

THE PUBLIC PROCUREMENT BILL, 2020

MEMORANDUM

The objects of this Bill are to —

- (a) revise the law relating to procurement so as to enhance transparency, efficiency, effectiveness, economy, value for money, competition and accountability in public procurement;
- (b) regulate and control practices relating to public procurement in order to promote the integrity of, fairness and public confidence in, the procurement process;
- (c) promote the participation of citizens in public procurement;
- (d) continue the existence of the Zambia Public Procurement Authority;
- (e) repeal and replace the Public Procurement Act, 2008; and
- (f) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY PROVISIONS

Section

1. Short title and commencement
2. Interpretation
3. Application
4. Approval required for international procurement agreements

PART II
THE ZAMBIA PUBLIC PROCUREMENT AUTHORITY

5. Continuation of Zambia Public Procurement Authority
6. Functions of Authority
7. Constitution of Board
8. Functions of Board
9. DirectorGeneral
10. Secretary and other staff
11. Emoluments and other conditions of service of Director-General, Secretary and other staff

PART III
GENERAL PRINCIPLES OF PUBLIC PROCUREMENT

12. Procurement pricing
13. Non-discrimination from participation
14. Standard procurement documents
15. Restriction on office holders
16. Use of information and communication technologies
17. Form of communication and advertisements
18. Inappropriate influence on valuations and other matters
19. Corrupt, coercive, obstructive, collusive or fraudulent practice and conflict of interest
20. Confidentiality
21. Procurement records
22. Procurement approvals
23. Stakeholder feedback

PART IV

PROCURING ENTITIES

24. Composition of procuring entities
25. Functions of procuring entities
26. Duties and responsibilities of controlling officer or chief executive officer
27. Establishment and composition of Procurement Committee
28. Functions of Procurement Committee
29. Tenure of office of Procurement Committee
30. Proceedings of Procurement Committee
31. Subcommittees and subdivisions of Procurement Committee
32. Establishment of procurement units and functions
33. Functions of user departments
34. Procurement authorisation and levels of authority
35. Procurement of common use items
36. Use of procurement agent or service provider

PART V

METHODS OF PROCUREMENT

37. Methods of procurement
38. Open bidding
39. National and international bidding
40. Open selection
41. National and international selection
42. Limited bidding
43. Limited selection
44. Simplified bidding
45. Simplified selection
46. Direct bidding
47. Direct selection
48. Electronic reverse auction
49. Procedure for electronic reverse auction
50. Force account
51. Purchase from other procuring entities
52. Procurement of infrastructure for private financing and award of concessions
53. Community participation in procurement

PART VI
PROCUREMENT PROCESS

54. Choice of procurement procedure
55. Pre qualification
56. Commencement of procurement proceedings
57. Procurement planning
58. Determination of procurement method
59. Statement of procurement requirements
60. Solicitation documents
61. Selection of bidders
62. Invitation of bids
63. Bid security or bid securing declaration
64. Receipt of bids
65. Opening of bids
66. Evaluation
67. Post qualification
68. Negotiations
69. Termination or cancellation of procurement proceedings
70. Decision to award contract
71. Notification of best evaluated bidder
72. Award of contract
73. Standard contract
74. Prohibition from assigning contract
75. Notification of unsuccessful bidder
76. Contract management
77. Amendment or variation of contract
78. Defects liability certificate and payment
79. Deviations
80. Accreditation of alternative procurement system

PART VII

**INVENTORY CONTROL, ASSET AND STORES MANAGEMENT
AND DISTRIBUTION**

- 81. Stores management system
- 82. Management of purchased goods

PART VIII

COMPLIANCE MONITORING AND ENFORCEMENT

- 83. Supply of information by public entity
- 84. Investigations and inspections
- 85. Appointment of inspectors
- 86. Powers of inspectors
- 87. Report of investigation or inspection
- 88. Powers of the Authority in investigation or inspection

PART IX

BIDDERS AND SUPPLIERS

- 89. Eligibility of bidders
- 90. Qualification of bidders
- 91. Preference and reservation for schemes
- 92. Participation by public body or company in procurement
- 93. Subcontracting policy
- 94. Supplier database or list
- 95. Suspension of bidder or supplier
- 96. Grounds for suspension of bidder or supplier
- 97. Permanent bar of bidder or supplier
- 98. Rejection of bid, proposal, offer or quotation
- 99. Appeal against suspension