

GOVERNMENT PROCUREMENT ACT
(CHAPTER 120, SECTION 4)

GOVERNMENT PROCUREMENT (APPLICATION) ORDER

ARRANGEMENT OF PARAGRAPHS

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[13th May 2002]

Citation

1. This Order may be cited as the Government Procurement (Application) Order.

Definitions

2. In this Order, unless the context otherwise requires —

“contract document” means a document which sets out the invitation to tender for or to negotiate a procurement contract, the terms and conditions of the contract, the specifications or descriptions of the goods or service, or goods and service, to be procured under the contract, or a document supplementary to any of these documents;

“goods and services tax” means the goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A);

“recurring contract” means one of 2 or more contracts resulting from a single requirement for a procurement.

Relevant States

2A. The countries and territories set out in the First Schedule shall be relevant States for the purposes of the Act.

Contracting authorities

3. The bodies set out in the Second Schedule shall be contracting authorities for the purposes of the Act.

Procurements subject to Act

4.—(1) A procurement —

(a) by a contracting authority set out in Part I or II of the Second Schedule of —

(i) goods;

(ii) one or more of the services set out in the Third and Fourth Schedules; or

(iii) a combination of goods and one or more of such services; or

(b) by a contracting authority set out in Part III of the Second Schedule of any of the goods set out in the Fifth Schedule or a combination thereof,

is a procurement subject to the Act in relation to all relevant States other than the United States of America if the value of the contract in relation to the procurement —

(A) in the case of a relevant State other than Japan, is equal to or exceeds the threshold applicable to the procurement under paragraph 8; or

(B) in the case of Japan, is equal to or exceeds the threshold applicable to the procurement under paragraph 9.

(2) A procurement —

(a) by a contracting authority set out in Part I of the Second Schedule of —

- (i) goods;
- (ii) one or more applicable services; or
- (iii) a combination of goods and one or more applicable services; or

(b) by a contracting authority set out in Part III of the Second Schedule of any of the goods set out in the Fifth Schedule,

is a procurement subject to the Act in relation to the United States of America if the value of the contract in relation to the procurement is equal to or exceeds an amount derived from the following formula:

$$\$102,710 \times (1 + B)$$

where

B is the accumulated inflation rate derived in accordance with sub-paragraph (4).

(2A) A procurement by a contracting authority set out in Part II of the Second Schedule of —

- (a) goods;
- (b) one or more applicable services; or
- (c) a combination of goods and one or more applicable services,

is a procurement subject to the Act in relation to the United States of America if the value of the contract in relation to the procurement is equal to or exceeds \$820,560.

(2B) A procurement by a contracting authority set out in Part I or II of the Second Schedule of any service set out in the Fourth Schedule, is a procurement subject to the Act in relation to the United States of America if the value of the contract in relation to the procurement is equal to or exceeds \$10,257,000.

(3) In sub-paragraphs (2) and (2A) —

[Deleted by S 260/2012]

“applicable service” means —

(a) any service in the Universal List of Services contained in the document MTN.GNS/W/120 of the World Trade Organisation, other than a service set out in the Sixth Schedule;

(b) [Deleted by S 260/2012]

(4) For the purposes of sub-paragraph (2) —

(a) the accumulated inflation rate shall be measured in accordance with the consumer price index published by the Singapore Department of Statistics;

(b) that rate shall be adjusted using 2-year periods, the first of which begins on 1st November 2003 and ends on 31st October 2005; and

(c) the adjusted rate shall take effect on the 1st of January of the year immediately following the end of each 2-year period.

Exclusions

5.—(1) Notwithstanding paragraph 4, a procurement —

(a) set out in the Seventh Schedule; or

(b) made by a contracting authority on behalf of an entity which is not a contracting authority,

is not a procurement subject to the Act.

(2) For the purposes of sub-paragraph (1)(b), “entity” includes —

(a) any person; or

(b) a department of the Government or of a statutory body.

(3) Notwithstanding paragraph 4, a contracting authority may exclude a procurement, or an act or measure in relation to a procurement, from the application of all or any regulations made under section 6 of the Act, if —

(a) such exclusion is necessary for reasons of national security;

- (b) such exclusion is necessary to protect public morals, order or safety, human, animal or plant life, or any intellectual property right of the Government or any other party;
- (c) the contract of procurement is or is intended to be awarded to an institution assisting handicapped persons, a non-profit organisation or a penal institution; or
- (d) the procurement concerned is a procurement of one or more of the services set out in the Third Schedule, and such exclusion is consistent with —
 - (i) the terms, conditions, limitations and qualifications set out in Singapore's Schedule of Commitments under the General Agreement on Trade in Services; or
 - (ii) the exemptions set out in Singapore's List of Article II Exemptions under the General Agreement on Trade in Services.

