

DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
DECREE-LAW

14/2011

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Establishes the National Procurement Commission

The National Procurement Commission is established following the approval of a more efficient and effective procurement system that involves entities taking part in the process, such as the National Development Agency and the Major Projects Secretariat.

It is with the objective of providing an improved procurement service to ministries and other public entities, particularly in the framework of major infrastructure projects, and of ensuring transparency, that the need arises to approve the National Procurement Commission and to define its respective structure as well as its powers and objectives.

Thus,

Pursuant to article 115.3 of the Constitution of the Republic, the Government enacts the following, to have the force of law:

CHAPTER I  
Nature, mission and functions

Article 1  
Nature

The National Procurement Commission, hereinafter referred to in short as CAN, is a service falling under the direct administration of the State in the purview of the Prime Minister.

Article 2  
Mission

The mission of CAN is to undertake procurement processes for projects involving amounts equal to or higher than \$1,000,000 (one million American dollars), as well as follow up and assist technically others procedures undertaken in the framework of all public entities.

Article 3  
Functions

CAN shall have the following functions:

- a) To undertake procurement procedures involving amounts equal to or higher than \$1,000,000 (one million American dollars);
- b) Provide technical and advisory support in the framework of procurement procedures involving amounts up to \$1,000,000 (one million American dollars);
- c) Collaborate with the National Development Agency, the Major Projects Secretariat, ministries and other public entities, pursuant to the law;
- d) Any other functions assigned to it by law.

CHAPTER II  
Structure

Article 4  
Structure

1. CNA shall be led by a Director, equated with a General Director, to be appointed by instruction on secondment, pursuant to the law.
2. CAN shall be composed of specialists with recognized professional experience in the fields of procurement, law, finance, commerce and on the specific area of the project, to be appointed by instruction of the Prime Minister.

Article 5  
Powers of the Director

1. It shall be incumbent upon the Director of CAN:
  - a) To lead and superintend all activities of CAN;
  - b) To prepare and propose the annual and pluriannual plans of activities to his/her superiors;
  - c) To prepare and submit the reports of activities for appreciation by his/her superiors;
  - d) To propose the staffing table;

- e) To validate the procurement process before it is submitted to the Board of Administration of the Infrastructure Fund or to the Council of Ministers for approval;
- f) To promote any other action necessary to fulfilling the mission of CAN.

### CHAPTER III Personnel

#### Article 6 Staffing Table

The maps of vacancies and personnel of CAN shall be approved in accordance with the legal provisions applicable on matters relating to regime of career in the Public Administration.

### CHAPTER IV Transitional and final provisions

#### Article 7 Liaison with other services and organisms

The ministries and other organs of the State shall collaborate with CAN and articulate their activities with a view to promoting a unitary and integrated approach of the policy of the Government for the areas defined in article 3 above.

#### Article 8 Transitional provision

1. CAN may request, on secondment, functionaries from other services of the State, as well as hire advisers or international staff to support it in the fulfilment of its functions.
2. CAN may contract specialised companies to assist it in the fulfilment of its functions.

#### Article 9 Revocatory norm

1. Decree-Law No. 3/2010 of 18 February, which approves the Organic of the Follow up Commission for the Procurement Process and the Technical Secretariat for Procurement is hereby revoked.

2. Decree-Law No. 14/2010 of 26 August on the Temporary Procurement Measures is hereby revoked.

Article 10  
Entry into force

This Decree-Law enters 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 / 3/ 2011

For publication.

The President of the Republic,

José Ramos-Horta