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## **Translation for Government Procurement Regulation**

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

## Translation for Government Procurement Regulation

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## **Translation for Government Procurement Regulation**

### **Abstract**

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This is an English translation for the draft Government Procurement Regulation, as requested by the National Procurement Committee.

**Abbreviations and Acronyms**

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AMIR	Achievement of Market-Friendly Initiatives and Results Program
IBLAW	International Business Legal Associates

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## **Translation for Government Procurement Regulation**

### **Executive Summary**

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IBLAW was requested to provide translation for the draft Government Procurement Regulation. IBLAW translated the draft without contributing to its drafting. In translating the draft from Arabic to English, IBLAW used the same terminology used under UNCITRAL Model Government Procurement Code.

**Regulation No ( ) for the Year 2005  
Government Procurement Regulation**

Issued in accordance with Articles (114) and (120) of the Constitution

**Article (1) Name of Regulation**

This Regulation shall be known as the (Government Procurement Regulation for the Year 2005) and shall come into effect as of the date of its publication in the Official Gazette.

**Chapter I**

**Definitions General Provisions**

**Article (2) Definitions**

The following words and phrases wherever used in this Regulation shall have the meanings ascribed thereto hereunder unless the context indicates otherwise:

- Ministry** : The Ministry of Finance or the Ministry of Public Works, As the case may be.
- Minister** : The Minister of Finance with regards to the General Supplies Department and the Minister of Public Works with regards to the Government Tenders Department.
- Competent Minister** : The minister with regards to his/her ministry and the departments connected thereto. For purposes of this Regulation, the phrase “Relevant Minister” shall include:  
A-Prime Minister, with regards to the Prime Ministry and the bodies connected thereto.  
B-Secretary General of the Hashemite Royal Court with regards to the Hashemite Royal Court.  
C-Chairman of the Upper House of Parliament (Senate) with regards to the Upper House of Parliament and the administration of the joint Services for Parliament.  
D-Chairman of the Lower House of Parliament with regards to the Lower House of Parliament.  
E-President of any Governmental Institution or chairman of its board of directors who performs the powers of the minister in his department pursuant to the pertinent laws and regulations.
- Commission** : Higher Procurement Commission established pursuant to Regulation No. (50) of 1994.
- Government Tenders Department** : Government Tenders Department established pursuant to Article (10) of this Regulation.
- General Supplies Department** : General Supplies Department established pursuant to Article (13) of this Regulation.
- Department** : Government Tenders Department or General Supplies

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- Department, as the case may be.
- Government Institution** : Any ministry, department, authority, public commission, public official institution, or public university, including municipalities.
- Municipality** : Any municipality established pursuant to the enacted Municipalities Law, including Amman Greater Municipality.
- Director General** : Director General of the Government Tenders Department or the General Supplies Department, as the case may be.
- Secretary General** : Secretary general, director general or chairman of the Government Institution who does not perform the powers of the minister.
- Procurement Committee** : Any of the committees referred to in Article (72) of this Regulation which are competent in carrying out the procuring process according to the provisions of this Regulation.
- Works** : All work related to the construction, reconstruction, demolition, repair or renovation of a building, structure or utilities, or Works such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing, as well as Services incidental to construction such as drilling, mapping, satellite photography, seismic investigations and similar Services provided pursuant to the Procurement Contract, if the value of those Services does not exceed that of the Works itself.
- Supplies** : Movable property necessary for any Government Institution, their maintenance and insurance thereof, including raw materials, products and equipment, and objects in solid, liquid or gaseous form, and electricity, as well as Services incidental to the provision of such Supplies if the value of those incidental Services does not exceed that of the Supplies themselves.
- Common Use Supplies** : Supplies that are usually used by a major number of Government Institutions.
- Special Supplies** : Supplies, the use of which are usually limited to a certain Government Institution or some institutions, whereby such Supplies play a major role in achieving the Institution's objectives and enabling such to perform its activities.
- Services** : Any object of Procurement other than Supplies or Works, including Services pertaining to conducting studies, designs, supervision, training, planning or provisions of consultancies including engineering, intellectual, financial, legal, managerial, economic, environmental, health, social and inspection and testing

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- Services in addition to the necessary equipment, tools, machinery and apparatus, if the value of those tools and equipment do not exceed that of the Services themselves.
- Project** : The particular activity, to which allotments are allocated in the General Budget Law or the Government Institution's budget, or the activity funded by a particular entity pursuant to a special agreement.
- Procured Items** : The Government Institution's procured Works, Supplies and Services, as the case may be.
- Procurement** : The acquisition by any means in accordance with this provisions of this Regulation, including but not limited to purchase, leasing and rental, of Supplies, Works or Services.
- Procurement Proceedings** : The proceedings conducted by the Government Institution or the Procurement Committee in order to procure, starting with the initiation of the Procurement process and ending with the delivering of Procured Items in accordance with the provisions of this Regulation.
- Classification** : Classifying Contractors, Suppliers, Consultants or Service Providers within classes or grades according to the administrative, technical and financial qualifications, equipment and experience and any other requirements stipulated in this Regulation and the instructions issued pursuant thereto.
- Prequalification for a certain Tender or Project** : Verifying that the participants in the qualification meet the criteria necessary according to the requirements set in the qualification documents, including their technical, administrative and financial capabilities, experience and the volume of their commitment and capability to perform, and any other requirements stipulated in this Regulation and the instructions issued pursuant thereto.
- Prequalification Bidder** : The prequalification for a certain Project.  
: Any natural or juridical person participating or conducting any act indicating its desire to participate in Procurement process.
- Contractor** : Any natural or juridical person party to or may be a party to a contract with the Government Institution for the execution of Works.
- Supplier** : Any natural or juridical person party to or may be a party to a contract with the Government Institution for the provision of Supplies.
- Consultant** : Any natural or juridical person party to or may be a party to a contract with the Government Institution for the provision of Technical Services.
- Service Provider** : Any natural or juridical person party to or may be a party to a contract with the Government Institution for the

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	Ordinary Services.
<b>Consultant</b>	: Technical Consultant or Service Provider, as the case may be.
<b>Vendor</b>	: The Contractor, Supplier, Consultant or Service Provider, as the case may be.
<b>Bidding Documents</b>	: All the documents and papers pertaining to the Tender other documents for solicitation of bids, including the invitation to Tender, the general and specific conditions, specifications, drawings, forms and any other document in relation to the Tender. Such documents are the documents prepared for Procurement according to any of the methods stipulated in this Regulation.
<b>Tender</b>	: Open Tender.
<b>Local Tender</b>	: A Tender, in which Jordanian Bidders are only allowed to participate.
<b>International Tender</b>	: A Tender, in which Jordanian and non-Jordanian Bidders are allowed to participate in accordance with the provisions of this Regulation.
<b>Successful Bid</b>	: The bid evaluated in accordance with the evaluation criteria mentioned in the Procurement transaction to be the first ranked bid amongst the bids submitted.
<b>Procurement Contract</b>	: A contract between the Procuring Entity and the Vendor who will execute the Procurement Proceeding in accordance with the provisions of this Regulation.
<b>Procuring Entity</b>	: Any procuring Government Institution requesting Procurement.
<b>Competent Procuring Entity</b>	: Government Institution, Department or the committee performing the Procurement Proceedings, as the case may be, in accordance with the authorities specified in this Regulation.
<b>Small and Medium Enterprise</b>	: Any institution which is owned and run by an independent person and its confederates, and which does not have a controlling position in its field of business in relation to government contract as it pertains to type of product in the local market as to prices and produced quantities. Such institution shall have (1-50) personnel.

### **Article (3) Implementing and Interpreting the Regulation**

The implementation and interpretation of this Regulation shall be guided by the following the basic principles:

A-Promoting transparent, efficient and economic purchases during the Procurement processes;

B-Providing a fair opportunity to all Bidders.

C-Enhancing the patriotic sentiment and sense of responsibility and accountability for

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persons and entities concerned in the implementation of this Regulation and the instructions issued pursuant thereto.

D-Promoting the capacity of the public sector to conduct Procurement Proceedings, and of the private sector to participate in Procurement processes.

E-Preventing fraud, corruption, malpractice and any other proceeding, act or practice that distorts the Procurement processes.

### **Article (4) Scope of Application**

The provisions of this Regulation shall apply to all of the Government Institutions' Procured Items, with the exception of the following Procured Items:

A- Security Procured Items of the Armed Forces;

B- Security Procured Items of the Public Security Directorate and the Civil Defense Directorate;

C- The Procured Items of the Aqaba Special Economic Zone Authority;

D- The Procurement processes relating to internal or external national security, provided that such is specified by a decision of the Council of Ministers.

### **Article (5) Procurement according to Agreements and Treaties**

A- To the extent that this Regulation conflicts with Procurement rules of a donor or funding agency, the application of which is mandatory pursuant to an obligation entered into by the Jordanian Government, the requirements of those rules shall prevail in the Procurement processes.

B- To the extent that this Regulation conflicts with Procurement rules according to trade protocols and agreements concluded between the Government of the Hashemite Kingdom of Jordan and Arab and foreign governments and entities and other international and regional entities or organization, the requirements of such protocols and agreements shall prevail in the Procurement processes.

## **Establishment of Entities that Supervise Procurement Process**

### **Article (6) The Regulation of Higher Procurement Commission**

The Higher Commission for Government Procurement shall have financial and administrative autonomy and shall have its own employees, personnel and technical, legal and financial consultants.

A- The administrative units necessary to manage its affairs shall be established in the Commission including directorate and divisions. The authorities and functions of such directorates and divisions shall be specified in instructions issued by the Chairman of the Commission and shall be published in the Official Gazette.

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B- The Chairman of the Commission may establish subdivisions in the divisions and shall specify the tasks entrusted therewith, and shall be entitled to cancel or merge any thereof.

### **Article (7) Functions and Powers of the Commission**

The Commission shall perform the following functions and powers, in addition to the powers entrusted therewith pursuant to any enacted legislation:

A-Setting the general policy for Procurement and setting the means to execute such policy, in coordination with the relevant bodies.

B-Monitoring the performance of the Government Institutions and persons performing Procurement Proceedings, including the entities excluded pursuant to Article (4) of this Regulation to ensure the compliance with the provisions of the enacted legislation.

C-Enhancing Procurement Proceedings through increasing the capacity and efficiency of Government Procurement.

D-Preparing drafts of regulation relating to Procurement processes, including the amendment of Procurement thresholds for Procurement Committees, and submitting such amendments to the Council of Ministers in order to take the necessary legal procedures thereon.

E-Unifying the general and specific conditions for the contracting contract and Technical Services agreements, the terms of reference and bidding proceedings, and developing such conditions and proceedings according to the provisions of this Regulation and the enacted laws, regulations and instructions.

F-Monitoring the technical aspects of the Procurement Proceedings and the persons working in Procurement.

G-Conducting economic studies on Procurement processes and studying the anticipated future needs in order to enable it from preparing mid and long term policies in relation to Procurement.

H-Creating, classifying and updating a database for Procurement processes and providing ministries and Government Institutions with such data and information in order to uplift and advance Procurement processes.

I-Setting and developing a policy to apply modern information and communications technology on Procurement in Government Institutions through coordinating with the relevant bodies.

J-Developing human resources and uplifting the professional capacity of persons working in Procurement, including preparing training courses and programs.

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K-Reviewing grievances submitted by Bidders according to the provisions of this Regulation.

L-Issuing the instructions necessary to implement the provisions of this Regulation, including the instructions pertaining to qualifying the required arbitrators, setting a list of their qualifications and certifying such.

M-Following up on the implementation of international agreements pertaining to government Procurement.

