

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

Decree-Law n. 10 / 2005
of the

Procurement Legal Regime (PLR)

PREAMBLE

Procurement budget execution¹ by the Government of the Democratic Republic of Timor-Leste (RDTL), aiming to guarantee the Administration and other entities and public services needs satisfaction, requires the establishment of a specific legal regime that ensures good financial resources management.

The experience already gained in the goods procurement operations, in construction execution and in services delivery, recommends the adoption of clear and simple rules, tending to facilitate the organization of the procurement procedures, by defining an administrative and legal procedures base which permits a coherent development of these activities, following the existing international regulations on this matter.

In order to achieve transparency, economy and efficiency it is important to establish legal rules adequate to the Country's development needs, which permit harmonizing² good practices in procurement procedures, with an adequate control of these same activities.

In the same way, it is essential that the legal order related to the procurement shall be an incentive to goods production and to services delivery or to construction execution, which simultaneously guarantees competition and

Article 2.
Scope of Application

1. The scope of application of the present decree⁷ covers the procurement procedures for the Public Service done

- e) **Central Supply & Property** ¹⁵ : the service in charge to centrally acquire goods for current use and moreover¹⁶ of a lot of public services, maintaining and supplying goods according to their respective needs;
- f) **Invitation** : is the communication broadcasted directly by the public service to certain pre-qualified suppliers or participants in a limited competition by pre-qualifications, in a restricted competition or in a negotiation procedure, in order for them to present their bids;
- g) **Supplier or Vendor** : the natural or legal person, as a potential contractual party, in a goods acquisition, construction execution or service delivery procedure, intended to the public needs satisfaction;
- h) **Works (Construction)** : the action or the set of actions intended for **fixed assets works execution**, which are related to the repairs, maintenance or building of new facilities intended to guarantee the development of activities with public purposes. These may also include, any other professional activity of civil engineering and of other similar nature, as well as the project work and the supply of certain material resources required by their characteristics;
- i) **Services Delivery** : the action or set of actions, by which a natural or legal person provides services to a public

3. The Public Service, their employees and agents shall protect the confidentiality of documents and information handed over by the bidders.

Article 6.

Principles of Good Faith and Proportionality

1. In executing the procurement procedures, the public and private entities shall act according to the requirements²¹ of authenticity and truthfulness in communicating with each other.
2. The procedure to be adopted shall be chosen considering its degree of adequacy, its costs and the benefits for achieving the purposes.

Article 7.

Principles of Transparency and Publicity

1. The criteria for award²² shall be well defined ahead of the proceedings and the information will be guaranteed to the interested parties starting from the date of opening²³.
2. The choice of proposals shall be always substantiated in writing.
3. The Public Service shall guarantee that the intention to

Article 10.
Principle of Unity of the Expense

1. The procurement amount to consider is the total cost for the acquisition of goods, the construction execution or the service delivery.
2. It is forbidden to split²⁹ the expense with the intention to subtract it in the foreseen regime, including splitting the total acquisition cost amount into several items, so that any of them doesn't reach the threshold³⁰ amounts established.
3. The competencies established to approve additional expenses sums by way of changes, price revisions and amendments to the original contracts, which are properly justified and done according to the opinion of the Ministry of Planning and Finance, can only be authorized exceptionally³¹, depending on the existence of budget allocations, up to 10% of the cost foreseen in the initial contract and until a limit of USD\$ 40,000³² and the circumstances foreseen in this decree.
4. Exceeding the referred percentage or the limit in the last number (No 3), the competence is transferred to the entity that shall authorize the contract, accordingly to the actual total cost of the procurement operation.

Article 11.
Principle of Respect to the General Rules

1. All the inherent acts to procurement shall observe the legal rules in force in the RDTL, they being of general character, these PLR³³ rules or other specific or complementary rules.
2. The present decree-law is applicable, as a basic rule, and with supreme³⁴ character, in the case of gaps in the decrees³⁵ mentioned in number 3 of article 2.

