

**PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
AMENDMENT BILL, 2025**

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Public Procurement and Disposal of Public Assets Act [*Chapter 23:22*] in the following respects:

Clause 1

This clause cites the title of the Bill as the Public Procurement and Disposal of Public Assets Amendment Bill, 2025 .

Clause 2

Clause 2 amends section 2 of the Public Procurement and Disposal of Public Assets Act [*Chapter 22:23*] (hereinafter referred to as the principal Act), the definition section, by inserting some new definitions and substituting an existing definition with another.

Clause 3

This clause amends section 3 of the Principal Act by repealing the current subsection (6) and substituting with another to give the Minister authority to grant exemptions for publication of information relating to procurement where it will not be in the national interest to do so. The clause will further insert, after subsection (7), a requirement for procuring entities to ensure that all bidders participating in exempted procurement proceedings are informed and refrain from disclosing confidential information.

Clause 4

The clause amends section 6(1)(b) of the Principal Act by adding an evaluation function to the functions of the Authority in regulating procuring entities and the public procurement system.

Clause 5

Section 15(2)(c) of the Principal Act will be amended by the deletion of the requirement for procuring entities to apply for authority to conduct procurement after every two years. Instead, each procuring entity will apply for authority to conduct procurement annually to allow for alignment with their financial years of fiscus.

Clause 6

This clause will amend section 27(1)(a) of the principal Act by deletion of the requirement for procuring entities to ensure that their bidding documents incorporate international standards in applicable circumstances.

Clause 7

Section 28(1) of the principal Act is amended to ensure that participation of bidders in public procurement is non-discriminatory in conformity with section 56(3) of the Constitution.

Clause 8

The clause amends section 29 to allow for greater focus on domestic preference. It will give special preference to entities predominantly controlled by war veterans and youths as additions to the preferences already reserved for women.

Clause 9

This clause will amend section 39 by adding a requirement for the Authority's written consent in approving a procuring entity's request for a shorter bidding period.

Clause 10

This clause amends section 54 which provides for the Special Procurement Oversight Committee by removing the Auditor-General due to conflict of interest and alignment with government terminology.

Clause 11

This clause amends sections 55, 60, 67, 73 and 76 to align with the general requirement of a reduced stand still period of ten days instead of fourteen.

Clause 12

For the purpose of allowing for wide choice this clause amends section 58(2) by removing limitation on bids that can be shortlisted on the pre-qualification stage of the Request for Proposals method.

Clause 13

In order to foster transparency this clause amends section 68(a) by the insertion of a proviso requiring procuring entities to publish notices of award when conducting certain procurement methods.

Clause 14

This clause amends section 72(1) to give greater emphasis on the need to deal with situations of misrepresentation or submission of fake or fraudulent credentials and documents.

Clause 15

This clause amends section 73 of the principal Act by requiring the aggrieved bidder to procurement proceedings to lodge a challenge within ten days to the Authority instead of fourteen days to procuring entities as is currently the case.

Clause 16

This clause inserts a provision after section 74(2) of the principal Act which will set a requirement for the Authority to ensure equitable opportunity to the parties in inspecting the record of procurement proceedings being challenged.

Clause 17

This clause amends section 75 of the principal Act by allowing for a broad range of qualifications from where selection of experienced personnel may be done for the review panels.

Clause 18

This clause amends section 92 of the principal Act by inserting a new subsection requiring procuring entities to apply competitive and restrictive bidding procedures when disposing assets through public tender.

Clause 19

This clause amends section 93 of the principal Act by repealing the current provision and replacing it with one that expands the restriction on disposal of assets to include relatives.

Clause 20

This clause amends section 101 of the principal Act by expanding on the regulatory powers of the Minister to include power to prescribe regulations on electronic means of procurement, administrative penalties, licensing and training of procurement officers and members of procurement management units.

Clause 21

This clause amends the First Schedule to provide for the required numbers to constitute a quorum for Board meetings and to delete the provision of the Chief Executive Officer as the Company Secretary and inserts a new paragraph (12A) to provide for a Company Secretary in line with good corporate governance requirements.

Clause 22

This clause amends various sections where there were omissions of certain terminologies.

