

Government Procurement Regulations 2014

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No. S 269

**GOVERNMENT PROCUREMENT ACT
(CHAPTER 120)**

GOVERNMENT PROCUREMENT REGULATIONS 2014

In exercise of the powers conferred by section 6 of the Government Procurement Act, the Minister for Finance hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Government Procurement Regulations 2014 and shall come into operation on 6th April 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“applicable supplier” means —

- (a) a relevant supplier;
- (b) a relevant Protocol supplier; or
- (c) a supplier, or a supplier belonging to a class of suppliers, set out in

an order published in the *Gazette* under section 7(2)(b) of the Act;

“applicable supplier established in Singapore” means an applicable supplier —

- (a) who is registered under the Business Registration Act (Cap. 32) and is habitually resident in Singapore; or
- (b) which is a company or association or body of persons, corporate or unincorporate, which is formed under the laws of Singapore and has its principal place of business in Singapore;

“approved medium” means the *Gazette* or the Government Electronic Business (GeBIZ);

“commercial goods or services” means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;

“electronic auction” means an iterative process that involves the use of electronic means for the presentation by suppliers of either new prices, or new values for quantifiable non-price elements of a tender related to an evaluation criteria, or both, resulting in the ranking or re-ranking of tenders;

“in writing” or “written” means any worded or numbered expression that can be read, reproduced and later communicated and includes electronically transmitted and stored information;

“limited tendering” means a procurement method whereby the contracting authority contacts a supplier or suppliers of its choice to submit a tender;

“multi-use list” means a list of suppliers that a contracting authority has determined satisfy the conditions for participation in that list, and that the contracting authority intends to use more than once;

“notice of intended procurement” means a notice published by a contracting authority inviting interested suppliers to submit a request for participation, a tender, or both;

“notice of planned procurement”, in relation to a contracting authority, means a notice regarding the contracting authority’s future procurement plan;

“open tendering” means a procurement method whereby all interested suppliers may submit a tender;

“Order” means the Government Procurement (Application) Order (O 1);

“qualification procedure” means the procedure which a supplier has to undertake to be eligible to become a qualified supplier;

“qualified supplier” means a supplier who has been shortlisted, pursuant to a qualification of suppliers, for a procurement;

“recurring contract” means one of 2 or more contracts resulting from a single requirement for a procurement;

“selective tendering” means a procurement method whereby only qualified suppliers are invited by a contracting authority to submit a tender;

“standard” means a document approved by a recognised body that provides for common and repeated use, rules, guidelines or characteristics for goods or services, or related processes and production methods, with which compliance is not mandatory;

“technical specification” means a tendering requirement that —

- (a) lays down the characteristics of goods or services to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision; or
- (b) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to goods or services;

“tender documentation” means a document which sets out the invitation to tender for or to negotiate a procurement contract, the terms and conditions of the contract, the specifications or descriptions of the goods or services, or goods and services, to be procured under the contract, or a document supplementary to any of these documents.

Application of Regulations

3.—(1) These Regulations apply to a procurement subject to the Act by a contracting authority in relation to a relevant State or a relevant Protocol State specified in the Order.

(2) These Regulations do not apply to —

- (a) any procurement which is excluded under paragraph 5 of the Order;
- (b) any acquisition or rental of land, existing buildings or other immovable property or the rights thereon;
- (c) any non-contractual agreement or any form of assistance that a contracting authority provides, including any co-operative agreement, grant, loan, equity infusion, guarantee or fiscal incentive;