Effect of exclusion

6. Where a contracting authority is entitled under paragraph 5(3) to exclude a procurement or an act or measure in relation to a procurement from the application of all or any regulations made under section 6 of the Act, the contracting authority shall not be required, in carrying out the procurement, act or measure, to comply with those regulations from which application the procurement, act or measure has been excluded.

Value of procurement contract

7.—(1) For the purposes of paragraph 4, the value of a contract of procurement shall be the estimated value of the contract less the goods and services tax chargeable on that value.

(2) Subject to sub-paragraphs (3) to (9), the estimated value of a contract of procurement shall be the value of the consideration which the contracting authority expects, at the relevant time, to give under the contract, taking into account all forms of remuneration, including any premiums, fees, commissions and interest receivable.

(3) The value of the consideration which the contracting authority expects, at the relevant time, to give under a contract which is a recurring contract shall be based on either —

(a) the aggregate of the value of the consideration given by the contracting authority under similar recurring contracts concluded —

(i) during the last financial year of the contracting authority ending before the relevant time; or

(ii) during the period of 12 months ending immediately before the relevant time,

adjusted, where possible, for anticipated changes in quantity and value over the period of 12 months commencing at the relevant time; or

(b) the aggregate of the estimated value of the consideration which the contracting authority expects, at the relevant time, to give under all recurring contracts which are part of the same procurement as the first-mentioned recurring contract —

(i) in the next financial year of the contracting authority commencing on or after the date which the contracting authority expects to award the initial recurring contract of that procurement; or

(ii) during the period of 12 months commencing immediately after the date referred to in sub-paragraph (i).

(4) Notwithstanding sub-paragraph (3), where the goods or service, or combination of goods and service, to be procured under a recurring contract are required for the sole purposes of a discrete unit of a contracting authority and —

(a) the decision of whether to procure the goods or service of that type, or goods and service of those types, has been devolved to that unit; and

(b) that decision is taken independently of any other part of the contracting authority,

the valuation methods described in sub-paragraph (3) shall be adapted by aggregating only the value of the consideration —

- (i) which the contracting authority has given for similar recurring contracts which were required for the sole purposes of that unit; or
- (ii) which the contracting authority expects, at the relevant time, to give for recurring contracts which are part of the same procurement as the first-mentioned recurring contract and which are required for the sole purposes of that unit,

as the case may be.

(5) The estimated value of a contract —

- (a) for the lease, rental or hire purchase of goods or service, or a combination of goods and service; or
- (b) which does not specify a total price,

shall be based on —

- (i) the total estimated value of the consideration which the contracting authority expects, at the relevant time, to give under the contract for the duration of the contract, where the duration is a fixed period of 12 months or less;
- (ii) the total estimated value of the consideration which the contracting authority expects, at the relevant time, to give under the contract for the duration of the contract without making any deduction for the estimated residual value of the contract, where the duration is a fixed period which exceeds 12 months; or
- (iii) the estimated value of consideration which the contracting authority expects, at the relevant time, to give under the contract in respect of each month of the contract multiplied by 48, where the contract is of indefinite duration.

(6) Where there is any doubt as to whether a contract referred to in sub-paragraph (5)(a) or (b) is for a fixed or indefinite duration, the basis for determining its estimated value shall be that referred to in sub-paragraph (5)(iii).

(7) Where any contract of procurement specifies a requirement for an option to buy goods, service, or a combination of goods and service, the value of the maximum permissible procurement under the option shall form part of the estimated value of the contract.

(8) Where any of the goods or service to be procured are goods or service the procurement of which is not subject to the Act, the value of those goods or service need not be included as part of the estimated value of the contract.

(9) A contracting authority shall not use a basis of valuation referred to in this paragraph for a contract of procurement, or divide a procurement requirement, with the intention of avoiding the application of the Act.

(10) For the purposes of this paragraph, the relevant time is —

- (a) the date on which the Invitation to Participate referred to in regulation 11 of the Government Procurement Regulations (Rg 2) is sent, or the date it ought to have been sent, to the Government Printer for publication in the *Gazette* (whichever is the earlier); or
- (b) the date on which the Invitation to Participate is published, or the date it ought to have been published, in the Government Electronic Business (GeBIZ) (whichever is the earlier),

as the case may be, if the requirement to publish the Invitation to Participate in an approved medium applies to the procurement in question.