### **Article (8) Functions and Powers of the Commission Chairman**

The Commission Chairman shall assume the following functions and powers, in addition to any other functions entrusted therewith pursuant to other legislation:

- A- Execute the general policy of the Commission.
- B- Supervise the Commission's executive body to ensure good performance therein.
- C- Sign on behalf of the Commission in the financial, administrative and judicial affairs.
- D- Prepare the annual estimated budget of the Commission and submit such to the Council of Ministers for approval.
- E- Prepare the annual report of the activities of the Commission, its budget and year-end accounts for the ended fiscal year and submitting such to the Council of Ministers.
- F- Any other functions assigned thereto pursuant to the provisions of this Regulation and the instructions issued pursuant thereto or assigned thereto by the Prime Minister.

### **Article (9) Representation of the Commission Before Others**

- A- The Commission Chairman shall represent the Commission with third parties.
- B- The Commission Chairman may delegate any of his powers stipulated in this Regulation and the instructions issued pursuant thereto to the vice-chairman or any of the Commission's senior employees, provided that the delegation is in writing and specific.

### **Article (10) Establishment of the Government Tenders Department**

- A- A Department known as the "Government Tenders Department" shall be established in the Kingdom with financial and administrative autonomy and shall have its own employees, staff and legal, technical and financial consultants.
- B- The headquarters of the Government Tenders Department shall be in Amman, and it may establish branches or offices around the Kingdom.
- C- The Government Tenders Department shall be connected to the Minister of Public Works and Housing.
- D- 1- Directorates and divisions shall be established within the Government Tenders Department to manage its affairs. The powers and duties of such shall be specified pursuant to instructions issued by the Minister of Public Works and Housing, upon the recommendation of the Director General. Such instructions shall be published in the

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Official Gazette.

2- The Director may create subdivisions within divisions and specify the functions entrusted therewith, as well as repeal or merge any thereof.

E- The Minister may, upon the recommendation of the Director General, nominate one of the senior employees of the General Tenders Department as a vice Director General to assist him in the administration of the Department and to assume his position in case of absence or vacancy of post. The Director General may delegate such vice in writing to chair the meetings of the central procurement committees in special and specific cases or in a specific Tender.

### **Article (11) Functions of the Government Tenders Department**

The Tenders Department shall assume the functions and powers entrusted therein in accordance with the provisions of this Regulation and the instructions issued pursuant thereto, including the following:

- A- Participate in the setting of the general policy for executing Works and Services and in determining the means to implement such policy.
- B- Follow up on the classification of Contractors and Technical Consultants in coordination with the relevant authorities; keep the information relating thereto and to their works to classify them for purposes of working within the Kingdom and abroad.
- C- Review and audit the Works and Services Bidding Documents to verify their compliance with the provisions of this Regulation and the instructions issued pursuant thereto; and collect, keep and analyze information related to Tenders.
- D- Collaborate with the Commission and coordinate with the competent departments and bodies and Government Institutions in conducting training courses and seminars to improve the skills of workers in the field of Works and Technical Services Tenders.
- E- Provide the Government Institutions with opinion and consultation in relation to Works and Technical Services Tenders.
- F- Participate in the execution of the agreements and protocols concluded between the Kingdom and any international entities related to the submission and awarding of Works or Technical Services Tenders subject to the provisions of this Regulation.
- G- Provide secretariat services to the central Tenders committees related to Works or Technical Services and any committees or entities formed to regulate the constructions or technical services sector.
- H- Issue periodical publications related to Technical Services and the construction sector, including construction materials and work item prices.
- I- Any other functions entrusted with the Tenders Department pursuant to the provisions of this Regulation or the instructions issued pursuant thereto.

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### **Article (12) Legal Succession of the Government Tenders Department**

- A- As of the date of effectiveness of the provisions of this Regulation, the Government Tenders Department shall become the legal and factual successor of the Government Tenders Department established pursuant to the Government Works Regulation No (71) for the Year 1986, and shall replace it in the ownership of its funds and assets in all their kinds and shall incur all its obligations.
- B- All employees, consultants and personnel of the Government Tenders Department established pursuant to the Government Works Regulation No (71) for the Year 1986 shall be transferred to the Government Tenders Department established pursuant to the provisions of this Regulation, and their services shall be considered a continuation of their previous services.

### **Article (13) Establishment of the General Supplies Department**

- A- A Department known as the “General Supplies Department” shall be established in the Kingdom with financial and administrative autonomy and shall have its own employees, staff and legal, technical and financial consultants.
- B- The headquarters of the General Supplies Department shall be in Amman, and it may establish branches or offices around the Kingdom.
- C- The General Supplies Department shall be connected to the Minister of Finance.
- D- 1- Directorates and divisions shall be established within the General Supplies Department to manage its affairs. The powers and duties of such shall be specified pursuant to instructions issued by the Minister of Finance, upon the recommendation of the Director General. Such instructions shall be published in the Official Gazette.  
2- The Director may create subdivisions within divisions and specify the functions entrusted therewith, as well as repeal or merge any thereof.
- E- The Minister may, upon the recommendation of the Director General, nominate one of the senior employees of the General Supplies Department as a vice Director General to assist him in the administration of the Department and to assume his position in case of absence or vacancy of post. The Director General may delegate such vice in writing to chair the meetings of the central procurement committees in special and specific cases or in a specific Tender.

### **Article (14) Functions of the General Supplies Department**

The General Supplies Department shall assume the functions and powers authorized to it pursuant to the provisions of this Regulation and the Instructions issued pursuant thereto, including the following:

- A- Participate in laying out the general policy for the Supplies and Ordinary Services administration and the implementation procedures for such policy.
- B- Follow up on the classification of Suppliers and Ordinary Consultants and providers

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of information technology providers and suppliers in coordination with the relevant authorities; keep the information relating thereto and to their works to classify them for purposes of working within the Kingdom and abroad.

- C- Maintain Common and excess Supplies of any Government Institutions and store them in the central warehouses to distribute them to the other institutions as required, or to exchange them among these Institutions.
- D- Review and audit the Supplies and Services Bidding Documents to verify their compliance with the provisions of this Regulation and the instructions issued pursuant thereto; and collect, keep and analyze information related to Tenders.
- E- Conduct studies required to develop Supplies management.
- F- Maintain standard specifications for Common Use Supplies.
- G- Provide the Government Institutions with advise and consultation in relation to Supplies and Ordinary Services Tenders and administration.
- H- Collaborate with the Commission and coordinate with competent departments and bodies and Government Institutions in conducting training courses and seminars to improve the skills of workers in the field of Supplies and Ordinary Services.
- I- Conduct Supplies inventory in Government Institutions whenever the General Supplies Department finds it necessary.
- J- Participate in the execution of the agreements and protocols concluded between the Kingdom and any international entities related to the submission and awarding of Supplies or Ordinary Services Tenders subject to the provisions of this Regulation.
- K- Maintain Registers for the durable Supplies used for long periods.
- L- Cooperate with the Government Institutions to improve the means and methods related to managing Supplies.
- M- Provide secretariat Services to the central Tenders committees related to Supplies or Ordinary Services.
- N- Any other functions entrusted with the General Supplies Department pursuant to the provisions of this Regulation or the instructions issued pursuant thereto.

### **Article (15) Legal Succession of the General Supplies Department**

- A- As of the date of effectiveness of the provisions of this Regulation, the General Supplies Department shall become the legal and factual successor of the General Supplies Department established pursuant to the Supplies Regulation No (32) for the Year 1993, and shall replace it in the ownership of its funds and assets in all their

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kinds and shall replace it in all its obligations.

- B- All employees, consultants and personnel of the General Supplies Department established pursuant to the Supplies Regulation No (32) for the Year 1993 shall be transferred to the General Supplies Department established pursuant to the provisions of this Regulation, and their services shall be considered a continuation of their previous services.

### **Article (16) Appointment of the Director General**

The Director General of the Government Tenders Department and the General Supplies Department shall be appointed by a decision of the Council of Ministers, upon the recommendation of the Minister, provided that such decision is endorsed by a Royal Decree. Their services shall be terminated in the same manner.

### **Article (17) Duties of the Director General**

A- The Director General of the Department shall assume the following functions and powers, each within their own jurisdiction:

- 1- Execute the Department's general policy.
- 2- Supervise the Department's executive staff to ensure the well performance thereof.
- 3- Sign on behalf of the Department in the financial, judicial and administrative matters.
- 4- Prepare the Department's draft annual budget.
- 5- Prepare the annual report on the Department's activities, its annual budget and end-of-year accounts for the previous financial year.
- 6- Any other functions entrusted therewith pursuant to the provisions of this Regulation or the instructions issued pursuant thereto, entrusted therewith by the Minister.

B- The Director General shall represent the Department with third parties.

C- The Director General may delegate any of his powers stipulated in this Regulation or the instructions issued pursuant thereto to his deputy or any senior employee of the Department, provided that such delegation is specific and in writing.

## **Common Provisions**

### **Article (18) Planning Procurement**

A- Every Government Institution, to which the provisions of this Regulation apply, shall prepare a plan inclusive of its future needs of items to be procured for a period not less than one year, with a view to rationalizing public expenditures and achieving the maximum value for such expenditure.

B- Every Government Institution shall prepare the plan referred to in Paragraph (a) of this Article at least one month prior to the end of the financial year, and shall send a copy thereof to the Commission and the Department within (14) days from the date of preparing such plan.

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C- The Government Institution shall publish a summary of the Procurement plan prepared in accordance with the provisions of Paragraph (A) of this Article which includes the Procurement transactions that it wishes to undertake and the expected date of conducting each transaction.

### **Article (19) Prerequisite Steps for Initiating Procurement Proceedings**

Procuring Entities shall, when devising the Procurement plan, take into account the following factors and steps as appropriate under the circumstances:

- A- Identification and assessment of the need for the Procurement.
- B- Designation of Procurement planning through specialized team(s).
- C- Conducting market research in order to identify various technical solutions to identify the range of available Bidders, and to determine the most favorable contractual and guarantee terms available in the market.
- D- Studying acquisition history for Procurement processes to be planned.
- E- Conducting feasibility studies for the Procurement process and other studies deemed necessary.
- F- Defining and describing the Procurement process requirements.
- G- Objective estimation of the cost of a proposed Procurement based on Paragraphs (a-g) of this Article and other factors as referred to in Article (25) of this Regulation.
- H- Identification of the sources and amount of financing.
- I- Selection of the appropriate Procurement and contracting methods.
- J- Determination of the administration and financial resources required to administer and execute the contracts.

### **Article (20) Selection of Appropriate Procurement Method**

The Competent Procuring Entity shall, based on the Procurement plan, determine the appropriate Procurement and contracting approach and structure to be utilized for any given Procurement process, taking into account the use of standard contract forms promulgated according to the provisions of this Regulation.

### **Article (21) Procurement Bases and Principles**

Subject to the provisions of this Regulation, the following bases and principles shall be taken into account when performing any Procurement process:

- A- No Tender or Procurement through any other method shall be offered prior to ensuring that the availability of financial allocations for its execution or the Council of Ministers commits to providing such.

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- B- Execute the Procurement through a general Tender, whenever possible, useful and practical.
- C- Apply the competition principle and giving equal opportunities to capable and qualified entities to perform the Procurement processes and in the manner the Procuring Entity deems appropriate.
- D- Grant sufficient time for Bidders to review the Bidding Documents and submit their offers, in light of the nature and volume of the items to be procured.
- E- Comply, upon award, with the best bids which fulfill the conditions of the Bidding Documents and the best prices, taking into account the quality level required, the possibility of execution within the specified period and the competence of the Bidder to undertake the required job according to the conditions and specifications, subject to any other provision of this Regulation.
- F- Stipulate in the bidding conditions and specifications on the use of material and products manufactured locally in the execution of the Procurement processes as long as they conform to the adopted conditions and standards, provided that the required standards are not less than the Jordanian standards, subject to the provisions of Paragraph (B) of Article (30) of this Regulation.
- G- All Bidding Documents, agreement and contract conditions must be in Arabic. The specifications, layouts, technical reports and correspondence may be in English, subject to any provision in this Regulation to the contrary.
- H- Comply with the enacted laws, regulations and instructions when setting the contract conditions and not stipulate for exemption from any financial obligation imposed pursuant to any legislation, except after previously obtaining the approval of the Council of Ministers for such exemption or any other competent authority.
- I- Desist any Vendor from offering anything of material or immaterial value or committing to the offering of such.
- J- Adopt the text approved by the Commission and using such in the Procurement Contracts concluded with the Contractors, Suppliers or Consultants, which includes their commitment to the following:
  - 1-Desist from offering anything of material or immaterial value or committing to the offering of such to any Person or body to which such offering shall be considered illegal according to the enacted legislation.
  - 2-Declare anything material or immaterial value offered or paid or committed to offer or pay outside the scope of the contract to any Person or body to which such offering shall be considered legal according to the enacted legislation.
  - 3-Accept any legal procedure stipulated for in the Procurement Contract in the event they violate the provisions of Subparagraph (1) or (2) of this Paragraph.

