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FINANCIAL MANAGEMENT  
(SUPPLIES AND SERVICES) INSTRUCTIONS 2005

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FINANCIAL MANAGEMENT ACT 2004  
(ACT NO. 17 OF 2004)

FINANCIAL MANAGEMENT (SUPPLIES AND SERVICES) REGULATIONS 2005

IN exercise of the powers conferred upon me by section 81 of the Act, I make these Regulations—

PART 1—PRELIMINARY

*Citation, etc*

1.—(1) These Regulations may be cited as the Financial Management (Supplies & Services) Regulations 2005.

(2) These Regulations are deemed to have come into force on 1 January 2005.

*Interpretation*

2.—(1) In these Regulations, unless the context otherwise requires—

“Board” means the Supplies and Services Board established by regulation 10;

“Chief Executive Officer” means a chief executive officer as defined in the Act;

“Controller” means the person in charge of the Government Supplies Department;

“Department” means a department as defined in the Act;

“Divisional Tenders Board” means a board appointed under regulation 11(4) to consider and authorize the acceptance of tenders for the supply of goods and services for the purposes of any Division;

“goods” means property of any description but does not include public stores;

“Major Tenders Board” means the board established by regulation 12;

“Minor Tenders Board” means the board established by regulation 13;

“public stores” means property of any description, other than public moneys belonging to, or in the possession or under the control of the Government;

“services” including the performance of any works other than building and engineering operations; and

“tenders board” means the Board, the Major Tenders Board, the Minor Tenders Board and any Divisional Tenders Board.

(3) The provisions of these Regulations relating to the supply of goods and services to the Government and to the disposal of public stores shall apply, *mutatis mutandis*, in relation to the purchase by and from the Government of any interest in land.

(4) Any reference to the supply of goods and services shall be construed as a reference to the supply of goods and services to the Government.

## PART II—GENERAL CONTROL OF SUPPLIES AND SERVICES

### *General control on tenders, indents and orders*

3.—(1) No tender for the supply of goods or services, or for the purchase of public stores, shall be called for, considered or accepted otherwise than in accordance with these Regulations.

(2) No indent or order for the supply of goods or services shall be issued or approved otherwise than in accordance with these Regulations.

### *Duties of the Controller*

4.—(1) The Controller shall—

- (a) subject to the provision of these Regulations, be generally responsible for the supply of all goods and services and for the custody and disposal of all public stores;
- (b) ensure that the provisions of regulations 3 are complied with;
- (c) ensure that the instructions required to be issued by Chief Executive Officers under regulation 9 are issued by them; and
- (d) periodically carry out the inspection and audit of all stock balances and inventories and report therein to the Chief Executive Officer of the department concerned.

(2) The Controller may appoint any person to act as his agent for the purpose of discharging any of his function under these Regulations outside Fiji.

### *Duties of Chief Executive Officers*

5. Every Chief Executive Officer shall—

- (a) ensure that the instructions issued by him under regulation 9 are complied with as respects any public stores under his control; and
- (b) furnish the Controller and the Auditor-General with any information, which they may require as respects such public stores.

### *Duties of other officers in charge of public stores*

6. Every officer shall be personally responsible for the custody of all public stores under his control and for ensuring that no public stores under his control are disposed of otherwise than in accordance with these Regulations.

### *Inspection of public stores*

7.—(1) The Controller may inspect, or may appoint any officer of the Government Supplies Department to carry out an inspection of public stores and any books, records or returns relating to public stores.

Provided that any officer shall not be appointed by the Controller under this subregulation to inspect public stores, books, records or returns in relation to public stores for which that officer is responsible.

(2) Every officer appointed under subregulation (1) shall be furnished with a certificate of his appointment and shall, if so required, produce the certificate.

(3) Every officer shall furnish to an officer appointed under subregulation (1) all such information and access to any public stores, books, records and returns as he may require for the purposes for which he was appointed.