Thresholds for relevant States other than Japan and United States of America

8.—(1) This paragraph applies to a procurement subject to the Act in relation to all relevant States other than Japan and the United States of America.

(2) The threshold applicable to a contract for the procurement of —

- (a) goods;
- (b) one or more of the services set out in the Third Schedule; or
- (c) a combination of goods and one or more of such services,

by a contracting authority set out in Part I of the Second Schedule shall be —

- (i) if the relevant State is South Korea, 100,000 Special Drawing Rights;
- (ii) in any other case, 130,000 Special Drawing Rights.

(3) The threshold applicable to a contract for the procurement of —

- (a) goods;
- (b) one or more of the services set out in the Third Schedule; or
- (c) a combination of goods and one or more of such services,

by a contracting authority set out in Part II of the Second Schedule shall be 400,000 Special Drawing Rights.

(4) The threshold applicable to a contract for the procurement of one or more of the services set out in the Fourth Schedule by a contracting authority set out in Part I or II of the Second Schedule shall be 5 million Special Drawing Rights.

(5) The threshold applicable to a contract for the procurement of any of the goods set out in the Fifth Schedule or a combination thereof by a contracting authority set out in Part III of the Second Schedule shall be —

- (a) if the relevant State is South Korea, 100,000 Special Drawing Rights;
- (b) in any other case, 130,000 Special Drawing Rights.

(6) The threshold applicable to a contract for the procurement of —

- (a) goods, one or more of the services set out in the Third Schedule, or a combination of goods and one or more of such services; and
- (b) one or more of the services set out in the Fourth Schedule,

by a contracting authority set out in Part I or II of the Second Schedule shall be —

(i) either —

(A) 100,000 Special Drawing Rights, if the relevant State is South Korea; or

(B) 130,000 Special Drawing Rights, in any other case,

if the contracting authority is one set out in Part I of the Second Schedule and the estimated value of the contract for the procurement of the matter referred to in sub-paragraph (a) exceeds that for the procurement of the matter referred to in sub-paragraph (b);

(ii) 400,000 Special Drawing Rights if the contracting authority is one set out in Part II of the Second Schedule and the estimated value of the contract for the procurement of the matter referred to in sub-paragraph (a) exceeds that for the procurement of the matter referred to in sub-paragraph (b); or

(iii) 5 million Special Drawing Rights if the estimated value of the contract for the procurement of the matter referred to in sub-paragraph (b) exceeds that for the procurement of the matter referred to in sub-paragraph (a).

Thresholds for Japan

9.—(1) This paragraph applies to a procurement subject to the Act in relation to Japan.

(2) The threshold applicable to a contract for the procurement of goods, one or more of the services set out in Part I of the Third Schedule, or a combination of goods and one or more of such services, by a contracting authority set out in Part I or II of the Second Schedule shall be 100,000 Special Drawing Rights.

(3) The threshold applicable to a contract for the procurement of one or both of the services set out in Part II of the Third Schedule by a contracting authority set out in Part I of the Second Schedule shall be 130,000 Special Drawing Rights.

(4) The threshold applicable to a contract for the procurement of one or both of the services set out in Part II of the Third Schedule by a contracting authority set out in Part II of the Second Schedule shall be 400,000 Special Drawing Rights.

(5) The threshold applicable to a contract for the procurement of one or more of the services set out in the Fourth Schedule by a contracting authority set out in Part I or II of the Second Schedule shall be 5 million Special Drawing Rights.

(6) The threshold applicable to a contract for the procurement by a contracting authority set out in Part I of the Second Schedule of all or any combination of the matters referred to in sub-paragraphs (2), (3) and (5) shall be the threshold applicable to the matter, the estimated value of which is the highest of the estimated values of all the matters to be procured under that contract.

(7) The threshold applicable to a contract for the procurement by a contracting authority set out in Part II of the Second Schedule of all or any combination of the matters referred to in sub-paragraphs (2), (4) and (5) shall be the threshold applicable to the matter, the estimated value of which is the highest of the estimated values of all the matters to be procured under that contract.

(8) For the purposes of sub-paragraphs (6) and (7) —

(a) the threshold applicable to a matter is the threshold that is applicable to a contract for the procurement of that matter under sub-paragraph (2), (3), (4) or (5), as the case may be; and

(b) the estimated value of a matter is the estimated value for procuring that matter under the contract concerned.