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### **Article (22) Procurement Requisition**

A- No Procurement process shall be initiated except through a requisition.

B- No Procurement process shall be initiated for an amount exceeding (5000) dinars and not exceeding (10000) dinars except if the requisition for Procurement is accompanied by a financial commitment signed by the Secretary General or who he delegates in writing.

C-1- No Procurement process shall be initiated for an amount exceeding (10000) dinars except if the requisition for Procurement is accompanied by a financial commitment signed by the Secretary General or who he delegates in writing and certified by the General Budget Department, or the requisition is supported by a Procurement order issued by the General Budget Department, or by the Council of Ministers' approving the allocation of the necessary allotments if the nature of the Project requires its execution within a period exceeding one year.

2- The provisions of Subparagraph (1) of this Paragraph shall not apply to Government Institutions which has independent budget. The Procurement requisition shall be accompanied by a financial commitment signed by the Competent Minister.

D- The Procurement requisition provided for in Paragraphs (A), (B) and (C) of this Article shall be accompanied by a general and detailed description of the Procured Items, plans, quantity tables and any other requirements or specification, including the documents required to complete the Procurement process, subject to the provisions of Article (30) of this Regulation.

E- If the funds allocated for Procurement are offered as loans or grants, the Procurement request shall be accompanied with whatever proves the availability of such funds by the Ministry of Planning in lieu of the order issued by the General Budget Department according to the provisions of Paragraph (C) of this Article.

### **Article (23) Submitting the Procurement Requisition**

The Procurement requisition shall be submitted within a period of time sufficient for the completion of the Procurement process. No Procurement requisition described as "urgent" shall be reviewed except if the urgency results from an emergency which is not anticipated, cannot be easily anticipated nor predicted.

### **Article (24) Apportioning of Procurement**

A- Procurement requisitions shall not be divided with the intention of avoiding monetary thresholds set forth in this Regulation.

B- Procurement requisitions may be apportioned if apportioning is intended to allow for Small and Medium Enterprises' participation whereby special Tenders may be awarded via separate Procurement Contracts, provided that the apportioning is done with the approval of the Competent Minister. If the Procurement is done through the

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central committees, the Minister and the Competent Minister must approve the apportioning.

- C- 1- The Procuring Entity may apportion the Procurement through one or more lots. The Bidders may submit their offers to one or more lots. The Procuring Entity may award each lot to the Bidder with the best offer for the same lot, whereby a Procurement Contract is signed by the Competent Procuring Entity therewith.  
2- Nothing in Subparagraph (1) of this Paragraph prevents the awarding of more than one lot to the same Bidder.
- D- Any apportionment of Procurement requisition, and the grounds therefore, shall be noted in the Register of the Procurement Proceedings.

### **Article (25) Assessing the Value of Procurement**

For the purposes of specifying the Competent Procuring Entity according to the provisions of this Regulation, selecting the appropriate Procurement method and devising the most appropriate Procurement package, the Procuring Entity shall assess the value of Procurement, taking into account the following:

- A- All forms of remuneration expected to be paid, including any premiums, fees, taxes, commissions and interest receivable.
- B- The likelihood and expected value of recurring orders.
- C- The minimum expected duration and expenditure for a lease or for a contract of indefinite duration, taking into account relevant experience of similar contracting actions in the past.
- D- The estimated value of optional additional purchases to be permitted under the contract.

### **III. Article (26) Notice of Planned Procurement**

- A- Procuring Entities shall make the following known by means it deems appropriate:
  - 1- Main characteristics for every Procurement process of Works which they intend to execute where the total estimated value of such is not less than (50000) dinars.
  - 2- Technical characteristics for the Supplies Procurement Processes where the total Procurement by product area which they intend to procure over the following twelve months is not less than (25000) dinars.
  - 3- Technical characteristics for the Services Procurement Processes, the estimated total value of the service contracts in each of the main categories of Services which they intend to procure over the following twelve months is not less than (10000) dinars.
- B- The notices referred to in Paragraph (A) of this Article shall be sent within the first month of the beginning of their budgetary year.

### **Article (27) Procurement Conditions**

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If the estimated value of the Tender is higher than the powers entrusted with the Procurement Committees established in the Government Institution requesting Procurement, Procurement is conducted pursuant to a Procurement requisition presented to the Department in order to submit a Tender through the competent central committee, provided that the purchase order is accompanied with detailed documents of the items to be procured and the financial allocations.

### **IV. Article (28) Preference for Jordanian Supplies and Services**

- A- The Council of Ministers may, upon the recommendation of the Minister, decide to apply a margin of price preference for Supplies and Services produced in the Kingdom, subject to the provisions of Article (5) of this Regulation.
  
- B- If the specifications, quality, criteria and other conditions in the required to be procured Supplies or Services offered are equal, the Procuring Entity shall take into consideration the following:
  - 1-Give preference to the Supplies and Services produced in the Kingdom, provided that their prices are calculated based on the margin of price preference referred to in Paragraph (A) of this Article.
  - 2-Give preference to the Supplies and Services offered by Bidders residing in the Kingdom permanently.

### **Article (29) Use of standard forms**

- A- The Commission shall specify the forms to be used according to the provisions of this Regulation, including the Bidding Documents and Registers. The Commission shall specify the information and data to be included in these forms.
  
- B- All Government Institutions shall use the forms and Registers referred to in Paragraph (A) of this Article.
  
- C- 1- Notwithstanding what is stated in Paragraph (B) of this Article and in exceptional cases, the Procuring Entity or the Department and subject to the approval of the Secretary General may depart from the specific conditions of the Supplies and Services, provided that such departure is clearly announced in the Bidding Documents.
  - 2- The Procuring Entity shall report the departure referred to in Subparagraph (1) of this Paragraph to the Commission and note such in the Register of the Procurement Proceedings.

### **Article (30) Rules Concerning Description of Procured Items**

- A- In preparing the Bidding Documents, any specifications, plans, drawings and designs setting forth the technical or quality characteristics of the Supplies, Works or Services to be procured, and requirements concerning testing and test methods, packaging, marking, labeling, or conformity certification, symbols and terminology, or description of Services, and any contract terms, shall, to the extent possible, be drawn up in an objective, and performance and function based manner, so as to maximize competition and avoid creating unnecessary obstacles to participation by Bidders in

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the Procurement Proceedings.

- B- No requirement or reference shall be made in the technical specifications or other Bidding Documents to a particular trademark or name, patent, design or type, specific original, producer or service provider, unless there is no sufficiently precise or intelligible way of describing the Procurement requirements or characteristics and words such as “or equivalent in performance” or any similar clause are included in the specifications or requirements.
- C- Where a Procuring Entity uses the option of describing the requirements in terms of performance, it may not reject a bid which complies with an applicable national or international standard, if those standards address the same functional and performance requirements.

### **Article (31)Types of Contracts**

Procurement shall be done through one of the following contracts:

- A- Ordinary contracts.
- B- Indefinite quantity contracts.
- C- Multi-year contracting.
- D- Framework contracts.

### **Article (32)Ordinary Contracts**

These are contracts that are concluded for a period less than a year and ends by supplying or executing the acts stated therein.

### **Article (33)Indefinite Quantity Contracts**

- A- When, for economic, technical or financial reasons, the frequency or extent of the Procuring Entity’s requirements cannot be determined with sufficient accuracy in the Bidding Documents, the Procuring Entity may conclude an indefinite quantity purchase order contract.
- B- The purchase order contract sets forth the nature, specifications, and price of deliveries; it sets the minimum and maximum levels of the deliveries, in terms of value or quantity, and the duration of the contract.
- C- The contract is implemented through the issuance of successive purchase orders, as needs arise. Each purchase order shall specify which of the items enumerated in the framework agreement, and the quantity, is being ordered.

### **Article (34)Multi-year Contracting**

- A- The Procuring Entity may enter into a multiyear Procurement Contract if:
  - 1- funds are available and obligated for such contract for the full period of the contract or for the first fiscal year in which the contract is in effect, and for the estimated costs associated with any necessary termination of such contract.
  - 2- the Procuring Entity determines that:

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- the need for the Procurement is reasonably firm and continuing over the period of the contract.
  - a multiyear contract will serve the public interest by encouraging full and open competition or promoting economy in administration, performance and operation of the Procuring Entity's programs.
- B- A multiyear contract shall include a clause that allows the Procuring Entity to terminate the contract if funds are not made available for the continuation of the contract in any fiscal year covered by the contract.

### **Article (35) Framework Agreements**

A "framework agreement" means an agreement between several Suppliers, Contractors or Consultants and a Procuring Entity under which the contracting authority, after following the procedures laid down by this Regulation up to the award phase, selects the parties to the agreement on the basis of the Tenders they have submitted on the basis of objective criteria, such as quality, quantity, technical merit, delivery period or period of completion and price; under this agreement the Suppliers, Contractors or Consultants undertake, under certain terms laid down by the Procuring Entity, to fulfil contracts awarded under the agreement.

## **Chapter II**

### **Classification and Qualification of Contractors, Suppliers and Consultants**

#### **Article (36) Nature of Classification**

- A- Classification and qualification for Works are done according to the following:
- 1- Classifying Contractors within categories.
  - 2- Prequalification of Contractors.
- B- Classification and qualification for Technical Services are done according to the following:
- 1- Classifying Consultants within categories in certain professions specified by a decision of the Council of Ministers based on the recommendation of the Minister.
  - 2- Prequalifying Consultants for a certain Project .
- C- Classification and qualification for Supplies are done according to the following:
- 1- Classifying Suppliers within categories.
  - 2- Prequalifying Suppliers for a certain Project.
- D- Classification and qualification for Ordinary Works are done according to the following:
- 1- Classifying Consultants within categories in certain professions specified by a decision of the Council of Ministers based on the recommendation of the Minister.
  - 2- Prequalifying Consultants for a certain Project.

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E- Classification and qualification for supplying information technology Procurements are done according to the following:

- 1- Classifying providers of information technology within categories.
- 2- Prequalifying providers of information technology for a certain Project.

### **Article (37) Prequalification for International Tenders**

Where the Tender is offered internationally in accordance with the provisions of Article (87) of this Regulation or international tendering was intended, the Competent Procuring Entity shall select Contractors, Suppliers, Service Providers or information technology providers who are allowed to participate in the Tender or the Project Tenders on the basis of prequalification procedures mentioned in Article (41) or the provisions of qualifying Consultants according to the provisions of Section (3) of Chapter (VII) of this Regulation.

### **Article (38) Classification Procedures**

A- 1- Subject to the provisions of Article (36) of this Regulation, Contractors, Suppliers, Consultants and information technology providers are classified into categories or grades according to their financial, technical and administrative qualifications, competence and experience in implementing the Procurement Processes, pursuant to instructions issued by the Council of Ministers based on the recommendation of the Commission for this purpose in which the classification's requirements, conditions and categories are specified. Such instructions will be published in the Official Gazette.

2- Until Suppliers, Contractors, Service Providers and information technology are classified according to the provisions of Subparagraph (1) of this Paragraph, Institutions shall continue to procure Supplies and Services from Suppliers and Consultants without requiring them to be classified.

