

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT DECREE LAW Nº.

11 /2005

Dated the _____ of the _____

**ADMINISTRATIVE INFRACTIONS OF THE PROCUREMENT JUDICIAL REGIME AND OF
THE JUDICIAL REGIME OF THE PUBLIC CONTRACTS**

The control of the procurement and public contracts engagement have a close relation among them, therefore it is important to have coherent legal instruments with the purpose of guarantee the development of both activities.

The consolidation of an effective system on matter of procurement and public contracts¹, based on the principles of legality and transparency, require the establishment of norms capable of promoting the participants' discipline.

Due to the mentioned reasons it is important to define the conducts which constitute administrative infractions on this matter as well as the applicable measures case by case.

The Government decrees that under the terms of the no.1 paragraph e) article 115th and the no. 1 paragraphs a) and d) article 116th of the Constitution of the Republic to have value of law, the following:

**CHAPTER I
GENERAL DEFINITIONS**

**Article 1
Objectives**

The objective of the current law is to define the conducts that constitute infractions of the Juridical Regime of Procurement and Public Contracts, as well as establishing the processes applicable and the means of impugnation.

**Article 2
Scope of Application**

The current law applies to any person, single or collective, that participate in the proceedings of procurement and public engagement.

¹ Contractions >>> contracts

Chapter II
OF THE ADMINISTRATIVE INFRACTIONS

Article 3
About the administrative infractions

Administrative infraction constitutes any action or omission against to the established rules on the Procurement Juridical Regimen, on the special r

2. The hierarchic appeal should include its *de facto* and *de jure* justifying reasons, the violated legal disposition(s) and the concrete claim of the bidder with in appendix the evidence he intent to use.

Article 18
About the appeal's decision

1. Received the documentation, the competent entity has ten working days to examine it, as well as to decide about the concrete complaint of the bidder and resolve what would be pertinent according with the law.
2. The decision about the submitted appeal should include the mention of its *de facto* and *de jure* justifying reasons that were taken in account, and should be notified to the interested party immediately.
3. Against the decision of ineligibility confirmed after the hierarchic appeal is not suitable the administrative appeal.
4. The litigation appeal, judicial, do not have suspensive effects

CHAPTER VI
SPECIAL AND TRANSITORY DISPOSITIONS

Article 19
Complementary instructions

The Minister of the Planning and Finance has the faculty to issue complementary instructions that could be needed to the implementation of the present decree.

Article 20
The Initiated Proceedings

The proceedings already initiated at the moment of the present decree-law came into force will continue its formalities under the existing rules until its end.

Article 21
Revocatory Norms

All dispositions against that stated on the present diploma are revoked

Article 22
Coming into force

The current diploma will come into force sixty days after it has been published.

Approved in The Council Of Ministers at the 05 of October of 2005.
The Prime Minister

(Mari Bim Amude Alkatiri)

The Minister of the Planning and Finances

(Maria Madalena Brites Boavida)

Promulgated on the 08 of November of 2005

To be Published.

The President of the Republic

(Kay Rala Xanana Gusmão)