With reference to the implementation of the Agreement by the two entities in Singapore, the delegation of Singapore has submitted the following Procedures for Implementation. These procedures should be read in conjunction with those which were circulated earlier to the Committee under GPR/3/Add.11. The date of implementation of the Procedures by the two entities will be 1 February 1982.

Comité des marchés publics

MISE EN OEUVRE ET ADMINISTRATION DE L'ACCORD

Supplément

Législation de Singapour

Concernant la mise en œuvre de l'accord par les deux entités singapouriennes, la délégation de Singapour a communiqué le texte ci-après des procédures de mise en œuvre. Ce texte doit être lu conjointement avec celui qui a été distribué précédemment au Comité sous la cote GPR/3/Add.11. Les deux entités appliqueront ces procédures à compter du 1er février 1982.

Comité de Compras del Sector Público

APLICACIÓN Y ADMINISTRACIÓN DEL ACUERDO

Suplemento

Legislación de Singapur

Con referencia a la aplicación del Acuerdo por las dos entidades de Singapur, la delegación de este país ha presentado el Procedimiento de Aplicación que figura a continuación. Dicho Procedimiento debe leerse conjuntamente con el que se facilitó con anterioridad al Comité, en el documento GPR/3/Add.11. La fecha de aplicación del Procedimiento por ambas entidades será el 1.° de febrero de 1982.

1English only/Anglais seulement/Inglés solamente.
PROCEDURES FOR THE IMPLEMENTATION OF THE
MTN AGREEMENT ON GOVERNMENT PROCUREMENT

1  GENERALLY

1.1 The Singapore Government is a signatory to the Multi-Lateral Trade Negotiations (MTN) Agreement on Government Procurement. The two Singapore Government Departments, namely the Public Works Department (PWD) and Central Supplies Department (CSD) are offered as the two Entities under the Agreement which came into effect on 1 JANUARY 81.

1.2 Entities under the Agreement are required to comply with the provisions in the MTN Agreement as given under Appendix A hereof and any amendments there to that may be agreed upon from time to time.

1.3 The procedures stipulated herein shall be read in conjunction with the Singapore Government Instruction Manual (IM) No. 3 - "Stores, Works and Services" and any amendments thereto from time to time.

1.4 The procedures laid down in IM No. 3 shall continue to apply in so far as they do not conflict with the requirements under the MTN Agreement.

2  SCOPE AND COVERAGE

2.1 The procedures laid down hereunder shall apply to all tenders relating to the supply of products where the estimated value of such tenders is of SDR 150,000/- or above. This will include services incidental to the supply of products if the value of these incidental services does not exceed that of the products themselves, but not service contracts per se.

Appendix A is not reproduced in this document.
2 SCOPE AND COVERAGE (CONT'D)

2.2 No procurement requirement shall be divided with the intent of reducing the value of tenders to below SDR 150,000/- to avoid the requirements in the MTN Agreement.

2.3 The method of determining the value of the Special Drawing Rights (SDR) 150,000/- in Singapore Dollars is to multiply this amount by the SDR/S$ rate which is published in the "International Financial Statistics" and is also available from the Economics Department of the Monetary Authority of Singapore (MAS). The threshold value of SDR 150,000/- shall be established and remain fixed for the fiscal year at the beginning of each financial year.

3 TENDERING PROCEDURES

3.1 Tenders may be invited by using the open, selective, or single tendering procedures.

3.2 "Open" tendering procedures are those under which all interested suppliers may submit a tender on condition that the suppliers satisfy the qualification requirements.

3.3 "Selective" tendering procedures are those under which those suppliers invited to do so by the Authority may submit a tender.

3.4 "Single" tendering procedures are those where the Entity contacts suppliers individually only under the conditions specified in Article V Paragraph 15 of the MTN Agreement on Government Procurement, reproduced below:

(a) in the absence of tenders in response to an open or selective tender, or when the tenders submitted have been either collusive or do not conform to the essential requirements in the tender, or from suppliers who do not comply with the conditions for participation provided for in accordance with this Agreement, on condition, however, that the
TEEDERGT PROCSDUBES (CONT'D)

3.4 (a) ..... requirements of the initial tender are not substantially modified in the contract as awarded;

(b) when, for works of art or for reasons connected with protection of exclusive rights, such as patents or copyrights, the products can be supplied only by a particular supplier and no reasonable alternative or substitute exists;

(c) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the Entity, the products could not be obtained in time by means of open or selective tendering procedures;

(d) for additional deliveries by the original supplier which are intended either as parts replacement for existing supplies or installations, or as the extension of existing supplies or installations where a change of supplier would compel the entity to purchase equipment not meeting requirements of interchangeability with already existing equipment;

(e) when an entity purchases prototypes or a first product which are developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. When such contracts have been fulfilled, subsequent purchases of products shall be by open or selective tendering.

