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 PRESIDENCE DE LA REPUBLIQUE

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 MINISTERE DES MARCHES PUBLICS

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 MINISTRY OF PUBLIC CONTRACTS

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CIRCULAR LETTER No 000013 /LC/MINMAP/CAB OF 19 OCT 2020

**TO SPECIFY MODALITIES FOR THE APPLICATION OF ARTICLES 90 AND 101 OF THE PUBLIC CONTRACTS CODE WITH REGARD TO INFORMATION ON THE IDENTIFICATION OF SUCCESSFUL BIDDERS OF CONTRACTS FINANCED BY THE COVID-19 FUNDS.**

**THE MINISTER DELEGATE AT THE PRESIDENCY OF THE REPUBLIC IN CHARGE OF PUBLIC CONTRACTS, AUTHORITY IN CHARGE OF PUBLIC CONTRACTS,**

**TO**

- **PROJECT OWNERS ;**
- **DELEGATED PROJECT OWNERS ;**
- **CHAIRPERSONS OF PUBLIC CONTRACTS CENTRAL CONTROL BOARDS;**
- **CHAIRPERSONS OF PUBLIC TENDERS BOARDS.**

In conformity with Section 57 ter (1) of Ordinance No.2020/001 of 3 June 2020 to amend and supplement some provisions of Law No.2019/023 of 24 December 2019 : Finance Law of the Republic of Cameroon for the 2020 financial year, which specifies that the use of the COVID-19 funds shall be subject to the strict application of transparency and good governance rules, and considering the necessity to comply with international standards on the matter, the purpose of this Circular Letter is to spell out the modalities for the application of Articles 90 and 101 of Decree No.2018/366 of 20 June 2018 to institute the Public Contracts Code, with regard specifically to the identification of successful bidders of contracts financed by the said resources.

In this regard, requirements to document the identity of bidders relate to the beneficial owners of individual companies as well as consortiums bidding for contracts financed by the COVID-19 funds.

In practice, each consultation file or document serving the purpose, shall systematically contain a clause urging bidders to provide in their administrative file, a declaration whereby they give information on their beneficial owners. Beneficial owner refers to the natural person(s) who ultimately owns or controls a legal person. It includes those persons who exercise ultimate effective control over a legal person. Reference to "ultimately owns or controls" and "ultimate effective control" refer to situations in which ownership/control is exercised through a chain of ownership or by means of control other than direct control. Any offer of a bidder that does not contain such declaration shall be rejected systematically by the Project Owner or Delegated Project Owner. Furthermore, any statement containing false information, shall expose the bidder involved to the sanctions provided for by the Public Contracts Code.

At the end of the award process of these contracts, the information on the beneficial owners of the successful bidders shall be published at the same time with the results of the award of contracts financed by the COVID-19 funds, by insertion in the public contracts logbook, at the behest of the Project Owners or Delegated Project Owners.

I attach great importance to the observance of the prescriptions of this Circular-Letter whose strict application shall contribute to improving good practices in the area of public contracts.

Yaounde,

19 OCT 2020

THE MINISTER DELEGATE,

IBRAHIM TALBA MALLA

