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ANGOLA

NEW RULES FOR OIL INDUSTRY PUBLIC TENDERS AND PROCUREMENT OF SUPPLIES/SERVICES

Presidential Decree 86/18, of 2 April 2018 (“PD 86/18”), introduced several modifications to the rules governing the following activities:

- Public tenders for awarding of oil blocks
- Procurement of supplies and services by oil operators

Below is a summary of the most significant changes by PD 86/18:

Public tenders for awarding of oil blocks

- The “pre-qualification” phase has been eliminated. Bidders are no longer required to “pre-qualify” to respond to a call for tenders by the National Concessionaire;
- It is mandatory for bidders to present their credentials as regards Health, Safety & Environment;
- Several time periods were extended or reduced (including for submitting bids, for bid evaluation, award decision, lodging appeals, etc).

Procurement of supplies and services by oil operators

- Operators may award contracts for up to USD 1 Million without public tender or approval by National Concessionaire (previous threshold was USD 250,000);
- Contracts between USD 1 Million and USD 5 Million are subject to public tender but do not need approval by National Concessionaire;
- Contracts in excess of USD 5 Million are subject to both public tender and National Concessionaire approval (previous threshold was USD 750,000);
- Direct award (without public tender) is always permitted in the following cases: (i) in case of an operational emergency, and (ii) in case the supply/service can only be sourced from one specific supplier;
- Bids must be submitted in Portuguese language. If presented in a foreign language, a Portuguese translation must be provided;

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- Bids must be opened in the premises of the National Concessionaire;
- The National Concessionaire must expressly decide on the award recommendation made by the operator (for contracts > USD 5 M). The operator recommendation is deemed tacitly accepted if no express response is forthcoming;
- Several time periods were extended or reduced (including for bid evaluation, National Concessionaire approval, etc)

The remaining rules were not changed, or not materially changed, as they existed under Decree 48/06, of 1 September 2006.

Decree 48/06 has been revoked.