



# JOINT PUBLIC NOTICE

## ENFORCEMENT OF GAZETTED TARIFFS OF FEES FOR ENGINEERS, ARCHITECTS AND QUANTITY SURVEYORS IN PUBLIC PROCUREMENT

The **Engineering Council of Namibia (ECN)** and the **Namibia Council for Architects and Quantity Surveyors (NCAQS)** are the only statutory bodies authorized by Parliament to regulate the engineering, architectural and quantity surveying (EAQS) professions in the Republic of Namibia.

Gazetted tariffs applicable to these professions, and their enforcement, are an integral part of the regulatory powers vested only in the two Councils, and cannot be usurped by any other person or institution. However, due to **inaccurate and misleading interpretations** of the **Public Procurement Act of 2015**, some public entities and professionals are disregarding these gazetted tariffs.

Regulating fees enables the professional bodies to enforce and guarantee high standards, ethics, and a trustworthy professional workforce, thus ensuring public safety. Where regulated fees are ignored, resultant price betting increases the risk of substandard public infrastructure being built in the country.

**The gazetted tariffs for EAQS consultants are strictly enforced, and guidance is hereby jointly issued by the Councils as follows:**

1. Tariffs of fees for consulting engineers, architects and quantity surveyors are already determined, public and strictly regulated in terms of Section 7(3) of the Engineering Profession Act and Section 7(6) of the Architects and Quantity Surveyors Act. They are therefore law, and must be adhered to by all law-abiding persons and entities.
2. In regulated professions (such as EAQS) which have a direct impact on public safety and the environment, competition in the best interest of the public is more reliably achieved through the evaluation of technical capacity. Price betting (competing on prices offered) tends to promote sub-standard services since the focus is on winning tenders through under-pricing. This compromises

a bidder's ability to afford and deploy professional skills on a project. It is for this reason that tariffs are set and regulated, and price betting is legally not permitted.

3. The gazetted tariffs brought into effect by Regulations of the Minister are still in force and have NOT been overridden by the Public Procurement Act. Public and corporate entities, including Ministries, parastatals and other government agencies, who desire to engage the services of consulting engineers, architects and quantity surveyors are therefore called on to comply with the tariffs gazetted by the Minister for consultants in the EAQS professions, and in general comply with both the Engineering Profession Act, Act 18 of 1986, and the Architects and Quantity Surveyors' Act, Act 13 of 1979, in all aspects. The pricing of works for EAQS consultants must be done through the application of the set tariffs, without any exceptions. Competitive procurement of services by professional consultants can still be achieved through the evaluation of technical capacity only.
4. Professionals and incorporated persons registered with ECN and NCAQS (and these are the only persons licensed to practice EAQS) must comply with the Acts and may not participate in activities such as price betting, which are inconsistent with established industry laws.

ECN and NCAQS have the right and authority to strictly enforce the governing laws, including taking punitive steps against or revoke licenses of any entity or person found to be in breach or abetting the breach of these laws.

**The industry and members of the public are encouraged to report any non-compliance with this notice and the governing EAQS laws to the following offices:**

Engineering Council of Namibia  
Unit 2, Bismarck Village  
Cnr. of Church & Simeon Shixungileni Streets, Windhoek  
Tel.: +264 61 233 264  
E-mail: [info@ecn.org.na](mailto:info@ecn.org.na)

Namibia Council for Architects & Quantity Surveyors  
8 Koch Street, Klein Windhoek  
Tel.: +264 61 401 813  
E-mail: [secretary@ncaqs.org](mailto:secretary@ncaqs.org)

