

Public Procurement and Disposal of Public Assets (General)  
(Amendment) Regulations, 2020 (No. 2)

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IT is hereby notified that the Honourable Vice President responsible for Procurement, in consultation with the Minister of Finance and Economic Development, in terms of section 101 of the Public Procurement and Disposal of Public Assets Act [*Chapter 22:23*] and after consulting with the Procurement Regulatory Authority of Zimbabwe, has made the following regulations:—

1. These regulations may be cited as the Public Procurement and Disposal of Public Assets (General) (Amendment) Regulations, 2020 (No. 2).

2. The Public Procurement and Disposal of Public Assets (General) Regulations, 2018, published in Statutory Instrument 5 of 2018 (hereinafter referred to as the “principal regulations”), are amended by the repeal of section 10 and substitution with the following—

*“Financial thresholds*

10. (1) For the purpose of section 14(1) of the Act, where the price of the procurement requirement is below—

- (a) the equivalent of two hundred thousand (200 000) United States dollars, in the case of construction works; or
- (b) the equivalent of one hundred thousand (100 000) United States dollars, in the case of goods; or
- (c) the equivalent of fifty thousand (50 000) United States dollars, in the case of consultancy and non-consultancy services;

procuring entities shall be responsible for managing their own procurement.

(2) For the purpose of section 34 of the Act, where the price of the procurement requirement for items not covered in a framework agreement is below—

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- (a) the equivalent of twenty thousand (20 000) United States dollars, in the case of construction works; or
- (b) the equivalent of ten thousand (10 000) United States dollars, in the case of goods; or
- (c) the equivalent of five thousand (5 000) United States dollars, in the case of consultancy and non-consultancy services;

procuring entities may adopt the request for quotations method of procurement.

- (3) Where the price of the procurement requirement is—
  - (a) above the equivalent of twenty thousand (20 000) United States dollars, but does not exceed the equivalent of five million (5 000 000) United States dollars, in the case of construction works; or
  - (b) above the equivalent of ten thousand (10 000) United States dollars but does not exceed the equivalent of three hundred thousand (300 000) United States dollars, in the case of goods; or
  - (c) above the equivalent of five thousand (5 000) United States dollars but does not exceed the equivalent of one million (1 000 000) United States dollars, in the case of consultancy and non-consultancy services;

procuring entities may invite only Zimbabwean (domestic) suppliers to bid.

- (4) Where the price of the procurement requirement exceeds—
  - (a) the equivalent of five million (5 000 000) United States dollars; in the case of construction works; or
  - (b) the equivalent of three hundred thousand (300 000) United States dollars, in the case of goods; or
  - (c) the equivalent of one million (1 000 000) United States dollars, in the case of consultancy and non-consultancy services;

procuring entities shall invite bids in accordance with the Act from both Zimbabwean (domestic) and foreign bidders.

(5) The threshold for scrutiny of especially valuable procurement contracts by the Special Procurement Oversight Committee in terms of section 54 of the Act shall depend on whether a procuring entity falls within any of the following classifications—

- (a) Class A, that is to say procuring entities with a procurement budget of the equivalent of two million (2 000 000) United States dollars or more and with a low risk profile, or procuring entities that fall under lower procurement budget with lower risk profile;
- (b) Class B, that is to say procuring entities with a procurement budget above the equivalent of five hundred thousand (500 000) United States dollars but less than the equivalent of two million (2 000 000) United States dollars and with a low risk profile, or procuring entities with a procurement budget under class C but with lower risk profile, or procuring entities with a procurement budget for class A but with a high risk profile;
- (c) Class C, that is to say procuring entities with a procurement budget of less than the equivalent of five hundred thousand (500 000) United States dollars and with a lower risk profile, or procuring entities with a procurement budget under Class A and B but with a high risk profile;

and the thresholds for each of those classes shall be those set out in the Second Schedule.

(6) The risk profiles referred to in subsection (5) shall be determined in accordance with guidelines issued by the Authority from time to time.

(7) For all procurements where the estimated price exceeds the request for quotation thresholds set out in subsection (2)—

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- (a) the competitive bidding method of procurement shall be used; and
- (b) an evaluation committee shall be established in accordance with section 18 of the Act; and
- (c) an individual procurement plan shall be prepared in accordance with section 23 of the Act; and
- (d) the procurement shall be advertised in accordance with the Act.

