

CAYMAN ISLANDS



PROCUREMENT (AMENDMENT) BILL, 2021

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A BILL FOR AN ACT TO AMEND THE PROCUREMENT ACT, 2016, IN ORDER TO ADDRESS DUPLICATION, INCONSISTENCIES AND GAPS BETWEEN THE PROCUREMENT ACT, 2016 AND OTHER LEGISLATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Finance and Economic Development (FED)



**Memorandum of
OBJECTS AND REASONS**

This Bill seeks to amend the Procurement Act, 2016, (the “principal Act”) in order to address duplication, inconsistencies and gaps between the principal Act and other legislation.

Clause 1 provides the short title of the legislation.

Clause 2 amends section 2 of the principal Act to provide for a definition of “business case”.

Clause 3 amends Schedule 4 of the principal Act to make a change to the responsibilities of the Public Procurement Committee.

Clause 4 amends Schedule 5 of the principal Act in relation to the minutes of the meetings of the Public Procurement Committee.

Clause 5 amends Schedule 6 of the principal Act to amend the roles and functions of an entity procurement committee.

CAYMAN ISLANDS**PROCUREMENT (AMENDMENT) BILL, 2021****Arrangement of Clauses**

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Procurement (Amendment) Act, 2021.

Amendment of section 2 of the Procurement Act, 2016 - interpretation

2. *The Procurement Act, 2016*, in this Act referred to as the “principal Act”, is amended in section 2 by inserting, after the definition of the word “bidder”, the following definition —

“**business case**” means a document that provides a justification for undertaking a project or programme, to support decision-making for an investment;”.

Amendment of Schedule 4 - the responsibilities of the Public Procurement Committee

3. The principal Act is amended in Schedule 4 as follows —
 - (a) by repealing paragraph (a) and substituting the following paragraph —

- “(a) ensuring that a business case has been produced and reviewed by the Entity Procurement Committee, and approved in accordance with the appropriate financial thresholds;”;
- (b) by repealing paragraph (b).

Amendment of Schedule 5 - meetings of the Public Procurement Committee

4. The principal Act is amended in Schedule 5 as follows —
- (a) in paragraph (9), by deleting the word “Minutes” and substituting the word “minutes”;
- (b) in paragraph (10), by deleting the words “the meeting” and substituting the words “the approval of the minutes”; and
- (c) in paragraph (11), by deleting the word “Minutes” wherever it occurs and substituting the word “minutes”.

Amendment of Schedule 6 - roles and functions

5. The principal Act is amended in Schedule 6 under the subheader “**Role of the Entity Procurement Committees**” in paragraph (2) as follows —
- (a) by deleting subparagraph (b) and substituting the following subparagraph —
- “(b) ensuring that competition documents are reviewed prior to them being issued, in order to ensure that they are consistent with the relevant business case;”;
- (b) by deleting subparagraph (f) and substituting the following subparagraph —
- “(f) ensuring that the evaluation process is conducted in accordance with the terms and requirements of the competition documents;”.

Passed by the Parliament the day of , 2021.

Speaker

Clerk of the Parliament

