

KNOWLEDGE CENTRE

Exclusions

EX:3

Relevant Facts or Questions Asked

A Procuring Entity sought guidance as follows:

Whether the procurement of Animation Services would be considered exempt in accordance with section (c) of the First Schedule of the Public Procurement Act, 2015 (as amended) ("the Act")?

Advice

1. The intended purpose behind section 1(c) of the First Schedule of the Act is to make it easier to procure creative goods, works and services to satisfy procuring entities' unique creative needs.
2. This provision applies only in instances where a concept requires a specific level of imagination and creativity to bring a concept to life which can only be achieved by one supplier. This supplier should have no equal/comparison in delivering the creative required by the procuring entity.
3. In this instance, this Ministry is of the opinion that though the procurement of animation services does require some level of imagination and creativity, the final concept would be the product of the requestor and not the supplier. Moreover, there is a wide pool of suppliers that are able to produce an end product on the basis of the concept developed by the procuring entity.
4. Hence, animation services do not fit the intended purpose of the provision and cannot be deemed exempt.

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