

Date: 16 January 2025

Clarification of the meaning of “Contract award” as referred to in Article 39.3, 39.6 & Article 40.9 the Contracting Regulations, and its Annex III, Article 45

Subject: Review Procedure

Articles 39.3, 39.6 & 40.9 of the Contracting Regulations, and its Annex III, Article 45, are making reference to when a claim is made after “Contract award” in a review procedure.

Article 39.3: “The Agency’s Industrial Ombudsman shall ... When the claim is submitted after Contract award, this period shall be extended to 25 (twenty-five) calendar days.”

Article 39.6: “Within 7 (seven) calendar days from receiving the decision of the Head ... When the claim is made after Contract award, this period shall be of 15 (fifteen) calendar days.”

Article 40.9: “The decision of the Procurement Review Board ... When the claim is made after Contract award, this period shall be extended to 45 (forty-five) calendar days.”

Annex III, Article 45: “The claim and the accompanying documents shall be ... When the claim is made after Contract award, this period shall be of 15 (fifteen) calendar days.”

For purposes of Articles 39.3, 39.6 & 40.9 of the Contracting Regulations, and its Annex III, Article 45, “Contract award” shall mean the date of the notification in terms of Article 33.1 of the Contracting Regulations, to tenderers not selected for the placing of a Contract.