

Government Procurement (Amendment) Bill

Bill No. 23/2013.

Read the first time on 11th November 2013.

A BILL

i n t i t u l e d

An Act to amend the Government Procurement Act (Chapter 120 of the 1998 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Government Procurement (Amendment) Act 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Government Procurement Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the definition of “Agreement on Government Procurement” and substituting the following definition:

10 ““Agreement on Government Procurement” means the Agreement by that name done at Marrakesh on 15th April 1994 and amended by the Protocol;”;

15 (b) by inserting, immediately after the definition of “procurement subject to the Act”, the following definition:

““Protocol” means the Protocol Amending the Agreement on Government Procurement done at Geneva on 30th March 2012;”;

20 (c) by inserting, immediately after the definition of “qualification of suppliers”, the following definitions:

““relevant Protocol State” means a country or territory declared, by order made under section 3, as a relevant Protocol State for the purposes of this Act;

25 “relevant Protocol supplier”, in relation to a procurement subject to the Act, means —

30 (a) a supplier who is a national of Singapore or of a relevant Protocol State that is specified in an order made under section 4(2) as one to which that procurement relates;

(b) a supplier which is a company or an association or a body of persons,

corporate or unincorporate, which is formed under the laws of Singapore or such relevant Protocol State and has its principal place of business in Singapore or such relevant Protocol State; or

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(c) a supplier, or supplier within a class of suppliers, specified under that order as a relevant Protocol supplier or class of relevant Protocol suppliers in relation to that procurement;”; and

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(d) by deleting paragraph (a) of the definition of “relevant supplier” and substituting the following paragraph:

“(a) a supplier who is a national of Singapore or of a relevant State that is specified in an order made under section 4(2) as one to which that procurement relates;”.

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Amendment of section 3

3. Section 3 of the principal Act is amended —

(a) by inserting, immediately after the words “relevant State”, the words “or relevant Protocol State”; and

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(b) by deleting the section heading and substituting the following section heading:

“Relevant State or relevant Protocol State”.

Amendment of section 4

4. Section 4(5) of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs:

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“(a) shall specify that the procurement is a procurement subject to the Act in relation to all or any of the following:

(i) all relevant States or a specified relevant State;

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(ii) all relevant Protocol States or a specified relevant Protocol State; and

(b) may specify any supplier or class of suppliers as —

(i) a relevant supplier or class of relevant suppliers in relation to that procurement for the purposes of paragraph (c) of the definition of “relevant supplier” in section 2; or

(ii) a relevant Protocol supplier or class of relevant Protocol suppliers in relation to that procurement for the purposes of paragraph (c) of the definition of “relevant Protocol supplier” in section 2.”.

Amendment of section 7

5. Section 7(2) of the principal Act is amended by inserting, immediately after the words “relevant suppliers” in paragraph (a), the words “or relevant Protocol suppliers”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Government Procurement Act (Cap. 120) to give effect to the Protocol Amending the Agreement on Government Procurement done at Geneva on 30th March 2012, of which Singapore is to be a party.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 —

- (a) to amend the existing definition of “Agreement on Government Procurement” to make it clear that this term includes the Protocol Amending the Agreement on Government Procurement;
- (b) to introduce new definitions for the terms “Protocol”, “relevant Protocol State” and “relevant Protocol supplier”; and
- (c) to make a consequential amendment to the existing definition of “relevant supplier”.

Clause 3 amends section 3 to empower the Minister to declare as a relevant Protocol State any country or territory which is a party to the Protocol.

Clause 4 amends section 4(5)(a) and (b) to empower the Minister to specify that a procurement is subject to the Act in relation to all or specified relevant Protocol States and all or specified relevant Protocol suppliers.

Clause 5 amends section 7(2)(a) so that a contracting authority owes a duty to relevant Protocol suppliers to comply with applicable regulations made under the Act.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
