost of N\$184,977,709,76.

This procurement projects is critical to the livelihood of the Namibian population in the south, as the Naute Dam supplies water to the town of Keetmanshoop and its surrounding areas.

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-Signed via email-