L.N. 46 of 2019

FINANCIAL ADMINISTRATION AND AUDIT ACT (CAP. 174)

Public Procurement of Entities Operating in the Water, Energy, Transport and Postal Services Sectors Regulations (Amendment), 2019

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

Citation.

1. The title of these regulations is the Public Procurement of Entities Operating in the Water, Energy, Transport and Postal Services Sectors Regulations (Amendment),2019 and these regulations shall be read and construed as one with the Public Procurement of Entities Operating in the Water, Energy, Transport and Postal Services Sectors Regulations, hereinafter referred to as the "principal regulations".

S.L. 174.06

2. In regulation 34(m) of the principal regulations the words "listed in Schedule 14; and" shall be substituted by the words "listed in Schedule 14:" and immediately after there shall be added the following proviso:

"Provided that the director may decide not to award a contract to the tenderer submitting the best tender where he has established that the tender does not comply with the applicable obligations referred to in this paragraph; and.".

3. In regulation 35(k) of the principal regulations the words "listed in Schedule 14;" shall be substituted by the words "listed in Schedule 14:" and immediately after there shall be added the following new proviso:

"Provided that the Contracting authority or contracting entity as the case maybe may decide not to award a contract to the tenderer submitting the best tender where they have established that the tender does not comply with the applicable obligations referred to in this paragraph.".

4. Immediately after regulation 169(11) of the principal regulations there shall be added the following sub-regulation:

"(12) A written record of qualified economic operators shall be kept; it may be divided into categories according to the type of contract for which the qualification is valid.".

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