

THE OFFICIAL GAZETTE 24TH JANUARY, 2019
LEGAL SUPPLEMENT — C

BILL No. 2 of 2019

Thursday 24th January, 2019

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

24th January, 2019.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



BILL No. 2 OF 2019

PROCUREMENT (AMENDMENT) BILL 2019

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 3A in Part II of the Principal Act.
3. Insertion of new section 4A of the Principal Act.
4. Insertion of new section 11A of the Principal Act.
5. Amendment of section 26 of the Principal Act.

**A Bill
Intituled**

AN ACT to amend the Procurement Act.

A.D. 2019

Enacted by the Parliament of Guyana:-

Short title.
Cap. 73:05.

1. This Act, which amends the Procurement Act, may be cited as the Procurement (Amendment) Act 2019.

Insertion of new
section 3A in Part II
of the Principal Act.

2. Part II of the Principal Act is amended by the insertion immediately before section 4 of the following section as section 3A –

“Small business set-aside. Act No. 2 of 2004. 3A. (1) Procuring entities shall procure only from small businesses approved under the Small Business Act, goods, works and services as specified by regulations made by the Minister with the advice of the Public Procurement Commission or the National Board.

(2) In this section, “small business” has the same meaning assigned to it in the Small Business Act.”.

Insertion of new
section 4A of the
Principal Act.

3. The Principal Act is amended by the insertion immediately after section 4 of the following section as section 4A –

“Register of bidders. 4A. (1) The National Procurement and Tender Administration shall maintain and keep updated in a registry, a register of bidders comprising such information as is appropriate to enable a procuring entity to identify suppliers and

contractors that are suitable to participate in any of that procuring entity's procurement proceedings.

(2) Every supplier or contractor shall apply to be registered as a bidder in the register of bidders in order to participate in procurement proceedings at least seven days before taking part in any procurement proceedings.

(3) The Minister may, with the advice of the Public Procurement Commission or the National Board prescribe by regulations –

- (a) the duties and functions of the registry;
- (b) the form and manner of applications for registration;
- (c) the grounds for refusing to register a supplier or contractor; and
- (d) the grounds for revoking the registration of a supplier or contractor.”.

Insertion of new section 11A of the Principal Act.

4. The Principal Act is amended by the insertion immediately after section 11 of the following section as section 11A –

“Procurement plans. 11A. (1) Every procuring entity shall submit that entity's procurement plans to the Public Procurement Commission for the fiscal year covered in the National Budget within three weeks after the National Budget is approved.

(2) The Minister may, with the advice of the Public Procurement Commission or the National Board, prescribe by regulations the form and contents of a procuring entity's procurement plans.”

Amendment of
section 26 of the
Principal Act.

5. Section 26(1)(a) of the Principal Act is amended by the insertion of the word “or” immediately after the semi-colon.

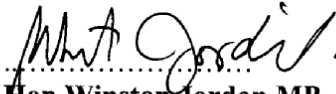
EXPLANATORY MEMORANDUM

This Bill, in **clause 2**, seeks to insert a new section 3A in Part II in the Procurement Act entitled “General Provisions”, to provide for small businesses to be given preferential treatment for certain procurements.

Clause 3 of the Bill seeks to insert a new section 4A to provide for a register of bidders. Under this clause the Minister shall have power to make regulations with respect to, *inter alia*, the duties and functions of the Registry.

Clause 4 of the Bill seeks to insert a new section 11A to mandate procuring entities to submit procurements plans for each fiscal year in accordance with their allotment from the approved National Budget;

Clause 5 of the Bill seeks to provide clarity in section 26 by inserting the word “or” at the end of paragraph (a) in subsection (2) so that paragraphs (a) and (b) are read disjunctively. Under paragraph (a) the procuring entity may engage in procurement by means of restrictive tendering when the goods, construction or services by reason of the highly complex or specialised nature are available only from a limited number of suppliers or contractors, in which case all such suppliers or contractors shall be invited to submit tenders. Alternatively, the procuring entity may engage in procurement by means of restrictive tendering if the estimated cost of the contract is below the threshold set forth in the regulations. The use of the word “or” makes it clear that paragraphs (a) and (b) are alternatives.


.....
Hon Winston Jordan MP
Minister of Finance