

SUBSIDIARY LEGISLATION 601.13

**TEMPORARY SUSPENSION OF CERTAIN
PROVISIONS RELATING TO PUBLIC
PROCUREMENT REGULATIONS**

15th July, 2022

LEGAL NOTICE 203 of 2022.

1. The title of these regulations is the Temporary Suspension of certain provisions relating to Public Procurement Regulations.

Citation.

2. Notwithstanding the provisions of regulation 259 of the Public Procurement Regulations and regulation 179 of the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations (in so far as the said regulation 179 refers to regulation 259 of the Public Procurement Regulations), these regulations provide for a temporary suspension of the prohibition contained in the said regulations 259 and 179 (limitedly to what is stated above), in view of the current hostilities in Eastern Europe and are applicable solely to the conflict between Russia and Ukraine, which temporary suspension may be granted by the Director of Contracts only in accordance with strict conformity to these regulations.

Temporary suspension of certain provisions relating to public procurement.
S.L. 601.03.
S.L. 601.05.

3. (1) Requests for compensation shall be made to the relative contracting authority, and may be entertained by the Director of Contracts on condition that the public contract which refers to the request:

Applicability.

(a) shall have been signed on or before the 24th February, 2022;

(b) was still in force on the date referred to in paragraph (a); and

(c) refers to specific items listed in any policy document referred to in sub-regulation (2).

(2) The Director of Contracts may issue such policy documents as may be required from time to time, in order to facilitate and better regulate the compensation scheme referred to in these regulations.

4. No request for compensation for supplies, works and, or services delivered or rendered, as the case may be, prior to the 24th February, 2022, shall be entertained. The relative contracting authority shall transmit the request to the Director of Contracts only if it deems the request to be applicable, fair and reasonable in

Additional requirements.

accordance with the provisions of these regulations, and the decision of the Director of Contracts shall be final.

Compensation.

5. Where the Director of Contracts awards compensation in accordance with the provisions of these regulations, it shall be specifically understood and agreed that such award shall not in any way prejudice the contract conditions, and the temporary suspension of the provisions shall only apply on an *ad hoc* basis. In addition:

(a) the Director of Contracts shall keep a full record of any approved compensation, which shall be formalised through an addendum in the contract documents; and

(b) payment of such compensation shall be effected, and shall be borne solely, by the contracting authority.

Award of
compensation.

6. In awarding compensation in accordance with the provisions of these regulations, the Director of Contracts shall be guided by the provisions of public contracts, as applicable, as the term is defined in the Public Procurement Regulations, as well as any relevant provision contained in the said Public Procurement Regulations and, or the Water, Energy, Transport and Postal Services Sectors Regulations.

S.L. 601.03.

S.L. 601.05.

Expiration.

7. The provisions of these regulations shall expire six (6) months from the publication of these regulations, and no request for compensation shall be accepted as from the said date onwards. Consequently, on the said date, the temporary suspension of the provisions which are the subject of these regulations shall automatically lapse.