Article 12.
Principle of Accordance with International Regulations

The present decree is not applicable when it contradicts with an international obligation contracted by the RDTL, as:

- a) a treaty or any other international agreement signed by the RDTL with one or more States;
- b) an Agreement signed between the RDTL and an international financial institution.

Article 13.
Retroactivity and Interpretation

1. The present regulations are not applicable in retroactivity, without detriment to the legitimate expectations of the interested parties and as long as it doesn't result in damage to the State interests.

Article 14.
Period Counting

1. As general principle, the deadline shall provide enough time for the parties interested in the competition to prepare and submit the documentation and other information required, having in mind reasonable Public Service needs.
2. The time frame to present the bids is counted continuously.

- b. to present to the Government the proposals for procedures which guarantee the fulfillment of the general principles and the rational needs satisfaction of the State;
- c. to present to the Government reports on the fulfillment of procurement policies and to propose the adoption of necessary corrective measures;
- d. to provide ministerial decrees⁴⁴, instructions and administrative acts, which are necessary to the implementation of the present decree-law;
- e. to analyze and decide the operations that are empowered⁴⁵ by the present decree-law and other Government' dispositions;
- f. to ask for consultation and summon whichever procurement processes, independently of which stage/ phase they fulfill, in order to guarantee its harmonization with the politics defined by the Government;⁴⁶
- g. other competencies that shall be determined / assigned by the Government or the law.

Article 17.

Competencies of the Procurement Service

1. The Procurement Service from the Ministry of Planning and Finance, hereinafter called the Procurement Service is the department responsible for the coordination of procurement procedures regulated in the present decree and which holds the following competencies:
 - a. to advise the Minister of Planning and Finance on the global politics in terms of procurement;
 - b. to participate in the activities related to Government policy⁴⁷ execution in relation to procurement;
 - c.

- a. to manage procurement whenever it is within their competency, according to the provisions of the present decree-law and prior⁵¹ written express delegation from the Minister of Planning and Finance;
- b. to propose the imposition of administrative measures against offenders of the present Legal Regime, according to the legal procedures established.

Article 18.

Responsibilities of the Procurement Service

1. The Procurement Service shall carry out the procurement operations requested by the Public Services referred in the article 15. , in the following cases:

- a. when the procurement exceeds the limits approved for decentralized implementation;
- b.

Article 20.
Responsibilities related to the decentralization

1. The Public Services authorized to carry out decentralized procurement are obliged to comply with the rules established for these operations and have the following responsibilities:

- a. to submit to the Procurement Service monthly activity summaries of their procurement, in the established deadline;
- b. to submit to the Procurement Service the Annual Evaluation Report of the procurement operations carried out.

2. The Heads of the entities authorized to operate decentralized and accordingly simplified procedures, are responsible to run and control the development of these operations without detriment of those activities to be delegated on their behalf⁵⁴

Section II
Procurement Records

2. The assessment of qualifications criteria shall be based only on the essential and specific requisites referred in the law and in the pre-qualification and/or tender.

Article 27.
Essential requisites

1. In order to participate in the procurement procedures, the bidders shall fulfill the following essential requisites:
 - a. possess an entrepreneurial capacity, worthy of trust, experience and sufficient reputation to provide guarantees of fulfilling the contract;
 - b. have a legal capacity to enter into the contract;
 - c. have fulfilled all legal requisites required in the RDTL to act in a procurement operation;
 - d. possess enough financial resources to perform the contract;
 - e.

information in relation to their qualifications, for entering into a contract with any RDTL public institution within the previous five years;

- g. have been disqualified by any other cause in result of administrative suspension or licensing procedures;
- h. the bidders or their representatives are found to be in an incompatible situation, in the terms of the present charter
- i. have submitted more than one bid in the same tender.