BILL

To amend the Public Procurement and Disposal of Public Assets Act [*Chapter 22:23*].

ENACTED by the Parliament and the President of Zimbabwe.

5 **1 Short title**

This Act may be cited as the Public Procurement and Disposal of Public Assets Amendment Act, 2025.

2 Amendment of section 2 of Cap. 22:23

10 Section 2 (“Interpretation”) of the Public Procurement and Disposal of Public Assets Act [*Chapter 22:23*] (hereinafter called “the principal Act”) is amended—

 (a) in subsection (1)—

 (i) by the insertion of the following definitions—

 “competitive market” means a market in which there are two or more suppliers competing with one another to provide goods or services;

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 “disposal”, in relation to a public asset, means the disposal or divesting of the asset by the State or public entity in which the asset is vested, whether the disposal or divesting is effected by sale, lease, franchising or any other means;

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- “employee” in relation to section 93, First Schedule paragraphs 10, 12, 13 and 15, includes a Minister, a Mayor or a Councillor;
- “procurement for the purposes of defence or public security” means the procurement of goods, construction work or services to be used by the Defence Forces and security services directly for the purposes of national defence or public security; 5
- “relative” in relation to any member of a board, council or committee of a procuring entity or any employee of a procuring entity, means (where applicable) the member’s spouse, civil partner, child (whether step-child or adopted child), parent (whether step parent or adoptive parent), sibling (including step-sibling or adoptive sibling);” 10
- (ii) by the repeal of the definition of “joint venture agreement” and the substitution of—
- “joint venture agreement” means a Public Private Partnership agreement as defined in section 2 of the Zimbabwe Investment and Development Agency Act [*Chapter 14:37*];” 15
- (iii) in the definition of “bidder” by the insertion of “or actual”, after “potential”.
- (iv) by the repeal of the definition of “procurement” and the substitution of— 20
- “procurement” means the acquisition by any means (including where applicable by good cause shown, barter trade) of goods, construction works or services (and for the purposes of sections 3 (5), 4 (1) (a) and (d) and (6) (1) (a), includes the disposal of any asset in terms of part XIII); 25
- (v) by the repeal of the definition of “procurement activities” and the substitution of—
- “procurement activities” means any one or more of the totality of the specific activities or tasks (including logistics and supply chain management) required in any way to bring the procurement process to a successful conclusion or to ensure that the process has been conducted in accordance with this Act.”. 30
- 3 Amendment of section 3 of Cap. 22:23**
- Section 3 (“Application of Act”) of the principal Act is amended— 35
- (a) by the repeal of subsection (6) and the substitution of—
- “(6) The Minister, by notice in the *Gazette*, may declare that it will be contrary to the national interest of Zimbabwe for information to be publicly disclosed concerning—
- (a) any procurement for the purposes of defence or public security; or 40
- (b) procurement of trading stock by a procuring entity operating in a competitive market;
- and thereupon this Act shall apply to that procurement or class thereof with whatever modifications may be necessary to ensure that information concerning the procurement or class thereof is not disclosed to the prejudice of the national interest of Zimbabwe: 45

Provided that a declaration under this subsection may be published as soon as possible after the event which gave rise to it, if the event happened in the context of a disaster.”;

(b) by the insertion after subsection (7) of the following subsection—

“(7b) Where the Authority has exempted a procuring entity in terms of subsection (7), the procuring entity shall ensure that all bidders in any procurement to which the exemption relates are informed of the exemption and every such bidder shall not disclose any details relating to the procurement.”.

4 Amendment of section 6 of Cap. 22:23

Section 6 (“Functions of Authority”) of the principal Act is amended in subsection (1) by the insertion in paragraph (b) after “monitor” of “, evaluate”.

5 Amendment of section 15 of Cap. 22:23

Section 15 (“Authorisation to conduct procurement”) of the principal Act is amended in subsection (2) by the deletion from paragraph (c) of “two years” and the substitution of “one year”.

6 Amendment of section 27 of Cap. 22:23

Section 27 (“Description of subject matter of procurement”) of the principal Act is amended in subsection (1)(a) by the deletion from subparagraph (v) of “incorporating international standards”.