*Boards of Survey*

8.—(1) The Controller may appoint a Board of Survey to inquire into any of the following matters, that is to say, whether or not public stores under the control of any Chief Executive Officer are—

- (a) serviceable;
- (b) surplus to the requirements of that Department; or
- (c) obsolete having regard to those requirements;

and such Board of Survey shall report on its findings to the Chief Executive Officer for Finance together with such recommendations as it may think fit as to the retention or disposal of those stores.

(2) Subject to subregulation (3), a Board of Survey appointed under subregulation (1) shall consist of not less than two officers, of whom one shall be the Chairman.

(3) Where a Board of Survey has been appointed under subregulation (1) to enquire into any such matter as mentioned in that subregulation in relation to public stores under the control of the Chief Executive Officer—

- (a) the Chairman of the Board of Survey shall not be an officer of that department;
- (b) not more than one member of the Board of Survey shall be an officer of that department; and
- (c) no officer who is or was responsible for those public stores shall be a member of the Board of Survey.

(5) The Chairman of a Board of Survey appointed under subregulation (1) may require any officer to furnish him with expert or technical advice, and may request such advice from any person who is not an officer.

*Departmental instructions*

9.—(1) Subject to subregulation (2), the Chief Executive Officer may, and if required to do so by the Controller, shall, prepare and issue instructions which shall clearly define the system of internal control with respect to all public stores under his control so as to guard against irregularity, and, in particular but without prejudice to the generality of the foregoing, with respect to—

- (a) the receipt of public stores by his department and the custody and issue of stores under his control;
- (b) the keeping of proper books and other records relating to public stores under his control; and
- (c) the regular inspection and audit of public stores under his control

(2) No such instructions shall be issued without the approval of the Controller, and no such instructions which have been issued shall be varied without his approval.

## PART III—TENDERS BOARDS

*Constitution of Supplies and Services Board*

10.—(1) There is hereby established a board to be known as the Supplies and Services Board.

(2) The Board shall consist of—

- (a) the Chief Executive Officer responsible for Finance;
- (b) the Chief Executive Officer responsible for Works;
- (c) the Chief Executive Officer responsible for Communications;
- (d) the Chief Executive Officer responsible for Commerce;
- (e) the Chief Executive Officer responsible for Agriculture;
- (f) the Chief Executive Officer responsible for Health;
- (g) the Comptroller of Customs and Excise;
- (h) the Government Printer; and
- (i) the Controller.

(3) The Chief Executive Officer for Finance shall be the Chairman of the Board, and in his absence from any meeting of the Board, the Chairman shall be elected from among their number by the members of the Board present at the meeting.

(4) There shall be an officer, not being a member of the Board who shall be appointed by the Chairman of the Board to act as secretary of the Board.

(5) The quorum for a meeting of the Board shall be five members.

(6) Any member of the Board may authorize an officer of his department who is a Deputy Secretary of the department to attend a meeting of the Board in his stead.

(7) The Board may co-opt any officer as a member of the Board.

(8) The Board shall meet at such place and time as the Chairman shall direct.

(9) Subject to the provisions of these Regulations and to any directions given by the Minister, the Board shall regulate its own procedure.

*Functions of the Board*

11.—(1) The Board may require the Controller to submit to it for its considerations any tender called for by the Controller for the supply of goods or services or for the purchase of public stores, or any indent or order for the supply of goods or services intended to be issued by the Controller; and there upon the Controller, notwithstanding any of the provisions of these regulations requiring the tender, indent or order to be considered by any other tenders board, shall submit the same to the Board for its consideration.

(2) Subject to subregulation (3) after it has considered any such tender, indent or order, the Board may authorize the Controller to accept the tender or to issue the indent or order, as the case may be.

(3) Where the Board is satisfied, after considering any tender, indent or order—

- (a) that the tender is unreasonable or collusive; or
- (b) that the indent or order is unjustifiable;

it shall reject the tender or refuse to approve the issue of the indent or order as the case may be.

