

Royal Decree No. 19/2011
Amending Some Provisions of the Tender Law

We, Qaboos bin Said,

Sultan of Oman

Having perused the Basic Law of the State promulgated by Royal Decree No. 101/96;

And the Tender Law issued by Royal Decree No. 36/2008;

And as per the exigencies of the public good;

Have decreed as follows

Article One: Introduces the attached amendments to the aforesaid Tender Law.

Article Two: Cancels all that contradicts the decree or contravenes with its provisions.

Article Three: The decree takes effect from the day following its date of publishing.

Issued on: 23rd of Rabi' Awwal 1432 AH

CT: 27th of February 2011 AD

Qaboos bin Said

Sultan of Oman

Amendments of Some Provisions of the Tender Law

First:

- 1) A new paragraph shall be added to the definitions mentioned in Article (1) of the Tender Law abovementioned after the definition of the (Secretariat General). It shall read as follows:

Secretary General: Secretary General of the Tender Board

- 2) Two new Articles shall be added to the Tender Law. They shall read as follows:

Article (10 bis)

The Secretary General shall replace the Board Chairman in his absence or in case of emergency in steering the financial and administrative affairs of the Board.

Article (10 bis - 1)

The Secretariat General shall:

- A- Perform all executive actions for the plans and policies set by the Board.
- B- Supervise all procedural and executive tasks of the Board.
- C- Review the technical specifications, conditions, and instructions submitted by the competent bodies and verify their efficiency. It may seek the assistance of technical expertise from inside or outside the Sultanate.
- D- Announce tenders, receive bids from suppliers, contractors and consultant offices, open their envelopes, review them or refer them to the competent bodies for study and analysis.
- E- Supervise tender box, open it on the day set for bid submission and show its contents to the Board.
- F- Receive, review and evaluate the results of bid study and analysis from the competent authorities and show them to the Board.
- G- Coordinate between the Chairman and the members to arrange meetings, prepare the subjects to be presented to the Board, insert them in the agenda, and apply the decisions and policies.
- H- Follow up the meetings of the Board, draft its decisions, circulars, and messages, and prepare the minutes.
- I- Take the negotiation procedures in all tenders subject to the provisions of Article (33) of this Law.
- J- Perform all executive functions for the exercising committees formed by the Board as per Article (51) of this Law as well as the ad hoc committees.
- K- Provide technical advice on procedural and executive issues related to the tenders to the internal tender committees at the competent bodies and Salalah Tender Committee.
- L- Classify and register the suppliers, contractors, and consultancy offices as per the provisions of the regulation stipulated in Article (8-D) of this Law.
- M- Determine the prices of conditions and specification copies of all tenders subject to the provisions of this Law after the approval of the Ministry of Finance.

- N- Prepare the studies, research and reports on the issues related to tenders.
- O- Supervise the application of financial and administrative procedures as per the applicable laws.
- P- Prepare the annual budget as per the applicable financial statements.
- Q- Qualify and train board employees.
- R- Perform any other functions requested by the Board.

Second:

The texts of Articles (2), (8) and (10), the third paragraph of Article (12), Article (33), (33), (39), first paragraph of Article (50), and first paragraph of Article (51) of the Tender Law referred to shall be replaced by the following texts:

Article (2)

The provisions of this Law applies to the units of State Administrative Apparatus, public authorities and establishments, independent companies with juristic capacity fully owned by the government except the units of security, defence, the units that apply the law of the financial system of Diwan of Royal Court, and any other governmental bodies to be mentioned in any other law.

Article (8)

The responsibility of all tenders shall be entrusted to a tender board to be formed pursuant to a Royal Decree. The Board shall:

- A- Determine the method for floating tenders according to the data and specifications provided by the competent authorities.
- B- Review the reports prepared by the Secretariat General and take the required decisions in their regard.
- C- Form tender committees all over the Sultanate and determine their competencies in coordination with the competent authorities.
- D- Approve the regulation that sets the general conditions for the classification and registration of suppliers, contractors, and consultant offices as well as the registration fees after the approval of the Ministry of Finance.
- E- Reevaluate the suppliers, contractors, and consultant offices mentioned above in (L) of (10 bis 1) of this Law and inform them of the reports on violations or omission in performing their tasks the Board may receive and impose applicable penalties on them.
- F- Perform any other functions stipulated in any other law.

Article (10)

The Board shall have the juristic capacity and financial and administrative independence. It shall have a secretariat general under the supervision of the Chairman.

The Chairman shall have all financial and administrative powers stipulated for the head of the administrative unit as per the royal decrees and laws applicable to the units of State Administrative Apparatus.

A royal decree shall be issued to endorse the organizational structure of the Board and its Secretariat General.

The Chairman shall issue the personnel regulation at the Board and Secretariat General without abiding by the provisions of the Civil Service Law and its executive regulation after the approval of the Ministry of Finance.

Article (12)

(Third Paragraph) The deputy chairman shall replace him in case of his absence or emergency in chairing the meetings.

Article (33)

After opening the envelopes, it is not allowed to hold negotiations with any of the bidders to modify such bid unless the lesser bid is related to reservation(s).

There may be negotiations with the lowest bidder on whose bid there are reservations so that he can remove all or some of them so that his bid becomes as much as possible in line with the tender conditions. If he refuses these negotiations, the next lowest bidder with reservations can be approached. No modification negotiation with a bidder shall be held unless such modification is refused by all bidders lower than him.

Article (39)

- 1) Tenders shall be cancelled by a justifiable decision from the Board after they have been floated and before being decided if it is entirely discarded or if the exigencies of public good so require. The Board may also cancel tenders according to the recommendation of the competent authority in any of the following cases:
 - A- If only one bid is submitted or if only one bid is left after the cancelled bids.
 - B- If all or most bids are accompanied with essential reservations.
 - C- If the value of the lowest bid is more than the market value.
- 2) Tenders may be cancelled after the awarding decision and before signing the contract by justifiable decision from the Board if the exigencies of public good so require or according to the recommendations of the competent authority provided that such recommendations mention the reasons for cancellation.

Article (50)

(First Paragraph) Purchase of items, execution of works, transportation, provision of services or consultancy studies, and technical works can be done through practice through negotiation to get the best offers at the lowest prices in special cases or in any of the following cases:

Article (51)

(First Paragraph) Practice shall be done by a committee formed by the Board under the chairmanship of one of its members and the membership of the Secretary General of the Ministry of Finance, the representative of the competent authority, and a competent employee whose job and technical expertise is in line with the importance and type of practice. This committee shall decide the result of negotiations and taking the awarding decision.

