

Department of Contracts
Notre Dame Ravelin
Floriana

To Heads of Department
and Parastatal Bodies

5th June 2006

Re: Amendments to LN 177 of 2005 and LN 178 of 2005

Effective from the 1 June 2006, LN 130 of 2006 and LN 131 of 2006 have been issued amending respectively the Public Contracts Regulations, 2005 (LN 177/05) and the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations, 2005 (LN 178/05).

Most of the amendments have been required to bring the above-mentioned Regulations fully into line with the EU procurement directives. The following important amendments, which may impact on the operations of government departments and entities should be noted.

1. Extensions to Contracts

Regulation 5 (2)(j) of LN 177 of 2005 has been amended to read:

“to approve extensions in the duration of contracts awarded by him if he considers that circumstances so warrant in the public interest and specific provision for such extensions is made in the tender document.”

This means that, henceforth, extensions to contracts can only be approved if specifically provided for, and for the period stated, in the tender documents.

2. Variations

Regulations 77 and 78 of LN 177 of 2005 have been amended to provide that variations can only be approved where any force majeure, or unforeseen or unforeseeable events prevail.

This means that variations can only be approved in the exceptional circumstances mentioned above.

3. Appeals

Regulation 83 of LN 177 of 2005 has been amended to reduce the period allowed for the filing of an objection from fourteen working days to ten calendar days.

This substantially reduces the standstill period from the publication date of an award decision to the date when the contract can be awarded.

E. Zarb
Director General (Contracts)

/jm