



MINISTRY OF FINANCE, ECONOMIC PLANNING AND DEVELOPMENT
Procurement Policy Office
Level 8, Emmanuel Anquetil Building,
Port Louis, Mauritius

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Circular No. 10 of 2021

From: Procurement Policy Office

To : Heads of Public Bodies

Amendments to Public Procurement Act 2006 and Public Procurement Regulations 2008

Public bodies are hereby informed that the Public Procurement Act 2006 (Act) and the Public Procurement Regulations 2008 (Regulations) have been amended as highlighted hereunder.

2. Public Procurement Act 2006

- (i) Two new procurement methods have been introduced in Part IV: Competitive Negotiations and Electronic Reverse Auction.
- (ii) Section 21 has been amended, and consequently several methods have been prescribed in the Regulations to allow public bodies to cope with situations of extreme urgency.
Accordingly, Directive No. 60, which supersedes Directive 41 and PPO Circular No.3 of 2018, has been issued.
- (iii) Sections 46(1) and 48 have been amended to provide for the termination of procurement contracts.
- (iv) Section 51(1)(e) now allows disclosure of bidders' proprietary information to an investigatory body vested with powers of investigation, including the Independent Commission against Corruption, Competition Commission or Police.

3. **Public Procurement Regulations 2008**

- (i) Regulation 5B provides for procedures to be followed for Competitive Negotiations.
- (ii) Regulation 5C provides for the choice of the appropriate procurement method when resorting to Emergency Procurement.
- (iii) Paragraph 4A in Regulation 30 provides for the possibility of extending the bid validity period more than once solely where further extension is required pending the resolution of an application for review by the Review Panel, a case entered in court, or the country is either seriously threatened by or actually confronted with a pandemic, disaster, catastrophe, war or Act of God.

4. **Public Procurement (Electronic Bidding System) Regulations 2015**

The Regulations will be amended shortly after completion of the testing of the Electronic Reverse Auction Module in the e-PS to enable its use.

5. **New Directive for Negotiations**

Directive No. 61, issued on 30 November 2021, supersedes Circular 15 of 2008 and Circular No. 7 of 2010.

Negotiations shall henceforth be conducted as per the procedures stipulated in Directive No. 61.

- 6. The updated version of the Act and Regulations may be downloaded from the website of the PPO (ppo.govmu.org).

Procurement Policy Office
30 November 2021