7 Amendment of section 28 of Cap. 22:23

Section 28 (“Participation by bidders”) of the principal Act is amended in subsection (1) by the deletion of “without regard to nationality” and the substitution of “without unfair discrimination on any ground specified in section 56(3) of the Constitution”.

8 Amendment of section 29 of Cap. 22:23

Section 29 (“Domestic preference”) of the principal Act is amended—

(a) by the deletion of “a procuring entity may give preference to bids from Zimbabwean or local suppliers and manufacturers” and the substitution of “a procuring entity shall give preference to bids from Zimbabweans or local suppliers and manufacturers provided their bids meet the requirements of the procurement.”;

(b) by the repeal of paragraph (a) and the substitution of—

“(a) take into account the extent to which Zimbabwean or local suppliers and manufacturers must participate in such bid, or be subcontracted to supply the bidded goods, construction works or services, in accordance with any law; and”;

(c) by the insertion after paragraph (b) of the following paragraph—

“(b1) take into account the extent to which suppliers and manufacturers who are Veterans of the liberation struggle or entities controlled predominantly by Veterans of the liberation struggle must participate in such a bid, or be subcontracted to supply the bidded goods, construction works or services; and

(b2) take into account the extent to which suppliers and manufacturers who are youths or entities controlled predominantly by youths must participate in such a bid, or be subcontracted to supply the bidded goods, construction works or services; and

- (b3) take into account the extent to which suppliers and manufacturers who are persons with disabilities or entities controlled predominantly by people with disabilities must participate in such a bid, or be subcontracted to supply the bidden goods, construction works or services; and” 5
- (d) by the insertion after paragraph (c) of the following paragraph—
- “(d) with regard to the procurement of construction work, ensure that where a foreign supplier is awarded the procurement contract, the foreign supplier engages one or more local subcontractors and transfers to them the technology and skills needed to carry out the procurement contract.”; 10
- (e) by the insertion of the following subsection, the existing section becoming subsection (1)—
- “(2) The preference to be given to Zimbabwean or local suppliers shall be given by discounting their bids by a prescribed percentage or by such other method as may be prescribed. 15
- (3) The preference afforded to women, Veterans of the liberation Struggle, youths and persons with disabilities under subsection (1) shall operate in a manner that must comply with all the applicable bidding requirements and shall be given preference over any other bid only were the preferred bid is equal (subject to such variance as may be prescribed) to or better than any other bid.” 20

9 Amendment of section 39 of Cap. 22:23

Section 39 (“Bidding period”) of the principal Act is amended in subsection (2) by the deletion of “Provided that the bidding period” and the substitution of “Provided that, except with the written permission of the Authority, the bidding period”. 25

10 Amendment of section 54 of Cap. 22:23

Section 54 (“Special Procurement Oversight Committee for certain especially sensitive or especially valuable contracts”) of the principal Act is amended—

- (a) in subsection (2)— 30
- (i) by the repeal of paragraph (b) and the substitution of—
- “(b) the Chief Director or equivalent from the Ministry responsible for Information Communication Technology, or his or her authorised delegate employed in his or her department whose seniority shall be that of a Director or above in the Civil Service’s ranking of grades;” 35
- (ii) by the deletion in paragraph (d) of “Principal Director Public Works” and the substitution of “Chief Director Public Works or equivalent”;
- (b) by the insertion after subsection (2) of the following subsection—
- “(2a) Two members of the Special Procurement Oversight Committee shall form a quorum at any meeting of the Committee.”. 40

11 Amendment of section 55 of Cap. 22:23

Sections 55 (“Contract award”), 60 (“Quality and cost-based selection method”), 67 (“Information to be given to rejected bidders”), 73 (“Challenge to procurement proceedings”) and 76 (“Review by review panel”) of the principal Act are amended by the deletion of “fourteen days” wherever it appears and the substitution of “ten days”. 45

12 Amendment of section 58 of Cap. 22:23

Section 58 (“Request for proposals method”) of the principal Act is amended in subsection (2) by the deletion of “not fewer than three and not more than six”.

13 Amendment of section 68 of Cap. 22:23

5 Section 68 (“Notification of contract award”) of the principal Act is amended by the insertion of the following proviso to paragraph (a)—

“Provided that where procurement was done through direct procurement, restricted bidding, framework agreements or consultancy services, the procuring entity shall also publish a notice of award for procurement.”.