- (4) The Board may appoint a board to consider and authorize the acceptance of—
  - (a) any tenders for the supply of goods or services obtainable from sources in Fiji and required exclusively for the purposes of any Division.
- (5) The Board—
  - (a) shall formulate a policy for the standardization of public stores and shall assess and select the most suitable sources of supply of goods and services; and
  - (b) may issue instructions to any other tenders board as respects compliance with such policy and the purchase of goods and services from such sources.

*Major Tenders Board*

12.—(1) There is hereby established a board to be known as the Major Tenders Board.

- (2) The Major Tenders Board shall consist of—
  - (a) the Deputy Secretary for Finance (Administration);
  - (b) the Deputy Secretary for Works;
  - (c) the Controller;
  - (d) the Principal Supplies Officer in the Government Supplies Department; and
  - (e) the Deputy Secretary for Commerce.
- (3) The Deputy Secretary for Finance (Administration) shall be the Chairman of the Major Tenders Board, and, in his absence from a meeting of that board, the Chairman shall be elected from among their numbers by the members of that board present at the meeting.
- (4) The quorum for a meeting of the Major Tenders Board shall be three members.
- (5) The Major Tenders Board may co-opt any officer as a member.
- (6) The Major Tenders Board shall meet at such place and time as the Chairman shall direct.
- (7) Subject to the provisions of these Regulations and to any directions given by the Board, the Major Tenders Board shall regulate its own procedure.
- (8) Subject to paragraphs (9) and (10), the Major Tenders Board—
  - (a) shall consider and may authorize the acceptance of any tender called for by the Controller for the supply of goods or services or for the purchase of public stores where the price of those goods, services or stores specified in the tender, or in any other tender relating to the same goods, services or stores exceed thirty thousand dollars; and
  - (b) shall consider and may approve the issue of any indent or order intended to be issued by the Controller for goods or services where the estimated price of those goods or services exceeds thirty thousand dollars;

and, in considering any such tender, indent or order, shall conform with any appropriate instructions issued by the Board under subregulation (5) or regulation 11.

(9) The Major Tenders Board shall not consider any tender, indent or order which a Divisional Tenders Board has been appointed to consider.

(10) Where the Major Tenders Board is satisfied, after considering any tender, indent or order—

- (a) that the tender is unreasonable or collusive; or
- (b) that the indent or order is unjustifiable;

it shall reject the tender or refuse to approve the issue of the indent or order, as the case may be.

*Minor Tenders Board*

13.—(1) There is hereby established a board to be known as the Minor Tenders Board.

(2) The Minor Tenders Board shall consist of the following officers in the Government Supplies Department—

- (a) the Principal Supplies Officer;
- (b) the Senior Accountant;
- (c) the Senior Supplies Officer (Technical); and
- (d) the Senior Supplies Officer (Civil).

(3) The said Principal Supplies Officer shall be the Chairman of the Minor Tenders Board, and, in his absence from a meeting of that board, the Chairman shall be elected from among their number by the members of that board present at the meeting.

(4) The quorum for a meeting of the Minor Tenders Board shall be three members.

(5) The Minor Tenders Board may co-opt any officer as a member.

(6) The Minor Tenders Board shall meet at such place and times as the Chairman shall direct.

(7) Subject to the provisions of these Regulations and any directions given by the Board, the Minor Tenders Board shall regulate its own procedure.

(8) Subject to subregulation (9), the Minor Tenders Board—

- (a) shall consider and may authorize the acceptance of any tender called for by the Controller for the supply of goods or services, or for the purchase of public stores which is not required to be considered by the Major Tenders Board under regulation 12; and
- (b) shall consider and may approve the issue of any indent or order intended to be issued by the Controller for goods or services, being an indent or order which is not required to be considered by the Major Tenders Board under that regulation;

and, in considering any such tender, indent or order, shall conform with any appropriate instructions issued by the Board under subregulation (5) of regulation 11.

(9) Paragraphs (9) and (10) of regulation 12 shall have effect in relation to the Minor Tenders Board as if any reference therein to the Major Tenders Board were substituted by a reference to the Minor Tenders Board.

