

COVID-19 | Public Procurement

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Law no. 4 – A/2020, of 6 April, amending Law no 1-A/2020, of 19 March and Decree-Law no. 10-A/2020, of 13 March has been enacted; Law no. 4 – A/2020 clarifies the scope of application of the time limits both suspension in administrative and judicial proceedings to the ongoing public procurement procedures and for pre-contractual litigation. Additionally, some exceptional procedural measures were approved to simplify the process and conclusion of public procurement procedures during the emergency period.

Amendments to Law no 1-A/2020, of 19 March

(1) Pre-contractual Litigation: the pre-contractual litigation under the Administrative Courts Procedure Law does not benefit from the time limit suspension exceptionally approved for judicial proceedings.

(2) Public Procurement Proceedings: the public procurement procedures under the Public Contracts Code do not benefit from the time limit suspension exceptionally approved for administrative time limits.

(3) Public Procurement Proceedings that were suspended: the procedure time limits under the Public Contracts Code that had been suspended - by virtue of the Articles 7 and 10 of the Law no. 1-A/2020 – start running again on 7 April 2020.

Amendments to Decree-Law no. 10-A/2020, of 13 March

(4) Exceptional measures regarding the qualification documents presentation: presentation of the qualification documents laid down in subparagraphs a) and b) of paragraph 1 Article 81 of the Public Contracts Code may be exempted, even to payment purpose. Nevertheless, the public entities may request them anytime.

(5) Exceptional measures regarding the provision of bonds: regardless the contract price, the provision of bonds may be exempted.

(6) Date of effects: the Law no 4 – A/2020, in this matter, shall produce its effects upon 12 March 2020.

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This information will be updated regularly.

The information provided and the opinions expressed are of a general nature, not substituting the use of adequate legal advice for the resolution of specific cases.

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