

**REPUBLIC OF VANUATU**

**BILL FOR THE  
GOVERNMENT CONTRACTS  
AND TENDERS (AMENDMENT)  
ACT NO.            OF 2024**

**Explanatory Note**

This Bill amends the Government Contracts and Tenders Act [CAP 245] (“the Act”).

The Government recognizes the important functions that the Central Tenders Board (“the Board”) is performing by adjudicating and awarding contracts on behalf of the Government.

The Government also recognizes the need to revise and strengthen the processes in which the Chairperson of the Board is appointed and the approval of Government contracts.

This Bill provides for the following amendments:

- for the establishment of the Evaluation Committee to ensure the Chairperson is appointed in a process that is transparent and based on merit; and
- that any person who enters into any Government contract and breaches any provisions of the Act will be personally liable for any loss or damage incurred; and
- that if a provision of the Act conflicts with a provision of any other Act in relation to the procurement process, the provision of this Act will prevail; and
- for the sitting allowance of the Chairperson and the members of the Board; and
- for the repeal of the current immunity provision.

**Minister of Finance and Economic Management**



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(AMENDMENT)  
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**Arrangement of Sections**

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# REPUBLIC OF VANUATU

## **BILL FOR THE GOVERNMENT CONTRACTS AND TENDERS (AMENDMENT) ACT NO. OF 2024**

An Act to amend the Government Contracts and Tenders Act [CAP 245].

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Government Contracts and Tenders Act [CAP 245] is amended as set out in the Schedule.

### **2 Transitional Provision**

The person holding the office of the Chairperson immediately before the commencement of this Act is to continue for the remainder of his or her term as the Chairperson on the same terms and conditions of service with accrued and accruing entitlements.

### **3 Commencement**

This Act commences on the day on which it is published in the Gazette.

## SCHEDULE

### AMENDMENTS OF GOVERNMENT CONTRACTS AND TENDERS ACT [CAP 245]

**1 After section 1**

Insert

**“1A. Act to Prevail**

If any provision of this Act conflicts with a provision of any other Act, the provision of this Act prevails.”

**2 Section 2**

Insert in its correct alphabetical position:

““Evaluation Committee” means the Evaluation Committee under section 11B;”

**3 Section 2 (Definitions of “Declaration of Public Health Emergency” and “state of emergency”)**

Repeal the definitions.

**4 Paragraph 10(1)(c)**

Delete “State Law Office”, substitute “Office of the Attorney General”

**5 Subsection 10(9)**

Repeal the subsection, substitute

“(9) A member and the Chairperson of the Board is entitled to a sitting allowance of VT10,000 for each day on which a meeting of the Board is held.

(10) A member and the Chairperson must be present for the whole duration of the meeting to be entitled to this sitting allowance.”

**6 At the end of section 10A**

Add

“(3) To avoid doubt, the Secretary has no voting right at a meeting of the Board.”

**7 Subsection 11(1)**

Repeal the subsection, substitute

“(1) The Chairperson of the Board is to be appointed by the Minister on the recommendation of the Evaluation Committee.”

**8 At the end of Part 4**

Add

**“11B. Evaluation Committee**

(1) The Evaluation Committee consists of:

- (a) a senior finance officer of the Ministry of Finance and Economic Management appointed by the Director General; and
- (b) an assistant Public Prosecutor nominated by the Public Prosecutor; and
- (c) the Deputy Auditor General of the Office of Auditor General; and
- (d) a senior representative of the Chamber of Commerce and Industry with 5 years’ experience in business management, nominated by the President of the Chamber of Commerce and Industry.

(2) The senior finance officer appointed by the Director General under paragraph (1)(a) is to be the Chairperson of the Evaluation Committee.

(3) The Evaluation Committee may meet to carry out its functions as set out in subsection (4), wherever there is a vacancy in the office of the Chairperson.

(4) The functions of the Evaluation Committee are to:

- (a) advertise the vacancy of Chairperson in any platform available to the public; and

- (b) screen and evaluate on merit, all candidates for the position of Chairperson; and
  - (c) recommend to the Minister the name of the best candidate to be appointed as the Chairperson.
- (5) The Evaluation Committee must not recommend a person for the position of Chairperson who has not complied with the process under subsection (4).
- (6) The Minister must not appoint a person who is not recommended by the Evaluation Committee.”

**9 At the end of section 13**

Add

- “(2) A person who enters into a Government Contract in breach of the tender provisions of this Act or its Regulation is personally liable for any loss or damages incurred from breaching the Act or its Regulation.”

**10 Section 16A**

Repeal the section.