

Tendering – a symptom of the deterioration of public accountability

The deterioration of public accountability in a public institution can be found in public sector procurement.

The Tender Board of Namibia, “has become mired in a continuous reputational struggle as a result of questionable practices, most notably the increased exemption of procurement from established procedures, which has by most indications become the norm” (Links & Daniels, 2011).

The *Namibian* of 14 July 2016 reported that the Tender Board has lost a court case in which the High Court ruled during March 2016 that a tender allocated to Namibia Rail Construction (NRC) has to be revisited. NRC did not meet the tender specifications on several requirements in terms of quality, cost, incomplete tender documents and late submission of test results of their products.

The decision of the court has not been implemented. Allegedly, senior officials of the Ministry of Works are changing the tender specifications in an attempt to award the tender to NRC.

Other tender allocations have also been overruled by the High Court in the past. However, this case in which tender specifications are allegedly



JOHAN COETZEE

being changed to suit a specific company, after a court ruling, is an example of no respect for the court. According to the new procurement regulations of the newly implemented Public Procurement Act of 2015, companies found guilty of corrupt acts while bidding for government contracts could face a fine of N\$5 million and/or a ban of up to five years. The question is: Can we have the most stringent laws, if the people (us) implementing them are not committed to reduce corruption? What will change?

References

- Links, F. & Daniels, C. 2011. *Tender Board: Need for Root and Branch Reform*. Institute of Public Policy Research. Anti-Corruption Research Programme, 3, September 11, 1-36.
- Mongudhi, T. 2016. *Government drags feet, amid favouritism claims*. *The Namibian*, 14 July, Windhoek.
- Shinovene, I. 2017. *Corrupt firms face five-year ban*. *The Namibian*, 8 May, Windhoek.

jcoetzee@nust.na

Die Republikein 12 May 2017