

Government Procurement Bill

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Bill No: 14/1997

Read the first time: 7th October 1997

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Expenditure of Public Money

Government Procurement Bill

Bill No. 14/1997

Read the first time on 7th October 1997.

An Act to give effect to the Agreement on Government Procurement and for purposes connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Government Procurement Act 1997 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Agreement on Government Procurement” means the Agreement by that name done at Marrakesh on 15th April 1994;

“award”, in relation to a contract or tender, means to accept an offer made;

“challenge proceeding” means any proceeding under Part III;

“Commissioner” means the Commissioner appointed by the Minister under section 8(2) and includes an acting Commissioner appointed by the Minister under section 8(9);

“contracting authority” means a ministry or department of the Government, an organ of State or a statutory board, declared by the Minister, by order made under section 4, as a contracting authority for the purposes of this Act;

“Deputy Commissioner” means a Deputy Commissioner appointed by the Minister under section 8(2);

“document” includes an electronic record;

“legal officer” has the same meaning as in the Government Proceedings Act (Cap.

121);

“procurement” means procurement of goods or service or a combination of goods and service by any contractual means, such as purchase or lease, rental or hire purchase, with or without an option to buy the goods or service or combination of goods and service;

“procurement subject to the Act” means a procurement declared by the Minister, by order made under section 4, to be a procurement subject to the Act;

“qualification of suppliers” means a process undertaken by a contracting authority to shortlist suppliers for a particular procurement, a particular type of procurement or procurement in general;

“relevant State” means a country or territory declared by the Minister, by order made under section 3, as a relevant State for the purposes of this Act;

“relevant supplier” means a supplier —

- (a) who is a national of Singapore or a relevant State; or
- (b) which is a company or association or body of persons, corporate or unincorporate, which is formed under the laws of Singapore or a relevant State and has its principal place of business in Singapore or a relevant State;

“supplier” means a person who sought, or who seeks, or who would have wished, to be the person to whom a contract of procurement, being a procurement subject to the Act, is awarded;

“Tribunal” means the Government Procurement Adjudication Tribunal established under section 8.

Relevant State

3. The Minister may, from time to time, by order published in the *Gazette*, declare any country or territory as a relevant State for the purposes of this Act.

Application

4.—(1) The Minister may, by order published in the *Gazette*, declare any ministry or department of the Government, organ of State or statutory board as a contracting authority for the purposes of this Act.

(2) The Minister may, by order published in the *Gazette*, declare a procurement to be subject to the Act.

(3) An order made under subsection (2) may identify the procurement by one or more of the following:

- (a) the means by which the procurement is undertaken;
- (b) the contracting authority undertaking the procurement;
- (c) the goods or service, or combination of goods and service, to be procured;
- (d) the value of the procurement.

(4) An order made under subsection (2) may specify —

- (a) the method by which the procurement is to be valued;
- (b) the circumstances under which the procurement is not a procurement subject to the Act;
- (c) the grounds on which the contracting authority may exclude a procurement, or an act or measure to be taken in relation to a procurement, from the application of all or any of the regulations made under section 6; and
- (d) the effect of an exclusion referred to in sub-paragraph (c).

Certification by Minister

5.—(1) The Minister may issue a certificate certifying that a particular procurement is not a procurement subject to the Act by virtue of section 4(4)(b).

(2) The Minister may issue a certificate certifying that a ground referred to in section 4(4)(c) exists in relation to a particular procurement or an act or measure in relation to a particular procurement.

(3) A certificate issued under subsection (1) or (2) shall be conclusive evidence of the matters so certified.

PART II

REGULATIONS GOVERNING PROCUREMENT

Power to make regulations

6.—(1) The Minister may, for the purposes of implementing the Agreement on Government Procurement, make regulations to govern procurements subject to the Act.

(2) Without prejudice to the generality of subsection (1), the regulations may