*Divisional Tenders Boards*

14.—(1) Subject to subregulation (2), a Divisional Tenders Board shall consider and may authorize the acceptance of any tenders which it has been appointed to consider under subregulation (4) of regulation 11, and, in considering any such tenders, shall conform with any appropriate instructions issued by the Board under subregulation (5) of that regulation.

(2) Where a Divisional Tenders Board is satisfied, after considering any tender, that the tender is unreasonable or collusive, it shall reject the tender.

(3) Subject to the provisions of these Regulations and any directions given by the Board, a Divisional Tenders Board shall regulate its own procedure.

## PART IV—TENDERS BOARDS

*Annual tenders*

15.—(1) Subject to subregulation (2), where any goods or services, are regularly required for the benefit of more than one Department, the Controller shall, as respects any year, call for tenders for the supply of such goods and services to meet the requirements of those Departments for that year.

(2) If the Controller is satisfied that it would be more advantageous to obtain tenders for the supply of such goods and services to meet those requirements over a longer period than one year, he may call for tenders for the supply of such goods and services to meet those requirements over such longer period.

*Issue and advertisement of invitation to tender*

16.—(1) Subject to subregulation (2), of regulation 24, all invitations for tenders for the supply of goods or services shall be issued by the Controller.

(2) All invitations for tenders issued by the Controller shall be published on at least two occasions in a newspaper circulating in Fiji, and the Controller shall ensure that they are so published in good time so as to allow for the preparation and submission of tenders.

(3) An invitation for tenders published in accordance with subregulation (2) shall contain information as to the goods or services in respect of which the tenders are invited which shall be sufficient to enable any person desiring to submit a tender to prepare his tender.

*Opening and recording of tenders, etc.*

17.—(1) On the date by which tenders are required to be submitted to any tenders board as specified in the advertisement relating thereto and published in accordance with regulation 16—

- (a) in the case of tenders other than tenders required to be submitted to a Divisional Tenders Board, the tenders shall be received and opened in the presence of the secretary and any two members of the Board, shall be recorded by the secretary of the Board in a register kept for the purpose, and shall be stamped and initialled by those members.
- (b) In the case of tenders required to be submitted to a Divisional Tender Board, the tenders shall be received and opened in the presence of the secretary and any two members of that board, shall be recorded by the secretary of that

board in a register kept for the purpose, and shall be stamped and initialled by those members.

(2) Any person who has submitted a tender, or any other person authorized by him in that behalf, may be present when this tender is opened in accordance with subregulation (1).

*Publication of name of successful tenderer*

18. The Controller may cause a notice to be published in a newspaper circulating in Fiji disclosing the name of the person whose tender for the supply of goods or services has been accepted.

**PART V — PURCHASE OF GOODS AND SERVICES**

*Controller authorized to execute contracts for the supply of goods and services*

19. Subject to the provisions of this Part of these Regulations, no person other than the Controller, or any other person authorized by the Controller in that behalf, shall execute any contract for the supply of goods and services.

*Principles to be observed in purchasing of goods and services*

20. Subject to the provisions of this Part of these Regulations, all goods and services shall be purchased from the most advantageous source and, whenever practicable, at competitive prices.

*Purchase of goods for resale*

21. The Controller shall not purchase any goods for resale except with the approval of the Chief Executive Officer for Finance.

*Commissions and royalties*

22. The Controller, or any Chief Executive Officer authorized by the Controller in that behalf, may enter into a contract with any person—

- (a) for the printing and publication of any book or other document in respect of which copyright vests in the Crown; or
- (b) for the manufacture or assembly of any goods in respect of which the original designs or specifications have been provided by the Government;

in consideration for the payment to the Government of such commission or royalty as shall be determined by or in accordance with the contract.

*Direct purchase by Chief Executive Officers*

23.—(1) Where a tender made by any person for the supply of goods or services, being a tender called for by the Controller under regulation 15, has been accepted, a Chief Executive Officer may, if he is authorized to do so by the Controller, issue an indent or order for such goods or services, and make payments thereof, directly to that person.