(8) The calculation of the estimated price of procurement shall be based on the total amount payable under the procurement contract, net of taxes and duties, as estimated by the procuring entity, including payments for any type of option and any renewals of the contract.

(9) The calculation of the estimated price of procurement shall not be made with the intention of excluding the procurement from the scope of the Act or of avoiding the adoption of a procurement method prescribed by the Act.

(10) For the procurement of consultancy services, the threshold for—

- (a) inviting expressions of interest shall be the equivalent of fifty thousand (50 000) United States dollars;
- (b) scrutiny by the Special Procurement Oversight Committee in terms of section 54 of the Act shall be calculated in accordance with subsection (5).”.

3. The principal regulations are amended by the repeal of the Second Schedule and substitution with the following—

“SECOND SCHEDULE (Section 10(5))

FINANCIAL THRESHOLDS FOR PROCUREMENT CONTRACTS  
LIABLE TO SCRUTINY

	<i>Financial threshold (the equivalent of US\$)</i>
<b>Class A Procuring Entity:</b>	
(a) for construction works: . . . . .	500 000
(b) for goods . . . . .	250 000
(c) non-consultancy and consultancy works . . . . .	100 000
<b>Class B Procuring Entity:</b>	
(a) for construction works: . . . . .	250 000
(b) for goods . . . . .	150 000
(c) non-consultancy and consultancy services: . . . . .	75 000
<b>Class C Procuring Entity:</b>	
(a) for construction works: . . . . .	200 000
(b) for goods . . . . .	100 000
(c) non-consultancy and consultancy services: . . . . .	50 000”.

4. The Principal Regulations are amended by the repeal of the Third Schedule and substitution with the following—

“THIRD SCHEDULE (Sections 44 and 92)

SECURITY AND FEES FOR CHALLENGES TO PROCUREMENT  
PROCEEDINGS

<i>Description</i>	<i>Fee</i>	
	<i>Domestic Bidders (ZW\$)</i>	<i>Foreign Bidders (US\$)</i>
1. Application to challenge contract award below \$175 000: . . . . .	8 000	100
2. Application to challenge contract award between \$175 000 and \$875 000: . . . . .	40 000	500
3. Application to challenge contract award between \$875 000 and \$1 750 000: . . . . .	60 000	750
4. Application to challenge contract award between \$1 750 000 and \$8 750 000: . . . . .	80 000	1 000

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<i>Description</i>	<i>Domestic Bidders (ZWS)</i>	<i>Foreign Bidders (US\$)</i>
5. Application to challenge contract award between \$8 750 000 and \$17.5 million: . . . . .	120 000	1 500
6. Application to challenge contract award between \$17.5 million and \$35 million: . . . . .	240 000	3 000
7. Application to challenge contract award between \$35 million and \$87.5 million: . . . . .	800 000	10 000
8. Application to challenge contract award between \$87.5 million and \$262.5 million: . . . . .	2 000 000	25 000
9. Application to challenge contract award between \$262.5 million and \$525 million: . . . . .	4 000 000	50 000
10. Application to challenge contract award between \$525 million and \$875 million: . . . . .	6 000 000	75 000
11. Application to challenge contract award between \$875 million and \$1.75 billion: . . . . .	8 000 000	100 000
12. Application to challenge contract award between \$1.75 billion and \$4.375 billion: . . . . .	12 000 000	150 000
13. Application to challenge contract award between \$4.375 billion and \$8.75 billion: . . . . .	16 000 000	200 000
14. Application to challenge contract award above \$8.75 billion: . . . . .	20 000 000	250 000".

5. The principal regulations are amended by the repeal of the Fifth Schedule and substitution with the following—

“FIFTH SCHEDULE (*Section 92*)

FEES

PART I

APPLICATION FOR EXEMPTION IN TERMS OF SECTION 3(7) OF ACT

<i>Description</i>	<i>Fee (ZWS)</i>
1. Application and renewal of exemption of procurement of trading stock per class of items . . . . .	200 000
2. Application for exemption of procurement of a strategic nature by procuring entities operating in competitive markets . . . . .	200 000

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PART II

APPLICATION TO CONDUCT PROCUREMENT IN TERMS OF SECTION 15 OF ACT

*Fee*

<i>Description</i>	<i>(ZW\$)</i>
1. Application and renewal of authority to conduct procurement under Class A procuring entity: . . . . .	80 000
2. Application and renewal of authority to conduct procurement under Class B procuring entity: . . . . .	120 000
3. Application and renewal of authority to conduct procurement under Class C procuring entity: . . . . .	160 000

