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Possible revisions to the UNCITRAL Model Law on Procurement of Goods, Construction and Services – a revised text of the Model Law

Note by the Secretariat

Addendum

This note sets out a table indicating correlation of the articles in the revised Model Law to the articles of the 1994 Model Law and new articles considered by the Working Group to date.



Article in the revised Model Law	Corresponding provisions in the 1994 Model Law	New provisions considered by the Working Group
Chapter I. GENERAL PROVISIONS	Chapter I. GENERAL PROVISIONS	
Article 1. Scope	Article 1. Scope	
Article 2. Definitions	Article 2. Definitions	
Article 3. International obligations of this State relating to procurement [and intergovernmental agreements within (this State)]	Article 3. International obligations of this State relating to procurement [and intergovernmental agreements within (this State)]	
Article 4. Procurement regulations	Article 4. Procurement regulations	
Article 5. Publicity of legal texts	Article 5. Public accessibility of legal texts	Article 5 as preliminarily approved by the Working Group at its twelfth session (A/CN.9/640, paras. 30-34), except for its paragraph (3), which was included in a separate article 6 (see below).
Article 6. Information on forthcoming procurement opportunities		Article 5. Publication of legal texts Paragraph (3)
Article 7. Rules concerning methods of procurement and type of solicitation (new provisions, based on 1994 text)	Articles 18, 17 (a) and (b), 19 (1) (a), 22, 23 (a) and (b), and 37 (2) and (3) (c), and the Guide commentary to article 22 (basis of new provisions)	
Article 8. Communications in procurement	Replaced article 9. Form of communications	Article 5 bis as preliminarily approved by the Working Group at its twelfth session (A/CN.9/640, paras. 17-25).
Article 9. Participation by suppliers or contractors	Article 8. Participation by suppliers or contractors	
Article 10. Qualifications of suppliers and contractors	Article 6. Qualifications of suppliers and contractors Article 10. Rules concerning documentary evidence provided by suppliers or contractors	

Article in the revised Model Law	Corresponding provisions in the 1994 Model Law	New provisions considered by the Working Group
Article 11. Rules concerning description of the subject matter of the procurement	Article 16. Rules concerning description of goods, construction or services	
Article 12. Rules concerning evaluation criteria (new provisions based on 1994 text)	Articles 27 (e), 34 (4), 38 (m), 39 and 48 (3) (basis of new provisions)	
Article 13. Rules concerning the language of solicitation or equivalent documents	Article 17. Language	
Article 14. Securities	Article 32. Tender securities	
Article 15. Prequalification proceedings	Article 7. Prequalification proceedings. Also articles 23, 24 and 25, provisions related to prequalification	
Article 16. Rejection of all submissions	Article 12. Rejection of all tenders, proposals, offers or quotations	
Article 17. Rejection of abnormally low submissions		Based on article 12 bis as preliminarily agreed by the Working Group at its twelfth session (A/CN.9/640, paras. 44-55).
Article 18. Rejection of a submission on the ground of inducements from suppliers or contractors or on the ground of conflicts of interest	Article 15. Inducements from suppliers or contractors	Conflicts of interest (A/CN.9/664, para. 116)
Article 19. Acceptance of submissions and entry into force of the procurement contract	Article 13. Entry into force of the procurement contract Article 36. Acceptance of tender and entry into force of procurement contract	Standstill period (A/CN.9/664, paras. 45-55 and 72)
Article 20. Public notice of awards of procurement contract and framework agreement	Article 14. Public notice of procurement contract awards	
Article 21. Confidentiality (new text, based on 1994 Model Law)	Article 45 (basis of new provisions)	

Article in the revised Model Law	Corresponding provisions in the 1994 Model Law	New provisions considered by the Working Group
Article 22. Record of procurement proceedings	Article 11. Record of procurement proceedings	<p>Paragraph (1) (b) bis as preliminarily approved by the Working Group at its ninth session (A/CN.9/595, para. 49),</p> <p>Paragraph (1) (i) bis, as preliminarily approved by the Working Group at its eleventh and twelfth sessions (A/CN.9/623, para. 100, and A/CN.9/640, para. 91</p> <p>Restructuring of paragraph (3) as suggested at the Working Group's twelfth session (A/CN.9/640, para. 90). The Working Group did not consider in detail the restructured provisions presented in document A/CN.9/WG.I/WP.59.</p>
	Chapter II. METHODS OF PROCUREMENT AND THEIR CONDITIONS FOR USE was deleted (articles 18 and 22 were reflected in new article 7, the remaining articles are in the relevant provisions of chapters III and IV)	
Chapter II. TENDERING PROCEEDINGS	Chapter III. TENDERING PROCEEDINGS	
Articles 23-31	Articles 23-31, with consequential changes.	
	Article 32. Tender securities became article 14. Securities and placed in chapter I. General provisions, in order to make it applicable to all procurement methods	
Articles 32-34	Articles 33-35, with consequential changes.	

Article in the revised Model Law	Corresponding provisions in the 1994 Model Law	New provisions considered by the Working Group
	Article 36. Acceptance of tender and entry into force of procurement contract became article 19 and placed in chapter I. General provisions, in order to make it applicable to all procurement methods	
CHAPTER III. CONDITIONS FOR USE AND PROCEDURES OF RESTRICTED TENDERING, TWO-ENVELOPE TENDERING, AND REQUEST FOR QUOTATIONS	Chapter II, articles 20 and 21; article 42 and other relevant provisions of chapter IV; and chapter V, articles 47 and 50.	
[CHAPTER IV. CONDITIONS FOR USE AND PROCEDURES OF TWO-STAGE TENDERINGS, REQUEST FOR PROPOSALS AND COMPETITIVE NEGOTIATION] [may be deferred]	Chapter II, article 19; articles 43 and 44 and other relevant provisions of chapter IV; chapter V, articles 46, 48 and 49; and relevant provisions from the PFIPs instruments.	
CHAPTER V. CONDITIONS FOR USE AND PROCEDURES OF ELECTRONIC REVERSE AUCTIONS	New	Articles 22 bis and 51 bis to septies (see A/CN.9/WG.I/WP.59, A/CN.9/WG.I/WP.61, para. 17, and A/CN.9/640, paras. 56-89), with consequential changes.
CHAPTER VI. FRAMEWORK AGREEMENTS PROCEDURES	New	Articles 22 ter and 51 octies to quindecies (see A/CN.9/WG.I/WP.62, and A/CN.9/664, paras. 75-110), with consequential changes
CHAPTER VII. REVIEW	Chapter VI as revised at the Working Group's fourteenth session (A/CN.9/664, paras. 19-74)	