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PPOA CIRCULAR NO. 3/2011

20th April, 2011

To: All Accounting Officers
All CEO's, State Corporations
All Vice Chancellors, Public Universities
All Managers, Co-operative Societies
All Clerks, Local Authorities
All Principals, Public Colleges/Schools
All Chairpersons, CDF Committee's

RE: GUIDELINES FOR THE DEBARMENT OF PERSONS FROM PARTICIPATING IN PUBLIC PROCUREMENT PROCEEDINGS

Public procurement in Kenya is governed by the Public Procurement and Disposal Act 2005 (the Act) and the Public Procurement and Disposal Regulations 2006 (the Regulations). The Act was enacted for the purpose of achieving the following: -

- a) To maximize economy and efficiency;
- b) To promote competition and ensure that competitors are treated fairly;
- c) To promote integrity and fairness of those procedures;
- d) To increase transparency and accountability in those procedures;
- e) To increase public confidence in the procedures; and
- f) To facilitate the promotion of local industry and economic development.

With the huge amount of expenditure spent on government and state owned agency procurements, it is imperative that all participants in the procurement process exercise a high degree of integrity and contractual responsibility.

Part IX of the Act provides an opportunity for the Authority to exclude or render ineligible through debarment, certain persons from participating in procurement on the basis of commission of offences relating to public procurement and/or lack of contractual responsibility following procurement awards.

In furtherance of the provisions of Part IX of the Act and in order to ensure that the objectives of the Act are met, the Authority with the facilitation of USAID has prepared Guidelines for the Debarment of Persons from Participating in Public Procurement Proceedings (the Guidelines).

The Guidelines are intended to assist and inform all participants in public procurement in general, and the Procuring Entities (PEs) in particular, in the implementation of the requirements of the law regarding debarment of persons from participating in public procurement.

The Guidelines set out the grounds for and details the procedures to be followed in debarment. They also amplify the administrative review mechanism available following a decision to debar. A format for submitting a recommendation for debarment to the Authority is also provided.

You are requested to notify your procurement officers of these Guidelines and to ensure adherence to the Guidelines while submitting recommendations for debarment to the Authority.

Copies of the Instructions are herewith forwarded for your reference and further action.



M. J. O. JUMA
DIRECTOR GENERAL

Copy to :

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