3- Until Contractors, are classified according to the provisions of Subparagraph (1) of this Paragraph, current classification and the instructions pertaining to which are in force upon the enactment of this Regulation shall remain valid.

B- 1- Classification shall be annual and shall begin in the first day of April of each year and ends in the thirty first of March of the following year.

2- Classification requests shall be submitted at least one month prior to the classification date, and may be submitted during the classification period with the exception of the last 2 months. Classification shall at all events end in the thirty first of March, irrespective of the date of classification.

C- The classification committee shall examine requests for Contractors, Suppliers, Consultants, Service Providers and information technology providers and shall determine the category or grade of each in accordance with the instructions referred to in Paragraph (A) of this Article.

D- The classification committee shall reevaluate the classification of Contractors, Suppliers, Consultants, Service Providers and information technology providers based on the actual practice of such and the different bases on which they were classified.

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- E- The Minister shall endorse the decision of the classification committees referred to in Paragraphs (C) and (D) of this Article.
- F- The Minister shall issue a Contractors, Suppliers or Consultants', Service Providers and information technology providers classification and specializations table to be published in the Official Gazette. The table shall be amended in light of the decision by the classification committees in accordance with the provisions of Paragraph (D) of this Article, by adding new Contractors, Suppliers, Consultants, Service Providers and information technology providers or crossing out previously classified ones, or amending the categories, grades or specializations of such, provided that the amendments are issued in the Official Gazette.
- G- The Contractors, Suppliers, Consultants, Service Providers and information technology providers classification tables issued by the Minister shall be adopted in all Procurement Processes undertaken by Government Institution.

### **Article (39) Formation of classification committees**

- A- The following classification committees shall be formed at the Department by a decision of the Council of Ministers under the chairmanship of the Director General or whom he delegates, provided that each committee shall be formed of (7-9) persons of competence and expertise from private and public sector, taking into account while forming such to include legal, technical and financial experts:
- 1- Contractors classification committee.
  - 2- Consultants classification committee.
  - 3- Suppliers classification committee.
  - 4- Service providers classification committee.
  - 5- Information technology providers committee.
- B- The provisions pertaining to organizing the committees meetings, mechanisms for taking decisions and all what pertains thereto shall be governed in the instructions referred to in Subparagraph (1) of Paragraph (A) of Article (38) of this Regulation.
- C- The Director General shall appoint a secretary for each committee who organizes its meetings and record its decisions.
- D- The Minister may grant the chairman and committee members and secretaries rewards in exchange of their work, pursuant to the instructions referred to in Paragraph (A) of Article (86) of this Regulation.

### **Article (40) Multi-specialized Contractor, Supplier or Service Provider**

The amount of Projects value, in which a multi-specialized Contractor, Supplier or Service Provider may execute within the Kingdom at any certain time, shall be specified in accordance with the instructions referred to in Subparagraph (1) of Paragraph (A) of Article (38) of this Regulation.

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### **Article (41) Prequalification of Contractors, Suppliers, Consultants, Service Provider and information technology provider**

- A- The procedures and criteria for prequalifying Contractors, Suppliers, Consultants Service Providers and information technology providers for a certain Project or Tender, in light of its special nature, size or sophisticated nature shall be regulated pursuant to instructions issued by the Commission for this purpose. These instructions shall be published in the Official Gazette.
- B- The Procuring Committee shall examine prequalification requests, and it may form technical committees to examine such.
- C- The Competent Minister shall grant the members of technical committees that examine prequalification requests and the secretary thereof awards in accordance with the instructions referred to in Paragraph (A) of Article (86) of this Regulation.

### **Article (42) Prequalification Criteria**

The Procuring Entity may choose some or all of the following criteria to demonstrate the qualification of the Contractors, Suppliers, Consultants Service Providers and information technology providers:

- A- Professional and technical qualifications and competence, financial and human resources, administrative experience, equipment and other physical facilities necessary to execute the Procurement Contract.
- B- To have the legal capacity to enter into bids
- C- Not to be insolvent, bankrupt or under liquidation.
- D- To have executed all its obligations, including the payment of taxes and social security contributions.
- E- Not to be charged personally or through any of his superiors or subordinates with any offences of professional misconduct or by presenting false or tampered information during their carrying out of their business or in light thereof.
- F- Any other information or data required by the Procuring Entity or the instructions.

### **Article (43) Disclosing the Classification Criterion in the Prequalification Documents.**

- A- Any classification or prequalification criterion or any other requirement established pursuant to Article (42) of this Regulation shall be clearly and accurately disclosed in the prequalification documents, and shall apply equally without discrimination to all Contractors, Suppliers, Consultants Service Providers and information technology providers who applied for this qualification.
- B- The Competent Procuring Entity shall only evaluate the qualification of Contractors, Suppliers, Consultants Service Providers and information technology providers in accordance with the qualification criteria set forth in the prequalification documents, provided the criteria is among those stipulated in Article (42) of this Regulation. In no case the Contractors, Suppliers, Consultants Service Providers and information technology providers shall not be qualified unless for reasons relating to incompliance with the minimum level required in the prequalification documents.

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### **Article (44) Prequalifying Procedures**

A-1- Prequalification shall be announced to participate in Local Tenders in two local newspapers for more one day. The Competent Procuring Entity may also post the announcement on the website.

2- The announcement for prequalification for International Tenders shall be made on two local newspapers for more than one day, and in a media means of mass distribution including using the electronic web, provided that the announcement is made in English language.

B- The announcement shall include the invitation to all Contractors, Suppliers, Consultants Service Providers and information technology providers, who wish to participate in prequalification proceedings in fields commensurate to the nature of Procurement to submit prequalification requests.

C- Announcements shall be made by the chairman of the committee.

### **Article (45) Information to be Included in the Prequalification Announcement**

The prequalification announcement shall include, at a minimum the following information:

A- The Competent Procuring Entity and address thereof.

B- The Procuring Entity and address thereof.

C- Subject matter of Tender, location of Project and a brief statement for description of Project.

D- Financing source and amount.

E- Class or grade of Contractors, Suppliers, Consultants Service Providers and information technology providers who are allowed to participate in prequalification, and where the class or grade is required.

F- Deadline and location to obtain prequalification documents.

G- Deadline to submit prequalification proposals, and location, date and time of their opening.

H- Language(s) to be available in the prequalification documents and the language(s) in which proposals must be submitted.

I- Any other procedures or conditions that the Competent Procuring Entity or the Procuring Entity deems it is important to announce.

### **Article (46) *Information to be included in the prequalification documents .***

Subject to the provisions of Article (36) of this regulation , the procuring entity , if the nature of the project requires so , shall provide the competent procuring entity , a letter requesting prequalification of those desiring to participate in the tender or tenders to such project , as contractors, suppliers or service providers or suppliers or service providers of information technology shall be prequalified prior to their participation in such tender , provided that such letter shall be attached to the prequalification documents , including , at least , the following :

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- A) Information and data necessary about the project .
- B) Estimated schedule for execution of the project .
- C) Project financing sources and financing percentage .
- D) Information to be submitted by the contractor , supplier , service provider or supplier and provider of information technology procurements , within its offer for prequalification including the following :
  - 1- Institutional position of the contractor , supplier or service provider .
  - 2- Its permanent administrative and technical Staff.
  - 3- Technical Staff to be available for the project subject of the prequalification .
  - 4- Equipment , machinery and apparatus available and required for accomplishment of the work required .
  - 5- Previous experiences in the scope of work required .
  - 6- Financial position of the contractor , supplier , service provider or supplier and provider of information technology procurement .
  - 7- Record concerning referral to lawsuits or arbitration related to procurement operations carried out or those still under performance .
- E) The documents required to confirm validity of information submitted subject to para (D) hereof as well as performance certificates authenticated by employers concerning previous experiences in the procurement operations carried out or those still under performance .
- F) Criterion upon which prequalification offers to be evaluated , provided that such criterion shall be clear and specified .

### **Article (47) Documents to be submitted by the prequalification applicant .**

- A) Documents stating the economic and financial position of the contractor , supplier , service provider or supplier and provider of procurements of information technology shall include the following :
  - 1- Appropriate financial statements from the Bank of the contractor , supplier , service provider or supplier and provider of procurements of information technology .
  - 2- Financial statements or summary thereof for the works of the contractor or service provider , including financial receivables and payables , assets as well as profits and losses about the previous year atleast .
  - 3- Any information required by the competent procurement entity so as to evaluate the economic and financial position of the contractor, supplier , service provider or supplier and provider of procurements of information technology .

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- B) Documents stating the technical capability of the contractor , supplier , service provider or supplier and provider of procurements of information technology may include the following :
- 1- List of educational and professional qualifications and the experience required for the administrative Staff of the contractor , supplier , service provider or supplier and provider of procurements of information technology , as well as qualifications of person(s) in charge of carrying out works , procuring supplies , providing services or supplying and providing technology information under the contract , performance certificates issued by concerned authorities .
  - 2- List of procurement transactions carried out during the last five years .
  - 3- List of technical tools or equipment available to carry out the procurement process .
  - 4- List of the annual manpower and number of administrative Staff available during the last three years .
  - 5- Statement of technicians or supporting technical services used for implementation of procurement, where applicable .
  - 6- Any other information required by the competent procurement entity so as to evaluate the technical capabilities of the contractor , supplier , service provider or supplier and provider of information technology .

### **Article (48) *Preparation of prequalification documents* .**

- A) The procuring entity shall be responsible for preparation of the prequalification documents
- B) Prequalification documents shall be prepared in Arabic or English or in both languages , as necessary.
- C) Prequalification documents shall be available for all contractors , suppliers , service providers or suppliers and providers of information technology entitled to participate in and apply for prequalification.
- D) The procuring entity shall determine , as in the prequalification documents , the final date for submitting prequalification offers , taking into consideration availability of period sufficient to complete such offers .
- E) Prequalification documents shall be distributed free of charge .

### **Article (49) *Confirmation of prequalification documents prior to publication* .**

The competent procuring entity shall confirm and assure the following , prior to publication of the prequalification invitation as follows :

- A) That all prequalification documents are in conformity with the provisions of this regulation and instructions issued pursuant thereto ; and if it discovers that any of the documents is inconsistent therewith , then it shall return the same to the purchasing entity so as to correct the mistakes included therein or to add or omit

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any information or data to such documents and the procuring entity may effect amendment or omission if the same is not substantial .

- B) Availability of sufficient copies of the prequalification documents .

### **Article (50) *Illustrations and amendments to prequalification documents* .**

- A) The contractor , supplier , service provider or the supplier and provider of information technology , may request , in writing , from the procuring entity , any illustrations to the prequalification documents within the period specified in such documents . The procuring entity shall respond to such request at a time appropriate and prior to the final date of prequalification offers submission , through annexes issued by the competent procuring entity , including illustration requests and response thereto , and the competent procuring entity shall carryout the following :
- 1- Inform all contractors , suppliers , service providers or suppliers and providers of information technology who have already received the prequalification document therefrom.
  - 2- Establish such annexes on its website on the internet , in case such documents have been published thereon .
- B) Publication of the annexes referred to in para (A) of this article or para (1) of article no. (51) of this regulation on the internet site of the competent procuring entity , shall be considered as notification for each contractor , supplier , service provider or supplier and provider of Information Technology who has obtained the prequalification documents through internet .

### **Article (51) *Convening a meeting for contractors , suppliers, service providers or suppliers and providers of Information Technology* .**

- A) The competent procuring entity , and in coordination with the procuring entity , may hold a public meeting for contractors , suppliers , service providers or suppliers and providers of Information Technology , either by itself or if it finds that illustration requests received necessitate so ; and it shall issue an annex stating the meeting proceedings and including the illustration requests received by it ,and those submitted in the meeting and responses thereto. The same shall be distributed to all contractors , suppliers , service providers or suppliers and providers of Information Technology who have obtained the prequalification documents pursuant to the provisions of Article (99) of this regulation .
- B) The annex issued by the competent procuring entity pursuant to the provisions of para (A) of this Article and the provisions of para (A) of Article (50) hereof, shall be binding to all contractors , suppliers , service providers or suppliers and providers of Information Technology who have obtained the prequalification documents .

