

PUBLIC PROCUREMENT (AMENDMENT) ACT, 2022

(Act 33 of 2022)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of section 2
3. Amendment of section 37
4. Amendment of section 42
5. Amendment of section 49
6. Insertion of new section 60A
7. Amendment of section 80
8. Amendment of section 82
9. Amendment of section 98
10. Amendment of section 100
11. Amendment of Schedule 1



PUBLIC PROCUREMENT (AMENDMENT) ACT, 2022

(Act 33 of 2022)



I assent

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan
President

29th December, 2022

AN ACT TO AMEND THE PUBLIC PROCUREMENT ACT, CAP 305

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Public Procurement (Amendment) Act, 2022.

Amendment of section 2

2. Section 2 of the Public Procurement Act (Cap 305) (hereinafter referred to as the “principal Act”) is amended by inserting in the proper alphabetical order the following definitions —

“Accounting Officer” means the Accounting Officer defined in the Public Finance Management Act, 2012 (Act 9 of 2012);

“framework contract” means an agreement between a procuring entity and one or more suppliers which establish the terms and conditions under which the supplier enters into contracts with the procuring entity in the period during which the agreement applies for the supply of goods, works or services;”.

Amendment of Section 37

3. Section 37(4)(a) of the Principal Act is amended by repealing the words “on the basis of the lowest value bid” and substituting therefor the words “on the grounds of low value procurement”.

Amendment of section 42

4. Section 42 of the principal Act is amended by inserting after subsection (2) the following subsection —

“(2A) Notwithstanding subsection (2), the procurement entity may enter into a framework contract through open tender and in accordance with such terms and conditions as may be prescribed, where

- (a) the need for the subject matter of a procurement is expected to arise on a repeated basis during a given period of time within a procuring entity;
- (b) by virtue of the subject matter of a procurement, the need for it may arise on an urgent basis during a given period of time; or

- (c) the Procurement Oversight Unit considers that a particular procurement can best be undertaken through a framework contract.”.

Amendment of Section 49

5. Section 49 of the principal Act is amended by repealing subsection (1) and substituting therefor the following subsections —

“(1) A procuring entity may, at any time, terminate or cancel procurement proceedings without entering into a contract on the following grounds —

- (a) the procurement need has ceased to exist or changed significantly;
- (b) sufficient funding is not available for the procurement;
- (c) there is significant change in the required technical details, bidding conditions, conditions of contract or other details, such that the recommencement of proceedings is necessary;
- (d) no responsive bids are received;
- (e) there is evidence of collusion among bidders;
- (f) there is evidence of corrupt practice by public officers; or
- (g) public interest.

(1A) A procurement entity shall consult with the user department which issued the requisition and obtain the prior authorisation of the approval authority before terminating or cancelling any procurement proceedings.”.

Insertion of section 60A

6. The principal Act is amended by inserting after section 60, the following section —

“Simplified bidding

60A.(1) The objective of simplified bidding is to obtain competition and value for money to the extent possible, while maintaining economy and efficiency, where the circumstances do not justify the use of open bidding.

(2) A procuring entity may use the simplified bidding procedure for procurement of readily available commercially standard goods not specifically manufactured to the particular specifications of the public body such as office supplies including stationery, consumables and office equipment.

(3) The procedure and conditions for the use of simplified bidding by a procuring entity for the goods being procured shall be as prescribed by regulations.”.

Amendment of section 80

7. The principal Act is amended by repealing subsection 80(2).

Amendment of section 82

8. The principal Act is amended in section 82(2) by repealing the words “ten working days” and substituting therefor the words “five working days”.

Amendment of section 98

9. The Principal Act is amended in section 98 by repealing the words “ten working days”, wherever they appear, and substituting therefor the words “five working days”.

Amendment of section 100

10. The principal Act is amended in section 100(1)(a) by repealing the words “ten working days” and substituting therefor the words “five working days”.

Amendment of Schedule 1

11. Schedule 1 of the principal Act is repealed and there is substituted therefor the following Schedule

“SCHEDULE 1

PROCUREMENT THRESHOLDS

Table 1: In respect of Goods & Services and Works

Column 1	Column 2
Threshold	Approval Authority
Not exceeding SCR250,000	Approval is given by Accounting Officer
Exceeding SCR250, 000 but not exceeding SCR850,000	Approval is given by Procurement Committee
Exceeding SCR850, 000	Approval is given by National Tender Board

Table 2: In respect of Consultancy Services

Column 1	Column 2
Threshold	Approval Authority
Not exceeding SCR75,000	Approval is given by Accounting Officer
Exceeding SCR75,000 but not exceeding SCR250,000	Approval is given by Procurement Committee
Exceeding SCR250,000	Approval is given by National Tender Board”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th December, 2022.



Mrs. Tania Isaac
Clerk to the National Assembly