

NORTHERN TERRITORY OF AUSTRALIA
PROCUREMENT AMENDMENT REGULATIONS 2006

Regulations No. 9 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 9 of 2006*

Procurement Amendment Regulations 2006

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Procurement Act*.

Dated 1 March 2006.

E. J. EGAN
Administrator

By His Honour's Command

S. J. STIRLING
Treasurer
acting for the
Minister for Corporate and Information Services

* Notified in the *Northern Territory Government Gazette* on 1 March 2006.

1. Citation

These Regulations may be cited as the *Procurement Amendment Regulations 2006*.

2. Principal Regulations amended

These Regulations amend the *Procurement Regulations*.

3. Commencement

These Regulations come into operation on 1 March 2006.

4. Amendment of regulation 2 (Definitions)

Regulation 2 –

insert (in alphabetical order)

"across government contract" means a whole of government or common use period contract established for supplies used commonly across Agencies;

"Agency Minister", for an Accountable Officer, means the Minister administering the Agency of the Accountable Officer;

"select tender" means a tender for which the request for tender is made available to only a limited and select list of suppliers;

"tier one", "tier two", "tier three", "tier four" or "tier five", for supplies, means supplies with an estimated total value within the range specified in the definition of "Tier One", "Tier Two", "Tier Three", "Tier Four" or "Tier Five" respectively in the procurement directions.

5. Amendment of regulation 4 (Requirements for tier one and tier two supplies)

(1) Regulation 4(1) –

omit, substitute

(1) Subject to these Regulations, before an amount is expended on tier one or tier two supplies, the Accountable Officer must –

(a) for tier one supplies – obtain at least one written tender; or

(b) for tier two supplies – obtain written tenders from at least 3 established suppliers.

- (2) Regulation 4(2) –

omit

6. Repeal and substitution of regulation 5

Regulation 5 –

repeal, substitute

5. Requirements for tier three, tier four and tier five supplies

(1) Subject to subregulation (3), before an amount is expended on tier three, tier four or tier five supplies, the Accountable Officer must invite public tenders for the supplies.

(2) A tender for tier four or tier five supplies must not be accepted or be capable of being accepted except with the prior approval of the Procurement Review Board.

(3) Subregulation (1) does not apply to supplies for which a certificate of exemption is issued.

7. Amendment of regulation 6 (Procurement Review Board)

- (1) Regulation 6(7)(a) –

omit, substitute

- (a) to review all proposed procurement activity for tier four and tier five supplies;

- (2) Regulation 6(7)(c) –

omit

the provision of supplies to a value of more than \$50,000

substitute

tier four or tier five supplies

- (3) Regulation 6(7)(e) –

omit

regulations 5(2) and (3)

substitute

regulation 5(2)

- (4) Regulation 6(7)(f) –

omit

8. Amendment of regulation 7 (Government contracts)

Regulation 7(1) –

omit, substitute

(1) If supplies are available to the Territory under an across government contract, the supplies must be obtained under the contract unless the Accountable Officer otherwise directs.

9. Repeal and substitution of regulation 8

Regulation 8 –

repeal, substitute

8. Certificate of exemption

(1) An Accountable Officer may approve the use of a select tender for supplies by issuing a certificate of exemption.

(2) An Accountable Officer must not issue a certificate of exemption –

(a) for tier four supplies – without the approval of the Agency Minister; or

(b) for tier five supplies – without the approval of the Agency Minister and the endorsement of the Minister administering this Act.

(3) If an Accountable Officer uses a select tender, its use –

(a) for tier three supplies – must be noted by the Procurement Review Board; or

(b) for tier four or tier five supplies – must be endorsed by the Procurement Review Board.

10. Amendment of regulation 10 (Details of certain contracts to be published)

Regulation 10(1) –

omit

\$5,000

Procurement Amendment Regulations 2006

substitute

\$10 000