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### **Article (52) *Deadline specified for prequalification offers***

- A) Deadlines for submission of prequalification offers shall be determined according to the following periods :
- 1- At least (15) days from the date of the first announcement of the prequalification, in case of local tender.
  - 2- At least (40) days from the date of the first announcement of the prequalification, in case of International Tender.
- B) The final date for submission of prequalification offer shall clearly state date , time and place .
- C) Submission date for prequalification offers may be extended pursuant to the provisions of Article (103) of this regulation .

### **Article (53) *Preparation & submission of prequalification offers .***

- A) Prequalification offers shall be prepared and submitted in writing , and shall be signed or stamped by the contractor , supplier , service provider or supplier and provider of Information Technology or its duly representative .
- B) Notwithstanding what has been mentioned in para (A) of this Article , offers may be submitted in any other methods to be specified by prequalification documents , including electronic methods , provided that assuring confidentiality and secrecy of submitted offers and authentication thereof shall be taken into consideration , pursuant to the instructions referred to in para (C) of Article (254) of this regulation .

### **Article (54) *Prequalification offers delivery , opening ,evaluation thereof and approval of the prequalification decisions .***

- A) Subject to the provisions concerning prequalification stipulated in this regulation and the instructions issued pursuant thereto , the delivery , opening and evaluation of the prequalification offers as well as the approval of the prequalification decisions , as the case may be , shall be subject to the provisions applicable to the Tenders requests, delivery , opening and evaluation thereof and the approval of awarding decisions .
- B) The committees' reports , procedures and decisions taken concerning prequalification shall be confidential and secret subject to liability until determination of the final short-listed qualified list .

### **Article (55) *Disqualification from participation in the procurement process after prequalification.***

The competent procurement committee may disqualify any of the prequalified participants in any of the following cases :

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- a) If it has an available authenticated information through any source indicating its inability to execute the procurement process .
- b) If it is confirmed that it has violated any of its contractual obligations of any procurement transaction within or outside the Kingdom .
- c) If it intentionally submitted any false information about its financial , technical or administrative positions .
- d) If the volume of its contractual obligations inside or outside Jordan has become high or exceeds its financial , technical or administrative capabilities .
- e) Any other substantial reason which may adversely affect the execution of any procurement transaction subject matter of the prequalification .

### ***Article (56) Announcement of prequalified list .***

- A) After the competent procurement committee has evaluated the prequalification offers and determination of the prequalified contractors , suppliers , service providers or suppliers and providers of Information Technology , then the competent procurement entity shall announce a list in the names of the prequalified contractors, suppliers or consultants to participate in the tender or concerned procurement transaction ; by putting the same on the notice board of the competent procurement entity or the method determined appropriate by the committee for information . Objecting parties shall submit objection requests , in writing , to the competent procurement committee within (4) days from the date of announcement of the list .
- B) The competent procurement committee shall issue its decision regarding the objection submitted to it , within (10) business days from the submission date of the objection , and its decision shall be final and binding .
- C) The competent procurement committee shall prepare a list in the final names of the contractors , suppliers , service providers or suppliers and providers of Information Technology , after resolving the submitted objections pursuant to the provisions of para (B) of this article . This list shall be announced after approval by the concerned Minister.

### ***Article (57) Invitation of the prequalified to participate in the Tender .***

- A) Prequalified contractors, suppliers , service providers or suppliers and providers of Information Technology whose names are included in the final short-listed prequalified list , to purchase copies of the Tender documents so as to submit their bids .
- B) The competent procurement committee shall not accept participation by any contractor , supplier , service provider or supplier and provider of Information Technology whose name has not been included in the final short listed prequalified list .

### ***Article (58) Qualifications of sub-contractors , suppliers , service providers or suppliers and providers of Information Technology .***

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The competent procurement committee may request bidders to provide it with information and documents about the sub-contractors , suppliers or service providers who shall participate in carrying out the procurement contract to be signed by and between the successful Bidder and the procuring entity pursuant to the provisions of this regulation and the instructions issued pursuant thereto . The competent procurement entity in meeting the public interest may directly determine the validity of qualifications of sub-contractors , suppliers , service providers or suppliers and providers on Information Technology .

### **Article (59) Post – Qualification**

- A) The procuring entity , if does not require by the Tender documents to carryout prequalification process, may require post-qualification for Bidders , based on criterion specified in the Tender documents.
- B) If the Tender documents have included carrying out of prequalification , then Bidders shall submit one envelope containing the technical offer , financial offer and the post-qualification offer .
- C) The procuring committee , after submitting the technical and financial offers , and determination of appropriate offer estimated at the lowest price , shall make sure that the qualifications and expertise of the concerned Bidder do qualify it to execute the procurement contract .
- D) The procuring committee if it finds that the concerned Bidder whose offer is estimated at the lowest price, is not qualified to execute the procurement contract pursuant to criterion referred to in para (A) of this Article , shall reject its offer and select the next offer according to the offers arrangement until awarding the Tender .
- E) Notwithstanding the contents of para (D) of this Article , the procurement committee may reject all offers if no one of the Bidders submitting offers is qualified to execute the procurement contract .

## **Chapter III**

### **Procurement Methods of Works, Supplies and Ordinary Services**

#### **Article (60) Identification of Procurement Methods of Works, Supplies and Ordinary Services**

Procurement of Works, Supplies and Ordinary Services shall be done according to one of the following methods:

- A-Open Tendering.
- B-Restricted (limited) Tendering (Solicitation of Offers).
- C-Single-source Procurement (Negotiable Selective Tendering).
- D-Two-stage Tendering.
- E-Direct Execution.

#### **Article (61) Selection of A Procurement Method**

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- A- The selection of an appropriate Procurement method shall be part of the Procurement plan referred to in Paragraph (A) of Article (18) of this Regulation.
- B- Procurement of Supplies and Works shall be realized by means of open Tendering proceedings, with the exception of the cases in which this Regulation allows the Procurement in any other method.
- C- In the event that the Competent Procuring Entity selects a method of Procurement other than open Tendering, it shall include in the Register of the Procurement Proceeding a statement of the grounds for selecting the method utilized in that proceeding.

### **Article (62) Application of Open Tendering on other Methods**

The Tendering proceedings stipulated in this Regulation for Open Tendering shall be applied on the Procurement conducted according to the methods referred to in Paragraphs (B-D) of Article (60) of this Regulation, to the extent that such proceedings do not contradict with the special provisions of each method.

### **V. Article (63) Open Tendering**

Open Tendering shall be conducted pursuant to procedures allowing all Bidders to submit their offers, without discrimination between them and in accordance with the provisions of Chapter (IV) of, and in accordance with the general and special conditions and terms provided for in the Tender's invitation and documents, subject to the provisions of this Regulation and the instructions issued pursuant thereto.

### **Article (64) Restricted (Limited) Tendering (Solicitation of Offers)**

Where restricted tendering is used:

- A- Solicitation of offers must seek, wherever possible, not less than three offers by three different Bidders.
- B- The request must clearly include the requirements of the Procuring Entity with regards to quality, quantity, terms and time of delivery and any other special requirements.
- C- Bidders shall be given adequate time to prepare their offers. Each Bidder may submit one written quotation which may not be amended, altered or negotiated. The Competent Procuring Entity may request that the offers be delivered or sent by fax, email or any other means that proves the content of such offers.

### **Article (65) Cases to Allow the Offering of a Restricted Tender**

Procurement by means of a restricted Tender may be held in the following cases:

- A- When procuring items that have similar standards and readily available commercially, and not specially manufactured to the particular specifications determined by the Procuring Entity, when the estimated value of the Procurement does not exceed the following monetary value:
  - 1- 30.000 JD, in the case of Procurement of construction;
  - 2- 15.000 JD, in the case of Procurement of Supplies; and

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3- 10.000 JD, in the case of Procurement of Services.

B- Notwithstanding the monetary thresholds referred to in Paragraph (A) of this Article, where there are no more than three Contractors, Suppliers or Consultants for the Procured Items.

C- Notwithstanding the monetary thresholds referred to in Paragraph (A) of this Article, where the Tender offered was not approached by an adequate or appropriate number of offers, and the Competent Procuring Entity is convened that necessity dictates procuring the times by means of solicitation of offers.

D- When the Procured Items are of highly complex nature, or require specialization that is only available from a limited number of Contractors, Suppliers or Consultants.

E- When the time and cost of considering a large number of bids is disproportionate to the value of the Procurement.

### **VI.**

#### **VII. Article (66) Single-source Procurement**

A- A Single-source Procurement may be conducted by a decision of the Competent Procuring Entity in the following circumstances, provided that this method shall not be used to avoid the maximum possible competition or to discriminate between Bidders:

- 1- Where Procurements may not be obtained unless from a single source.
- 2- When a public tendering is offered and no response to the Tender has been submitted; or where the Bidders are in collusion with each other; or where the offers do not conform with the necessary requirements of the bids; or if the offers were submitted by Bidders who did not fulfill the conditions for participating in the Tender, provided that no substantial amendment shall be made to the requirements of the primary Tender upon signing the Procurement Contract pursuant to this Paragraph.
- 3- If the Procurement relates to artistic Works, or for reasons connected to the protection of exclusive rights in sale of the Procured Items including patents and copyrights; or in cases where competition is absent for technical reasons, and no reasonable alternative or substitute exists.
- 4- By the Procurement Entity upon a decision by the Competent Minister based on the recommendation of specialized and competent persons, when the Procured Items are needed to offset an emergency and urgency need that can not be predicted and engaging in open or limited Tendering proceedings would therefore be impractical. Where the emergency involves an imminent threat to the public safety or damage to property, Procurement shall be made upon approval of the Relevant Minister based on a technical report by persons of competence and specialization.
- 5- If the objective for procuring goods and Services are to supply spare parts or substitutes for previous Supplies, or to expand the existing Supplies or for Services or equipment, including information and programming systems, provided that changing the original Supplier will lead to obliging the Procuring

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- Entity to procure equipment or Services incompliant with the available ones. Spare parts shall be procured by a decision of the Procuring Entity.
- 6- When procuring Supplies or Services that are produced or developed upon request of the Commission for scientific research, and pursuant to a special contract for research, experiment, study or source development, provided that the Procurement of subsequent goods shall be done in accordance with a public Tender.
  - 7- Where the additional Works are not included in the original Procurement Contract, but are so included in the objectives and documents of the original Tender, and it becomes necessary to complete such Works whereby the Procuring Entity reinforces the need to grant additional contracts to the executor of the original Procurement, provided that the separation between the additional and original Works is technically and economically impractical, and provided that the total value of the additional contract does not exceed (50%) of the original contract's value.
  - 8- If the Procurement Proceeding includes a request to reorder Works similar to Works procured pursuant to an open or selective Tender, provided that the Competent Procuring Entity has mentioned in the original Bidding Documents that additional Works may be procured by ways of a limited Tender to procure new similar Works.
  - 9- In case the contract was awarded to an applicant of a deign contest, provided that Bidders who are capable of participating are invited thereto pursuant to an advertisement published in two daily newspapers, and provided that the awarding of the contest is done by a panel who shall chose the winners according to the bases described in the participation invitation.
- B- The Procuring Entity shall prepare a written report on each contract awarded pursuant to the provisions of Paragraph (A) of this Article, and shall also maintain a copy thereof. The report shall include the following:
- 1- Name of the Procuring Entity.
  - 2- Value and type of required items to be procured.
  - 3- Country of origin.
  - 4- The conditions stipulated in Paragraph (A) of this Article, as the case may be.