2. The foregoing⁶³ to disqualification causes and impediments are informed to the bidders in the pre-qualification

611.29)60620(eg)it is Or (56)6.e.2.c.1(-1.mp6986bi)5.119 tor (5 o3(ti.6960hir ie4-)nie4- 3(o5)gftB(ti.6960h pri6 60qOf.86e2 02Tureme s)ftB()s,/canniw2(o)eb(5u2.T)6.e-6.r16 60ep

Article 33.
Incompatibility of bidders

Without detriment of the bidders' right to request from the Public Service the necessary clarifications and audiences, it shall be incompatible the direct exercise, or by representatives, of any activity with the purpose to influence the institutions responsible for pre-qualifications or qualifications assessment or to adjudicate the contract.

Section II
General Rules on Incompatibilities

Article 34.
Relationship of the bidders with the Public Service

1. Except in the cases foreseen in the law, no negotiations⁶⁵ shall take place between the Public Service and one bidder in relation to a bid submitted, before the contract adjudication.
2. Clarifications⁶⁶ can only be requested in relation to drawings, conceptual orientation or technical specifications, technical characteristics of quality requested in a pre bid conference or by writing, but in no case are clarifications allowed relative to prices and conditions of payment.⁶⁷

Article 35.
Effects of the Incompatibilities

1. At any time or phase in the procedure that the authorities responsible for the procurement control detect a conduct which is incompatible or has conflicts of interest, such responsible authorities shall be requested to make a declaration of invalidity of the acts relative to the procurement in progress⁶⁸
2. In the case of civil servants or Civil Service agents, the authority that detected the incompatibility shall request the bidders to enter into a corresponding⁶⁹ inquiry and disciplinary process, according to existing provisions in the legislation in force.

TITLE II
PROCUREMENT PROCEDURES

CHAPTER I
TYPES OF PROCEDURES

Section I.
Types of Procedures

Article 36.
Pre-qualification procedures

The pre-qualification procedure is the one that can be summoned by the Public Service ahead of conducting the procurement process, aiming to identify and select through a preliminary analysis, the bidders which are fulfilling the requisites previously established in the pre-qualification documents.

Article 37.
Admitted procurement procedures

In the terms and conditions exposed in the present charter, the procurement procedures can be of the following types:

- a. Public Tender, required as compulsory in the procedures with a value greater than USD\$ 50,000 (fifty

- b. Limited Tender by Pre-qualification, only the bids from those selected in the pre-qualification procedure are admitted;
- c. Restricted Tender, in which only those invited can present bids;
- d. by Negotiation or Two Stage Tendering;
- e. by Request for Quotations;
- b. by direct appointment⁷¹;
- c. by simplified procedure.

Section II Tenders

Article 38. National Public Tender

1. The national public tender is the one employed by the Public Service with the objective to promote participation, as preferred bidders, the individuals⁷² or firms constituted in Timor-Leste, which possess at least fifty one percent by Timorese citizens.
2. In the case of procurement of goods, construction or services, with an equal or lesser value to USD\$ 100,000 (one hundred thousand United States Dollars) the tender shall be compulsorily national;⁷³
3. In the national tender and all subsequent procedures, the current legal currency of the RDTL as well as the official languages shall be used⁷⁴.

Article 39. International Public Tender

1. The international public tender is employed with the objective to promote the participation of bidders from all countries.
2. The international public tender is compulsory in the following cases:
 - a. the public works construction, which value is estimated to exceed USD\$1,000,000 (one million United States Dollars);
 - b. the contracts for the purchase of goods or relative to technical services⁷⁵, which value is estimated to exceed the USD\$250,000 (two hundred and fifty thousand United States Dollars);
 - c. the consultancy services contracts, which value is estimated to exceed the USD\$200,000 (two hundred thousand United States Dollars).
 - d. following the announcement of a pre-qualification procedure period without at least three bidders having been pre-qualified.
3. After the end of the period announced for a National Tender, without any bidders applying, pre-qualifying or qualifying and after fulfilling all formalities in force, the Public Service has the power to initiate an International Tender, **without detriment to choosing other better procedures**⁷⁶.
4. In the international public tender can also be presented the persons referred in the last article (~~#38~~), subject to the equality of conditions and fulfilling the requisites established for the procedure in progress.⁷⁷

⁷¹ ajuste = agreement, arrangement = appointment (for the context)

⁷² singular persons >>>> individuals

⁷³ Article 38/ clause 2 is poorly phrased ? Definition in clause 1 using "preferred" contradicts use of compulsory/ obligatory in clause 2 ??