(9) The threshold applicable to a contract for the procurement of any goods set out in the Fifth Schedule or a combination thereof by a contracting authority set out in Part III of the Second Schedule shall be 100,000 Special Drawing Rights.

FIRST SCHEDULE

Paragraph 2A

RELEVANT STATES

1. Canada
2. European Union
3. Hong Kong Special Administrative Region of the People's Republic of China

FIRST SCHEDULE — *continued*

4. Iceland
5. Israel
6. Japan
7. Korea
8. Liechtenstein
9. Netherlands (with respect to Aruba)
10. Norway
11. Switzerland
12. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei)
13. United States of America
14. Armenia.

SECOND SCHEDULE

Paragraphs 3, 4, 8 and 9

CONTRACTING AUTHORITIES

PART I

1. Attorney-General's Chambers
2. Auditor-General's Office
3. Cabinet Office
4. Istana
5. Judicature
6. Ministry of Community Development, Youth and Sports
7. Ministry of Education
8. Ministry of Finance
9. Ministry of Foreign Affairs
10. Ministry of Health
11. Ministry of Home Affairs, including the Presidential Council for Religious Harmony, and excluding the Central Narcotics Bureau, the Criminal Investigation Department of the Singapore Police Force, the Internal Security Department and the Security Command

SECOND SCHEDULE — *continued*

12. Ministry of Information, Communications and the Arts
13. Ministry of Law
14. Ministry of Manpower
15. Ministry of National Development
16. Ministry of the Environment and Water Resources
17. Ministry of Trade and Industry
18. Ministry of Transport
19. Parliament (including the Presidential Council of Minority Rights)
20. Prime Minister's Office
21. Public Service Commission.

PART II

1. Agency for Science, Technology and Research
2. Board of Architects
3. Building and Construction Authority
4. Civil Aviation Authority of Singapore
5. Economic Development Board
6. Housing and Development Board
7. Info-communications Development Authority of Singapore
8. Inland Revenue Authority of Singapore
9. International Enterprise Singapore Board
10. Jurong Town Corporation
11. Land Transport Authority of Singapore
12. Maritime and Port Authority of Singapore
13. Media Development Authority of Singapore
14. Monetary Authority of Singapore
15. Nanyang Technological University
16. National Parks Board
17. National University of Singapore
18. Preservation of Monuments Board

SECOND SCHEDULE — *continued*

19. Professional Engineers Board
20. Public Transport Council
21. Sentosa Development Corporation
22. Singapore Tourism Board
23. Standards, Productivity and Innovation Board
24. Urban Redevelopment Authority.

PART III

Ministry of Defence.

THIRD SCHEDULE

Paragraphs 4, 5, 8 and 9

SERVICES THE PROCUREMENT OF WHICH IS SUBJECT
TO THE ACT FOR THE PURPOSES OF PARAGRAPH 4(1)(a)(ii)

PART I

<i>Central Product Classification Code</i>	<i>Description</i>
862	Accounting, Auditing and Book-keeping Services
865	Management Consulting Services
874	Building Cleaning Services
641 - 643	Hotels and Restaurants (including catering)
74710	Travel Agencies and Tour Operators
7472	Tourist Guide Services
843	Data Processing Services
844	Database Services
932	Veterinary Services
84100	Consultancy Services related to the Installation of Computer Hardware
84210	Systems and Software Consulting Services
87905	Translation and Interpretation Services
7523	Electronic Mail

THIRD SCHEDULE — *continued*

7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
7512	Courier Services
—	Biotechnology Services
—	Exhibition Services
—	Commercial Market Research
—	Interior Design Services (excluding Architectural Services)
—	Professional Advisory and Consulting Services relating to Agriculture, Forestry, Fishing and Mining, including Oilfield Services.

PART II

<i>Central Product Classification Code</i>	<i>Description</i>
8671	Architectural Services
8672	Engineering Services.

FOURTH SCHEDULE

Paragraphs 4, 8 and 9

CONSTRUCTION SERVICES THE PROCUREMENT OF WHICH IS
SUBJECT TO THE ACT

<i>Central Product Classification Code</i>	<i>Description</i>
512	General Construction Work for Buildings

FOURTH SCHEDULE — *continued*

513	General Construction Work for Civil Engineering
514, 516	Installation and Assembly Work
517	Building Completion and Finishing Work
511, 515, 518	Others.

