

DECREE-LAW NO. 14/2010

of 26 August

TEMPORARY PROCUREMENT MEASURES

Amendments introduced in the Juridical Regime on Procurement by Decree-Law no. 1/2010 of 18 February sought to establish structural changes in the management system of purchases made by the State. Thus, competences previously retained by the Ministry of Finance on procurement procedures for purchases involving more than one million US dollars were placed under the direct responsibility of the Prime Minister, with competences delegated to the Deputy-Prime Minister in charge of coordinating State Administration management issues. Simultaneously, through Decree-Law no. 3/2010 of 18 February 2010, the Procurement Technical Secretariat was established under the responsibility of the same Deputy-Prime Minister, and entrusted with the responsibility to undertake all procedures relating to State purchases involving more than one million US dollars.

Nevertheless, the Government has been noticing that this new mechanism will require a certain amount of time before it is consolidated. More specifically, the Procurement Technical Secretariat cannot exercise the competences legally attributed to it until its human resources component is duly structured and the mechanisms enabling it to function with the involved ministries in each procurement process are consolidated. As a consequence, the process of approval of projects has been delayed and the Follow-up Commission is yet to be established.

Under these terms, in order to allow time for the Procurement Technical Secretariat to recruit specialists and advisers and be ready to fully exercise its functions, the Government found it pertinent to approve transitional measures so that, with the support and larger participation of all ministries, procedures for State procurement do not delay and impair budget execution.

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
Temporary procurement regime

1. Irrespective of the amount involved, the competent services of each Ministry or Secretariat of State under the responsibility of the Prime Minister shall be responsible for the respective procurement procedures.
2. With a view to expediting State procurement processes, post quality control shall be conducted for each procedure with the objective of obtaining the best cost/quality ratio.

Article 2
Procurement by negotiated procedure

Any procurement processes involving an amount in excess of one million US dollars in which a proposal is made for a negotiated procedure to take place shall be approved by the Council of Ministers.

Article 3
On-going procurement processes

The Procurement Technical Secretariat shall continue to be responsible for any procurement process already initiated by it, but the procurement services of each Ministry shall strongly follow-up the procedures and shall make available the technical and human resources deemed necessary to complete such process.

Article 4
Reorganisation

1. By the end of the year, the Procurement Technical Secretariat shall equip itself with the human and technical resources deemed necessary for its functioning.
2. The Follow-up Commission should be appointed and entered into force as soon as possible.

Article 5
Suspension

1. Articles 5 and 6.1 of Decree-Law no. 3/2010 of 18 February shall be temporarily suspended until 31 December 2010.
2. Any other legislation that is contrary to the temporary regime provided for in this statute shall also be considered as suspended.

Article 6
Entry into force and forfeiture

1. This statute shall enter into force on the day after its publication.
2. This statute shall forfeit on 31 December 2010.

Approved by the Council of Ministers of 7 August 2010.

The Prime Minister,

Kay Rala Xanana Gusmão

Enacted on 28 August 2010

For publication.

The President of the Republic,

José Ramos-Horta