

MdME

LEGAL UPDATE

Macau's New Public Procurement Law (Law no. 10/2025)



Macau's Public Procurement Law ('Law 10/2025'), published in the Official Gazette on 28 July 2025, established a new legal framework for the execution of works, leasing of assets, acquisition of goods or services, and related expenditures by public entities.

It replaces and repeals two previous regulations:

- The Framework for Expenses Related to Works and Acquisition of Goods and Services (Decree-Law No. 122/84/M)
- The Regulations Governing the Process of Acquiring Goods and Services (Decree-Law No. 63/85/M)

Additionally, it supplements the legal regime for public works contracts (Decree-Law No. 74/99/M), which remains a separate, autonomous regime.

Law 10/2025 applies to public procurement carried out by public services in the exercise of their functions, with the exception of (a) contracts for the acquisition of financial services relating to the issue, purchase, sale or transfer of securities or other financial instruments, and related ancillary services, contracts to be concluded by the competent authority in the execution of monetary, exchange rate or reserve

MdME

management policy and the procurement of financial services, and contracts for the exploitation of activities using the exchange rate reserve and financial reserve of the Macau SAR; and also (b) contracts for the procurement of investment advisory services and services for the management of foreign exchange, securities and other instruments and assets traded on international, monetary and capital markets.

It establishes the principles that should govern public procurement, as well as the duties to which workers and members of the tender opening committee and the tender evaluation committee participating in public procurement procedures are subject, and the respective impediments. It should also be noted that, with the exception of the direct award procedure, the two committees referred to above are fully separate and independent, with the tender opening committee being responsible for carrying out all operations related to the public procurement procedure until the public act is closed, while the bid evaluation committee is responsible for assessing, evaluating and ranking bids, preparing the report to be submitted to the contracting authority for evaluation, and carrying out the procedural acts until the award is made.

Under Law 10/2025, there are now five types of procedures for initiating the leasing of goods or the acquisition of goods or services:

1. Public tender;
2. Limited tender by prior qualification;
3. Competitive negotiation;
4. Consultation;
5. Direct agreement.

The entity authorising the opening of the procedure chooses the type of procedure based on the estimated value of the contract award. A public tender procedure is mandatory when the estimated value of the contract award for the lease of goods or the acquisition of goods or services is equal to or greater than MOP 4,500,000. The law defines a common public procurement procedure (e.g. the procedure documents, the composition of the bid opening and evaluation committees, the rules relating to candidates and competitors, the provision of security, the submission of bids and the award) and also establishes the rules to which each type of procedure indicated above is subject.

MdME

The new competitive negotiation procedure (a new feature) comprises the following stages:

1. Announcement;
2. Submission and assessment of applications and selection of candidates;
3. Presentation of initial versions of proposals and public act;
4. Negotiation of proposals;
5. Evaluation of final versions of proposals and award.

Under this new regime (which follows the provisions for public tender and restricted tender procedures by prior qualification), the contracting authority essentially accepts a certain number of bids, then conducts a separate competitive negotiation session with all bidders whose bids have been accepted. However, the negotiations cannot result in prices and overall scores that are less favourable than those initially submitted to the contracting authority, thus introducing a true auction into the public tender.

Law 10/2025 also clarifies the rules relating to the conclusion and content of the contract (which must be in writing when the expenses relating to the lease of goods or the acquisition of goods or services exceed MOP 3,000,000, without prejudice to the exceptions provided for by law), as well as the performance, modification and termination of the contract and the respective penalties for breach of contractual deadlines.

In a substantial change, Law 10/2025 takes the first step towards electronic tender submissions in the near future, by creating an online portal in which contractors can consult all tender pieces and information issued by the Macau Government.

Finally, the law establishes administrative offences for violations of its provisions, as well as rules relating to complaints and administrative appeals against decisions made in the context of public procurement procedures.

Law 10/2025 has updated and harmonised into a single piece of legislation the outdated public procurement regime, excepting matters underlied by an eminently economic and financial judgement, while maintaining the specialised and (still) effective rules of the public works contract regime, and also introducing procedural innovations, such as the autonomy of the bid opening and evaluation committees and

MdME

the competitive negotiation procedure, whose practical application should be closely monitored.

The new Law will come into effect on September 1st, 2026, which provides ample time for completion of ongoing tenders under the outgoing legislation and for preparation by contractors for compliance with the new provisions. Contractors should bear in mind that the Law 10/2025 creates significant changes in tender processes in Macau and tenders under the new law should be prepared and submitted bearing in mind the new rules, under penalty of exclusion.

Our Contributors:



José Leitão
Partner
jose.leitao@mdme.com
[Visit Profile](#)



José Filipe Salreta
Senior Associate
jose.salreta@mdme.com
[Visit Profile](#)



Mandy Fu
Senior Associate
mandy.fu@mdme.com
[Visit Profile](#)