



IV CONSTITUTIONAL GOVERNMENT

DECREE-LAW NO. 14/2010

OF

TEMPORARY PROCUREMENT MEASURES

The alterations introduced in the Procurement Legal Regime by Decree-Law no. 1/2010 of 18 February seek to establish a structural change in the State's purchase management system. As such, the competences held by the Ministry of Finance regarding procurement procedures over one million dollars were transferred to the Prime Minister, with delegation of competences unto the Vice Prime Minister for State Administration and Management. Simultaneously, Decree-Law no. 3/2010, also dated 18 February, created the Technical Secretariat for Procurement, which, under the said Vice Prime Minister, became responsible for all State's purchase procedures over one million dollars.

However, the Government has been noting that this new mechanism needs some time to be consolidated. Namely, the Technical Secretariat for Procurement cannot perform the competences legally attributed to it without first structuring the human resource component and consolidating the liaison mechanisms with the ministries involved in each procurement process. Consequently, project approval has been delayed and the Monitoring Commission is yet to be established.

In view of this, seeking to give time so that the Technical Secretariat for Procurement may recruit officers and advisors and become duly structured so as to be able to perform in full the tasks that motivated its creation, the Government considered it timely to approve transitional measures so that, with support and greater intervention by all ministries, the State's procurement procedures are not delayed and budget execution is not harmed while the Technical Secretariat is being organized.

Thus,

The Government decrees, under article 115.1 (e) and article 116 (a) and (d) of the Constitution of the Republic, to prevail as law, the following:

Article 1

Temporary procurement regime

1. The competent services of every Ministry or Secretariat of State under the Prime Minister shall be responsible for their respective procurement procedures, regardless of the value.
2. State procurement processes shall be subject to post quality control, so as to accelerate them and ensure good cost-effectiveness.

Article 2

Procurement by direct appointment

All procurement processes over one million dollars where direct appointment is proposed must be approved by the Council of Ministers.

Article 3

Ongoing procurement processes

The Technical Secretariat for Procurement shall remain responsible for procurement processes it has already started, however the procurement services of each ministry shall monitor the procedures closely and make available the technical and human resources needed for their conclusion.

Article 4

Reorganization

1. The Technical Secretariat for Procurement must gather by the end of the year the technical and human resources required for its operation.
2. The Procurement Commission should be appointed and enter into office as soon as possible.

Article 5

Suspension

1. Article 5 and article 6.1 of Decree-Law no. 3/2010 of 18 February shall be temporarily suspended until 31 December 2010.

2. Any further legislation that would contradict the temporary regime set in the present diploma shall also be considered suspended.

Article 6

Entry into force and caducity

1. The present diploma enters into force on the day after its publication.
2. The validity of the present diploma expires on 31 December 2010.

Approved by the Council of Ministers on 7 August 2010.

The Prime Minister,

Kay Rala Xanana Gusmão

Promulgated on

Let it be published.

The President of the Republic,

José Ramos-Horta