

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

PROCUREMENT CODE (AMENDMENT) ACT, 2020

Index

Section	Page
§101. Short title.....	3
§102. Amendments.....	3
§103. Effective Date.....	4

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020



Republic of the Marshall Islands
Jepilpin Ke Ejukaan

PROCUREMENT CODE (AMENDMENT) ACT, 2020

AN ACT to amend 44 MIRC Ch. 1 to amend two sections under Division 2 regarding Sole Source Procurement to allow Cabinet to make decisions regarding sole source procurement in emergency situations.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Procurement Code (Amendment) Act, 2020.

§102. Amendments.

§106. Application of this Act.

(1) *Section 106 of the Procurement Code Act is hereby amended as follows:*

- (1) This Chapter applies only to contracts solicited or entered into after the effective date of this Chapter unless the parties agree to its application to a contract solicited or entered into prior to the effective date of this Chapter.
- (2) This Chapter shall apply to every expenditure of public funds irrespective of their source by this Government, acting through a governmental body as defined herein, under any contract, except that this Chapter shall not apply to either grants, or contracts between the Government and its political subdivisions or other governments, except as provided in Part XI and section 129 of this Chapter. It shall also apply to the disposal of Government supplies. Nothing in this

Chapter or in regulations promulgated hereunder shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

- (3) This Chapter and its accompanying regulations shall apply to all political subdivisions, including Local Government Councils, and other local public agencies of this Government, except that the Policy Office may permit optional use of selected portions of the regulations.

- (2) *The Procurement Code Act is hereby amended as by insertion of the following clause.*

§129. National Security Intervention

- (1) The Cabinet in consultation with the Policy Office may intervene in procurement when, in Cabinet's opinion a purchase or provision of service may pose a national security risk to the Republic. A security risk is identified as a risk to Republic of the Marshall Islands Government, Foreign Government or personnel, assets, works or operational and requires urgent action in order to reduce the risk to an acceptable level.

- (a) An intervention by the Cabinet in the above Subsection (1) shall only be invoke where the Cabinet is satisfied, after consulting with the Policy Officer and the Attorney General; that there are legitimate grounds to believe that a national security risk is imminent.

§103. Effective Date.

This Act shall take effect upon certification in accordance with Article IV Section 21 of the Constitution and in accordance with the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 20ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 10th day of November 2020; and
2. That I am satisfied that Nitijela Bill No: 20ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 11th day of December 2020.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean S. Watak
Clerk
Nitijela of the Marshall Islands