



IV CONSTITUTIONAL GOVERNMENT

DECREE-LAW NO. 3/2010

OF

Organic of the Procurement Monitoring Commission and of the Procurement Technical Secretariat

Decree-Law no. /2010 of , which altered the Procurement Legal Regime approved by Decree-Law no. 10/2005 of 21 November, created the Procurement Monitoring Commission and the Procurement Technical Secretariat.

The Procurement Monitoring Commission and the Procurement Technical Secretariat are created as a result of the decentralization of procurement procedures, seeking to enable better service delivery to users and to achieve efficiency gains and adequate transparency befitting a State procurement process.

Taking into consideration the importance of these structures within the scope of State procurement, it is urgent to approve the Organic of the Procurement Monitoring Commission and the Procurement Technical Secretariat, setting their respective structures, powers and duties.

Thus,

Under article 115.3 of the Constitution of the Republic, the Government decrees the following, to prevail as law:

CHAPTER I
PROCUREMENT MONITORING COMMISSION

Article 1

Mission

The Procurement Monitoring Commission, henceforth called Commission, is the service responsible for verifying and monitoring the implementation of procurement procedures and the execution of projects, as well as for carrying out the final assessment of procurement procedure outcomes.

Article 2

Duties

1. The Commission is namely responsible for:
 - a) Monitoring and verifying the implementation of all State procurement procedures,
 - b) Monitoring and verifying the execution of projects,
 - c) Assessing outcomes,
 - d) Any other tasks given to it by law.
2. The Commission reports to the Prime Minister or to the person delegated by him through dispatch.

Article 3

Structure

1. The Commission consists of expert officers with recognized professional experience in the areas of procurement, law, finance and commerce, appointed through dispatch by the Prime Minister.
2. The Commission may also invite members of the civil society and the private sector to participate as observers.

3. The Commission is headed by a Speaker, seconded for two years through dispatch by the Prime Minister or the person upon whom he delegates this power.
4. Subject to the present diploma, the Prime Minister or the person upon whom he delegates this power is responsible for approving through dispatch the regulation of the organic and functional structure of the Commission.

Article 4

Support to the Commission

1. The Commission may hire specialized assistance, either through individual working contracts or requisition, in the case of civil servants, to support its verification and monitoring work.
2. The Commission may hire specialized officers from a specific area whenever particular procedures justify it.

CHAPTER II

PROCUREMENT TECHNICAL SECRETARIAT

Article 5

Mission

The Procurement Technical Secretariat, henceforth called PTS, is responsible for conducting procurement procedures for projects costing at least USD 1,000,000 (one million dollars), as well as for monitoring and providing technical assistance to the remaining procedures done within the scope of all public entities.

Article 6

Tasks

1. The PTS has the following tasks:
 - a) Provide technical support and advisory in procurement procedures up to USD 1,000,000 (one million dollars);
 - b) Carry out procurement procedures above USD 1,000,000 (one million dollars);

- c) Collaborate with the Procurement Monitoring Commission;
 - d) Any others given to it by law.
2. The PTS reports to the Prime Minister or to the person delegated by him through dispatch.

Article 7

Structure

1. The PTS consists of expert officers with recognized professional experience in the areas of procurement, law, finance and commerce, appointed through dispatch by the Prime Minister or the person upon whom he delegates this power.
2. The Secretariat is headed by a director, seconded for two years through dispatch by the Prime Minister or the person upon whom he delegates this power, after deliberation by the Council of Ministers.
3. Subject to the present diploma, the Prime Minister or the person upon whom he delegates this power is responsible for approving through dispatch the regulation of the organic and functional structure of the PTS.

Article 8

Support to the PTS

The PTS may hire specialized assistance, either through individual working contracts or requisition, in the case of civil servants, to support it in its tasks.

CHAPTER III

FINAL PROVISIONS

Article 9

Repeals

1. Article 13 of Decree-Law no. 13/2009 of 25 February, approving the Organic of the Ministry of Finance, is hereby repealed.

2. Subsection III of Ministerial Diploma no. 1/2009 of 30 April, approving the organic of the Directorate General of State Finance of the Ministry of Finance, is hereby repealed.
3. All other provisions that contradict the present diploma are also repealed.

Article 10

Entry into force

The present diploma enters into force on the day after its publication in the Journal of the Republic.

Approved by the Council of Ministers on 3 February 2010.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Finance,

Emília Pires

Promulgated on

Let it be published.

The President of the Republic,

José Ramos-Horta