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Laws

Regulations

2016-04-22

Public Procurement (Amendment) Regulations CAP.410, 2016

The United Republic of Tanzania

Ministry of Finance

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**THE PUBLIC PROCUREMENT ACT,
(CAP. 410)**

REGULATIONS

(Made under section 105)

THE PUBLIC PROCUREMENT (AMENDMENT) REGULATIONS, 2016

Citation

G.N. No. 446 of 2013

1. These Regulations may be cited as the Public Procurement (Amendment) Regulations, 2016 and shall be read as one with the Public Procurement Regulations, 2013 hereinafter referred to as the "principal Regulations".

Amendment of regulation 59

2. The principal Regulations are amended in regulation 59 by-

(a) deleting sub-regulations (1) and (2) and replacing for them the following:

"(1) Any formal contract arising out of the acceptance of a tender-

- (a) whose value is one billion shillings and above; and
 - (b) for procurement undertaken through International competitive tendering.
- shall be vetted by the Attorney General before it is signed by the parties.

(2) The contract referred to under sub-regulation (1) which is not vetted by the Attorney General shall be void.”

(b) deleting in sub-regulation (4) the word “comments” and substituting for it the words “legal advice”; and

(c) deleting sub-regulation (5) and substituting for it the following:

“(5) The accounting officer shall, upon receiving the legal advice on the draft contract from the Attorney General, consider and incorporate the advice in the draft contract.”

Amendment of
regulation 60

3. The principal Regulations are amended in regulation 60 by-

(a) deleting sub-regulation (1) and substituting for it the following:

“(1) Any formal contract arising out of the acceptance of tender whose value is below one billion shillings shall be vetted by the legal officer of a procuring entity before it is signed by the parties.

(2) When vetting any formal contract, the legal officer shall be under the obligation to abide by the provisions of the

Act, other relevant written laws, code of ethics and professional conduct applicable to legal officers in the public service.”

- (b) re-numbering sub-regulations (2) and (3) as sub-regulations (3) and (4) respectively;
- (c) deleting sub-regulation (4) as renumbered, and substituting for it the following:

“(4) Without prejudice to sub-regulation (1), a procuring entity may seek for a legal advice of the Attorney General in respect of the contract required to be vetted by the legal officer of that procuring entity.”

- (d) adding immediately after sub-regulation (4) as renumbered, the following:

“(5) Where the legal advice of the Attorney General is requested in relation to the formal contract referred to under sub-regulation (4), the procuring entity shall state clearly the matter and issues involved, together with a legal opinion from within that procuring entity.

(6) The requirement under sub-regulation (5) shall also apply in relation to a draft contract submitted to the Attorney General pursuant to regulation 59(3).”

Dar es Salaam,
17th April, 2016

PHILIP ISDOR MPANGO,
Minister for Finance and Planning