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L.N. 233 of 2017

FINANCIAL ADMINISTRATION AND AUDIT ACT (CAP. 174)

Public Procurement (Amendment No. 2) Regulations, 2017

BY VIRTUE of the powers conferred by article 4 of the Financial Administration and Audit Act, the Minister of Finance has made the following regulations:-

Citation.

S.L. 174.04

1. The title of these regulations is the Public Procurement (Amendment No. 2) Regulations, 2017, and these regulations shall be read and construed as one with the Public Procurement Regulations, hereinafter referred to as the "principal regulations".

Amends regulation 15 of the principal regulations.

2. In sub-regulation (1) of regulation 15 of the principal regulations, immediately after the words "at any time during a call for tenders" there shall be added the words "or quotations".

Amends regulation 74 of the principal regulations.

3. In paragraph (a) of regulation 74 of the principal regulations, for the words "Director Corporate Services," there shall be substituted the words "The Head of the Department responsible for Corporate Services,".

Amends regulation 90 of the principal regulations.

4. Regulation 90 of the principal regulations shall be amended as follows:

(a) sub-regulations (3) and (4) thereof shall be re-numbered as sub-regulations (4) and (5) respectively; and

(b) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulation:

"(3) In its decision the Review Board shall have the power to cancel the tendering process if it appears to it that this is the best solution in the circumstances of the case; in this case no party shall have any right to request damages because of the decision cancelling the call.".

Amends regulation 100 of the principal regulations.

5. In sub-regulation (2) of regulation 100 of the principal regulations, for the words "Head of the Contracting Authority" there shall be substituted the words "Head of the contracting authority or any person delegated by him in writing".

Amends regulation 103 of the principal regulations.

6. The proviso to regulation 103 of the principal regulations shall be substituted by the following:

"Provided that contracting authorities listed under

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Schedule 3 shall obtain the prior approval of the Minister responsible for that contracting authority who may delegate his authority in writing to the Permanent Secretary, any senior official in his Ministry or to the Head of the contracting authority instead of the Minister.".

Amends regulation 154 of the principal regulations.

7. Sub-regulation (1) of regulation 154 of the principal regulations shall be amended as follows:

(a) in paragraph (b) thereof, for the words "where the supplies" there shall be substituted the words "where the services"; and

(b) in paragraph (d) thereof, for the words "for new works consisting in the repetition of similar works" there shall be substituted the words "for new services consisting in the repetition of similar services".

Amends regulation 200 of the principal regulations.

8. In regulation 200 of the principal regulations, immediately after the words "registered letter" there shall be added the words "or judicial letter as provided for under the Code of Organization and Civil Procedure".

Amends regulation 260 of the principal regulations.

9. In sub-regulation (2) of regulation 260 of the principal regulations, for the words "obtain the prior approval of their Permanent Secretary" there shall be substituted the words "obtain the prior approval of, or the preliminary permission from, their Permanent Secretary".

Amends Schedule 1 to the principal regulations.

10. Schedule 1 to the principal regulations shall be amended as follows:

(a) for the words:

"• Office of the Prime Minister/Permanent Secretary’s Office/Department of Corporate Services

• Ministry for European Affairs and Implementation of the Electoral Manifesto/Permanent Secretary’s Office/Department of Corporate Services

• Ministry for Foreign Affairs/Permanent Secretary’s Office/Department of Corporate Services

• Ministry for Education and Employment/ Permanent Secretary’s Office/Operations Department

• Ministry for Transport and Infrastructure/ Permanent Secretary’s Office/Department of Corporate

Services

• Ministry for Gozo/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Social Dialogue, Consumer Affairs and Civil Liberties/Permanent Secretary's Office/ Department of Corporate Services

• Ministry for the Economy, Investment and Small Business/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Finance/Permanent Secretary's Office/Department of Corporate Services

• Ministry for the Family and Social Solidarity/ Permanent Secretary's Office/Department of Corporate Services

• Ministry for Justice, Culture and Local Government/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Tourism/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Home Affairs and National Security/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Sustainable Development, the Environment and Climate Change/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Competitiveness and Digital, Maritime and Services Economy/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Health/Permanent Secretary's Office/Department of Corporate Services"

there shall be substituted the words:

"• Office of the Prime Minister/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for the Economy, Investment and Small Businesses/Permanent Secretary's Office/ Department responsible for Corporate Services

- Ministry for Education and Employment/ Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Energy and Water Management/ Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for European Affairs and Equality/ Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Finance/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Tourism/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Home Affairs and National Security/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Justice, Culture and Local Government/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for the Environment, Sustainable Development and Climate Change/ Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Health/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Foreign Affairs and Trade Promotion/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Transport, Infrastructure and Capital Projects/Permanent Secretary's Office/Department responsible for Corporate Services

- Ministry for Gozo/Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for the Family, Children's Rights and Social Solidarity/Permanent Secretary's Office/ Department responsible for Corporate Services";

(b) for the words "Local Government Department" there shall be substituted the words "Department for Local Government";

(c) for the words "Elderly and Community Care" there shall be substituted the words "Department of Active Ageing and Community Care";

(d) for the word "Aċċess" there shall be substituted the word "Leap";

(e) immediately after the words "Benefit Fraud and Investigation" there shall be added the word "Department";

(f) for the words "Data Protection Commission" there shall be substituted the words "Information and Data Protection Commissioner";

(g) for the words "National Commission for Persons with Disability" there shall be substituted the words "Commission for the Rights of Persons with Disability";

(h) immediately after the words "Social Security" there shall be added the word "Department";

(i) immediately after the words "Social Welfare Standards" there shall be added the word "Department";

(j) for the words "Consumer and Competitive Division" there shall be substituted the words "Malta Competition and Consumer Affairs Authority";

(k) for the words "Pjazza Teatru Rjal" there shall be substituted the words "Justice Department";

(l) the words "Teatru Malta" shall be deleted;

(m) for the words "Żfin Malta" there shall be substituted the words "Heritage Malta"; and

(n) immediately after the words "Institute for Education" there shall be added the following:

"Education Malta

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English Language Teaching Council

National Book Council

Gozo Heliport Limited".