⁷⁴ phrases rearranged

⁷⁵ technical services = non-consulting services ??

⁷⁶ verify translation

Article 43.
Procedure by Request for Quotations

1. The procurement procedure by request for quotations is the one addressed to at least three suppliers already

**CHAPTER II
PROCESSING THE PREQUALIFICATION PROCEDURES**

**Section I
Prequalification procedures**

**Article 48.
From the beginning**

1. The prequalification procedure is initiated with the publication of a prequalification announcement, inviting the possible interested parties to participate.
2. Except by legal imperative, the authority competent to initiate the public tender is also empowered to decide on the conduct, or not, of a pre-qualification procedure.
3. With the appropriate adaptations, the pre-qualification procedure follows the common tender process rules, including the participation of the institutions responsible for opening the sealed envelopes and the evaluation of bidders.

**Article 49.
Compulsory Prequalification**

The pre-qualification procedure shall be compulsory in the following cases:

- a. the procurement operations relating to **specifically conceived**⁸² equipment, industrial facilities, specialized services, turnkey contracts, design and construction or management contracts.
- b. **in construction for which value is superior to USD\$ 250,000 (two hundred and fifty thousand United States Dollars).**⁸³
- c. in the cases foreseen in the law.

**Article 50.
Requisites of Prequalification Announcements**

1. The entire prequalification announcement shall contain the minimum information in detail on the Annex 3 of the

Article 51.
Prequalification Documents

1. In the prequalification procedure, the pre-qualification documents shall be provided to each bidder, so that they present the necessary data for decision.
2. The prequalification documents shall include, as a minimum, the information established in the Annex 4 of the present Decree Law.
3. The pre-qualified bidders shall maintain the fulfillment of the prequalification requisites and provide them in the ways and opportunities requested by the Public Service.
4. The price of the prequalification documents shall reflect only the cost of their printing and its distribution to the bidders.

Article 52.
Amendments to the Prequalification Announcements

1. Until the third day before the deadline for the presentation of the prequalification documents and if there are exceptional reasons to justify it, the Public Service can make amendments to these documents, which shall be published in the same terms and conditions as the prequalification announcement.
2. If it is necessary, the entity itself declares the procedure suspended and grants a prorogation period to the presentation of the prequalification documents.

Article 53.
Information on the Prequalification documents

1. The bidders have the right to request to the Public Service by writing, information on the pre-qualification documents, in the period established in the prequalification documents.
2. After having received the request in the terms of the previous number (53/1), the Public Service shall reply in the shortest possible period.
3. The reply to any request that may be of the interest of all bidders, shall be communicated to all of those who have

CHAPTER III
PROCESS OF PROCUREMENT PROCEDURES BY TENDER

Section I
Common Rules of Process

Article 56.
Stages in Tender Procedures

1. The procurement procedures by Tender have the following common phases:
 - a. opening and publication;
 - b. **pre-bid**⁸⁵ conference
 - c. **receiving** of bids;
 - d. Public act of opening the bid's sealed **envelope**⁸⁶ by the **committee**⁸⁷ in charge;
 - e. exclusion or admission of bidders, by the committee;
 - f. assessment, choice and classification of bidders by the committee;
 - g. publication of intention to award⁸⁸ the contract;
 - h. period for bidders complaints⁸⁹;
 - i. contract signature.
2. Independently to the common stages established in the last number (56/1), each tender follows the specific rules for their process, established in the law and in the tender documents.

Section II
Opening and Publication

Article 57.
Public Tender Opening

1. The tender opening⁹⁰ is the procedural stage in which the Public Service makes an announcement to the potential suppliers, aiming at their participation in the procurement operation.
2. The announcements shall include, at least, the elements contained in the Annex 5.

