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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

RULES MADE UNDER ARTICLE 154 C READ WITH ARTICLE 154 F OF THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND SECTION 19 (5) OF THE PROVINCIAL COUNCIL ACT, NO. 42 OF 1987

I, Roshan Goonetilleke, the Governor of the Western Province, hereby notify the publication of “The Rules of Procurement Activities related to the Fund of the Western Provincial Council” made in terms of the powers vested on me under Article 154 C read with Article 154 F of the Constitution of the Democratic Socialist Republic of Sri Lanka and Section 19 (5) of the Provincial Councils Act, No. 42 of 1987.

ROSHAN GOONETILLEKE,
RWP VSV USP,
Phd (Hon.) IFM (Sri Lanka) ndc, psc,
Marshal of the Air Force,
The Governor,
Western Province.

At the Governor's Office, Western Province,
Situated at the Western Provincial Council Office,
Complex, Battaramulla,
on 30th July, 2020.



Rules

1. These Rules shall be enacted to regulate procurement activities of the Statutory Authorities appropriated to the Fund of the Western Provincial Council and from the Fund of the Western Provincial Council, to improve the transparency of the procurement process related to the Fund of the Western Provincial Council and to provide more beneficial and positive procurement the people of the province without any delay.
2. These rules may be cited as “The Rules of Procurement Activities related to the Fund of the Western Provincial Council”.
3. I hereby prescribe that the Directives and Guidelines of Procurement Activities of the Democratic Socialist Republic of Sri Lanka and amendments made in that regard from time to time, shall be related to the procurements made under the Funds relevant for the Statutory Authorities appropriated to the Fund of the Western Provincial Council and appropriated from that Fund, subject to the provisions set forth under these Rules and with the minor changes accepted by the Governor from time to time.
4. (1.) The Procurement Committees to be operated in relation to procurement under Statutory Authorities under the purview of the Western Provincial Council and appropriated to and from the Fund of the Western Provincial Council and granting of relevant authority to each of the Committees shall be as follows:

<i>Type of the Procurement Committee</i>	<i>Granting of Authority</i>
<i>a.</i> Procurement Committee appointed by the Cabinet of Ministers of the Western Province	Cabinet of Ministers of the Western Province
<i>b.</i> Chief Secretary’s Procurement Committee	Chief Secretary of the Western Province
<i>c.</i> Ministry Procurement Committee	Chief Accounting Officer
<i>d.</i> Departmental Procurement Committee	Chief Accounting Officer
<i>e.</i> Project Procurement Committee	Chief Accounting Officer
<i>f.</i> Regional Procurement Committee	Accounting Officer

- (2.) Following Procurement Committees may be operated on the authority granted by the Chief Secretary to ease the duties and the functions of the Deputy Chief Secretary in charge of the Engineering subject of the Western Provincial Council.

<i>Type of the Procurement Committee</i>	<i>Granting of Authority</i>
<i>a.</i> Chief Secretary’s Procurement Committee	Chief Secretary of the Western Province
<i>b.</i> Deputy Chief Secretary (Engineering)	Deputy Chief Secretary(Engineering) of the Western Province
<i>c.</i> Building Director’s Procurement Committee	Director of Buildings of the Western Province
<i>d.</i> Regional Engineer’s Procurement Committee	Director of Buildings of the Western Province

- (3.) Appointing of all Procurement Committees, except for the Procurement Committee appointed by the Cabinet of Ministers from the Procurement Committees mentioned under Sub section (1) above, shall be by the Chief Accounting Officer relevant for the Fund of the Western Provincial Council.

