

Public Procurement
(Framework Agreement)
Regulations 2013

23 July 2013

THE PUBLIC PROCUREMENT ACT

**Regulations made by the Minister, on the recommendation of the Policy Office,
under sections 29A and 61 of the Public Procurement Act 1.**

1 These regulations may be cited as the Public Procurement (Framework Agreement) Regulations 2013.

2. In these regulations –

“closed framework agreement without second-stage competition” means a framework agreement where the terms and conditions of the procurement are set out at the time the agreement is entered into;

“closed framework agreement with second-stage competition” means a framework agreement with more than one supplier where the terms and conditions of the procurement that could not be established with sufficient precision at the time the agreement was made are to be established or refined through a second-stage competition;

“open framework agreement” means a framework agreement which provides that a supplier other than the initial supplier(s) may subsequently be a party to the agreement.

3. The choice of framework agreement available to a public body or lead organisation shall be the –

- (a) open framework agreement;
- (b) closed framework agreement without second-stage competition; or
- (c) closed framework agreement with second-stage competition.

4. For an open framework agreement, the public body or lead organisation shall–

- (a) upon a request made by a potential supplier, communicate the terms and conditions of the framework agreement and any other relevant information;
- (b) during the entire duration of the agreement, regularly request for expression of interest from potential suppliers to be party to the agreement.

- 5.** The choice of procurement method available to a public body or a lead organisation for the procurement of works, goods, consultancy services or other services under a framework agreement shall be by open advertised bidding or restricted bidding.
- 6.** A public body or a lead organisation shall specify in the bidding document –
 - (a) that the procurement is carried out under a framework agreement;
 - (b) that the framework agreement is concluded with one or more suppliers;
 - (c) the minimum or maximum limit of the number of suppliers that are parties to the agreement;
 - (d) the choice of the framework agreement in accordance with regulation 3;
 - (e) the terms and conditions of the framework agreement; and
 - (f) the process for shortlisting of suppliers where applicable, for the framework agreement.
- 7.** The duration of a framework agreement shall not exceed 3 years.
- 8.** A framework agreement shall, as far as reasonably practicable, be entered into with at least 3 suppliers.
- 9.** A public body or a lead organisation shall prepare and maintain all necessary documents in respect of a framework agreement falling under its responsibility.
- 10.** A public body shall provide to the lead organisation such information as may be necessary to enable the organisation –
 - (a) to carry out procurement proceedings under a framework agreement; and
 - (b) to monitor and manage a framework agreement.
- 11.** The Policy Office may issue such instructions or guidelines in relation to procurement proceedings for a framework agreement.

Made by the Minister, on the recommendation of the Policy Office, on 9 July 2013.
