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Wednesday 28<sup>th</sup> of  
October 2009

*Series I, No. 38*

DEMOCRATIC REPUBLIC  
OF EAST TIMOR

# JOURNAL OF THE REPUBLIC

OFFICIAL PUBLICATION OF THE  
DEMOCRATIC REPUBLIC OF TIMOR-  
LESTE

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## SUMMARY

### GOVERNMENT:

**DECREE-LAW n° 29/2009 of 28th of October**  
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## DECREE-LAW n° 29/2009

of 28th of October

### SPECIAL PROCUREMENT FOR PRIORITY PROJECTS

The Government of Timor-Leste is committed to improve the procurement system, which is too centralised and slow as regards physical projects.

It also continues engaged in the promotion of the development of the capacity of the national private sector, providing those entrepreneurs from the districts the ability and responsibility in establishing links with local companies (sub-districts).

The "Referendum Package" consists of small projects located in sub-districts which are priorities for the districts, identified by the Government and to be implemented by local companies.

On the other hand, the Government also identified a small series of priority projects, within the scope of flood control and urgent rehabilitation of identified stretches of road in a very bad state of repair.

Decree-Law no 10/2005 of 21<sup>st</sup> of November governs the general procurement regime covering the purchase of goods and services by the State.

It is imperative that the Government establish specific procedures for the request of quotations for the projects duly identified in this diploma, based on criteria of priority and importance for national development, and also take into account their relatively low value, allowing the State to promote the emergence and strengthening of the small and medium entrepreneur fabric in Timor-Leste.

Therefore,

The Government decrees, under the terms of sub-paragraph e) of paragraph 1 of article 115 and sub-paragraphs a) and d) of article 116 of the Constitution of the Republic, that the following become law:

### Article 1

#### Special procedure for requesting quotations

1. A special procurement procedure by request of quotations, applicable to the projects set out in Annex 1 to this diploma, which are in integral part of it.
2. By way of Government Resolution, the regime set out in this diploma may be extended to other projects which meet the criteria set out in the following article.

### Article 2

#### Criteria

1. The projects set out in n° 2 of article 1 above to be included within the scope of the application of this legal diploma shall be subject to the following criteria:
  - a) An amount equal to or higher than 150,000 USD (one hundred and fifty thousand dollars);
  - b) Contracts awarded exclusively to national entrepreneurs, preferably to the local business community.
2. For the purposes of this legal diploma, the local business community shall be understood as Timorese companies with head offices located in the sub-districts where the work is being undertaken.
3. The Government shall govern by decree the special procedure for requesting quotations.

### Article 3

#### Special projects

1. The direct adjustment regime set out in article 44 of Decree-Law no. 10/2005 of 21<sup>st</sup> of November in the text given by Decree-Law no. 24/2008 of 23<sup>rd</sup> of July, is also applicable to the projects set out in Annex 2 to this diploma and of which it is an integral part.
2. The projects listed in Annex 2 are based on the following criteria:

- a) Flood control projects or;
- b) Rehabilitation projects of communication routes.

**Article 4**  
**Subsidiary regime**

The procurement regime set out in Decree-Law referred to in Article 3 above, shall be subsidiarily applicable to everything which shall not contradict the terms and provisions set out in this legal diploma.

**Article 5**  
**Entry into force**

This diploma shall become enter into force on the day following its publication, and shall retroactively produce effects on 1<sup>st</sup> of October 2009.

The Prime Minister

**Kay Rala Xanana Gusmão**

Finance Minister

**Emília Pires**

Promulgated on 23/10/09

To be published

The President of the Republic

**José Ramos Horta**