

ROYAL DECREE

No. 19 / 2011

Amending Certain Provisions of the Tenders Law

We, Qaboos bin Said,

Sultan of Oman,

Having perused the Basic Statute of the State issued by Royal Decree No. 101 / 96,

And the Tenders Law issued by Royal Decree No. 36 / 2008,

And in pursuance of the public interest,

Have decreed as follows

Article (1)

The attached amendments are hereby made to the aforementioned Tenders Law.

Article (2)

All that is contrary to, or in conflict with, the provisions of this decree shall be repealed.

Article (3)

This decree shall be published in the Official Gazette and shall come into force on the day following the date of its publication.

Issued on: 23 Rabi' al-Awwal 1432 AH

Corresponding to: 27 February 2011 CE

Qaboos bin Said

Sultan of Oman

Amendments to Certain Provisions of the Tender Law

Firstly:

1. A new paragraph is added to the definitions contained in Article (1) of the aforementioned Tenders Law, to follow the definition of "the General Secretariat", with the following text:

"The Secretary-General: The Secretary-General of the Tenders ~~Board~~ Council."

2. Two new articles are added to the aforementioned Tenders Law with the following texts:

Article (10 bis)

The Secretary-General shall deputize for the Chairman of the ~~Board~~ Council in managing the administrative and financial affairs of the ~~Board~~ Council in the event of his absence or the existence of an impediment.

Article (10 bis 1)

The General Secretariat shall be competent for the following:

- a. Carrying out all executive works for the plans and policies formulated by the ~~Board~~ Council.
- b. Supervising all procedural and executive works entrusted to the ~~Board~~ Council.
- c. Reviewing the technical specifications, conditions, and instructions submitted by the concerned entities and verifying their sufficiency, and it may seek the assistance of technical expertise from within or outside the Sultanate of Oman for this purpose.
- d. Announcing tenders, receiving bids from suppliers, contractors, and consultancy firms, opening their envelopes, studying them, or referring them to the competent entities for study and analysis.
- e. Supervising the ~~tenders~~ tender's box, opening it on the specified day for bid submission, and presenting its contents to the ~~Board~~ Council.

f. Receiving the results of the study and analysis of bids from the concerned entities, reviewing them, evaluating them, and presenting them to the Board Council.

g. Coordinating between the Chairman of the Board Council and its members to arrange meetings, prepare matters to be presented to the Board Council, include them in the agenda, and implement the decisions and policies.

h. Following up on the Board Council's meetings, drafting decisions, circulars, and letters, and preparing meeting minutes.

i. Taking negotiation procedures for all tenders subject to the provisions of Article (33) of this Law.

j. Carrying out the executive works for the Practice Committees formed by the Board Council in accordance with Article (51) of this Law, as well as committees formed by the Board Council for matters of a special nature.

k. Providing technical advice on procedural and executive matters related to tenders to the Internal Tenders Committees in the concerned entities and the Salalah Tenders Committee.

l. Classifying and registering suppliers, contractors, and consultancy firms in accordance with the provisions of the regulatory bylaw stipulated in paragraph (d) of Article (8) of this Law.

m. Determining the price of copies of the terms and specifications for all tenders subject to the provisions of this Law after the approval of the Ministry of Finance.

n. Preparing studies and research and conducting seminars, conferences, and media campaigns to combat the crime of human trafficking and protect the victims.

o. Supervising the implementation of financial and administrative procedures in accordance with the applicable laws.

p. Preparing the annual budget in accordance with the applicable financial bulletins.

q. Qualifying and training the Board Council's employees.

r. Any works assigned to it by the Board Council.

Secondly:

The texts of Articles (2), (8), (10), the third paragraph of Article (12), (33), (39), the first paragraph of Article (50), and the first paragraph of Article (51) of the aforementioned Tenders Law are replaced by the following texts:

Article (2)

The provisions of this Law shall apply to the units of the State Administrative Apparatus, public bodies and establishments, and independent corporate companies wholly owned by the Government, with the exception of the security and defense units and the units applying the law concerning the financial system of the Diwan of the Royal Court, or any other Governmental entity whose exception is provided for in any other law.

