

**Decree-law no. 3/2010  
of 18 February**

**Organic of the Procurement Follow-up Commission and the  
Procurement Technical Secretariat**

Decree-Law No. 1/2010 of 18 February, which amended the Juridical Regime for Procurement approved by Decree-Law No. 10/2005 of 21 November, established the Procurement Follow-up Commission and the Procurement Technical Secretariat.

The establishment of the Procurement Follow-up Commission and the Procurement Technical Secretariat takes place following the decentralisation of procurement procedures with a view to achieving an improved provision of services to clients, with gains for the efficacy and transparency that must be observed in any procurement procedure.

Considering the importance of the mandate of these structures in the framework of public procurement, the need arises to approve the Organic of the Procurement Follow-up Commission and the Procurement Technical Secretariat which defines the respective structure and the competencies and mandate.

Thus,

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

**Article 1  
Mission**

The Procurement Follow-up Commission, hereinafter referred to as Commission, is the service responsible for monitoring and following-up the implementation of procurement procedures, execution of projects and final evaluation of the results of procurement procedures.

**Article 2  
Competency**

1. It shall be incumbent upon the Commission:

- a) To follow-up and monitor the implementation of all public procurement procedures;
  - b) To follow-up and monitor the execution of projects;
  - c) To evaluate the results;
  - d) To exercise any other competencies ascribed to it by law.
2. The Commission shall function under the direction of the Prime Minister or of any person to whom the Prime Minister delegates power by instruction.

### **Article 3 Structure**

1. The Commission shall be composed of specialists appointed by instruction of the Prime Minister with recognised professional experience in the areas of procurement, legal affairs, finance and commerce.
2. The Commission may also invite members from civil society and the private sector to participate as observers.
3. The Commission shall be headed by a Chairperson, appointed on secondment for a period of two years by instruction of the Prime Minister or of a person delegated by the Prime Minister.
4. Without prejudice to the provisions of this statute, it shall be incumbent upon the Prime Minister, or the person on whom he or she delegates power, to approve the regulation of the organic-functional structure of the Commission by a specific ministerial statute.

### **Article 4 Support to the Commission**

1. The Commission may hire specialists on the basis of individual work contracts, or requisition civil servants to support it in its task of monitoring and follow-up.

2. Whenever justified by any particular procedure, the Commission may hire specialists for a specific area.

## **CHAPTER II PROCUREMENT TECHNICAL SECRETARIAT**

### **Article 5 Mission**

The mission of the Procurement Technical Secretariat, referred to in short as STA, shall be to undertake procurement procedures for projects involving amounts equal to, or in excess of, \$1,000,000 (one million American dollars) and to follow-up and technically assist other procurement procedures undertaken in the framework of any public entity.

### **Article 6 Attributions**

1. STA shall have following attributions:
  - a) To provide technical and advisory support to procurement procedures involving amounts up to \$1,000,000 (one million American dollars);
  - b) To undertake procurement procedures involving amounts in excess of \$1,000,000 (one million American dollars);
  - c) To collaborate with the Procurement Follow-up Commission;
  - d) To undertake any other attribution ascribed to it by law.
2. STA shall function under the direction of the Prime Minister or of any person on whom the Prime Minister delegates power.

### **Article 7 Structure**

1. STA shall be composed of specialists appointed by the Prime Minister with recognised professional experience in the areas of procurement, legal affairs, finance and commerce, as well as in the specific area of the project.

2. The Secretariat shall be headed by a director appointed on secondment for two years following instruction by the Prime Minister or any person on whom the Prime Minister delegates power upon decision of the Council of Ministers.

3. Without prejudice to the provisions of this statute, it shall be incumbent upon the Prime Minister, or the person delegated by him or her, to approve the regulation of the organic-functional structure of STA by a specific ministerial statute.

### **Article 8 Support to STA**

STA may hire specialists under the regime of individual work contracts, provision of services contract, or requisition civil servants to support it in pursuing its attributions.

## **CHAPTER III FINAL PROVISIONS**

1. Article 13 of Decree-Law No. 13/2009 of 25 February that approves the Organic of the Ministry of Finance is hereby revoked.

2. Sub-section III of Ministerial Statute No. 1/2009 of 30 April that approves the Organic of the General Directorate of State Finances of the Ministry of Finance is hereby revoked.

3. Any other provision contrary to this statute are equally revoked.

### **Article 10 Entry into force**

This statute shall enter into force on the day immediately after its publication in the Official Gazette.

Approved by the Council of Ministers on 3 February 2010

The Prime Minister,

**Kay Rala Xanana Gusmão**

The Minister of Finance,

**Emília Pires**

Promulgated on 12 /2 /2010

For publication

The President of the Republic

Jose Ramos Horta