

Government Procurement Regulations

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Legislative History

GOVERNMENT PROCUREMENT ACT
(CHAPTER 120, SECTION 6)

GOVERNMENT PROCUREMENT REGULATIONS

Rg 2

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PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Government Procurement Regulations.

Definitions

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

“applicable supplier” means —

- (a) a relevant supplier; or
- (b) 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);

“contract document” 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 service, or goods and service, to be procured under the contract, or a document supplementary to any of these documents;

“limited tendering” means a procedure of procurement whereby no tender is called or whereby suppliers are invited individually to submit a tender;

“open procedure” means a procedure of procurement 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 procedure” means a procedure of procurement whereby only suppliers invited to submit a tender may do so;

“tenderer” means a supplier who has submitted a tender in respect of a procurement.

Principles of national treatment and non-discrimination

3.—(1) A reference in these Regulations to the principles of national treatment and non-discrimination is a reference to the following principles:

- (a) that the goods and services of a relevant State are not to be treated less favourably than Singapore goods and services or the goods and services of any other relevant State;
- (b) that an applicable supplier is not to be treated less favourably than any other applicable supplier;
- (c) that an applicable supplier established in Singapore is not to be treated less favourably than any other applicable supplier established in Singapore on the basis of the degree of foreign affiliation or ownership; and
- (d) that an applicable supplier established in Singapore is not to be discriminated against on the basis of the country of production of the goods or service which it supplies, if the country of production is a relevant State.

(2) Notwithstanding anything in these Regulations, the principles of national treatment and non-discrimination shall not apply to the following:

- (a) the imposition of customs duty, or any charge on or in connection with the import of goods;
- (b) the method of levying such duty or charge;
- (c) any act the performance of which is required by any written law relating to import of goods, and any act incidental to or consequential upon such requirement.

Undertaking of procurement by agent

4. Where a contracting authority undertakes a procurement through an agent who is not a contracting authority, the contracting authority shall require its agent to comply with the principles of national treatment and non-discrimination in undertaking the procurement.

PART II

PROCEDURE LEADING TO AWARD OF PROCUREMENT CONTRACT

Division 1 — General

Technical specifications

5.—(1) A contracting authority shall not prepare, adopt or apply technical specifications with a view to, or with the effect of, avoiding the application of these Regulations.

(2) Technical specifications prescribed by a contracting authority shall, where appropriate —

- (a) be in terms of performance rather than design or descriptive characteristics; and
- (b) be based on the applicable international standard or, if no such standard exists, on the applicable standard in Singapore.

(3) The technical specifications shall not refer —

- (a) to any goods
- (i) bearing a particular trade mark or trade name;