

**Decree-Law no. 38/2011  
of 17 August**

**5<sup>th</sup> Amendment to Decree-Law no. 10/2005 of 21 November, which approves the Legal  
Regime of Procurement**

The Legal Regime of 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, by Decree-Law no. 1/2010 of 18 February, and by Decree-Law no. 15/2011 of 29 March, establishes an essential normative for the country which provides for the rules for acquiring goods and services for the State.

The fourth amendment to Decree-Law on Procurement establishes the minimum limit of 3 million dollars so that infrastructure projects may be paid from the Infrastructure Fund. Nevertheless, there are strategic infrastructure projects the value of which are less than 1 million dollars and which, by their nature, may be paid from that Fund, such as the case of the projects related to electricity.

The Legal Regime for Procurement is thus amended so that, similarly to the Human Capital Development Fund, it may allow strategic infrastructure projects involving amounts not exceeding 1 million dollars to be funded by the Infrastructure Fund.

Thus,

Pursuant to subparagraph e) of article 115.1 and to 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**

Article 15 of Decree-Law no. 10/2005 of 21 November, which approves the Legal Regime for Procurement, as drafted by Decree-Law no. 14/2006 of 11 October, by Decree-Law no. 24/2008 of 23 July, by Decree-Law no. 1/2010 of 18 February and by Decree-Law no. 15/2011 of 29 March, shall now read as follows:

**Article 15  
Competent entities for authorising procurement procedures**

1. The following shall be competent entities for approving procurement procedures prior to the signing of the contracts by the Minister in charge.

a) (...)

b) The Board of Administration of the Infrastructure Fund for procedures involving amounts not exceeding 5,000,000 (five million American dollars) included in the framework of the Infrastructure Fund.

c) (...)

d. (...)

2. (...)

a) (...)

b) (...)

c) (...)

**Article 2**  
**Entry into force**

The present Decree-Law shall enter into force on the day after its publication and shall be effective retroactively as from 31 March 2011.

Approved by the Council of Ministers on 17 August 2011.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Finance,

Emília Pires

Enacted on 17 August 2011.

For publication

José Ramos-Horta