

**PART III – INTERNAL ORGANISATION OF PUBLIC ENTITIES RELATING TO PROCUREMENT**

Threshold matrix and segregation of responsibilities.

**26.(1)** For the purpose of ensuring that its decisions are made in a systematic and structured way, a public entity shall establish procedures to provide for the making of decisions, on behalf of the public entity, relating to procurement.

(2) The procedures required under subsection (1) shall be consistent with this Act and the regulations.

(3) All procurement shall be –

- (a) within the approved budget of the procuring entity and shall be planned by the procuring entity concerned through an annual procurement plan;
- (b) undertaken by a procuring entity as per the threshold matrix as set out in the regulations;
- (c) handled by different offices in respect of procurement initiation, processing and receipt of goods, works and services.

(4) A public entity shall establish a tender committee, procurement unit and such other bodies as are required under the regulations for the purpose of making such decisions on behalf of the public entity as are specified in this Act and the regulations.

(5) A tender committee or body established under subsection (4) shall be established in accordance with the regulations and shall -

- (a) consist of not less than five members;
- (b) have as its secretary, the procurement professional in charge of the procurement unit.

(6) A procuring entity shall not commence any procurement procedure until it is satisfied that sufficient

funds have been set aside in its budget to meet the obligations of the resulting contract.

(7) A procurement unit established under subsection (4) shall be staffed with procurement professionals whose qualifications have been recognised by the Authority.

(8) For the purpose of this section, a "procurement professional" means a person who -

- (a) has professional qualifications in procurement and supply management from a recognised institution;
- (b) is engaged in a calling or occupation in which recourse to procurement is directly or indirectly involved and has experience in the practise of procurement; and
- (c) is a member of a recognised institute of purchasing and supply.

(9) The level of qualification and experience required of procurement professionals under subsection (8) shall be as prescribed.

(10) The Authority shall facilitate the establishment of an examination body for procurement professionals and shall ensure support for their professional association.

Responsibility  
for complying  
with Act, etc.

**27.(1)** A public entity shall ensure that this Act, the regulations and any directions of the Authority are complied with respect to each of its procurements.

(2) The accounting officer of a public entity shall be primarily responsible for ensuring that the public entity fulfils its obligations under subsection (1).

(3) Each employee of a public entity and each member of a board or committee of the public entity shall ensure, within the areas of responsibility of the employee or member, that this Act, the regulations and

any directions of the Authority are complied with.

(4) Contractors, suppliers and consultants shall comply with all the provisions of this Act and the regulations.

(5) The accounting officer may use the procurement unit and tender committee of another procuring entity which shall carry out the procurement in accordance with this Act and the regulations.

(6) The Authority shall have power to transfer the procuring responsibility of a procuring entity to another procuring entity or procuring agent in the event of delay or in such other instances as may be prescribed.

Procuring agents.

**28.(1)** A procuring entity may appoint a procurement agent, on competitive basis, to carry out such procurement proceedings on its behalf as may be prescribed.

(2) The Authority shall pre-qualify procuring agents to be engaged by a procuring entity pursuant to subsection (1).

(3) A procuring agent shall be registered with the Authority and where the procuring agent is undertaking procurement on behalf of a procurement entity, the procuring agent shall comply with the provisions of this Act and the regulations.