



---

**DATE: 3<sup>rd</sup> February, 2017**

**For immediate Release**

**PRESS STATEMENT ON BREACH OF CONTRACTUAL OBLIGATIONS BY SOME CONTRACTORS INVOLVED IN PUBLIC PROCUREMENT.**

---

It has come to the attention of Zambia Public Procurement Authority (ZPPA) that some suppliers are not fulfilling their contractual obligations of delivering goods, works or services for the government even after receiving payment.

Government organisations are urged to ensure that goods, works and services paid for are delivered within the agreed delivery period as per contract agreement.

ZPPA wishes to inform government organisations, Procurement Committee members and contract managers that they can recommend the permanent barring of suppliers or bidders that fail to fulfil their contractual obligations in accordance with section 67 (1) (b) of the Public Procurement Act, No. 12 of 2008 and regulation 162 (2) of the Public Procurement Regulations, 2011. Under section 67 (1) (b) a bidder or supplier shall be permanently barred from participating in public procurement for substantial non-performance or under-performance of contractual obligations.

Upon receipt of a recommendation to suspend or bar a bidder or supplier from participating in public procurement, ZPPA will institute investigations and render a decision within 30 days.

ZPPA further wishes to inform the general public that the Public Procurement Act, No. 12 of 2008 decentralised the public procurement function to government organisations. It is therefore, the responsibility of government organisations to ensure that goods, works and services are delivered within the agreed time frame.

Bidders or suppliers participating in public procurement are further advised that section 74 of the Public Procurement Act requires them to at all times abide by their obligations under the Public Procurement Act, Code of Conduct, the contract and other instruments applicable to their conduct and activities related to public procurement.

A bidder or supplier who contravenes this provision commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years or to both.

The Authority has signed a Memorandum of Understanding with the Office of the Auditor General and is currently reviewing the 2015 Auditor General's Report after which necessary measures will be taken.



John Chipandwe  
**Principal Officer, Public Relations**  
**0977 813575**

---