(2) A Chief Executive Officer may, if he is authorized to do so by the Controller invite tenders for the supply of any goods or services and, if the acceptance of any such tender made by any person is authorized by the appropriate tenders board in accordance with Part III of these Regulations, may issue an indent or order for such goods or services, and make payments thereof, directly to that person.

*Emergency purchases*

24. A Chief Executive Officer may purchase goods or services which may be required to meet any emergency and, if he does so, shall report on such purchase to the Controller as soon as may be reasonably practicable.

## PART VI—DISPOSAL OF PUBLIC STORES

25.—(1) Public Stores shall not be disposed of otherwise than in accordance with this Part of these Regulations.

(2) Subject to the provisions of this Part of these Regulations, no person other, than the Controller, or any person authorized by the Controller in that behalf, shall execute any contract for the sale or loan of public stores.

*Disposal of public stores under authority of Chief Executive Officer for Finance*

26.—(1) Where the Chief Executive Officer for Finance is satisfied, after considering the report of a Board of Survey appointed under regulation 8 with respect to any public stores under the control of any Chief Executive Officer, that those stores are no longer serviceable, are surplus to the requirements of that Department or are obsolete having regard to those requirements, he may authorize the Chief Executive Officer of that department to dispose of them—

- (a) by sale or exchange;
- (b) by transfer to any other department;
- (c) by way of loan; or
- (d) where those stores are found to be unserviceable, by gift or by destruction in such manner as the Chief Executive Officer for Finance may direct;

and those stores shall be disposed of accordingly by the Controller or by a Chief Executive Officer authorized by him in that behalf.

(2) Where the Chief Executive Officer for Finance has authorized the sale of any public stores under subregulation (1), the Controller shall determine whether they are to be sold by public auction or by public tender.

*Disposal under authority of Chief Executive Officer for Finance  
of public stores produced for sale*

27. Public stores, which have been produced, for sale may be disposed of by the Chief Executive Officer, which produced them if he is authorized to do so by the Chief Executive Officer for Finance.

*Disposal of public stores conditionally on their replacement*

28. The Controller, or the Chief Executive Officer authorized by him in that behalf, may issue public stores to any person on condition that that person shall supply identical goods to the Government within such period as the Controller or such Chief Executive Officer, as the case may be, shall direct.

*Relationship to the Finance Instructions 2005*

29. This Regulation prevails to the extent of any inconsistency with the Finance Instructions 2005.

Dated this 27th day of January 2005.

J. Y. KUBUABOLA  
Minister for Finance  
and National Planning

[LEGAL NOTICE NO. 8]

FINANCIAL MANAGEMENT  
(PUBLIC WORKS) REGULATIONS 2005

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ARRANGEMENT OF REGULATIONS

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FINANCIAL MANAGEMENT ACT 2004  
(ACT NO. 17 OF 2004)

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FINANCIAL MANAGEMENT (PUBLIC WORKS) REGULATIONS 2005

IN exercise of the powers conferred upon me by section 81 of the Act, I make these Regulations—

*Citation, etc.*

1.—(1) These Regulations may be cited as the Financial Management (Public Works) Regulations 2005.

(2) These Regulations are deemed to have come into force on 1 January 2005.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—

“Board” means the Public Works Tenders Board established by regulation 4;

“Department” means a department as defined in the Financial Management Act 2004;

“Chief Executive Officer” means the Chief Executive Officer for Works;

“public works” means any building or engineering operations for the Government; and

“Secretary of the Board” means the officer appointed to be the Secretary of the Board under subregulation (4) of regulation 1.

*Control over tenders for public works*

3. No tender for the carrying out of any public works shall be called for, considered or accepted otherwise than in accordance with these Regulations.

*Constitution of Public Works Tenders Board*

4.—(1) There is hereby established a board to be known as the Public Works Tenders Board.

(2) The Board shall consist of—

- (a) the Chief Executive Officer;
- (b) the Chief Executive Officer responsible for Finance;
- (c) the Chief Executive Officer responsible for Agriculture;
- (d) the Chief Executive Officer responsible for Commerce; and
- (e) the Comptroller of Customs and Excise.