FIFTH SCHEDULE

Paragraphs 4, 8 and 9

GOODS THE PROCUREMENT OF WHICH BY THE MINISTRY OF
DEFENCE IS SUBJECT TO THE ACT FOR THE PURPOSES OF
PARAGRAPH 4(1)(b)

<i>FSC Category</i>	<i>Description</i>
22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tyres and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
32	Woodworking Machinery and Equipment
34	Metalworking Machinery
35	Service and Trade Equipment
36	Special Industry Equipment
37	Agricultural Machinery and Equipment
38	Construction, Mining, Excavating and Highway Maintenance Equipment
39	Materials Handling Equipment
40	Ropes, Cables, Chains and Fittings
41	Refrigeration, Air-Conditioning and Air Circulating Equipment

FIFTH SCHEDULE — *continued*

- 42 Fire Fighting, Rescue and Safety Equipment
- 43 Pumps and Compressors
- 44 Furnaces, Steam Plant and Drying Equipment
- 45 Plumbing, Heating and Sanitation Equipment
- 46 Water Purification and Sewage Treatment Equipment
- 47 Pipes, Tubings, Hoses and Fittings
- 48 Valves
- 51 Handtools
- 52 Measuring Tools
- 53 Hardware and Abrasives
- 54 Prefabricated Structures and Scaffolding
- 55 Lumber, Millwork, Plywood and Veneer
- 56 Construction and Building Materials
- 61 Electric Wires, Power and Distribution Equipment
- 62 Lighting, Fixtures and Lamps
- 63 Alarm, Signal and Security Detection Systems
- 65 Medical, Dental and Veterinary Equipment and Supplies
- 67 Photographic Equipment
- 68 Chemicals and Chemical Products
- 69 Training Aids and Devices
- 70 General Purpose Automatic Data Processing Equipment,
Software, Supplies and Support Equipment
- 71 Furniture
- 72 Household and Commercial Furnishings and Appliances
- 73 Food Preparation and Serving Equipment
- 74 Office Machines, Text Processing Systems and Visible
Record Equipment
- 75 Office Supplies and Devices
- 76 Books, Maps and Other Publications

FIFTH SCHEDULE — *continued*

77	Musical Instruments, Photographs and Home-Type Radios
78	Recreational and Athletic Equipment
79	Cleaning Equipment and Supplies
80	Brushes, Paints, Seals and Adhesives
81	Containers, Packaging and Packing Supplies
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
89	Subsistence
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals and their Primary Products
99	Miscellaneous.

SIXTH SCHEDULE

Paragraph 4

SERVICES THE PROCUREMENT OF WHICH IS NOT SUBJECT TO THE
ACT IN RELATION TO THE UNITED STATES OF AMERICA

1. Research and Development Services
2. Police, Public Order, Public Safety and Security Services and Compulsory Social Security Services
3. Radio and Television Services (including Transmission Services)
4. Examination Services
5. Asset Management and Other Financial Services Procured by the Ministry of Finance and the Monetary Authority of Singapore for the Purpose of Managing Official Foreign Reserves and Other Foreign Assets of the Government

SIXTH SCHEDULE — *continued*

6. Urban Planning and Landscape Architectural Services
7. Real Estate Services (excluding Consultancy Services, Agency Services, Auction and Valuation Services)
8. Supply of Potable Water for Human Consumption
9. Social Services
10. Printing of Government Legislation and *Gazette*
11. Sale and Distribution Services for Government Debt.

SEVENTH SCHEDULE

Paragraph 5

PROCUREMENTS NOT SUBJECT TO THE ACT

1. Procurements arising out of construction contracts for chanceries overseas and headquarters buildings made by the Ministry of Foreign Affairs.
2. Procurements having security considerations undertaken by the Ministry of Home Affairs.

[S 695/2004]

LEGISLATIVE HISTORY
GOVERNMENT PROCUREMENT (APPLICATION) ORDER
(CHAPTER 120, O 1)

This Legislative History is provided for the convenience of users of the Government Procurement (Application) Order. It is not part of this Order.

1. G. N. No. S 217/2002 — Government Procurement (Application) Order 2002

Date of commencement : 13 May 2002

2. 2004 Revised Edition — Government Procurement (Application) Order

Date of operation : 29 February 2004

3. G. N. No. S 695/2004 — Government Procurement (Application) (Amendment) Order 2004

Date of commencement : 20 November 2004

4. G. N. No. S 144/2006 — Government Procurement (Application) (Amendment) Order 2006

Date of commencement : 2 March 2006

5. G. N. No. S 736/2010

Date of commencement : 1 December 2010

6. G.N. No. S 260/2012 — Government Procurement (Application) (Amendment) Order 2012

Date of commencement : 1 June 2012