Article 58.
Tender program

Through the tender Program, the Public Service sets up the dates in which takes place every stage of the procurement procedure, from the tender opening to the signature of the contract.

Article 59.
Announcement for Bids Presentation (Invitation for Bid Submission)

1. The announcement for bids presentation consists in calling the potential interested parties to present their bids, in order to be assessed.
2. In the announcement for bids presentation shall be indicated the factors to take into consideration in the assessment⁹¹ and whenever possible, the manner of quantification⁹².

⁸⁵ previous>>>>prebid

⁸⁶ cover = envelope

⁸⁷ commissao = commission, committee

⁸⁸ adjudicate >>>>award

⁸⁹ *this bidders' complaints period is presently not observed/ not encouraged ??*

⁹⁰ the word "opening" should be replaced by "commencement", "publication" or "announcement"

⁹¹ assessment = assessment/evaluation criteria

- d. The announcements are sent simultaneously to all means of communication, in which is intended the publication.
3. Without detriment of the obligation of publishing in the newspapers, the announcements can be published also in other means of communication and information, in conformity with the rules and procedures established for electronic business.
4. In the remaining processes of procurement procedures required to be published, the rules of this article apply with the appropriate adaptations.

**Article 62.
Tender Documents**

1. Depending on the program established and during the period defined in the announcement, the Public Service shall provide a set of documents to each bidder.
2. The minimal requisites of the Tender Documents are described in the Annex 6 of the present decree.
3. The price of these documents shall reflect only the cost of its printing and their distribution to the bidders.

**Article 63.
Pre Bid Conference**

1. As established in the Tender Documents, the Public Service shall conduct in the date, time and place set up a Pre Bid Conference in order to clarify all the details relative to the procedure in progress.
2. The Pre Bid Conference has a public character.
3. In the Pre Bid Conference not entailing the verbal instructions, the content of the bidding document can be changed.⁹⁸
4. When as the result of the Conference it is necessary to amend or change any terms of the tender, this decision shall be done after by the Public Service and sent out in writing to all bidders.
5. When necessary, the Pre Bid conference can include a visit to the place where goods are to be provided, the construction executed or the service delivered.

**Section III
Reception of bids**

**Sub-section I
Process for the reception of bids**

**Article 64.
Essential bid elements**

1. The bids shall be presented accordingly to the requirements requested in the "Tender Documents", elaborated for each specific procedure.

S

3. The prorogations that are determined according to the espoused in the last number (65/2), are useful to all bidders and therefore all shall be promptly and simultaneously communicated.

**Article 66.
Submission and Registration of bids**

1. The bids are submitted directly or by registered mail, and shall be received within the deadline and in the place, or places for their submission.
2. If there is a mention in the announcement or invitation, allowing sending by other communication means, namely fax or e-mail, whenever that is adequate and possible considering the volume or the type of documentation.
3. In the case of the last number, the acceptance of documents by fax or e-mail is subject to the requirements established in the rules and procedures on electronic business in force in the Country.
4. The reception of the bids shall be registered, making note of the date and hour of arrival and the order number of presentation, in the exterior envelope, as well as in the packages or envelopes.
5. The bids received shall be guarded in a secure place with limited access, only for authorized personnel.

**Article 67.
Presentation**

1. Each bidder can only present one single bid.
2. The cost for the presentation and submission are at the bidder expense, independently of the tender result.
3. The proposal is presented in an individual envelope⁹⁹, opaque, closed and separate, following the instructions indicated in the tender documents.

**Article 68.
Period of Validity of the bids**

Article 74.
Confirmation of the Guarantee Issuers

1. The bidders have the right to request in writing to the Public Service the confirmation of the acceptability of a guarantee issuer and to receive a reply also in writing in the shortest possible period of time to this request.
2. This confirmation of acceptability doesn't prevent the Public Service rejecting the guarantee on the basis that the issuer or guarantor, accordingly to the case, has become insolvent or without credit.

Article 75.
Loss of Tender Guarantee.