(3) The Chief Executive Officer shall be the Chairman of the Board, and, in his absence from any meeting of the Board, the Chairman shall be elected from among their number by the members of the Board present at the meeting.

(4) There shall be an officer, not being a member of the Board, who shall be appointed by the Chairman of the Board to act as Secretary of the Board.

- (5) The quorum for a meeting of the Board shall be three members.
- (6) Any member of the Board may authorise an officer of his department having the status of a Deputy or Assistant Head of Department to attend a meeting of the Board in his stead.
- (7) The Board may co-opt any officer as a member of the Board.
- (8) The Board shall meet at such place and time as the Chairman shall direct.
- (9) Subject to the provisions of these Regulations and to any directions given by the Minister, the Board shall regulate its own procedure.

*Functions of the Board*

5.—(1) Subject to subregulation (2), the Board shall consider every tender called for by the Secretary of the Board under regulation 6 for the carrying out of any public works and, after taking into account any recommendations made in any report required to be made to the Board under regulation 8 in relation to that tender, may authorise the acceptance of the tender.

(2) Where the Board is satisfied, after considering any tender, that it is unreasonable or collusive, it shall reject the tender.

*Issue and advertisement of invitations to tender*

6.—(1) All invitations for tenders for the carrying out of public works shall be issued by the Secretary of the Board.

(2) All invitations for tenders issued by the Secretary of the Board shall be published on at least two occasions in a newspaper circulating in Fiji, and the Secretary of the Board shall ensure that they are so publicized in good time so as to allow for the preparation and submission of tenders.

(3) An invitation for tenders published in accordance with subregulation (2) shall—

- (a) contain information as to the works in respect of which the tenders are invited which shall be sufficient to enable any person desiring to submit a tender to prepare his tender; or
- (b) indicate where such information shall be made available to any such person.

*Opening and recording of tenders, etc*

7.—(1) On the date by which tenders are required to be submitted to the Board as specified in the advertisement relating thereto and published in accordance with regulation 6, the tenders shall be received and opened in the presence of the Secretary and any two members of the Board, shall be recorded by the Secretary of the Board in a register kept for the purpose and shall be stamped and initialled by those members.

(2) Any person who has submitted a tender, or any other person authorised by him in that behalf, may be present when his tender is opened in accordance with subregulation (1).

*Preliminary examination and evaluation of tenders*

8.—(1) Upon the opening and recording of any tenders in accordance with regulation 7, the Secretary of the Board shall, if required to do so by the Board, refer the tenders to a

panel of officers appointed by the Board to examine and evaluate tenders for the carrying out of public works.

(2) The panel of officers appointed as aforesaid shall report to the Secretary of the Board on the examination and evaluation carried out by it of any tenders referred to it under subregulation (1) with such recommendations as it thinks fit in respect of each of those tenders.

*Notification to tenderers and publication of name of successful tenderer*

9.—(1) The Secretary of the Board shall inform any person whose tender has been considered by the Board as to whether or not his tender has been accepted by the Board.

(2) The Secretary of the Board may cause a notice to be published in a newspaper circulating in Fiji disclosing the name of the person whose tender has been accepted by the Board.

*Selective tendering*

10. Notwithstanding anything contained in the foregoing provisions of these Regulations, the Secretary of the Board may, if he is authorised to do so by the Board, issue an invitation for tenders only to such persons as shall have been selected by the Board; and in that event the provisions of these Regulations, other than subregulation (2) of regulation 6, shall have effect as nearly as may be as if such invitation had been published in accordance with that paragraph.

*Execution of contracts for public works*

11. No person other than the Chief Executive Officer, or any person authorised by him in that behalf, shall execute a contract for the carrying out of any public works.

*Relationship to the Finance Instructions 2005*

12. This Regulation prevails to the extent of any inconsistency with the Finance Instructions 2005.

Dated this 27th day of January 2005.

**J. Y. KUBUABOLA**  
 Minister of Finance  
 and National Planning