

KNOWLEDGE CENTRE

Exclusions

EX:3

Relevant Facts or Questions Asked

A Procuring Entity sought guidance as follows:

Whether the Implementation of a Private Pension Plan is to be treated as an exclusion or the normal public procurement provisions obtain.

Advice

The procuring entity was advised that on the basis of the interpretation section of the Public Procurement Act, 2015 (as amended) if the actual procuring authority is the Trustees of the pension fund, and therefore NOT a “procuring entity”, and the consideration for the services will be provided from the pension fund, and NOT from “public funds”, then such contracts would NOT be raised by “public procurement”, and the Act is not applicable.

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