

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

DECREE LAW

15/2011

4.a Amendment to Decree-Law No. 10/2005 of 21 November, which approves the Legal Regime for Procurement.

The Legal Regime for Procurement, approved by Decree-Law No. 10/2005 of 21 November, as amended by Decree-Law No. 14/2006 of 11 October, by Decree-Law No. 24/2008 of 23 July, and by Decree-Law No. 1/2010 of 18 February, establishes an essential normative for the country as it provides for rules for acquisition of goods and services by the State.

Law No. 1/2011 of 14 February, which approves the State Budget for 2011, established the Infrastructure Fund as well as the Human Capital Development Fund. The Boards of Administration of such Funds shall be the entities responsible for their respective operations and, as such, they shall also be responsible for the approval of procurement procedures for projects falling under their purview.

It is in this context that the need arises to amend the Legal Regime for Procurement, with the objective of including two new entities responsible for the approval of procurement procedures relating to infrastructure and human capital development projects and programmes. This will be advantageous in terms of accountability and transparency insofar as the use of public funds for developing the Nation is concerned.

Thus,

Pursuant to subparagraph e) of article 115.1 and subparagraphs a) and d) of article 116 of the Constitution of the Republic, the Government enacts the following to have the force of law:

Article 1

Amendment to Decree Law No. 10/2005 of 21 November

Articles 15 and 21 of Decree-Law No. 10/2005 of 21 November, which approves the Legal Regime for Procurement, as amended by Decree-Law

No. 14/2006 of 11 October, by Decree-Law No. 24/2008 of 23 July, and by Decree-Law No. 1/2010 of 18 February, shall now read as follows:

“Article 15

Entities with powers to authorise procurement procedures

1. The following entities shall have the power to approve the procurement procedures before the signature of the contract by the relevant minister:
 - a) The Council of Ministers, for procurement procedures entailing an amount in excess of USD 5,000,000 (five million American dollars);
 - b) The Infrastructure Fund’s Board of Administration, for procurement procedures entailing an amount between USD 1,000,000 (one million American dollars) and USD 5,000,000 (five million American dollars) included in the framework of the Infrastructure Fund;
 - c) The Human Capital Development Fund’s Board of Administration, for procurement procedures entailing an amount of up to USD 5,000,000 (five million American dollars) included in the framework of the Human Capital Development Fund;
 - d) The Prime Minister, with powers to delegate, as regards the remaining procurement procedures entailing an amount between USD 1,000,000 (one million American dollars) and USD 5,000,000 (five million dollars American dollars).
2. (...)
 - a) (...)
 - b) (...)
 - c) (...)

Article 21
Delegation of powers

1. (...)
2. The entities referred to in subparagraph d) of article 15.1 and in subparagraphs a) and b) of article 15.2 may delegate powers for carrying out procurement procedures in writing.
3. (...)
4. (...)"

Article 2
Revocation

Article 23-A of Decree-Law No. 10/2005 of 21 November, as amended by Decree-Law No. 14/2006 of 11 October, by Decree-Law No. 24/2008 of 23 July, and by Decree-Law No. 1/2010 of 18 February, is hereby revoked.

Article 3
Entry into force

The present Decree-Law shall enter into force on the day after its publication.

Approved by the Council of Ministers on 16 March 2011.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Finance,

Emília Pires

Enacted on 23 March 2011

For publication.

The President of the Republic,

José Ramos-Horta