

L.N. 195 of 2019

**FINANCIAL ADMINISTRATION AND AUDIT ACT
(CAP. 174)**

Public Procurement (Amendment) Regulations, 2019

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

Citation.

S.L. 174.04.

Amends
regulation 2 of
the principal
regulations.

1. The title of these regulations is the Public Procurement (Amendment) Regulations, 2019 and these regulations shall be read and construed as one with the Public Procurement Regulations, hereinafter referred to as the "principal regulations".

2. Regulation 2 of the principle regulations, shall be amended as follows:

(a) in paragraph (a) of the definition "public works contracts" thereof, the words "Schedule 14; " shall be substituted by the words "Schedule 15;"; and

(b) in the Maltese version thereof, immediately after the definition "tikketta" there shall be added the following new definition:

" "Unità Ministerjali għall-Akkwist" tfisser entità stabbilita taht kull Ministeru li tipproċessa, tippubblika, tamministra u tirrakkomanda l-ghoti ta' sejha għal offerti ppubblikata taht proċedura miftuħa, fejn il-valur stmat ta' din is-sejha għal offerti jeċċedi l-ghaxart elef euro (€10,000) iżda ma jeċċedix il-mitejn u ħamsin elf euro (€250,000).".

Amends
regulation 79 of
the principal
regulations.

3. Paragraph (h) of sub-regulation (4) of regulation 79 of the principal regulations, shall be substituted by the following:

"(h) to publish every six (6) months in the Gazette the following:

(i) a list of contracts awarded by the respective Ministerial Procurement Unit;

(ii) a list of modifications to contracts which exceed the contract value by more than five percent (5%)

provided that the estimated value of the call exceeds ten thousand euro (€10,000) but is below one hundred and forty-four thousand euro (€144,000);

(iii) a list of all modifications to contracts which had an estimated value meeting or exceeding one hundred and forty-four thousand euro (€144,000) but not exceeding two hundred and fifty thousand euro (€250,000);".

4. In sub-regulation (2) of regulation 100 of the principal regulations, the words "meets or" shall be deleted.

Amends
regulation 100
of the principal
regulations.

5. In regulation 101 of the principal regulations, the words "meets or" shall be deleted.

Amends
regulation 101
of the principal
regulations.

6. In sub-regulation (2) of regulation 111 of the principle regulations, the words "as the case may be." shall be substituted by the words "as the case may be:" and immediately thereafter, there shall be added the following proviso:

Amends
regulation 111
of the principal
regulations.

"Provided that, without prejudice to regulation 79, in the case of contracting authorities listed under Schedule 16, the obligation established under this sub-regulation shall apply when these contracting authorities publish calls that are not regulated as an open procedure."

7. Regulation 116 of the principle regulations, shall be amended as follows:

Amends
regulation 116
of the principle
regulations.

(a) sub-regulation (3) thereof, shall be substituted by the following:

"(3) Where a state of urgency duly substantiated renders impracticable the time limit laid down in sub-regulation (1), the authority responsible for the tendering process may, fix a time limit which shall be not less than fifteen (15) days from the date on which the contract notice was sent to the Publications Office of the European Union or from the date on which the tender has been published as the case maybe."; and

(b) the proviso of sub-regulation (5) thereof, shall be substituted by the following:

"Provided that the authority responsible for the tendering process may reduce this time limit to fifteen (15) days in cases of extreme urgency."

Amends
regulation 199
of the principle
regulations.

8. Regulation 199 of the principal regulations, shall be amended as follows:

(a) in paragraph (f) thereof, the words "selection or award." shall be substituted by the words "award or selection;"; and

(b) immediately after paragraph (f) thereof, there shall be added the following new paragraph:

"(g) it can demonstrated by any appropriate means that in the execution of public contracts the economic operator is in violation of applicable obligations in the fields of environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Schedule 13."