10 14 Amendment of section 72 of Cap. 22:23

Section 72 (“Conduct of bidders and contractors”) of the principal Act is amended by the repeal of subsection (1) and the substitution of—

“(1) Bidders and contractors shall—

- 15 (a) act in good faith throughout procurement proceedings and, where applicable, in the performance of their procurement contracts; and
- (b) ensure to the best of their ability that there are no false, incorrect or misleading statements in any document submitted to the procuring entity for the purposes of this Act; and
- 20 (c) if they become aware of a false, incorrect or misleading statement in a document they have submitted for the purposes of this Act, without delay—
 - (i) notify the procuring entity of that fact; and
 - (ii) take appropriate steps to rectify the statement; and
- 25 (d) at all times abide by their obligations under this Act and, where applicable, their procurement contracts.”.

15 Amendment of section 73 of Cap. 22:23

Section 73 (“Challenge to procurement proceedings”) of the principal Act is amended—

- 30 (a) in subsection (1) by the deletion of “actual”;
- (b) in subsection (3) by the deletion of “of fourteen days” and the substitution of “ten days”;
- (c) by the deletion in subsection (4) paragraph (b) of “procuring entity” and substitution with “Authority”.

35 16 Amendment of section 74 of Cap. 22:23

Section 74 (“Application for review of procurement proceedings by review panel”) of the principal Act is amended by the insertion after subsection (2) of the following subsection—

- 40 “(2a) Without delay after receiving an application under subsection (1), the Authority shall ensure that all parties to the challenge have had an opportunity to inspect the record of the procurement proceedings kept in terms of section 69.”.

17 Amendment of section 75 of Cap. 22:23

Section 75 (“Appointment of review panels”) of the principal Act is amended in—

- (a) subsection (2)—
 - (i) in paragraph (a) by the deletion from subparagraph (ii) of “Civil Service” and the substitution of “Public Service”;
 - (ii) by the repeal of subparagraph (ii) and the substitution of—
 - “(ii) are or have been senior officers in the Public Service with experience of procurement; or”;
- (b) subsection 4)(b) by the deletion of “Civil Service” and the substitution of “Public Service”.

18 Amendment of section 92 of Cap. 22:23

Section 92 (“Disposal procedure”) of the principal Act is amended after subsection (4) by the insertion of the following subsection—

“(4) Where a procuring entity disposes of an asset by selling it by public tender, Part VII (“Procedures for Competitive and Restricted Bidding”) shall apply with any necessary changes in respect of the disposal.”.

19 New section substituted for section 93 of Cap. 22:23

Section 93 (“Restriction on disposal of assets to employees, etc.”) of the principal Act is repealed and the following is substituted—

“93 Restriction on disposal of assets to employees, etc.

Except in such circumstances and subject to such conditions as may be prescribed, a procuring entity shall not dispose of an unserviceable, obsolete or surplus asset to—

- (a) any of its employees or to a member of its board, council or any of its committees; or
- (b) a relative of a person referred to in paragraph (a).”.

20 Amendment of section 101 of Cap. 22:23

Section 101 (“Regulations”) of the principal Act is amended by—

- (a) the insertion after subsection (1) of the following subsection—
 - “(1a) Regulations in terms of subsection (1) may provide for—
 - (a) the training of procurement officers and members of procurement management units as well as individuals who may seek to undergo the training;
 - (b) the use of the Internet and other electronic means of engaging in procurement;
 - (c) management systems and equipment to be maintained by procuring entities;
 - (d) records to be kept and returns and information to be provided by procuring entities, bidders and contractors;
 - (e) fees, levies and charges for anything done under this Act;
 - (f) the imposition of civil and administrative penalties for contraventions of this Act or the regulations;
 - (g) logistics and supply chain management.”
- (b) the repeal of subsection (2) and (3).