PART III

REGISTRATION OF BIDDERS IN TERMS OF SECTION 6(1)(1) OF ACT

*Fee*

<i>Description</i>	<i>Domestic Bidders (ZW\$)</i>	<i>Foreign Bidders (USD)</i>
1. Registration and renewal of registration of Zimbabwean (domestic) bidders: . . . . .	8 000	100
2. Registration and renewal of registration of international bidders: . . . . . equivalent of	USD 750	750

PART IV

ADMINISTRATION FEES PAYABLE BY BIDDERS FOR BIDS SUBJECT TO REVIEW IN TERMS OF SECTION 54 OF ACT

*Fee*

<i>Description</i>	<i>Domestic Bidders (ZW\$)</i>	<i>International Bidders (USD)</i>
1. Administration fees for domestic competitive tenders for each bid for goods, non-consultancy and consultancy services . . . . .	8 000	100
2. Administration fees for domestic competitive tenders for each bids for construction works . . . . .	16 000	200
3. Administration fees for international competitive tenders for each bid for goods, non-consultancy and consultancy services . . . . .	16 000	200
4. Administration fees for international competitive tenders for each bid for construction works . . . . .	28 000	350

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PART V

ADMINISTRATION FEES PAYABLE BY BIDDERS FOR BID SECURITY ESTABLISHED BY THE  
AUTHORITY IN TERMS OF SECTION 44 OF ACT

*(Ninety Day Validity with an option of fifty (50) per centum establishment fees  
on extension of thirty (30) days)*

<i>Domestic Bids Description</i>	<i>Annual Fee</i>	
	<i>Domestic Bidders</i>	<i>Foreign Bidders</i>
	(ZW\$)	(USD)
1. Administration fees for bid security below \$75 000:	16 000	200
2. Administration fees above \$75 000 and below \$175 000: . . . . .	28 000	350
3. Administration fees for bid security above \$175 000 and below \$350 000: . . . . .	40 000	500
4. Administration fees for bid security above \$350 000 and below \$875 000: . . . . .	60 000	750
5. Administration fees for bid security above \$875 000 and below \$1 750 000: . . . . .	80 000	1 000
6. Administration fees for bid security above \$1 750 000 and below \$3 million: . . . . .	120 000	1 500
7. Administration fees for bid security above \$3 million: . . . . .	160 000	2 000

*(Sixty Day Validity with an option of fifty (50) per centum establishment fees  
on extension of thirty (30) days)*

<i>Domestic Bids Description</i>	<i>Annual Fee</i>	
	<i>Domestic Bidders</i>	<i>Foreign Bidders</i>
	(ZW\$)	(USD)
1. Administration fees for bid security below \$75 000:	12 000	150
2. Administration fees above \$75 000 and below \$175 000: . . . . .	20 000	250
3. Administration fees for bid security above \$175 000 and below \$350 000: . . . . .	28 000	350
4. Administration fees for bid security above \$350 000 and below \$875 000: . . . . .	40 000	500



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<i>Domestic Bids Description</i>	<i>Annual Fee</i>	
	<i>Domestic Bidders</i> (ZW\$)	<i>Foreign Bidders</i> (USD)
5. Administration fees for bid security above \$875 000 and below \$1 750 000: . . . . .	52 000	650
6. Administration fees for bid security above \$1 750 000 and below \$3 million: . . . . .	80 000	1 000
7. Administration fees for bid security above \$3 million: . . . . .	108 000	1 350

*(Thirty (30) Day Validity with an option of fifty (50) per centum establishment fees on extension of thirty (30) days)*

<i>Domestic Bids Description</i>	<i>Annual Fee</i>	
	<i>Domestic Bidders</i> (ZW\$)	<i>Foreign Bidders</i> (USD)
1. Administration fees for bid security below \$75 000:	8 000	100
2. Administration fees above \$75 000 and below \$175 000: . . . . .	14 000	175
3. Administration fees for bid security above \$175 000 and below \$350 000: . . . . .	20 000	250
4. Administration fees for bid security above \$350 000 and below \$875 000: . . . . .	30 000	375
5. Administration fees for bid security above \$875 000 and below \$1 750 000: . . . . .	40 000	500
6. Administration fees for bid security above \$1 750 000 and below \$3 million: . . . . .	60 000	750
7. Administration fees for bid security above \$3 million: . . . . .	80 000	1 000

