

**PART IX - DEBARMENT FROM PARTICIPATING IN
PROCUREMENT PROCEEDINGS**

Debarment.

115.(1) The Director-General, with the approval of the Advisory Board, may debar a person from participating in procurement proceedings on the ground that the person —

- (a) has committed an offence under this Act;
- (b) has committed an offence relating to procurement under any Act;
- (c) has breached a contract for a procurement by a public entity;
- (d) has, in procurement proceedings, given false information about his qualifications; or
- (e) has refused to enter into a written contract as required under section 68.

(2) The Director-General, with the approval of the Advisory Board, may also debar a person from participating in procurement proceedings on a prescribed ground.

(3) A debarment under this section shall be for a period of time of not less than five years, as may be specified by the Director-General.

Opportunity to make representations.

116. Before debarring a person under section 115, the Director-General shall give that person an opportunity to make representations to the Director-General.

Request for a review.

117.(1) A person who is debarred under section 115 may request the Review Board to review the debarment.

(2) A request for a review may only be made within twenty-one days after the person was debarred.

(3) A request for a review shall be accompanied by the prescribed fee.

Dismissal of frivolous requests, etc.

118. The Review Board may dismiss a request for a review if the Review Board is of the opinion that the request is frivolous or vexatious.

Convening of review.

119. The Review Board shall meet to conduct a review within twenty-one days after receiving the request for the review.

Parties to review.

120. The parties to a review are —

- (a) the person who was debarred; and
- (b) the Director-General.

Completion of review.

121. The Review Board shall complete its review within thirty days after receiving the request for the review.

Powers of Review Board.

122. Upon completing a review the Review Board may do any or both of the following —

- (a) confirm, vary or overturn the Director-General's debarment of the person; and
- (b) order the payment of costs as between parties to the review.

Appeals.

123. A party to the review may appeal from the decision of the Review Board to the High Court within fourteen days after the decision is made.

Right to review is additional right.

124. The right to request a review under section 117 is in addition to any other legal remedy a person may have.

List of debarred persons.

125. The Authority shall maintain and make available to public entities a list of persons debarred from participating in procurement proceedings under this Part.