

**Cour
Pénale
Internationale**

**International
Criminal
Court**

**Administrative Instruction
ICC/AI/2004/004**

Date: 27 April 2004

**COMPOSITION AND TERMS OF REFERENCE FOR THE PROCUREMENT
REVIEW COMMITTEE**

The Registrar, for the purpose of implementing Rule 110.14 of the Financial Rules and Regulations and pursuant to Article 43 of the Rome Statute promulgates the following:

Section 1

Purpose

- 1.1. The purpose of this administrative instruction is to establish the composition, terms of reference and monetary values for the Procurement Review Committee (PRC), which is to advise the Registrar on all procurement actions leading to the award or amendment of procurement contracts. In areas falling under the authority of the Prosecutor, by virtue of Article 42, paragraph 2, of the Rome Statute, the award or amendment shall be authorized upon the request of the Office of the Prosecutor.

Section 2

Procurement Review Committee

- 2.1. The PRC shall be comprised of staff members nominated from each of the following:

Member:	Finance
Member:	Budget
Member:	Legal Advisor Services Section
Member:	Office of the Prosecutor
Member:	Court Management
Member:	Presidency
Secretary:	Associate Legal Officer – Legal Advisory Services Section

The members of the PRC shall nominate the Chairperson from among themselves. All members shall serve for a period of one year and shall be eligible for re-selection for a further one year period.

- 2.2. The PRC shall meet at such times and frequency as may be decided by the Chairperson. The minimum frequency of such meetings shall be once a week unless there are no presentations or other matters for consideration by the PRC. Generally it shall meet in open session unless it decides otherwise, in which case its meetings shall be limited to its members and the Secretary. The quorum of the PRC shall be three members including the Chairperson.

Section 3

Terms of Reference

- 3.1. The PRC shall render advice to the Registrar or his authorized delegate as provided under Financial Rule 110.14. The PRC shall, inter alia, verify and provide advice as to whether the proposed procurement action, including a contract which involves income to the Court, is in accordance with the Court's Financial Rules and Regulations, procedures, administrative issuances and instructions, and whether a recommendation is based on fairness, integrity and transparency. It shall also examine and provide advice regarding the financial implications of any such proposed procurement to ensure that it is in the best interests of the Court and is practical to administer.
- 3.2. Prior to any contractual commitment being made, the PRC shall render written advice to the Registrar on procurement actions leading to the award or amendment of procurement contracts including agreements or other written instruments such as purchases orders and contracts that involve income to the Court subject to the following monetary thresholds:
- (a) When any of the following categories of cases applies to a purchase order or procurement contract, the advice of the PRC and approval of the Registrar shall be obtained prior to any contractual commitment:
 - (i) All contracts to be entered into which involve commitments to a single contractor in respect of a single requisition or series of requisitions received and processed in a financial year which exceeds €50,000.00 or such other amount as may be amended from time to time by the Registrar;

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- (ii) Any amendment, modification or renewal of a contract previously reviewed by the PRC, where the contract amendment or a series of amendments in the aggregate either increases the amount by more than 20% or exceeds €50,000.00 whichever is less;
 - (iii) Any amendment or modification of a contract previously reviewed by the PRC, where in the judgment of the Chief Procurement Officer, the significance of the contract amendment in relationship to the criteria on which the original award was made would significantly affect the procurement process such as the cost and period or duration of the contract;
 - (iv) Any amendment, modification or renewal of a contract not previously submitted to the PRC, where the amount in the aggregate now exceeds €50,000.00; and
 - (v) Any other matter relating to a contract referred to the Committee by the Registrar or a duly designated chief procurement officer under Financial Rule 110.13 (b).
- (b) When any of the following categories of cases applies to a contract, which involves income to the Court, the advice of the PRC and approval of the Registrar shall be obtained prior to any contractual commitment being made:
- (i) Any contractual or series of related contracts which involve income to the Court of €50,000.00 or more, and any contract relating to the activities where the estimated annual income when aggregated with the estimated annual income from any other contract already made with the same purchaser in the same year amounts to €50,000.00 or more;
 - (ii) Any amendment, modification or renewal of a contract which involves income to the Court previously reviewed by the PRC, where any contract amendment or series of amendments in the aggregate either increases the amount by more than 20% or €50,000.00, whichever is less;
 - (iii) Any amendment or modification of a contract which involves income to the Court previously reviewed by the PRC where, in the judgment of the Chief Procurement Officer the significance of the contract amendment in relationship to the criteria on which the original award was made would significantly affect the sale;
 - (iv) Any amendment, modification or renewal of a contract which involves income to the Court not previously submitted to the PRC, where the amount in the aggregate now exceeds €50,000.00; and

- (v) Any other matter relating to a contract, which involves income to the Court, referred to the PRC by the Registrar or a duly designated chief procurement officer under Financial Rule 110.13 (b).

Section 4

Final Provision

- 4.1 This Administrative Instruction shall enter into force on 27 April 2004 and shall remain in force until reviewed or amended by another duly promulgated issuance.
- 4.2 Information Circular number ICC/IC/2003/01 and any other monetary thresholds previously applied are hereby repealed and replaced by this Administrative Instruction.



Bruno Cathala
Registrar