

# **Government Procurement (Application) (Amendment) Order 2004**

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**No. S 695**

## **GOVERNMENT PROCUREMENT ACT (CHAPTER 120)**

### **GOVERNMENT PROCUREMENT (APPLICATION) (AMENDMENT) ORDER 2004**

In exercise of the powers conferred by section 4 of the Government Procurement Act, the Minister for Finance hereby makes the following Order:

#### **Citation and commencement**

1. This Order may be cited as the Government Procurement (Application) (Amendment) Order 2004 and shall come into operation on 20th November 2004.

### **New paragraph 2A**

2. The Government Procurement (Application) Order (O 1, 2004 Ed.) (referred to in this Order as the principal Order) is amended by inserting, immediately after paragraph 2, the following paragraph:

#### **“Relevant States**

**2A.** The countries and territories set out in the First Schedule shall be relevant States for the purposes of the Act.”.

### **Amendment of paragraph 3**

3. Paragraph 3 of the principal Order is amended by deleting the words “First Schedule” and substituting the words “Second Schedule”.

### **Deletion and substitution of paragraph 4**

4. Paragraph 4 of the principal Order is deleted and the following paragraph substituted therefor:

#### **“Procurements subject to Act**

**4.—(1)** A procurement —

(a) by a contracting authority set out in Part I or II of the Second Schedule of —

(i) goods;

(ii) one or more of the services set out in the Third and Fourth Schedules; or

(iii) a combination of goods and one or more of such services;  
or

(b) by a contracting authority set out in Part III of the Second Schedule of any of the goods set out in the Fifth Schedule or a combination thereof,

is a procurement subject to the Act in relation to all relevant States other than the United States of America if the value of the contract in relation to the procurement —

- (A) in the case of a relevant State other than Japan, is equal to or exceeds the threshold applicable to the procurement under paragraph 8; or
- (B) in the case of Japan, is equal to or exceeds the threshold applicable to the procurement under paragraph 9.

(2) A procurement —

- (a) by a contracting authority set out in Part I or II of the Second Schedule of —
  - (i) goods;
  - (ii) one or more applicable services; or
  - (iii) a combination of goods and one or more applicable services; or
- (b) by a contracting authority set out in Part III of the Second Schedule of any of the goods set out in the Fifth Schedule,

is a procurement subject to the Act in relation to the United States of America if the value of the contract in relation to the procurement is equal to or exceeds an amount derived from the following formula:

$$A \times (1 + B),$$

where A is the applicable amount; and

B is the accumulated inflation rate derived in accordance with sub-paragraph (4).

(3) In sub-paragraph (2) —

“applicable amount” means —

- (a) if the contracting authority is one set out in Part I or III of the Second Schedule —
  - (i) \$11,376,000, in the case of a procurement of —
    - (A) one or more of the services referred to in paragraph (b) of the definition of “applicable service”; or
    - (B) one or more of the services referred to in

paragraph (a) of that definition and one or more of the services referred to in paragraph (b) of that definition, where the estimated value of the contract for the procurement of the services referred to in paragraph (b) of that definition exceeds that for the procurement of the services referred to in paragraph (a) of that definition; or

(ii) \$102,710, in any other case; or

(b) if the contracting authority is one set out in Part II of the Second Schedule —

(i) \$11,376,000, in the case of a procurement of —

(A) one or more of the services referred to in paragraph (b) of the definition of “applicable service”; or

(B) one or more of the services referred to in paragraph (a) of that definition and one or more of the services referred to in paragraph (b) of that definition, where the estimated value of the contract for the procurement of the services referred to in paragraph (b) of that definition exceeds that for the procurement of the services referred to in paragraph (a) of that definition; or

(ii) \$910,000, in any other case;

“applicable service” means —

(a) any service in the Universal List of Services contained in the document MTN.GNS/W/120 of the World Trade Organisation, other than a service set out in the Sixth Schedule; or

(b) any service set out in the Fourth Schedule.

(4) For the purposes of sub-paragraph (2) —

- (a) the accumulated inflation rate shall be measured in accordance with the consumer price index published by the Singapore Department of Statistics;
- (b) that rate shall be adjusted using 2-year periods, the first of which begins on 1st November 2003 and ends on 31st October 2005; and
- (c) the adjusted rate shall take effect on the 1st of January of the year immediately following the end of each 2-year period.”.

### **Amendment of paragraph 5**

5. Paragraph 5 of the principal Order is amended —

- (a) by deleting the words “Fifth Schedule” in sub-paragraph (1)(a) and substituting the words “Seventh Schedule”; and
- (b) by deleting the words “Second Schedule” in sub-paragraph (3)(d) and substituting the words “Third Schedule”.

### **Deletion and substitution of paragraph 8 and new paragraph 9**

6. Paragraph 8 of the principal Order is deleted and the following paragraphs substituted therefor:

#### **“Thresholds for relevant States other than Japan and United States of America**

8.—(1) This paragraph applies to a procurement subject to the Act in relation to all relevant States other than Japan and the United States of America.

(2) The threshold applicable to a contract for the procurement of —

- (a) goods;
- (b) one or more of the services set out in the Third Schedule; or
- (c) a combination of goods and one or more of such services,

by a contracting authority set out in Part I of the Second Schedule shall be 130,000 Special Drawing Rights.

(3) The threshold applicable to a contract for the procurement of —

- (a) goods;
- (b) one or more of the services set out in the Third Schedule; or