- (4) The appointment of the Procurement Committees mentioned under sub-section (2) above and the Chief Secretary's Procurement Committee shall be made by the Chief Secretary by him/her self and appointment of other Procurement Committees shall be made by the Deputy Chief Secretary (Engineering), with the concurrence of the Chief Secretary of the Western Province.
- (5) The Procurement Committees appointed under a Statutory Authority established under the statutes enacted by the Western Provincial Council shall act in accordance with a Departmental Procurement Committee appointed under sub-section (1) and a Regional Procurement Committee appointed as appropriately.
5. Each procurement entity involved in the procurement, shall conduct the process from identification of requirements related to the pre-procurement process, planning, preparation of specifications, invitation for bids and awarding the contract, under the Control Unit operating under each entity and the process from contract awarding to contract termination, including contract management, under the Financial Unit operating under each procurement entity.
6. When appointing a procurement committee for procurement, where the cost value of the procurement exceeds Rs. 10 million, a simultaneous committee that consists of three extraneous members should be appointed by the entity to regulate the relevant procurement process.
7. (1) For all procurements that are not related to Western Provincial Cabinet of Ministers Procurement, but the total cost of procurement is over Rs. 10 million, the Procurement entity shall report the following matters relating to the Procurement to the Chief Accounting Officer of the Fund of the Western Provincial Council and obtain approval for it prior to calling for bids.
 - (a) The manner in which the provisions have been made for the relevant procurement.
 - (b) Compliance with the Annual Procurement Plan
 - (c) Proposed Procurement Scheme.
 - (d) In the case the procurement is with regard to a project, the facts that the feasibility study for that project has been completed and all the details related to the successful completion of the project have been completed.
- (2) The Chief Accounting Officer shall furnish details to the Provincial Cabinet on matters under sub-section (1) above, when making a procurement relevant to the Cabinet of Ministers.
8. No procurement entity shall make procurement outside the Annual Procurement Plan unless it has obtained approval of the Chief Secretary after furnishing details to the Chief Secretary on the necessity of making the procurement.
9. Prior to making the relevant payment for each bill related to a payment for procurement, the parties nominated for the acquisition must have certified that the relevant payment is in full compliance with the specifications, the estimate and the procurement agreement by all means.
10. (1) Every officer involved in the procurement process under each procurement entity is responsible for the procurement entity in respect of the following matters.
 - (a) Every step of the procurement is in accordance with these Rules and Procurement Guidelines of the Government,
 - (b) Necessary communication shall be maintained with all parties involved in the procurement process,
 - (c) Coordination of Technical Evaluation Committees regarding preparation of invitation, reviewing and approving, where pre-eligibility test for procurement is applicable,

- (d) Coordination of Technical Evaluation Committees regarding drafting and reviewing of specifications and bid documents,
 - (e) Compilation of data and information for the evaluation report.
 - (f) Invitation for bids.
 - (g) Facilitating meetings of Procurement Committees, Technical Evaluation Committees and distributing reports related to them.
 - (h) Responding to the requests of the Procurement Committees and the Technical Evaluation Committees.
- (2) Each officer involved in the payment process for the procurement under each procurement entity shall be liable to the procurement entity in respect of the following matters;
- (a) That sufficient facts have been presented to the effect that the process has been properly carried out from the awarding of the contract of procurement to the conclusion of the contract including management.
 - (b) That the competent authority has certified the legitimacy of the payment and the termination of the relevant contract.
 - (c) Expenditure related to payment is in accordance with the cost estimate included in the contract agreement.
 - (d) Compliance of relevant payments with the terms of the conditions of the agreement.
11. The Procurement Guidelines and Directives of the Democratic Socialist Republic of Sri Lanka and Instructions issued in that regard from time to time, Formats prescribed, Financial limits that shall be made applicable for each Procurement Committee in relation to the procurement made under these Rules shall be applicable with necessary amendments subjected to the approval of the Governor.
12. Appeals of those who are dissatisfied with a decision regarding the award of contracts relevant to any procurement made by Statutory Authorities appropriated to and from the Fund of the Western Provincial Council shall be submitted to the Governor in accordance with the Procurement Directives of the Government and the appeals made as such shall be resolved taking in to consideration the observations of a board specifically appointed for that purpose by the Governor. Further, all provisions with regard to appeals under the Procurement Directives of the Democratic Socialist Republic of Sri Lanka, shall be considered subject to the provisions of this Article.
13. In these Rules unless the text otherwise requires;
- “The province” means the Western Province.
 - “The Governor” means the Governor of the Western Province.
 - “The Chief Secretary” means the Chief Secretary of the Western Province.
 - “The Chief Accounting Officer” means the same as given under the Western Provincial Council Financial Rules.
 - “The Accounting Officer” means the same as given under the Western Provincial Council Financial Rules.
14. In an inconsistency between Sinhala, English and Tamil texts of these Rules, the Sinhala text shall prevail.