

(Legislative Supplement No. 38)

LEGAL NOTICE NO. 141

THE PUBLIC PROCUREMENT AND DISPOSAL ACT

(No. 3 of 2005)

IN EXERCISE of the powers conferred by section 140 of the Public Procurement and Disposal Act, the Minister for Finance, makes the following Regulations:—

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) REGULATIONS, 2009

1. These Regulations may be cited as the Public Procurement and Disposal (Amendment) Regulations, 2009.

Citation.

2. The Public Procurement and Disposal Regulations in these regulations referred to as “the principal Regulations”, are amended by inserting the following new regulation immediately after regulation 93—

Reservations.

94. For the Purposes of section 39 (4) (c) of the Act, constituencies and local authorities shall be regions where citizen contractors who are located and operate in those regions shall be given exclusive preference when participating in procurements using Constituency Development Funds and Local Authority Transfer Funds, except where it is established that local capacity is not available.

3. The Second Schedule to the Regulations is amended by deleting paragraph 16 and substituting therefore the following new paragraph—

16 Tender Committee for the Constituency Development Fund.

(a) Constituency Projects Tender Committee.

MEMBERSHIP STRUCTURE

Chairman Member of the Constituency Development Fund Committee appointed in writing by the Constituency Development Fund Account Manager

Deputy Chairperson A person in charge of finance appointed in writing by the Constituency Development Committee Account Manager

Members Three members of the Constituency Development Fund Committee elected by the Constituency Development Fund Committee

District Accountant of the District or Accountant appointed in writing by the District Accountant of the District.

District Development Officer of the District or Development Officer appointed by the District Development Officer of the District.

District Works Officer of the District or Works Officer appointed in writing by the District Works Officer of the District.

Respective Departmental Representative of the District for the subject procurement.

Secretary District Procurement Officer of the District or Procurement Officer appointed in writing by the District Procurement Officer of the District.

(b) Constituency Development Fund Tender Committee.

#### MEMBERSHIP STRUCTURE

Chairman Elected from among members of the Constituency Development Fund Tender Committee.

Deputy Chairman Treasurer of the Constituency Development Fund Committee.

Members Secretary to the Constituency Development Fund Committee.

Four members elected from the Constituency Development Fund Committee.

Secretary Procurement Officer appointed in writing by District Procurement Officer of the District.

4. Legal Notice No. 129 of 2009, is revoked.

Dated the 15th September, 2009.

UHURU KENYATTA,  
*Deputy Prime Minister and Minister for Finance.*