21 Amendment of First Schedule to Cap. 22:23

The First Schedule to the principal Act is amended—

- 5 (a) in paragraph 8 (“Meetings and procedure of Board”) under subparagraph (6) by the deletion of “Six members” and the substitution of “not less than half of the members of the Board”;
- (b) in paragraph 10 (“Members of Board and committees to disclose certain connections and interests”) by the repeal of subparagraph (1);
- (c) in paragraph 12 (“Appointment and functions of Chief Executive Officer”) by the repeal of subparagraph (5);
- 10 (d) by the insertion of the following paragraph after paragraph (12)—

“Appointment and functions of Corporate Secretary

12A. (1) The Board shall appoint a corporate secretary, being a person who is qualified in terms of subsection (4) to be corporate secretary of the Authority.

- 15 (2) The functions of the corporate secretary shall include but need not be restricted to—

- (a) acting as custodian of the Authority’s records;
- (b) ensuring that notices of all shareholder meetings, board meetings and board committee meetings are given in
20 accordance with this Act; and
- (c) ensuring that minutes of all such meetings are recorded in accordance with this Act; and
- (d) advising the board as to their duties and powers under this Act; and
- 25 (e) making the board aware of other laws relevant to or affecting the company;

(3) A person shall be qualified to hold office as the corporate secretary of the Authority if—

- 30 (a) for at least three of the five years immediately before his or her appointment as corporate secretary, he or she held office as secretary of a public entity; or
- (b) he or she is registered or entitled to be registered as a chartered accountant under the Chartered Accountants Act [Chapter 27:02]; or
- 35 (c) he or she is registered or entitled to be registered as a chartered secretary under the Chartered Secretaries (Private) Act [Chapter 27:03]; or
- (d) he or she is registered or entitled to be registered as a legal practitioner under the Legal Practitioners Act [Chapter
40 27:07]; or
- (e) he or she is registered or entitled to be registered as a public accountant or public auditor under the Public Accountants and Auditors Act [Chapter 27:12]; or
- 45 (f) he or she holds such other qualification as may be necessary for the fulfilment of functions and duties of the corporate secretary of the Authority.

(4) The following persons shall be disqualified from being appointed as corporate secretary of the Authority—

- (a) a minor or any other person under legal disability;
 - (b) except with the leave of the court, any person who has at any time been adjudged or otherwise declared insolvent or bankrupt under a law in force in Zimbabwe or any other country, and has not been rehabilitated or discharged; 5
 - (c) except with the leave of the court, any person who has at any time been convicted, whether in Zimbabwe or elsewhere, of theft, fraud, forgery or uttering a forged document or perjury and has been sentenced for that offence to imprisonment without the option of a fine or to a fine exceeding level five; 10
 - (d) except with the leave of the court, any person who has been removed by a competent court from an office of trust on account of misconduct.
- (5) The board shall take reasonable steps to ensure that the corporate secretary is a person who is qualified in terms of subsection (3) and is not disqualified in terms of subsection (4) and, in addition, has the requisite knowledge and experience to discharge the functions of corporate secretary of the Authority. 15
- (6) The corporate secretary of the Authority shall cease to hold office as such if— 20
- (a) he or she has at any time been or is adjudged or otherwise declared insolvent or bankrupt under a law in force in Zimbabwe or any other country; or
 - (b) he or she is convicted, whether in Zimbabwe or elsewhere, of theft, fraud, forgery or uttering a forged document or perjury and has been sentenced therefor to serve a term of imprisonment without the option of a fine or to a fine exceeding level five; or 25
 - (c) he or she is removed by a competent court from any office of trust on account of misconduct; or 30
 - (d) he or she is found guilty of any misconduct that warrants dismissal by the Authority's disciplinary committee during a disciplinary hearing;
- (7) Nothing in this section shall be deemed to prevent the Authority from applying under its regulations any further disqualification for the appointment of, or the retention of office by, the corporate secretary.”; 35
- (a) in paragraph 16 (“Funds of the Authority”) under subparagraph (c) by the insertion of “, including retention of fees, levies, penalties and charges as prescribed.”, after “otherwise”. 40

22 Amendment of various sections to Cap. 22:23

The following sections are amended by the insertion of “...goods and...” as directed in the following—

Section	Insertion	
33(2)(f)	after “additional” and “complete the”	45
33(2)(f) Proviso	after “additional”	
33(2)(g)	after “new” in both instances	
82(6)(a)	after “or”.	