11. Schedule 2 to the principal regulations shall be amended as follows:

Amends Schedule 2 to the principal regulations.

(a) for the words:

"• Office of the Prime Minister/Permanent Secretary's Office/Department of Corporate Services

• Ministry for European Affairs and Implementation of the Electoral Manifesto/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Foreign Affairs/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Transport and Infrastructure/ Permanent Secretary's Office/Department of Corporate Services

• Ministry for Gozo/Permanent Secretary's Office/Department of Corporate

• Ministry for Social Dialogue, Consumer Affairs and Civil Liberties/Permanent Secretary's Office/ Department of Corporate Services

• Ministry for the Economy, Investment and Small Business/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Finance/Permanent Secretary's Office/Department of Corporate Services

• Ministry for the Family and Social Solidarity/ Permanent Secretary's Office/Department of Corporate Services

• Ministry for Justice, Culture and Local Government/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Tourism/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Sustainable Development, the Environment and Climate Change/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Competitiveness and Digital, Maritime and Services Economy/Permanent Secretary's Office/Department of Corporate Services

• Ministry for Health/Permanent Secretary's Office/Department of Corporate Services"

there shall be substituted the words:

"• Office of the Prime Minister/Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for the Economy, Investment and Small Businesses/Permanent Secretary's Office/ Department responsible for Corporate Services

• Ministry for Energy and Water Management/ Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for European Affairs and Equality/ Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for Finance/Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for Tourism/ Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for the Environment, Sustainable Development and Climate Change Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for Health/ Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for Foreign Affairs and Trade Promotion/Permanent Secretary's Office/Department responsible for Corporate Services

• Ministry for Transport, Infrastructure and Capital Projects/ Permanent Secretary's Office/Department

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responsible for Corporate Services";

(b) the words "Cleansing and Maintenance Department" shall be deleted;

(c) the word "Aċċess" shall be deleted;

(d) the words "Data Protection Commission" shall be deleted;

(e) the words "National Commission for Persons with Disability" shall be deleted;

(f) the words "National Commission for the Family" shall be deleted;

(g) the words "Medicines Authority" shall be deleted;

(h) the words "Consumer and Competitive Division" shall be deleted; and

(i) immediately after the words "Central Procurement Supplies Unit", there shall be added the following:

"Office of the Regulator IIP

Identity Malta

Malta Council for Science and Technology".

12. Schedule 16 to the principal regulations shall be amended as follows:

Amends Schedule 16 to the principal regulations.

(a) for the words "Ministry for Home Affairs and National Security/Permanent Secretary's Office/Department of Corporate Services" there shall be substituted the words "Ministry for Home Affairs and National Security/Permanent Secretary's Office/Department responsible for Corporate Services;

(b) for the words "Ministry for Education and Employment/Permanent Secretary's Office/Department of Corporate Services" there shall be substituted the words "Ministry for Education and Employment/Permanent Secretary's Office/Department responsible for Corporate Services";

(c) for the words "Malta Council for Science and Technology" there shall be substituted the words "Education

Malta";

(d) immediately after the words "Institute for Education" there shall be added the words:

"English Language Teaching Council

National Book Council";

(e) for the words "Ministry for Justice Culture and Local Government/Permanent Secretary's Office/Department of Corporate Services" there shall be substituted the words "Ministry for Justice Culture and Local Government/Permanent Secretary's Office/Department responsible for Corporate Services";

(f) for the words "Local Government Department" there shall be substituted the words "Department for Local Government";

(g) the words "Office of the Regulator IIP" shall be deleted;

(h) the words "Identity Malta" shall be deleted;

(i) for the words "Pjazza Teatru Rjal" there shall be substituted the words "Justice Department";

(j) for the words "Teatru Malta" there shall be substituted the words "Information and Data Protection Commissioner";

(k) for the words "Żfin Malta" there shall be substituted the words "Malta Competition and Consumer Affairs Authority";

(l) immediately after the words "Malta Competition and Consumer Affairs Authority" there shall be added the following:

"Cleansing and Maintenance Department

Medicines Authority";

(m) for the words "Ministry for the Family and Social Solidarity/Permanent Secretary's Office/Department of Corporate Services" there shall be substituted the words "Ministry for the Family, Children's Rights and Social

Solidarity/ Permanent Secretary's Office/Department responsible for Corporate Services";

(n) for the words "Elderly and Community Care" there shall be substituted the words "Department of Active Ageing and Community Care";

(o) immediately after the words "Benefit Fraud and Investigation" there shall be added the word "Department";

(p) immediately after the words "Social Security" there shall be added the word "Department";

(q) immediately after the words "Social Welfare Standards" there shall be added the word "Department";

(r) immediately after the words "Office of the Commissioner for Children" there shall be added the following:

"Leap

Commission for the Rights of Persons with Disability";

(s) for the words "Ministry for Gozo/Permanent Secretary's Office/Department of Corporate Services" there shall be substituted the words "Ministry for Gozo/Permanent Secretary's Office/Department responsible for Corporate Services";

(t) for the words:

"Projects and Development

Directorate (Gozo)";

there shall be substituted the words:

"Projects and Development Directorate (Gozo)";

(u) immediately after the words "Customer Services" there shall be added the word "Directorate"; and

(v) immediately after the words "Gozo Channel (Operations) Ltd" there shall be added the words "Gozo Heliport Limited".

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