1. The bidder loses the right to claim the return/ dissolution of a tender guarantee, when it exhibits conduct damaging to the Public Service, namely when:
 - a. withdraws or modifies the proposal during the bid validity period or after the contract has been awarded;
 - b. doesn't fulfill the payment of the contract performance guarantee, in the terms foreseen in the tender documents;
 - c. doesn't fulfill any other condition preceding the signature of the contract, specified in the tender documents;
 - d. without any justification, doesn't sign the contract by the date set up by the Public Service;
2. The declaration of losing a deposited guarantee and the causes, is notified in a timely manner in writing to the bidder.

Article 76.
Discharge of a Tender Guarantee

1. The tender guarantee shall be discharged¹⁰⁴ quickly when there ceases to be a reason to require their deposit.
2. The Public Service shall give back the guarantee document in a timely manner, after one of these facts having occurred:
 - a) the end of a tender guarantee;
 - b) the end of the procurement procedures without being awarded the procurement contract in favor of the bidder;
 - c) the withdrawal of the proposal, before the deadline for the submission of bids, except if the tender documents establish if the withdrawal is not allowed.

Section V
Opening of the Sealed Envelopes¹⁰⁵

Article 77.
Opening nc op b58(o)-7.4(r)6.8(e)-7.4(t)6.5(he d)5.4(e)(t)6.1(h)5(ds4 0601 Tm.6()6.4(b58(o)-7.4(

2. The Committee can request a secretary to the named entity to write the meeting minutes in which shall be included the causes for the exclusion of bidders and to deal with all work expediently¹¹⁰

**Article 82.
Admission and exclusion of bidders**

1. In a private session, the Committee proceeds to the signature or official stamping of the tender documents, proceeding their analysis.
2. After the analysis, the Committee decides on the admission or exclusion of the bidders, as well as their qualification.
3. The criteria to be taken into account by the Committee are previously established in the pre-qualification or tender (documents), according to the case.

**Article 83.
Reading of the Lists**

Before finalizing the private session, the president of the Committee makes the list of the bidders admitted, as well as those excluded, explaining the reasons and the basis, albeit in a summarized manner.

**Article 84.
Examination of the Bids**

1. In the tender procedures, the jury proceeds to the examination of the documents in a private session.
2. The bids are excluded if:
 - a) they are presented by one single bidder¹¹¹;
 - b) they are not in conformity with the requirements expressed in the tender documents.
3. In the tender procedures, the President of the Committee then provides knowledge of the total price of each one of the bids accepted and the essential aspects of these.

**Section VII
Assessment, choice and classification of the bidders**

**Article 85.
Assessment in the Prequalification Procedures**

1. Based on the requisites requested in the pre-qualification documents, the Committee determines the pre-qualified bidders.
2. It is compulsory to make the final classification list and write the final minutes with the respective basis, individualized and that serves as the report of proceedings
3. This list is submitted to the Public Service and is published in the terms established in the article 89.

**Article 86.
Assessment and Choice in the Tender Procedures**

1. The Committee evaluates and classifies the bidders, accordingly to the requisites required in the Tender Documents, starting if possible, for bidder appraisal, in the following order:
 - a) professional knowledge;
 - b) technical capacities and experience;

¹¹⁰ clause rearranged

¹¹¹ should be "a bidder submits more than one bid" ? check intent

c) financial capability.

2. Following, starts appraising the bids in the following order:

- a) the deadline for the supply of goods, work execution or services delivery;
- b) the quality of goods, construction work or services;
- c) the preference applied to the national bidders or to the benefit of bids those involved local products;
- d) the specifications and technical approvals, when required;
- e) other elements required in the tender documents, namely the price justification note or the model presentation or the prototype of the material to be supplied.
- f) the total price and the conditions of payment;

3. Then follows¹¹² the T. T, i(he)9.427 0 0 Tw1813(o)-056 54TJ1.8m4cf67 Tel T, i(he)6(a)6.39.427 o ad68(l)53-0.8(voll)53-nTw1813(o)-056 54TJ1.8m4cf67 Tel T, i(he)6(a)6.39.427 o

Article 88.
Rejection of all bids

1. At any time before the award of the contract, the Public Service has the right to reject all bids submitted, having to communicate the decision to each one of the bidders, however not being obliged to justify those reasons.
2. In the case of invoking that right, the Public Service doesn't incur in responsibility toward the bidders.

