

Public Procurement (Amendment No. 2) Regulations 2023

GN No. 115 of 2023

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THE PUBLIC PROCUREMENT ACT

**Regulations made by the Minister, on the recommendation of the Procurement Policy
Office, under section 61 of the Public Procurement Act**

1. These regulations may be cited as the **Public Procurement (Amendment No. 2) Regulations 2023**.
2. In these regulations —
"principal regulations" means the Public Procurement Regulations 2008.
3. Regulation 5 of the principal regulations is amended, in paragraph (2), by deleting the words "10 million rupees" and replacing them by the words "20 million rupees".
4. Regulation 6 of the principal regulations is amended by deleting the word "shall" and replacing it by the word "may".
5. Regulation 44 of the principal regulations is amended by revoking paragraph (1) and replacing it by the following paragraph —
 - (1) For the purpose of section 25(2)(a) of the Act, a public body may resort to direct procurement for —
 - (a) small amounts of consumable goods not exceeding 25,000 rupees; .
 - (b) small works, repairs and maintenance services not exceeding 50,000 rupees; or
 - (c) small consultancy services not exceeding 250,000 rupees;
6. The principal regulations are amended by inserting, after regulation 44, the following new regulation —

44A. Low value procurement

 - (1) For the purpose of section 25D(1) of the Act, the threshold for the procurement of goods, works, consultancy services or other services shall be 500,000 rupees.
 - (2) A public body shall maintain records showing details of quotations sought from suppliers prior to the award of the contract.

7. Regulation 47C of the principal regulations is revoked and replaced by the following regulation —

47C. Reserved works contracts for microenterprises and small enterprises

(1) Subject to this regulation, contracts for works not exceeding 30 million rupees shall be reserved to microenterprises and small enterprises. .

(2) (a) A microenterprise shall be eligible to bid for any contract not exceeding one million rupees, irrespective of its annual turnover.

(b) A microenterprise which has an annual turnover not exceeding 10 million rupees shall be eligible to bid for any contract not exceeding 10 million rupees, provided that its actual annual turnover meets the qualification requirements specified in the bidding document.

(3) A small enterprise which has an annual turnover above 10 million rupees but not exceeding 30 million rupees shall be eligible to bid for any contract not exceeding 30 million rupees, provided that its actual annual turnover meets the qualification requirements specified in the bidding document.

(4) In this regulation —

"microenterprise" has the same meaning as in the Small and Medium Enterprises Act;

"small enterprise" has the same meaning as in the Small and Medium Enterprises Act.

8. The First Schedule to the principal regulations is amended by revoking Part VI and replacing it by the following Part —

PART VI

Any public body Procurement of goods, works, consultancy services or other services funded by at least 50 per cent of the estimated project value from grant or concessional financing as the Minister may approve, from —

(a) a foreign State, where the condition imposed by that State in respect of the grant or concessional financing specifies that the supplier of goods, works, consultancy services or other services shall be from that State or from any other State which that State approves; or

(b) a donor organisation who imposes conditions on the procurement of these goods, works, consultancy services or other services.

9. Regulation 8 shall be deemed to have come into operation on 2 June 2023.

Made by the Minister, on the recommendation of the Procurement Policy Office, on 16 August 2023