### **Article (67) Two-stage Tendering**

Procurement may be conducted by means of a two-stage Tendering in the following cases:

- A- When, because of the complex and specialized nature of the items to be procured, the Procuring Entity finds it impractical to prepare technical specifications that are precise and detailed for the Supplies or Works, or to define the characteristics of the Services for the purpose of obtaining the solutions that are most suitable to its needs. These contracts include key-turn contracts (supply, installation and delivery) and information systems.
- B- When the Procuring Entity seeks to enter into a contract for the purpose of research, experiment, study or development, provided that the contract does not include the

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production of goods in quantities sufficient to establish their commercial viability or to recover research and development costs.

### **Article (68) Mechanism for Offering Two-stage Tender**

- A- The Competent Procuring Entity shall, in the first stage of the Tender, call upon Bidders to submit, in the first stage of the two-stage tendering proceedings, initial bids containing their proposals without a Tender price. The Bidding Documents may invite bids relating to the technical, technological, quality or other characteristics of the Procured Items as well as to contractual terms and conditions of supply, and, where relevant, the professional and technical competence and qualifications of the Bidders.
- B- The Competent Procuring Entity shall, within the first stage, conduct individual negotiations with the Bidders whose initial offers have not been rejected. The agreement reached between the Competent Procuring Entity and each Bidder shall be stipulated in a memorandum of understating signed between them.
- C-1- The Competent Procuring Entity may, at the conclusion of the first stage, finalize technical or contractual terms of the invitation with all Bidders whose bids have not been rejected. In formulating the final specifications, following the completion of the first stage according to the provisions of Paragraph (A) of this Article, the Competent Procuring Entity may also undertake any of the following:
- Repeal, amend or add any technical or quality specifications for the Procured Items provided for in the Bidding Documents in the first stage.
  - Repeal, amend or add any evaluation criteria provided for in the Bidding Documents in the first stage.
- 2- The Competent Procuring Entity shall include in the Tender invitation for the second stage any repeal, amendment or addition to the technical or quality specifications of the Procured Items or the evaluation criteria for ascertaining the successful Tender.
- D- In the second stage of the Tender, the Competent Procuring Entity shall invite the Bidders whose offers have not been rejected to submit their final technical offers according to the second stage Tender invitation and the memorandum of understating signed with each one, and to submit their financial offers.
- E- Notwithstanding what is stated in this Regulation, each Bidder shall enclose with his initial offer in the first stage a bid bond (bid security) according to what the Competent Procuring Entity determines in the Tender invitation, provided that such bond amounts to 0.5%-1% of the Tender's estimated value. The Bidder shall attach to his second offer in the second stage a bid bond amounting to (2-3%) of the financial proposal of each Bidder.
- F- A Bidder not wishing to submit a final Tender may withdraw from the Tendering proceedings without forfeiting any Tender security that the Bidder may have been required to provide.

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G- Initial and final offers in the two stages shall be opened publicly in accordance with the provisions of this Regulation.

### **Article (69) Direct Execution**

Notwithstanding what is stated in this Regulation, direct execution of Procurement may be carried out by the Government Institutions including the following, provided that this shall not hinder ongoing Procurement Proceedings:

- A- Where it is impractical to set the quantity of Procured Items required in advance.
- B- If the Procured Items are in small quantity and in scattered or remote locations, whereby it is not anticipated that Bidders will compete over such and in reasonable terms.
- C- If the Government Institution is more capable than the Bidders to bear the risks that might occur due to unavoidable delay.
- D- Where there is an urgent need that dictates direct execution.

### **Purchasing Authorities**

#### **Article (70) Procuring Entities**

Procurement shall be carried out by the following entities and in accordance with the authorities entrusted therewith:

- A- The Competent Minister may procure within the limits of 5.000 Dinars in each Procurement transaction and by means which he considers appropriate.
- B- The Secretary General may for each Procurement transaction:
  - 1- Procure within the limits of 2.000 Dinars in each Procurement transaction and by means which he considers appropriate.
  - 2- Procure items with prices pre-set by the official authorities, irrespective of value.
- C- The Director shall procure within the limits of 500 Dinars and by means which he considers appropriate.
- D- Procurement of diplomatic missions: Diplomatic Missions abroad may procure according to the following authorities in each Procurement transaction:
  - 1- Procure within the limits of 2000 Dinars or the equivalent thereof in foreign currency, and by means which the chief of diplomatic mission considers appropriate.
  - 2- Procure within the limits of 15.000 Dinars or the equivalent thereof in foreign currency, by a decision of the chief of diplomatic mission and by means of a Procurement Committee comprised of three employees of the diplomatic mission formed by the Chief and chaired by the most senior, provided that such Committee is reformed with other members at least annually. The Committee passes its resolution considers appropriate.

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3- Procure within the limits of 25.000 Dinars or the equivalent thereof in foreign currency, by a decision of the Competent Minister and by means of the Procurement Committee referred to in Subparagraph (2) of this Paragraph.

E- Subject to what is stated in this Regulation, items which value exceeds the thresholds referred to in Paragraph (A) and Subparagraph (3) of Paragraph (D) of this Article shall not be procured except by a Procurement Committee formed in accordance with the provisions of this Regulation.

### **Article (71) Exchange and Sale of Procured Items by Government Institutions**

If the Procurement and sale of items occurs between Government Institutions, such shall be done by a decision of both Secretary Generals and at the price determined thereby.

## **Chapter IV**

### **Procurement Committees**

#### **Article (72) Formation of Procurement Committees**

A- The following Committees shall be formed in accordance with the provisions of this Regulation:

- 1- Subsidiary Procurement Committee.
- 2- Local Procurement Committee.
- 3- Primary Procurement Committee.
- 4- Central Procurement Committee.
- 5- Governorate Procurement Committee.
- 6- Special Procurement Committee.

B- Procurement Committees shall be composed of personnel that are of knowledge and expertise concerning public Procurement, including personnel trained in Procurement, and whose professional qualifications meet the requirements that may be established by the head of the Competent Procuring Entity in accordance with instructions issued by the Commission for this purpose, provided that their qualifications are commensurate to the monetary thresholds for committees.

c- The Council of Ministers shall issue transitional instructions to determine pursuant thereto the conditions that must be available in the Procurement Committees provided for in this Regulation, until the instructions mentioned in Paragraph (B) of this Article are issued.

D- The Procurement Committees composed in accordance with the Regulations mentioned in Article (281) of this Regulation shall continue to carry out its functions in the same manner until are recomposed in accordance with the provisions of this Regulation and the instructions issued pursuant thereto.

#### **Article (73) Subsidiary Procurement Committees**

A- The Secretary General may form one or more Subsidiary Procurement Committee in the headquarter of the government entity or the Governorate or the Province, as the case may

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be. The Committee shall be composed of three members amongst which the chairman is nominated. The Committee shall be recomposed each year of other employees from the same entity.

- B- The Subsidiary Procurement Committee shall be authorized to procure within the following authorities for each Procurement transaction:
  - 1- Procure Works whose value upon awarding does not exceed 50.000 Dinars.
  - 2- Procure Supplies whose value upon awarding does not exceed 20.000 Dinars.
  - 3- Procure Services whose value upon awarding does not exceed 10.000 Dinars.
- C- The Subsidiary Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the attendance of all its members and it shall pass its resolution by at least the majority of votes.
- D- When formed at the headquarter of the government entity, the Subsidiary Procurement Committee's decisions shall be subject to the endorsement of the Secretary General, who shall be responsible for signing the agreements necessary to implement the decisions of the Committee.
- E- When formed in the Governorate or the Province, the Subsidiary Procurement Committee's decisions shall be subject to the endorsement of the Governor, who shall be responsible for signing the agreements necessary to implement the decisions of the Committee.

### **Article (74) Local Procurement Committee**

- A- A Committee to be known as the (Local Procurement Committee) shall be composed at the government entity under the chairmanship of the Secretary General and the membership of four of the entity's employees to be appointed by the Competent Minister. The Committee shall be recomposed each year of other employees from the same entity.
- B- The Local Procurement Committee shall be authorized to procure within the following authorities for each Procurement transaction:
  - 1- Procure Works whose value upon awarding does not exceed 200.000 Dinars.
  - 2- Procure Supplies whose value upon awarding does not exceed 100.000 Dinars.
  - 3- Procure Services whose value upon awarding does not exceed 50.000 Dinars.
- C- The Local Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the attendance of at least four of its members, provided that the chairman is amongst them, and it shall pass its resolution by at least the majority votes of the attending members.
- D- The Local Procurement Committee's decisions shall be subject to the endorsement of the Competent Minister. The Secretary General shall be responsible for signing the agreements necessary to implement the decisions of the Committee.
- E- Where the members of the Local Procurement Committee's do not meet the necessary

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or sufficient qualifications, the government entity which the Committee is affiliated to shall add a member to the Committee from the Government Tenders Department if the Procurement relates to Works or technical Services, or a member from the General Supplies Department if the Procurement relates to Supplies and ordinary Services, upon the recommendation of the Minister.

### **Article (75) Primary Procurement Committee**

- A- A Committee to be known as the (Primary Procurement Committee) shall be composed at any government entity specified by the Council of Ministers upon the recommendation of the Commission and according to the bases determined pursuant to instructions issued for this purpose. The Committee shall be formed under the chairmanship of the Secretary General and the membership of the following:
- 1- Two representatives from the relevant government entity nominated by the Competent Ministermembers.
  - 2- Representative from the Tenders Department nominated by the Minister of Works member.
  - 3- Representative from the Supplies Department nominated by the Minister of Finance member.
- B- The Primary Procurement Committee shall be authorized to procure within the following authorities for each Procurement transaction:
- 1- Procure Works whose value upon awarding does not exceed 750.000 Dinars.
  - 2- Procure Supplies whose value upon awarding does not exceed 250.000 Dinars.
  - 3- Procure Services whose value upon awarding does not exceed 100.000 Dinars.
- C- Membership in the Committee shall be for one year that is renewable, and shall be recomposed each year of other employees.
- D- The Primary Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the attendance of at least four of its members, provided that the chairman is amongst them, and it shall pass its resolution by at least the majority votes of the attending members.
- E- The Primary Procurement Committee's decisions shall be subject to the endorsement of the Competent Minister, who shall be responsible for signing the agreements necessary to implement the decisions of the Committee.

### **Article (76) Primary Procurement Committees at the Universities, Independent Official Entities and Institutions and Municipalities**

- A- A Committee to be known as the (Primary Procurement Committee) shall be composed at the Universities, Independent Official Entities and Institutions and Municipalities. The Committee shall be formed under the chairmanship of the Chief of the University, institution, entity or municipality, and the membership of the following:
- 1- Three representatives from the Procuring Entity nominated by the chief of the entity members.

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- 2- Representative from the Tenders Department nominated by the Minister of Works if the Tender pertains to Works or technical Services, or representative from the Supplies Department nominated by the Minister of Finance if the Tender pertains to Supplies and ordinary Services member.
- B- The Primary Procurement Committee at Universities, Independent Official Entities and Institutions and Municipalities shall be authorized to procure within the following authorities:
- 1- Procure Works whose value upon awarding does not exceed 1.5 Million Dinars.
  - 2- Procure Supplies whose value upon awarding does not exceed 750.000 Dinars.
  - 3- Procure Services whose value upon awarding does not exceed 300.000 Dinars.
- C- Membership in the Primary Procurement Committee shall be for one year that is renewable, and shall be recomposed each year of other employees.
- D- The Primary Procurement Committee shall be in charge of preparing and awarding Tenders that fall outside the jurisdiction of the Local and Subsidiary Procurement Committees.
- E- The Primary Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the attendance of at least four of its members, provided that the chairman is amongst them, and it shall pass its resolution by at least the majority votes of the attending members.
- F- The Primary Procurement Committee's decisions shall be subject to the endorsement of the Competent Minister or the Secretary General, as the case may be, who shall be responsible for signing the agreements necessary to implement the decisions of the Committee.