Article 89.
Publication of the decision

1. The notice relative to the jury decision, containing the pre-qualified bidders or the intention of a contract award to one bidder, is posted in the usual places that the Public Service used to initiate the procedure, indicating in a summarized way, the reasons for the choice¹¹⁵.
2. After its publication, this notice shall stay visible to the public by at least five days in the pre-qualification procedures and in the tender procedures by at least fourteen working days,.

Article 90.
Abandoned bid

1. When the elected bidder qualified in the first place, after being appropriately notified, doesn't sign the contract or doesn't provide a performance guarantee by the date set for that process, the bid shall be declared as abandoned, with declaration of loss of the tender guarantee in favor of the adjudicating (awarding) entity.
2. In the situation of abandoned bid, the Public Service shall choose one of the variants to follow:
 - a) make use of their right to reject all bids, accordingly to the established in the present diploma;
 - b) select in conformity with the order of results obtained in the evaluation phase, other bids considered valid and conduct all procedures for acceptance and notification for later contract award.

CHAPTER IV
PROCEDURES WITHOUT TENDER

Article 91.
Procedure by Request for Quotations

1. In the procedures for request of quotations, the final bids shall be evaluated and compared **within** the Public Service itself, in order to choose, according to the followed general rules:
 - a) the offer¹¹⁶ with a lowest price, subject to any margin of preference applied to national bidders or to the benefit of the bid involving local products;
 - b) the offer¹¹⁷ with lower value evaluated based on criteria in specified the bid documents, criteria that shall be objective, quantifiable and expressed in monetary terms.

Article 92.
Process for Procurement by Direct Appointment¹¹⁸

1. The Public Service may choose direct appointment, in the following cases:
 - a) whenever there is a single goods supplier, work or services to be delivered, without another alternative or reasonable substitute;

¹¹⁵ review current practice in regard to providing reasons for the choice

¹¹⁶ bid>>>>offer

¹¹⁷ proposal>>>offer

¹¹⁸ adjustment >>>> appointment (settle/ agree on)

- b) when there is a supplier that has specific rights in relation to goods, construction work or services (and) no alternative or reasonable substitute exists;
- c) when the contract has as an object an expert regime, investigation, experimentation, study or development or

up to the amount of USD\$ 1,000 (one thousand United States Dollars), consultation being necessary with the Central Supply & Property on availability of goods or services.

2. The process of the simplified procedures is established in the complementary rules of the Ministry of Planning and Finance.
3. The leaders of the entities authorized to operate in a decentralized manner and according to the simplified procedures are in charge of managing and controlling the development of these operations and assume the

- a) in the tenders, to the opening of the envelopes containing the bids;
 - b) in the negotiation procedure, to conduct the negotiation session;
 - c) to the adjudication/ award, in all procedures.
4. The judicial appeal doesn't produce suspension effects.

**Article 100.
Decision on the Claim Presented**

1. After having analyzed the case, the competent authority shall decide if accepts or rejects the claim presented, within a period of twelve days.
2. The decision on the claim presented shall be included in a document mentioning the reasons that were taken into account, as well as all pronouncements that are according to the law and will be immediately notified to the interested parties.

**Article 101.
Right to hierarchical appeal of claims**

le bd)5.24e)4dle bh w46.21.15enmp biders (of, B6)7615210-406 (the 6 (p)66)4ke4le bidire to their claim, can put in an hierarchical a019 Ty9111ghTe he decideciurreas7t

2. The decision on the appeal presented shall be included in a document, mentioning the reasons that have been taken into account as well as all the pronouncements that are according to the law, and will be notified immediately to all interested parties.
3. The contented appeal, judicial, doesn't produce suspension effects.

