

Singapore

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1.Does your legal system provide specific procedures for the award of contracts by contracting authorities?

No. There are no legislation governing the award of contracts by contracting authorities.

2.Do the procedures for the award of contracts depend on the kind of goods, services etc. which are to be procured?

No. See answer to (1).

3.Do the procedures for the award of contracts and/or certain procedural regulations depend on the value of the goods, services etc. which are to be procured (thresholds) and if so, what are the thresholds?

Government policy for awards of contracts are as follows.

Quotations are requested for contracts between S\$3001 and S\$70,000. Invitations to tenders are issued for contracts exceeding S\$70,000 in value.

There are three types of tender: open tender, selective tender (where a pre-qualification exercise is held to shortlist applicants who are then invited to bid on GEBiz) and limited tenders (by invitation only tenders). Limited tenders are held where the contract concerns national security or are considered to be impractical for open tenders.

4. In what way does the contracting authority have to inform the market about the intended procurement?

Please see answer to (3).

5. Does a potential bidder which is interested in the contract need to have a specific legal form, e.g., corporation, to submit a tender?

There is no legal requirement that a potential bidder must have a specific legal form although the terms of tender may stipulate specific requirements.

However, in order to bid for Government projects, a bidder must first register with GeBIZ (Government Electronic Business, an on-line government procurement portal) as a government supplier (also known as a “GeBIZ Trading Partner”).

For some tenders, a bidder may also need to be registered as an Expenditure and Policies Procurement Unit (EPPU) Supplier or Building and Construction Authority (BCA) Supplier.

6. Are bidders allowed to submit joint offers, e.g., as general contractor and subcontractor or as bidding consortium?

There is no legal prohibition against either although specific tender documents may impose their own specific requirements.

7. Do potential bidders interested in the contract need to have a registered office or branch office in your country or is it possible to submit a tender for the contract directly from abroad?

There is no legislation stipulating that bidders must have a registered office or branch. A foreign company may apply to be registered as a GEBiz Trading Partner and submit tenders on GEBiz. The terms of a specific tender may stipulate its own requirements.

Singapore law also requires foreign companies doing business or having a place of business to be registered as a branch in Singapore. Hence, having a Singapore registered entity will be relevant if the bid is accepted and if the contract has to be performed in Singapore.

8. If it is possible for foreign bidders to submit a bid for a contract to a contracting authority directly from abroad, does the foreign bidder have to consider certain additional aspects, such as having to provide certain additional supporting documents or whether domestic bidders receive preferences in the award of contracts?

Bids or quotations are submitted electronically on GEBiz so bids can be submitted from abroad.

The terms of the tender may require both domestic and foreign bidders to submit information concerning their due incorporation, good standing, audited financial statements etc. Bidders for the recent casino projects were known to be subject to intense scrutiny and due diligence.

9. Is a multinational bidding consortium allowed to submit a bid?

Yes.

10. In which language do the tenders have to/can be submitted and which form is required, e.g., written form, fax, e-mail or digital?

Quotation and tenders are submitted electronically through GEBiz (an English portal). The terms of some tenders may require hard copies to be submitted. A presentation to the authorities may also be required.

11. Are there any legal regulations governing the time within which bids have to/can be submitted to the contracting authority?

No.

12. Can the bidders claim their costs for preparing their bid? If so what are the conditions for, and the maximum amount of, reimbursement?

Generally no, unless otherwise specified in the tender documents.

13. Are there any selection criteria set by law that bidders have to satisfy to in order to receive the award of a contract and can the contracting authority establish its own additional selection criteria?

There is no legal selection criteria. The authorities will assess if the tender meets the critical criteria set out and offers “value for money”. Depending on the value and type of the contracts, these critical criteria may include meeting minimum capital and/or financial criteria and requisite experience.

14. Does your legal system provide legal protection against the proposed award of a contract to a competing bidder even before the contract with the competitor is actually awarded (primary legal protection)? If so please generally explain the proceedings. Is such a primary legal protection available to foreign bidders without any restriction?

No.

15. If primary legal protection exists in your country, does it depend on certain conditions, i.e., certain thresholds or the kind of goods, services etc. to be procured? If so, what are the conditions?

16. If there is no primary legal protection, is there legal protection granted after the contract has been awarded, e.g. through damage claims etc. (secondary legal protection)? If so, what are the principal conditions which have to be presented to a court in order to receive a damage award?

No.

17. Can your office –give legal advice to foreign clients concerning the relevant formal conditions for preparing a proper bid, etc. and assist in the procurement procedure in your country?

Yes.

–represent foreign clients seeking primary and secondary legal protection before all public offices/courts in your country?

No, there is no such protection.

– Please name a contact person within your office for questions of public procurement law!