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<i>Description</i>	<i>Fee</i>	<i>Foreign Bidders (US\$)</i>
<i>(Ninety Day Validity Applicable to Foreign Bidders)</i>		
1. Administration fees for bid security below US\$5 000: . . . . .		200
2. Administration fees above US\$5 000 and below US\$10 000: . . . . .		350
3. Administration fees for bid security above US\$10 000 and below US\$20 000: . . . . .		500
4. Administration fees for bid security above US\$20 000 and below US\$50 000: . . . . .		750
5. Administration fees for bid security above US\$50 000 and below US\$100 000: . . . . .		1 000
6. Administration fees for bid security above US\$100 000 and below US\$200 000: . . . . .		1 500
7. Administration fees for bid security above US\$200 000 . . . . .		2 000

PART VI

ADMINISTRATION FEES PAYABLE BY CONTRACTORS IN TERMS OF PART XI OF ACT

<i>Domestic Bids Description</i>	<i>Annual Fee</i>	
	<i>Domestic Bidders (ZW\$)</i>	<i>Foreign Bidders (USD)</i>
1. Contract value above \$2 million and below \$8.75 million: . . . . .	8 000	100
2. Contract value above \$8.75 million and below \$13.125 million: . . . . .	12 000	150
3. Contract value above \$13.125 million and below \$17.5 million: . . . . .	16 000	200
4. Contract value above \$17.5 million and below \$43.75 million: . . . . .	20 000	250
5. Contract value above \$43.75 million and below \$87.5 million: . . . . .	40 000	500
6. Contract value above \$87.5 million and below \$131.25 million: . . . . .	60 000	750
7. Contract value above \$131.25 million and below \$175 million: . . . . .	80 000	1 000
8. Contract value above \$175 million and below \$262.5 million: . . . . .	120 000	1 500

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<i>Domestic Bids Description</i>	<i>Annual Fee</i>	
	<i>Domestic Bidders</i> (ZW\$)	<i>Foreign Bidders</i> (USD)
9. Contract value above \$262.5 million and below \$350 million: . . . . .	160 000	2 000
10. Contract value above \$350 million and below \$525 million: . . . . .	200 000	2 500
11. Contract value above \$525 million and below \$700 million: . . . . .	240 000	3 000
12. Contract value above \$700 million and below \$875 million: . . . . .	320 000	4 000
13. Contract value above \$875 million and below \$1.3125 billion: . . . . .	400 000	5 000
14. Contract value above \$1.3125 billion and below \$1.75 billion: . . . . .	600 000	7 500
15. Contract value above \$1.75 billion and below \$2.625 billion: . . . . .	800 000	10 000
16. Contract value above \$2.625 billion and below \$4.375 billion: . . . . .	1 200 000	15 000
17. Contract value above \$4.375 billion and below \$8.75 billion: . . . . .	1 600 000	20 000
18. Contract value above \$8.75 billion: . . . . .	2 000 000	25 000
<i>International Bids Description</i>	<i>Annual Fee for Foreign Bidders</i> (US\$)	
1. Contract value above US\$ 20 000 and below US\$200 000:		100
2. Contract value above US\$200 000 and below US\$1 million:		150
3. Contract value above US\$1 million and below US\$2.5 million:		250
4. Contract value above US\$2.5 million and below US\$5 million:		500
5. Contract value above US\$5 million and below US\$7.5 million:		750
6. Contract value above US\$7.5 million and below US\$10 million:		1 000
7. Contract value above US\$10 million and below US\$15 million:		1 500
8. Contract value above US\$15 million and below US\$20 million:		2 000
9. Contract value above US\$20 million and below US\$30 million:		2 500
10. Contract value above US\$30 million and below US\$40 million:		3 000
11. Contract value above US\$40 million and below US\$50 million:		4 000
12. Contract value above US\$50 million and below US\$75 million:		5 000
13. Contract value above US\$75 million and below US\$100 million:		7 500

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<i>International Bids Description</i>	<i>Annual Fee for Foreign Bidders</i> (US\$)
14. Contract value above US\$100 million and below US\$150 million:	10 000
15. Contract value above US\$150 million and below US\$250 million:	15 000
16. Contract value above US\$250 million and below US\$500 million:	20 000
17. Contract value above US\$500 million and below US\$700 million:	25 000
18. Contract value above US\$700 million:	. . . . . 30 000”.