



**Public Procurement and Disposal of Public Assets Authority**

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Our Ref:..... **PPDA/M13/000** .....

Your Ref:.....

3<sup>rd</sup> February 2015

To all Accounting Officers

**RE: CIRCULAR ON UNAVAILABILITY OF THE SECRETARY TO THE CONTRACTS COMMITTEE AT A MEETING**

Reference is made to the above subject.

The Authority issues this circular to all Procuring and Disposing Entities as guidance on the matters below:-

1. Who should be appointed as Ag. Secretary of the Contracts Committee in cases where the substantive Secretary to the Contracts Committee is not available; and
2. Whether the presence of a lawyer is mandatory for the purposes of forming quorum of the Contracts Committee.

The Third Schedule of the PPDA Act provides that a Contracts Committee shall be composed of the following Members:-

- i. A Chairperson;
- ii. A Secretary; and
- iii. A maximum of three other members appointed by the Accounting Officer one of whom shall be a lawyer.

Regulation 10 (1) of the PPDA (PDE) Regulations 2014 No.7 provides that a person shall be a member of a Contracts Committee in his or her individual capacity, and not by virtue of his or her position or designation.

Sub-regulation (2) provides that a member of the Contract Committee who is not able to attend a meeting of the Contracts Committee shall not nominate a representative or proxy for purposes of the meeting.

Therefore, in cases where the Secretary is not available, the Secretary cannot nominate a representative.

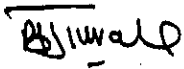
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Where the Secretary to the Contracts Committee is absent at a meeting, the members present during the Contracts Committee meeting should select from amongst themselves a member to be the secretary to the meeting. The member selected as a secretary shall record the minutes of a meeting of the Contracts Committee in accordance with Regulation 16 (1) of the PPDA (PDE) Regulations No.7 2014.

Regulation 15 (2) of the PPDA (PDE) Regulations No.7 2014 provides that the quorum for a meeting of a Contracts Committee shall be three members present at a meeting.

The law does not specify which three members of the Contracts Committee may form a quorum. Therefore, any three members of the Contracts Committee may form quorum for the meeting. It is not mandatory for the lawyer to be one of the three members.



Benson Turamy

For: **EXECUTIVE DIRECTOR**

c.c: Chairperson, Contracts Committee

c.c: Head, Procurement and Disposal Unit