### **Article (77) Central Procurement Committees at the Government Tenders Department**

- A- Central Procurement Committees shall be composed at the Government Tenders Department and may conduct their meetings in the government entity relevant to the Tender. The Committees shall be specialized in the following fields:
- 1- Buildings and engineering services.
  - 2- Water, irrigation, sewage systems and dams.
  - 3- Transportation, road constructions and mining.
  - 4- Electro mechanics and telecommunications.
  - 5- Non-technical Services.
- B- 1- Each Central Procurement Committee shall be composed under the chairmanship of the Director General of the Tenders Department or his delegate and the membership of:
- A representative from the Minister of Works nominated by the Minister member.
  - A representative from the Minister of Finance nominated by the Minister of Finance member.

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- Two representatives from the relevant government entity nominated by the Competent Ministermembers
  - Two persons nominated by the Minister of Works provided that one at least is of specialty regarding the type of service, where the Procurement pertains to non consultancy workmember.
- 2- Membership in Each Central Procurement Committee shall be for one year, provided that the members are of competence and specialty in the fields of work of the Committee. No person shall be allowed to be member to more than in Central Committee.
- C- The Central Procurement Committee shall be authorized to procure service and Works whose value upon awarding exceeds the authorities of Procurement grated to the other Procurement Committees stipulated in this Regulation, or any other Tender that the Minister authorizes it to prepare and award, upon the recommendation of the Competent Minister.
- D- The Central Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the attendance of at least five of its members, provided that the chairman and the representative of one relevant entity is amongst them, and it shall pass its resolution by at least the majority of four votes.
- E- The Central Procurement Committee's decisions shall be subject to the endorsement of the Minister.
- F- The Minister shall be responsible for signing the agreements in implementation of the decisions of the Central Procurement Committee.

### **Article (78)Central Procurement Committees at the General Supplies Department**

- A- Central Procurement Committees shall be composed at the General Supplies Department and may conduct their meetings in the government entity relevant to the Tender. The Committees shall be specialized in the following fields:
- 1- Health Welfare.
  - 2- Supplies of Common Use.
  - 3- Other Procurement of Supplies.
  - 4- Ordinary Services.
- B-1- Each Central Procurement Committee shall be composed at the General Supplies Department under the chairmanship of the Director General of the Department or his delegate and the membership of:
- i- A representative from the General Supplies departmentmember.
  - ii- A representative from the Minister of Finance nominated by the Minister of Finance member.
  - iii- A representative from the Ministry of Industry and Trade or the Institution for Standards and Metrology nominated by the Minister of Industry and Trade member.
  - iv- Two representatives from the relevant government entity nominated by the

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Competent Ministermembers.

- v- A representative nominated by the Director General provided he is specialized in the committee's fieldmember.

2- Central committees formed for Supplies of Common Use shall be chaired by the Director General of the general Supplies Department or whom he delegates and with the membership of the persons referred to in bullets (i, ii, iii, v) of Subparagraph (1) of Paragraph (B) of this Article.

3- Membership in Each Central Procurement Committee shall be for one year, provided that the members are of competence and speciality in the fields of work of the Committee. No person shall be allowed to be member to more than in Central Committee, except the Director General.

- C- 1- The Central Procurement Committee shall be authorized to procure Supplies and Ordinary Services whose value upon awarding exceeds the authorities of Procurement granted to the other Procurement Committees stipulated in this Regulation, or any other Tender that the Minister authorizes it to prepare and award, upon the recommendation of the Competent Minister.

2- Notwithstanding what is stated in Subparagraph (1) of this Paragraph, the central committee shall be responsible for procuring Common Use Supplies irrespective of value.

- D- The provisions of Paragraphs (D)-(F) of Article (77) of this Regulation shall apply on the Committees composed pursuant to Paragraph (A) of this Article.

### **Article (79)Governorate Procurement Committee**

A-A Committee to be known as the (Local Procurement Committee) shall be composed at each Governorate under the chairmanship of the Director of the Works Directorate at the Governorate and the membership of the following:

- 1- The Director of the Municipality Engineering at the Governoratemember.
- 2- The Director of the Financial Directorate at the Governorate member.
- 3- The Director of one Directorate affiliated to a ministry at the Governorate nominated by the Governor for one year who shall nominate a replacement when absentmember.
- 4- A representative from the relevant Directorate nominated by the Competent Minister member.

B-The Governorate Procurement Committee shall be authorized to procure within the following authorities:

- 1- Procure Works whose value upon awarding does not exceed 250.000 Dinars.
- 2- Procure Supplies whose value upon awarding does not exceed 50.000 Dinars.
- 3- Procure Services whose value upon awarding does not exceed 25.000 Dinars.

C-The Governorate Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the

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attendance of at least four of its members, provided that the chairman and the representative of the directorate pertinent to the Tender are amongst them. Where the Procurement relates to Supplies and ordinary Services, the Director of the Financial Directorate at the Governorate shall be attending. The Committee shall pass its resolution by at least the majority votes of the attending members.

D-The Local Procurement Committee's decisions shall be subject to the endorsement of the Governor who shall be responsible for signing the agreements necessary to implement the decisions of the Committee.

### **Article (80)Special Procurement Committee**

A-1- The Council of Ministers may, upon the recommendation of the Minister and the Competent Minister, and for justified and special reasons, form a Special Procurement Committee under the chairmanship of the Secretary General and comprising five or seven members, provided that one of them represents the Competent Procuring Entity, provided that this is done for a specific Project if the nature of such so dictates or if the terms of financing such requires special Procurement procedures.

2- The Ministry of Planning should be represented in any Special Procurement Committee formed for a Project financed by a funding agreement via the Ministry of Planning and International Cooperation.

B-The Council of Ministers shall reach its decision referred to in Paragraph (A) of this Article upon the recommendation of the Competent Minister and the Minister of Public Works and Housing if Procurement related to Works or Technical Services, and upon the recommendation of the Competent Minister and the Minister of Finance if Procurement related to Supplies or Ordinary Services, and upon the recommendation of the Competent Minister and the Minister of Public Works and Housing and the Minister of Finance if Procurement related to Supplies, Works and Services for a Project.

C-Prior to initiating the Procurement transaction, the Special Procurement Committee shall prepare the bases and principles that must be followed in the Procurement transaction, provided that the Committee shall comply with the provisions and procedures stipulated in this Regulation and the instructions issued pursuant thereto.

D-The Special Procurement Committee shall convene its meetings upon an invitation by its chairman. The quorum of the meeting shall be met upon the attendance of at least three-quarters of its members, provided that the chairman is amongst them. The Committee shall pass its resolution by at least the majority votes of the attending members.

E-The Special Procurement Committee's decisions shall be subject to the endorsement of the Minister and the Competent Minister.

F- The Competent Minister shall be responsible for signing the agreements necessary to

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implement the decisions of the Special Procurement Committee on behalf of the government.

### **Committees of Special Nature**

#### **Article (81) Main Committee in Central Bank**

A- Notwithstanding what is stated in this Regulation, the primary procurement committee at the Central Bank shall be responsible for procuring and printing banknotes, and money irrespective of value.

B- The Central Bank shall issue the instructions necessary to implement the provisions of Paragraph (A) of this Article.

#### **Article (82) Privatization Procurement Committee**

A- A committee at the Executive Privatization Committee to be known as the (Privatization Procurement Committee) shall be formed under the chairmanship of the Secretary General of the Executive Privatization Commission and the membership of:

- 1- Secretary General of the Ministry of Finance or a senior employee of the Ministry and nominated by the Minister of Finance.
- 2- Secretary General of the Ministry of Planning and International Cooperation or a senior employee of the Ministry and nominated by the Minister of Planning.
- 3- Representative of the Government Institution regulating the sector to be privatized nominated by the Competent Minister.
- 4- Representative of the Executive Privatization Committee nominated by the Chief.

B- The Chairman of the Committee shall nominate a vice chairman in the committee's first meeting.

C- Membership in the committee shall be for 2 renewable years.

D- The Privatization Procurement Committee shall undertake the following:

- 1- Procure Works and Supplies relating to restructuring or privatization transactions.
- 2- Examine offers submitted by qualified consulting companies for restructuring and privatization schemes.

E- The Committee shall convene upon an invitation from its chairman or vice chairman upon his absence to look into the matters put on its agenda. The quorum of the meeting shall be met upon the attendance of at least four of its members.

F- The resolutions of the committee shall be passed by a majority of votes of its attendees and no member shall refrain from voting but grounds for his objection must be put in writing. All resolutions shall be kept in a special register.

G- The chairman of the committee shall appoint one of the Commission's employees as a secretary of the committee who shall maintain its records and minutes.

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H-The resolutions of the Privatization Procurement Committee shall be endorsed as follows:

- 1- Chief of the Executive Privatization Commission if the value of Works and Services are more than (100.000) Dinars and not more (500.000) Dinars.
- 2- The Privatization Council if the value of Works and Services exceeds (500.000) Dinars.

I-The Chief of the Executive Privatization Commission shall take into account when procuring consultancy services conducted by the privatization procurement committee to procure Services in accordance with the provisions of Subparagraph (2) of Paragraph (D) of this Article, upon presenting his recommendation to chose a consulting company qualified to conduct the necessary studies for restructuring or privatization.

J-Procuring Services from consulting company qualified to conduct the necessary studies for restructuring or privatization shall be done pursuant to a decision by the Chief of the Executive Privatization Commission.

K-The Privatization Council shall issue the instructions necessary to implement the provisions of this Article based on the recommendation of the Chief of the Privatization Commission.

### **Article (83) Authorities of Competent Minister in Procurement by Committees**

Notwithstanding what is stated in this Regulation, in every Procurement transaction, the Competent Minister may:

A-1- Print books and Supplies for examinations and procure such irrespective of value or price, by means of a Committee comprising three members from the Government Institution. The most senior employee shall preside the Committee who shall pass its resolution by at least majority of votes.

2- Notwithstanding what is stated in Subparagraph (1) of this Paragraph, one of the members of the committee for copying school books and examination Supplies formed at the Ministry of Education must be a senior employee at the Supplies Department and nominated by the Minister of Finance.

B-Procure, sell, lease, rent or enter into contracts to prepare and produce intellectual and artistic rights and Works, and television and radio programs, irrespective of value, provided that this is carried out by a Committee formed by the Competent Minister for this purpose comprising three members from the employees in this entity and presided by the most senior. The Committee shall pass its resolution by at least majority of votes.

C-Procure, upon the recommendation of the a committee comprising three members and formed by the Competent Minister from employees at his ministry, scientific and cultural specialized Services including consultancies, preparation of researches and studies and the assessment thereof, whether by institutions or individuals. The committee passes its resolution by at least majority of votes provided that the Services

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are not less than (50.000) Dinars.

### **Article (84)Representation of the Ministry of Planning**

Where the Procurement transactions are financed pursuant to financing agreements through the Ministry of Planning and International Cooperation, a member who represents the Ministry must be added to any of the Local Committees, Primary Committees, or Central Committees, unless the nature of funding requires otherwise.

### **Article (85)Regulation of Meetings for the Procurement Committees**

A-The chairman of each Committee shall appoint the Committee's secretary who acquires the qualifications and expertise specified pursuant to the instructions referred to in Paragraph (B) of Article (72) of this Regulation.

B-Each session by the Procurement Committees shall be Registered and a report with their recommendations is prepared, to be signed by the chairman and members. A copy of the report shall be maintained in the Register for Procurement Proceedings. The opposing member shall submit a statement justifying reasons for oppositions and signed thereby, to be attached to the final recommendations of the Committee.

C-The competent authority that nominated any member of the Procurement Committees provided for in this Regulation may replace such member with another at any time, provided that this does not apply to the member representing the Government Institution relevant to the Procurement that is looked into at the Committee during such time and until its recommendations or decisions regarding such are issued. Any procedure to the contrary shall be deemed void.

D-The Procurement Committee may seek the assistance of the experts and technicians in matters pertaining to the Procurement transactions presented thereto.