**TITLE III
SPECIAL AND TRANSITORY DISPOSITIONS**

**Article 104.
Patrimonial Declaration**

Each civil servant or Civil Service agent of the services in charge of conducting procurement operations, shall present a goods declaration that integrate their personal wealth/assets¹²⁸ and of their spouse or those who live as spouses, within the terms to be established in the joint decree¹²⁹ of the Ministry of Planning and Finance and the Ministry of State Administration.

**Article 105.
Professional Services Contracts, Design Work or Consultancy**

The professional services to be provided by RDTL citizens, for the needs satisfaction of the Public Services, are regulated by the Civil Service Statute and their complementary rules.

**Article 106.
Special regimes.**

All the Ministries that have within their scope of competence, the activities related to the number 3 of the article 2., , commencing counting after the present decree-law coming to force, shall submit within 90 days to the Council of Ministers the draft **decree**¹³⁰ on special legal regimes for procurement, maintaining for them a transitory character for the regime in force¹³¹

"Article 36.

Subsidiary Law

"The public enterprises are regulated by the present decree-law, by their respective statutes and in what hasn't been specially regulated by the rules of private law as well by the Procurement Legal Regime."

**Article 110.
Regime of Public Contracts**

The specific rules in regards to the public contracts are established in a decree of the Government.

**Article 111.
Administrative offenses**

The Government establishes in a decree the specific rules in regards to administrative offenses to the procurement legal regime and to public contracts.

**Article 112.
Repeal rule**

The Regulation 2000/10 of UNTAET on Procurement to the Civil Service of Timor-Leste is repealed and other dispositions whiT.6(s) RD226g83t(e)-6(rviiy.2(re(e)-(d)5575 0()J0 1.1456 TD66.001 Thn)-eti)5(26g83t5(e)l)5.3-6.4(2.2(b)5.0.4(83t5(d)l)5.3- an)-6-67

Articl3 112

ANNEX 1

Additional definitions related to Procurement

Adjudicator:



ANNEX 2

Amounts limit to initiate procurement operations, to evaluate and approve the signature of public contracts
(Article 15.)

Entity that initiates the procurement procedure	Ratification entities of adjudication and signature of Public Contracts	
Procurement Service by request of the interested Public Service	Revision	Prime Minister, in the contracts with a equal value or more than USD\$ 1.000.000 Minister of Planning and Fi2mm.T0 -1.15ri593 -1.1456 TD0 Tclo08.1456 TD0 T

ANNEX 3

REQUISITES FOR PRE-QUALIFICATION ANNOUNCEMENTS

**ANNEX 4
PRE-QUALIFICATION DOCUMENTS**

The pre-qualification documents, related in the article 51 . shall be at least related with the following:

- a) Instructions for the preparation and submission of pre-qualification requests;
- b) A summary of the main terms and general conditions in relation to the contract to be celebrated;
- c) Any documented evidences and other information that may be submitted by the bidders to demonstrate their qualifications and the required requisites in this decree-law;
- d) The documents relative to fulfill any other specific requisites that may be established by the Public Service in conformity with the rules in force.

**ANNEX 5
ANNOUNCEMENT REQUISITES FOR TENDER OPENING**

The Announcements for Tender Opening referred in the Article 57. of the present decree-law shall contain all the following minimum information:

- a) The identity and address of the Public Service that initiate the tender, place, issuing date and authorizing authority;
- b) Unchangeable declaration of the type of tender;
- c) Declaration that is an Announcement for Opening a Tender;
- d) Address, days and timetable to acquire the Tender program, which have not been publicized with the Announcement.

ANNEX 6

TENDER DOCUMENTS FOR BIDS PRESENTATION

The tender documents for bids presentation referred in the article 62. of this decree shall include, as a minimum, the following information:

- a) instructions for the preparation and submission of bids
- b) characteristics of goods and services the object of tender, requesting as minimal information in relation to:
 - 1) Quantity;