



MINISTRY OF FINANCE, ECONOMIC PLANNING AND DEVELOPMENT
Procurement Policy Office

In reply please quote: **F/PPO/4/1/Vol 13**

Circular No. 07 of 2023

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**

- a. Section 2 of the Act has been amended to define or redefine the following terms:
 - i. Local authority
 - ii. Prescribed amount
 - iii. Public body
 - iv. Statutory body
- b. Section 3A: Non-application of Parts III, IV, V and VI has been repealed and replaced
- c. Sections 5 (1): Staff of Policy Office has been repealed and replaced
- d. Section 15 (1)(a): Choice of Procurement Method - “**low value procurement**” has been added
- e. Section 25: Direct Procurement, subsection (2)(a): has been repealed and replaced
- f. Section 25D: Low Value Procurement has been added
- g. Section 26A: Electronic Bidding Process – a new subsection (1A) has been added
- h. Section 28: Bidding documents- new subsection (3) has been added
- i. Section 43: Challenge –new subsection (3A) has been added
- j. Section 53: Suspension, debarment and disqualification of bidders and suppliers – subsection (1) has been amended by deleting the word “potential”
- k. Section 61 (2): Regulations – the amendment of the Schedule has been repealed
- l. First and Second Schedules have been repealed



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3. **Public Procurement (Regulations 2008)**
 - i. Regulation 2: Definitions- has been amended by deleting the definition of “parastatal body”
 - ii. Regulations 2A and 2B: Application of Act to exempt organisations and Guidelines have been revoked and replaced by 2A- Non-application of Act and 2B- Application of Act.
 - iii. Regulation 2C: Non-application of Parts III, IV, V and VI of Act has been added
 - iv. Regulation 5: Open International bidding- paragraph (2) has been amended
 - v. Regulation 6: Prequalification proceedings- has been amended by deleting the word “shall” and replacing it by the word “may”
 - vi. Regulation 44: Direct Procurement- has been amended by revoking paragraph (1) and replacing it by a new paragraph (1)
 - vii. A new Regulation 44A: Low value Procurement has been added
 - viii. Regulation 47C: Reserved contracts for works up to 20 million rupees has been revoked and replaced
 - ix. First Schedule to the Regulations has been amended by revoking and replacing Part VI
 - x. Two new schedules have been added: Eighth Schedule and Ninth Schedule
4. The updated version of the Act and Regulations may be downloaded from the website of the PPO (ppo.govmu.org).
5. In view of the above amendments and until the standard bidding documents are amended, Public bodies are advised to customise their bidding documents where appropriate.

Procurement Policy Office
20 October 2023



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