



## IV CONSTITUTIONAL GOVERNMENT

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**DECREE-LAW NO. 1/2010**  
**OF**

**Article 1****Change to Decree-Law no. 10/2005, of 21 November**

Articles 2, 15, 21 and 92 of Decree-Law no. 10/2005, of 21 November, approving the Procurement Legal Regime, will now read the following:

**“Article 2****Scope**

1. The scope of the present diploma covers procurement procedures by public services through the State Budget or through other financial resources owned or controlled by them.
2. This procurement legal regime applies to all activities concerning the acquisition of goods and services, as well as the execution of works for public purposes.
3. Subject to the application of the general principles of the present decree-law, the following procurement procedures obey the rules of their special legal regimes:
  - a) Concerning equipment and articles of an essentially military, police or Intelligence nature;
  - b) Declared secret or the object of official secrecy;
  - c) Subjected to special security measures under the applicable legislation or international rules;
  - d) Concerning competences of the Autonomous Medical Stores;
  - e) Any others that the Government decides to regulate separately.
4. Expenses concerning acquisition of goods, execution of works or delivery of services, under the present diploma, as well as one subjected to one of the special regimes, are covered by the regime set for the greatest financial amount.
5. RDTL diplomatic and consular representations and permanent missions abroad shall follow the principles set in the present legal regime, with the due adaptations, to be set in a joint diploma by the Ministry of Finance and the Ministry of Foreign Affairs.
6. Government expenses with construction and public works up to USD 250,000 (two hundred and fifty thousand American dollars) are done through special procedures for the contracting of works to local companies placed in the sub-districts.

7. The matter indicated in article 2.6 is regulated by Government diploma.

### **Article 15**

#### **Entities entitled to authorize procurement procedures**

1. The following entities are entitled to approve contracts prior to the signature of the responsible minister:
  - a) In contracts over USD 3,000,000 (three million American dollars) – the Council of Ministers;
  - b) In contracts between USD 1,000,000 (one million American dollars) and USD 3,000,000 (three million American dollars) – the Prime Minister, who may delegate this authority in another person;
2. The following entities are entitled to authorize procurement procedures and sign the respective contracts up to USD 1,000,000 (one million American dollars):
  - a) Heads of sovereignty bodies, with the possibility of delegation;
  - b) Ministers and secretaries of State, according to their respective organic laws, with the possibility of delegation;
  - c) All other public bodies and services subjected to the discipline of the State Budget or funded mostly by it.
3. *(Repealed)*.

**Article 21**

**Delegation of competences**

1. The delegation of competences in terms of procurement is only allowed when expressly authorized in the present Decree-Law.
2. The entities listed in articles 15.1 (b) and 15.2 (a) and (b) may delegate competence for procurement procedures, in writing.
3. A person upon whom competences are delegated may not sub-delegate unto others.
4. Delegating entities are not exonerated from the responsibility to comply with the law in every procurement procedure done by the subordinated bodies or entities upon which authority was delegated.

**Article 92**

- g) For the protection of patents, copyrights and other exclusive or intellectual property rights;
- h) For goods acquired in the commodities market or purchases of heavy, specialized or bulk equipment, for reasons of convenience and under advantageous conditions, subject to the approval of the Council of Ministers;
- i)

guidance of the Council of Ministers or the body delegated by it, appointed by dispatch from the Prime Minister.

**Article 4**

**Entry into force**

The present diploma enters into force on the day after its publication.

Approved by the Council of Ministers on 20 January 2010.

The Prime Minister,

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Kay Rala Xanana Gusmão

The Minister of Finance,

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Emília Pires

Promulgated on

Let it be published.

The President of the Republic,

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José Ramos-Horta