3.5 A written report shall be prepared on each contract awarded under single tendering procedures. Each report shall contain the name of the purchasing entity, value, and kind of goods purchased, country of origin and a statement of the conditions mentioned above which prevailed.
TENDERING PROCEDURES (CONT'D)

3.6 In the case of selective tendering procedures, authorities maintaining permanent lists of qualified suppliers shall publish annually in the Singapore Government Gazette a notice of the following:

(a) the enumeration of the lists maintained, including their headings, in relation to the products or categories of products to be purchased through the lists;

(b) the conditions to be filled by potential suppliers in view of their inscription on those lists and the methods according to which each of those conditions be verified by the Authority;

(c) the period of validity of the lists and the formalities for their renewal.

3.7 The Entity shall, upon request by any supplier, promptly provide pertinent information concerning the reasons why that supplier's application to qualify for the suppliers' list was rejected, or why that supplier was not invited or admitted to tender.

Tender Notice

3.8 Invitation to tender for the supply items estimated at SDR 150,000/- or more must be published in the Government Gazette. There must be an indication in the advertisement that the tender falls under the MTN Agreement on Government Procurement.

3.9 Consistent with the Entity's own reasonable needs and taking into consideration the complexity of the proposed tender and the normal time for transmitting tenders by mail from foreign as well as domestic points, the prescribed time limit for submission of tenders must be adequate and in no case (except as provided below) shall it be less than thirty (30) days from date of publication.
3.10 The period may be reduced where a state of urgency duly substantiated by the Entity renders it impracticable to adhere to the minimum time limit specified above.

3.11 The advertisement must state the following information:

i A brief description of the item and the quantity required (if possible)

ii Place, date and closing time for submission of tenders;

iii The amount of Tender Deposit payable for non-registered contractors;

iv Place where tender forms may be obtained and enquiries made;

Tender Documentation

3.12 Tender documentation shall contain the following information:

i the address of the Entity to which tenders should be sent

ii the address where reports for supplementary information should be sent

iii the language or languages in which tenders and tendering documents must be submitted

iv the closing date and time of receipt of tenders and the period during which any tender should be open for acceptance

v the conditions of the contract

vi the criteria for award
TENDERING PROCEDURES (CONT'D)

Tender Documentation (Cont'd)

3.13 Technical specifications shall where appropriate:

(a) be in terms of performance rather than design

(b) be based on international standards, national technical regulations or recognised national standards.

There shall be no requirement or reference to a particular trade mark or name, patent, design or type, specific origin or producer unless there is no sufficient precise or intelligible way of describing the procurement requirements and provided that words such as "or equal and approved" are included in the specifications.

Qualification of Suppliers

3.14 The Entity shall issue tender forms, on payment of tender deposits only to suppliers which establish to the Entity's satisfaction, their financial soundness and capacity to fulfil orders and to provide adequate back-up after sales service at short notice (if applicable).

3.15 Tenders falling under the MTN Agreement are of high values. It is prudent to award them to reputable companies with proven performance records and the capability to provide back-up service at short notice where necessary. To this end, interested suppliers should be encouraged to register with the Entity well in advance to enable a complete and thorough check to be made on the company. Applications for registration shall be made to the two Entities at the contact address of the Entities.

3.16 The Entities in the process of qualifying suppliers, shall not discriminate among foreign suppliers or between domestic and foreign suppliers.
3 TENDERING PROCEDURES (CON’TD)

Qualification of Suppliers (Cont’d)

3.17 Any conditions for participation in tendering procedures shall be published in adequate time to enable interested suppliers to initiate and, to the extent that it is compatible with efficient operation of the procurement process, complete the qualification procedures.

3.18 The process of, and the time required for, qualifying suppliers shall not be used in order to keep foreign suppliers off a suppliers' list, or from being considered for a particular proposed purchase. The Entity shall recognise as qualified suppliers such domestic or foreign suppliers who meet the conditions for participation in a particular proposed purchase. Suppliers requesting to participate in a particular proposed purchase, who may not yet be qualified, shall also be considered, provided there is sufficient time to complete the qualification procedures.

Opening, Submission and Award of Tenders

3.19 The tender deposit may be refunded if the tender is not accepted, or if it is successful, on the tenderer entering into a contract with the Entity accepting his tender. Tenderers may also be required to furnish tender bonds in large contracts.

3.20 Acceptance of a tender is conditional upon the placing of a Security Deposit which is expressed as a sum of money or a percentage of not less than 5 per cent of the estimated value of the item to be provided under the contract.

3.21 Tenders must be submitted in English and must be in writing. Preferably they shall be submitted directly by hand. No tenders by telex, telegram or telexcopy are permitted.
3.22 The tenders shall be opened in public in the presence of the tenderers or their authorised representatives. The Tenders Committee need only to indicate the number of tenders received and the names of the tenderers. The tenders received will be posted in the Tender Notice Board immediately after the opening of tenders.

3.23 Except for the preferential treatment of ASEAN Countries provided for in the ASEAN Preferential Trading Arrangements signed by the Foreign Ministers of the ASEAN Countries on 24 Feb 1977 and incorporated into Paragraph 357 of IM 3 by Finance Circulars 1/79 and 8/79 dated 19 Jan 79 and 6 Jul 79 respectively, there will be no discrimination in the evaluation of offers received from domestic and foreign suppliers.

3.24 The Entity shall promptly, and in no case later than seven (7) working days from the date of the award of contract, inform the unsuccessful tenderers by written communication or publication in the Government Gazette that the contract has been awarded.