

*In reply please quote:*

Ref. No. PPRA/IE/029/"A"/45

09<sup>th</sup> June, 2017

To: All Heads of Procuring Entities

**RE: GUIDANCE ON INTERPRETATION OF LAW ON REQUIREMENT OF POWER OF ATTORNEY IN THE PROCUREMENT PROCESS**

The above captioned subject matter refers.

Please take note that, the Authority in consultation with the Attorney General's Chamber would like to give you guidance on the registration of Power of Attorney (POA) during the tendering process.

First and foremost, POA is not a compulsory registrable document as per the Registration of Documents Act, CAP 117 of the laws of Tanzania. Therefore, all prospective tenderers must submit their POA during the tendering process and before signing of the contract, but registration of the same should not be a compulsory requirement, however for it to be valid and admissible in evidence in our court system, the same needs to be notarized i.e. it has to be stamped in accordance with Section 47 of CAP 189 and be duly executed and authenticated by a Commissioner for Oaths among others, as per Section 94 of the Evidence Act, CAP 6 of the Laws of Tanzania;

Secondly, the contents of the POA should sufficiently show the transferable powers and that they have been transferred from donor to donee and their respective names and signatures are properly disclosed.

Please be informed that, the Authority will accordingly change the appropriate clauses of the standard bidding documents in line with the above mentioned guidance.

Please comply accordingly.

Yours Sincerely,



Eng. A. O. Kasuwi

**ACTING CHIEF EXECUTIVE OFFICER**

CC:

Attorney General,  
Attorney General's Chamber,  
P. O Box 9050,  
**11492 DAR ES SALAAM.**