

*Government Notice No. 256 of 2020***THE PUBLIC PROCUREMENT ACT****Regulations made by the Minister, on the recommendation of
the Procurement Policy Office, under section 61 of
the Public Procurement Act**

1. These regulations may be cited as the Public Procurement (Amendment No. 2) Regulations 2020.

2. In these regulations –

“principal regulations” means the Public Procurement Regulations 2008.

3. Regulation 2 of the principal regulations is amended by adding the following new definition, the full stop at the end of the definition of “regional preference” being deleted and replaced by a semicolon –

“simple project” means a well-defined works project without any likelihood for variations or additional works.

4. The principal regulations are amended by inserting, after regulation 2A, the following new regulation –

2B. Guidelines

The Policy Office may issue guidelines for the procurement of goods, works and other services specified in the Second Schedule to the Act.

5. Regulation 5 of the principal regulations is amended –

(a) in paragraph (2), by inserting, after the words “of the Act”, the words “and subject to paragraph (3)”;

(b) by adding the following new paragraphs –

(3) Notwithstanding paragraph (2), works –

- (a) where no pre-qualification is required; and
- (b) with investment not exceeding 300 million rupees,

shall be restricted to local contractors.

(4) In this regulation –

“CIDB Act” means the Construction Industry Development Board Act;

“local contractor” means –

- (a) a contractor registered as such under section 19 of the CIDB Act; and
- (b) includes a foreign contractor referred to in section 20(7) of the CIDB Act and who is registered as a contractor under section 19 of the CIDB Act.

6. Regulation 26 of the principal regulations is amended by revoking paragraph (2) and replacing it by the following paragraph –

(2) Deadlines for submission of bids shall not be less than 30 days from the date of issuance of the invitation to bid through open advertised bidding method, except for bids –

- (a) made by electronic means; or
- (b) in relation to simple projects not exceeding 100 million rupees.

7. Regulation 30 of the principal regulations is amended –

(a) in paragraph (4), by deleting the words “the validity by the minimum period required to do so” and replacing them by

the words “, subject to paragraph (4A), for a period not exceeding the initial validity period”;

- (b) by inserting, after paragraph (4), the following new paragraph –

(4A) No bid validity period shall be extended more than once.

8. The principal regulations are amended by inserting, after regulation 35, the following new regulation –

35A. Advantage to domestic goods

For the purpose of section 16(2) of the Act, a public body may grant an advantage to domestic goods, provided that the criteria to grant the advantage are spelt out in the bidding documents and are in accordance with such directive as the Policy Office may issue.

9. Regulation 36 of the principal regulations is amended by revoking paragraph (1) and replacing it by the following paragraph –

(1) A public body may, at any time, cancel the procurement proceedings where the object of the procurement is no longer required.

10. The principal regulations are amended by inserting, after regulation 47A, the following new regulation –

47B. Reserved contracts for specific types of goods and other services

For the purpose of section 26B(1) of the Act, for contracts of specific types of goods and other services, as specified in the first column of the Seventh Schedule, which have an estimated contract value as specified in the second column of that Schedule, shall be reserved for microenterprises, small enterprises and medium enterprises.

11. Regulation 71 of the principal regulations is amended –

- (a) in paragraph (1), by deleting the word “amount” and replacing it by the word “threshold”;
- (b) by revoking paragraph (2) and replacing it by the following paragraph –

(2) The notice referred to in paragraph (1) shall refer to the announcement of the procurement published at the commencement of the procurement proceedings and shall include the subject matter of the procurement, the name and address of the successful bidder, the contract price and uploading of a scanned copy of the following documents –

- (a) letter of acceptance;
- (b) signed contract agreement form;
- (c) bid submission form;
- (d) addenda, if any; and
- (e) special or particular conditions of contract.

- (c) by adding the following new paragraph –

(3) Notwithstanding paragraph (2), the information shall be updated with amendments or variations made during the course of implementation of the contract.

12. The principal regulations are amended by adding the Seventh Schedule set out in the Schedule to these regulations.

Made by the Minister, on the recommendation of the Procurement Policy Office, on 22 October 2020.

SCHEDULE
[Regulation 12]

SEVENTH SCHEDULE
[Regulation 47B]

**PART I – SPECIFIC TYPE OF GOODS CONTRACTS AND
ESTIMATED CONTRACT VALUE**

Specific type of goods contracts	(Rs)
Office stationery	1 million
Cleaning materials	1 million
School furniture	5 million

**PART II – SPECIFIC TYPE OF OTHER SERVICES CONTRACTS
AND ESTIMATED CONTRACT VALUE**

Specific type of other services contracts	(Rs)
Cleaning services	1 million
Catering services	1 million
