

JORNAL DA REPÚBLICA
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Decree-Law No 14/2006
27 September

AMENDMENT TO THE PROCUREMENT LEGAL REGIME (PLR)

Considering the efficiency of assets purchase, works execution and services delivery decentralization, ruled by Decree-Law No 10/2005, dated 21 November, in assuring a good management of financial resources;

Taking into account that the updated predicted amounts must not affect good practices in provisioning procedures, but rather reflect adequate operations;

Therefore,

The Government, in pursuant to Section 115, number 1, item e) and Section 116, items a) and d) of The Constitution of Timor-Leste, hereby enacts as law, the following:

Article 1
Updated limits for decentralized supply operations

The Attachment 2 of Decree-Law No 10/2006, dated 21 November, approving the Procurement Legal Regime (PLR), shall read as the Attachment to this Decree and shall make part of it, increasing the limits established therein from \$10,000 to \$100,000 USD.

Article 2
Classification of Contracting Parties

Article 25 of Decree-Law No 10/2005, from 21 November, shall read as follows:

“Article 25

On the Record of Vendors and the Classification of Contracting Parties

- 1. With the purpose of controlling information regarding vendors in general and contracting parties related to the public works sector, a Record of Vendors and a Record of Classifications are created and kept confidential by the Procurement Service, containing the following data:*
 - a) The list of vendors and the classification of public works' contracting parties, listed by specialization areas;*
 - b) Data relating to assets vendors, services providers and contracting parties from the public works sector participating in procurement operations according to the provisions of the relevant specific rules;*
 - c) Information on measures enforced on each of them.*

2. *Classification criteria, registration, records, and certificates on the contracting parties on the public works sector shall be established and issued by the Ministry of Public Works.*
3. *Public Entities with decentralized competences for procurement purposes may request information regarding the vendors and contracting parties related to the public works sector, to the Procurement Service of the Ministry of Planning and Finance during evaluation, pre-qualification or qualification phases to verify the accuracy of the data submitted by them.*
4. *Upon request of the interested parties, the Procurement Service may issue certificates of registration in both Records.”*

Article 3

Procurement through State Budget subventions

1. The Ministry of Planning and Finance shall coordinate with the relevant Ministries and relevant Public Services the necessary ruling for effective and immediate procurement in situations of emergency or unequivocal social interest.
2. During 2006/07 financial year and in case of Public Subventions, the maximum amount of \$50,000 USD referred to in Decree-Law No 10/2005, Section 43, number 1, regarding the Price Solicitation Procedures is raised to \$ 100,000 USD and such procedure is adopted as privileged criteria.
3. Under the same conditions and in the cases where Article 94 of said Decree-Law applies, the amounts to be transferred by public subvention shall be delivered to the beneficiaries in the smaller number of releases possible and in the shortest possible period and financial liabilities are to be assumed by the relevant Ministries and entities; nevertheless, the beneficiaries that fail to report their accounts are automatically inhibited from receiving public subventions for a period of up to one year, to be defined by the Commission.

Article 4

Conformity Audits

1. Procurement procedures shall be audited by the Ministry of Planning and Finance in cooperation with the Ministry's Procurement Service.
2. The external audit, in the scope of UNTAET Regulation No 13/2001 shall also cover the observance of the procurement principles and public contracting as provided in Decree-Law 10/2005 and Decree-Law No12/2005 dated 21 November.

Article 5

Sanctionary Regime and Public Contracting Regime

Provisions set in Decree-Law 10/2005 and Decree-Law No12/2005 dated 21 November are to be read in accordance to the present Decree-Law.

Article 6
Entry in Force

The present Decree-Law shall come into force the day after its publication in Jornal da República.

Approved in Council of Ministers on September 01, 2006

The Prime-Minister

(José Ramos Horta)

The Minister of Planning and Finance

(Maria Madalena Brites Boavida)

Promulgated on September 14, 2006

Let it be published

The President of the Republic

(Kay Rala Xanana Gusmão)