



ZAMBIA PUBLIC PROCUREMENT AUTHORITY

Stand No. 11790 SUB-J, Procurement House, Off Alick Nkhata Road, Longacres,
P.O. Box 31009, Lusaka- Zambia

OFFICE OF THE DIRECTOR GENERAL

CIRCULAR No. 8 of 2022

Our Ref:

ZPPA/101/14/6

3rd May, 2022

To: All Permanent Secretaries
All Chief Executives of Parastatal and Statutory Bodies
All Town Clerks and Council Secretaries of Local Authorities

RE: ISSUANCE OF THE PUBLIC PROCUREMENT REGULATIONS, 2022 (STATUTORY INSTRUMENT NO.30 OF 2022)

The Authority wishes to advise that the Public Procurement Regulations, 2022 (Statutory Instrument No. 30 of 2022) were signed by the Honourable Minister of Finance and National Planning, Dr. Situmbeko Musokotwane, MP on 5th April, 2022 and published in the Government Gazette on 8th April, 2022. In view of the aforementioned, the Public Procurement Regulations, 2011 (Statutory Instrument No.63 of 2011) were revoked.

Pursuant to section 111(1) of the Public Procurement Act No. 8 of 2020 (PPA), the Authority hereby provides the following guidance on the Public Procurement Regulations, 2022:

1. The Public Procurement Regulations, 2011 are no longer in effect and have been replaced with the Public Procurement Regulations, 2022. The Public Procurement Regulations, 2022 have been issued for the better carrying out of the Public Procurement Act, No. 8 of 2022. The Public Procurement Regulations, 2022 provide for revised thresholds for procurement methods and levels of approvals authority, procedures for subcontracting, open national bidding, community participation, force account, electronic procurement, price reasonableness analysis, framework agreements, among others. In addition, the Public Procurement Regulations, 2022 has prescribed forms for declaration of interest, bid securing declaration and applications for deviations and accreditation of alternative procurement systems and submission of appeals, among others.
2. In line with section 14(3) of the Interpretation and General Provisions Act Chapter 2 of the Laws of Zambia, procuring entities are further guided that:
 - a) the publication of the Public Procurement Regulations, 2022 does not affect any right, privilege, obligation or liability acquired, accrued or incurred under the Public Procurement Regulations 2011;
 - b) the publication of the Public Procurement Regulations, 2022 does not affect any penalty or punishment incurred in respect of any offence committed under the Public Procurement Regulations 2011; and

- c) the publication of the Public Procurement Regulations, 2022 does not affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment arising under the Public Procurement Regulations, 2011 and any such investigation, legal proceedings, or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed in accordance with the provisions of the Public Procurement Regulations, 2011.

3. Further, all procuring entities are hereby advised and guided as follows:

a. Procurement Processes commenced before and after the publication of the Public Procurement Regulations 2022

- a) procurement processes commenced under the provisions of the Public Procurement Regulations, 2011 shall continue and do not require to be recommenced and will be completed under the provisions of the Public Procurement Regulations, 2022; and
- b) all procurements initiated after the publication of the Public Procurement Regulations, 2022 shall be undertaken in accordance with the provisions of the Public Procurement Regulations, 2022.

b. Reporting obligations under the Public Procurement Regulations 2011 and the Public Procurement Regulations 2022

All reporting obligations arising from the Public Procurement Regulations, 2011 that remained outstanding or were in the process of being performed shall be fulfilled and performed. Performance and fulfilment of all reporting obligations under the Public Procurement Regulations 2022 shall commence upon issuance of this Circular.

c. Appeals and Investigations

- a) Appeals and investigations commenced under the Public Procurement Regulations 2011 shall continue under the provisions of the Public Procurement Regulations, 2022. However, any rights, privileges or actions granted or taken under the Public Procurement Regulations, 2011 will not be affected.
- b) Appeals and investigations arising after the publication of the Public Procurement Regulations, 2022 shall be lodged in the prescribed manner and undertaken in accordance with the provisions of the Public Procurement Regulations, 2022.

d. Supplier Suspensions and Permanent Barring Order

All investigations relating to suspension and permanent barring of suppliers and orders undertaken and issued in line with the Public Procurement Regulations, 2011 are still valid and in force.

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e. Deviations and Accreditation of Alternative Procurement Systems

- a) All deviations and accreditations of alternative procurement systems granted under the Public Procurement Regulations, 2011 are still valid and in force.
- b) All applications for deviations and accreditations of alternative procurement systems arising after the commencement of the Public Procurement Regulations, 2022 shall be lodged in the prescribed manner in accordance with the Public Procurement Regulations, 2022.

Procuring Entities are hereby encouraged to engage the Authority for guidance on any matter that may not be clear or not specifically covered under this Circular.

The Public Procurement Regulations 2022, may be accessed from the Authority's website on www.zppa.org.zm or Government Stores at the Government Printing Department.

All addressees are advised to ensure total compliance with the Public Procurement Act No. 8 of 2020 and the new Public Procurement Regulations, 2022 and ensure that this Circular is brought to the attention of all staff under their supervision.



Idah C. Chella (Mrs.)
DIRECTOR GENERAL

cc: Secretary to the Cabinet
Office of the President
Cabinet Officer
LUSAKA

The Secretary to Treasury
Ministry of Finance
LUSAKA

The Principal Private Secretary
State House
LUSAKA

The Auditor General
Office of the Auditor General
LUSAKA