Article (8)

The responsibility for all tenders shall be undertaken by a Tenders Board Council, the formation of which shall be issued by a Royal Decree, and it shall be competent for the following:

a. Determining the method of tender issuance according to the data and specifications submitted by the concerned entities.

b. Considering the reports prepared by the General Secretariat and taking decisions regarding them.

c. Forming tender committees in the various parts of the Sultanate of Oman and determining their competencies in coordination with the concerned entities.

d. Approving the regulatory bylaw that specifies the general conditions for classifying and registering suppliers, contractors, and consultancy firms and determining the registration fees after the approval of the Ministry of Finance.

e. Re-evaluating the suppliers, contractors, and consultancy firms mentioned in paragraph (l) of Article (10 bis 1) of this Law and notifying them of any reports received by the Board~~Council~~ from the concerned entities regarding violations or shortcomings in the execution of works assigned to them and applying the penalties stipulated by the Law.

f. Any other competencies stipulated in any other law.

Article (10)

The Board~~Council~~ shall enjoy corporate personality and financial and administrative independence, and it shall have a General Secretariat supervised by the Chairman of the Board~~Council~~.

The Chairman of the Board~~Council~~ shall have all the financial and administrative powers accorded to the head of an administrative unit in accordance with the Royal Decrees and laws applicable to the units of the State Administrative Apparatus.

The organizational structure of the Board~~Council~~ and its General Secretariat shall be approved by a Royal Decree.

The Chairman of the Board~~Council~~ shall issue regulations for the employee affairs of the Board~~Council~~ and the General Secretariat without being bound by the provisions of the Civil Service Law and its executive regulations, after the approval of the Ministry of Finance.

Article (12)

(Third Paragraph) The Vice-Chairman of the Board~~Council~~ shall deputize for the Chairman in chairing the Board ~~Council~~'s meetings in the event of his absence or the existence of an impediment preventing him from chairing the meeting.

Article (33)

After the opening of envelopes, it is not permissible to enter into negotiation with any of the bidders regarding amending his bid except if the lowest bid is accompanied by a reservation or reservations.

Negotiation may be conducted with the bidder of the lowest bid accompanied by reservations so that he withdraws all or some of his reservations, making his bid as consistent as possible with the tender conditions. If he refuses, negotiation may be conducted with the next bidders whose bids are accompanied by reservations, provided that negotiation for amendment is not conducted with a bidder unless all bidders lower than him refuse this amendment.

Article (39)

1. Tenders shall be canceled by a reasoned decision from the Board~~Council~~ after their announcement and before adjudication if they are permanently dispensed with or if the public interest so requires. The Board~~Council~~ may also cancel tenders based on a recommendation from the concerned entity in any of the following cases:

- a. If a single bid is submitted, or if only one bid remains after the excluded bids.
- b. If all bids or most of them are accompanied by substantive reservations.
- c. If the value of the lowest bid exceeds the market value.

2. Tenders may be canceled after the issuance of the award decision and before signing the contract by a reasoned decision from the Board~~Council~~ if the public interest so requires, or based on a recommendation from the concerned entities, which must clarify to the Board~~Council~~ the reasons upon which their request for cancellation is based.

Article (50)

(First Paragraph) The purchase of items, execution of works, transportation, or provision of services, consultancy studies, and technical works may be made through practice by means

of negotiation to obtain the best offers at the lowest prices in special cases or in any of the following circumstances:

Article (51)

(First Paragraph) Practice shall be undertaken by a committee formed by the Board~~Council~~, chaired by one of its members and comprising the membership of the Secretary-General of the Ministry of Finance, a representative of the concerned entity, and a specialized employee whose function and technical expertise are commensurate with the importance and type of the practice. This committee shall be competent for adjudicating the result of the negotiation and taking the award decision.