E-Procurement Committees shall be entitled to form technical committees to examine the Bids and submit recommendations regarding such thereto.

### **Article (86)Procurement Committees Remunerations**

A- The chairmen, members, and secretaries of the Procurement Committees, as well as technical Committee members and experts assisting the Committees shall be granted financial bonuses according to the bases and criteria specified by the Council of Ministers pursuant to instructions issued thereby upon the recommendation of the Commission for this purpose.

B- Remuneration shall be only granted for meetings attended.

C- Remuneration shall be equal amongst all committees members including the chairman.

## **Chapter V**

### **Procedures for Tendering and Opening and Evaluation of Offers**

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### **Article (87) Local or International Tendering**

A-Tenders must be offered locally unless the agreements and protocols referred to in Article (5) of this Regulation stipulates tendering in other manners, including the international Tendering in accordance with the terms and provisions of such agreements and protocols.

B-Subject to the provisions of Paragraph (A) of this Article, Procurement may be conducted through an International Tendering in any of the following cases, subject however to the provisions of the enacted Constructions Contractors Law and Engineers Association Law:

1-If the local Contractors, Suppliers, or Consultants do not possess the conditions, specializations, and expertise required to implement the Procurement transactions of Supplies, Works or Ordinary Services. This shall be done by a decision by the Competent Minister upon a report by persons of competence and expertise.

2-If it was not possible to obtain the Procured Items from local Bidders and upon exhaustion of all Procurement methods stipulated in this Regulation.

C- Jordanian Bidders may participate in International Tendering.

### **Article (88) Announcement for Tendering**

A-The announcement to Local Tender shall be published in two local newspapers more than once. The announcement may be made in any other way including the use of internet.

B-International Tendering announcement shall be published in two local newspapers more than once, and in media of wide international circulation, including the internet, provided that publication in this case shall be in the English language.

C-The announcement shall be published by the chairman of the Committee.

D-The announcement to bid shall contain, at a minimum, the following information:

1-Number of Tender;

2-The Competent Procuring Entity and the address thereof;

3-The Procuring Entity and the address thereof;

4-Subject matter of the Tender and location of the Project, and a brief description of the Project;

5-The means of obtaining the Bidding Documents and the place from which they may be obtained;

6-The price, if any, charged by the Procuring Entity for the Bidding Documents;

7-Classes of Contractors, Suppliers or Consultants that are allowed to enter into the bid;

8-The deadline for purchase of the Bidding Documents;

9-The place and deadline for the submission of bids;

### **Article (89) Information Included in the Tender Invitation**

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The invitation to bid shall contain, at a minimum, the following information:

- 1-Number of Tender;
- 2-The Competent Procuring Entity and the address thereof;
- 3-The Procuring Entity and the address thereof;
- 4-Subject matter of the Tender and location of the Project, and a brief description of the Project;
- 5-The means of obtaining the Bidding Documents and the place from which they may be obtained;
- 6-The price, if any, charged by the Procuring Entity for the Bidding Documents;
- 7-Classes of Contractors, Suppliers or Consultants that are allowed to enter into the bid;
- 8-The currency and means of payment;
- 9-The language or languages in which the Bidding Documents are available;
- 10-The date of any pre-bid conference and site visit;
- 11-The deadline for submission of inquiries and requests for clarification;
- 12-The deadline for purchase of the Bidding Documents;
- 13-The place and deadline for the submission of bids;
- 14-The desired or required time for the supply of the goods or for the completion of the construction;
- 15-Procedures for delivery;
- 16-Value and source of financing, with regards to financed Projects;
- 17-Value of grant or advance payment, if any;
- 18-Duration for offer validity;
- 19-Value of bid bond, if any;
- 20-Value of performance guarantee, if any;
- 21-Maintenance warranty.

### **Article (90)Preparation of Bidding Documents**

- A- The Procuring Entity shall be responsible for the preparation of the Bidding Documents.
- B- Local Bidding Documents and agreements and contractual terms shall be prepared in Arabic and, in the case of an International Tender, Bidding Documents, agreements and contractual terms shall be prepared in English.
- C- Bidding Documents shall be provided to all Bidders entitled to participate and have responded to the invitation to Tender.
- D- 1- The price charged for the Bidding Documents shall proportionately reflect the cost of reproduction and distribution of the documents in accordance with instructions issued by the Commission except for Negotiations where such documents are distributed free of charge. Such instructions shall include the entities that may purchase such documents.  
2- The Competent Minister may distribute Restricted Tendering documents free of charge.

### **Article (91) Verification of the Bidding Documents Prior to Announcement**

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Prior to the issuance of an invitation to Tender of any Tender, the Competent Procuring Entity shall ascertain the following:

A-Compliance with the requirements in the Regulation and the instructions issued pursuant thereto. In case of any violation thereto, the Competent Procuring Entity shall return the documents to the competent entity who shall rectify any errors or omissions or amendments in compliance with the requirements in the Regulation and the instructions issued pursuant thereto.

B-If Bidding Documents are complete or upon completion by the Procuring Entity and the Tender was within the jurisdiction of the Central Procuring Committee, the Department shall present the Bidding Documents to the chairman of the Central Committee who shall offer the Tender in (7) days from the date of their receipt.

C-Availability of a sufficient number of copies of the Bidding Documents.

D-Non-existence of any financial or taxation exemptions, and in case such exemptions do exist; to ascertain the availability of an advance approval by the Council of Ministers thereon.

### **Article (92) Review of Bidding Documents**

A-The Secretary General may distribute for knowledge only, the Bidding Documents to Arabic and foreign commercial attaches.

B-Bidders may review the Bidding Documents at the office of the entity offering the Tender.

### **Article (93) Refund of Price of Bidding Documents**

A-Price of Bidding Documents shall be refunded to the Bidder who purchased such documents in the following cases:

- 1-If the Tender is canceled prior to the deadline for submitting the offers, provided he returns all the Bidding Documents to the entity offering the Tender.
- 2-If the Tender is canceled after the deadline for submitting offers. In such case, the price is refunded to the Bidder who submitted an offer within the timeline for submitting offers and provided he returns all the Bidding Documents to the entity offering the Tender.

B-Notwithstanding what is stated in Paragraph (A) of this Article, prices of Bidding Document shall not be refunded to the Bidder if the cancellation of the Tender was due to any of the following reasons:

- 1-Unconformity of offers to the specifications and conditions provided for in the Bidding Documents.
- 2-Unavailability of an adequate number of offers.
- 3-Existence of an agreement among Bidders to submit offers.

C-Subject to the provisions of Paragraph (A) of this Article, if the Tender is canceled and re-offered in the same conditions and specifications, the prices of the canceled Tender

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shall be the prices for the new Tender, unless such was more or less, whereby the Bidder shall pay or receive a refund thereon, as the case may be.

### **Article (94) Components of Bidding Documents**

A-Depending on the nature of Tender, Bidding Documents shall consist of the following component parts:

- 1-Invitation to Bid;
- 2-Instructions to Bidders;
- 3-General conditions of contract
- 4-Special conditions of contract
- 5-Technical Specifications;
- 6-Drawings and plans;
- 7-Bill and tables of quantities;
- 8-Requirement tables;
- 9-Forms for bid and performance securities.
- 10-Any other matters the Procuring Entity deems important to be added to the Bidding Documents.

B-If the general conditions of the contract contradicted with the special conditions of the contract, the special conditions shall apply.

C-Subject to the provisions of Paragraph (B) of this Article, if the provisions mentioned in the Bidding Documents contradicted, the reference priority thereof shall be according to the sequence referred to in Paragraph (A) of this Article.

### **Article (95) Contents of Bidding Documents**

Subject to the provisions of this Regulation, and depending on the nature of Tender, the Bidding Documents shall include, at a minimum, the following information:

A-Instructions for preparing bids, including:

- 1-any descriptive literature Bidders are required to submit with their bids;
- 2-any requirement that Bidders provide samples, and the number and type of such samples;
- 3-any requirement that Bidders view samples to which Supplies must conform, and the circumstances under which such requirements would be waived;
- 4-any requirement regarding spare parts for Supplies requiring such, subject to the provisions of Article (96) of this Regulation;
- 5-any requirement that the Bidder should state in the bid the country of origin of the Supplies, the name of the manufacturer, the brand name, model and catalogue number.

B-The criteria and procedures relative to the evaluation of the qualifications of Contractors, Suppliers or Consultants;

C-The requirements as to documentary evidence or other information that must be submitted by Suppliers or Contractors to demonstrate their qualifications.

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- D-The nature and required technical and quality characteristics of the items to be procured, including, but not limited to:
- 1-technical specifications, plans, drawings and designs;
  - 2-the quantity of the goods; any incidental Services to be performed;
  - 3-the location where the Supplies are to be delivered, the Works are to be effected or the Services are to be provided, and the desired or required time therefore, if any;
  - 4-any warranty and maintenance requirements necessary thereto;
  - 5-the tests, standards and methods to be employed to judge the conformity of Procured Items with the technical specifications provided in Bidding Documents;
  - 6-any requirement that Supplies, materials, spare parts should be brand new and original.
- E-The criteria to be used by the Competent Procuring Entity in determining the successful Bidder pursuant to Article (126) of this Regulation, and the relative weight of such criteria, if Procurements required to use such criteria, including the following:
- 1-Price of Bid including the margin of preference granted pursuant to the provisions of Paragraph (A) of Article (8) of this Regulation.
  - 2-Period for delivering Procured Items as to delay or ahead of time.
  - 3-Cost of operation, maintenance and fixing.
- F-The terms and conditions of the Procurement Contract, to the extent they are already known to the Procuring Entity, and the contract form, if any, to be signed by the parties;
- G-If alternatives to the characteristics of the goods, construction, Services, contractual terms and conditions or other requirements set forth in the Bidding Documents are permitted, a statement to that effect, and a description of the manner in which alternative bids are to be evaluated and compared;
- H-If Bidders are permitted to submit bids for only a portion of the items to be procured, a description of the portion or portions for which bids may be submitted;
- I-The manner in which the bid price is to be formulated and expressed, including a statement as to whether the price is to cover elements other than the cost of the Procured Items themselves, such as any applicable transportation and insurance charges, customs duties and taxes; whether the prices are fixed or adjustable and the formula therefore;
- J-The currency or currencies in which the Tender price is to be formulated and expressed. In respect of local bids, the price shall be expressed in Jordanian Dinars and any convertible currency for international bids, in addition to the date in which the exchange rate is calculated and the entity accredited to identify such rate;
- K-The language or languages in which bids are to be prepared;

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- L-Any requirements or conditions regarding the nature, form, and amount of any bid security to be provided in accordance with the provisions of this Regulation;
- M-If a Bidder is not allowed to withdraw or amend its bid prior to the deadline for the submission of bids, a statement to that effect;
- N-The manner, place and deadline for the submission of bids;
- O-The means by which Bidders may seek clarifications of the Bidding Documents and the deadlines therefore, and a statement as to whether the Procuring Entity intends to convene a meeting and arrange a field visit for Bidders;
- P-The exact date, place and time for the opening of bids;
- Q-The procedures to be followed for opening and examining bids;
- R-The forms pertaining to prohibited payments or any other payments;
- S-References to this Regulation and to legislation and instructions directly pertinent to the Procurement Proceedings, provided, however, that the omission of any such reference shall not constitute grounds for review according to the provisions of Paragraph (A) of Article (265), or give rise to liability on the part of the Procuring Entity or the Competent Procuring Entity;
- T-Any additional commitments such as the transfer of technology to be made by the Bidder pursuant to or outside the scope of the Procurement Contract;
- U-Notice of the right provided for in Paragraph (A) of Article (265) to seek review of an unlawful act or decision of, or procedure followed by, the Procuring Entity in relation to the Procurement Proceedings;
- V-A statement to the effect that the Competent Procuring Entity reserves the right to reject all bids submitted thereto;
- W-Any formalities that will be required once a bid has been accepted for a Procurement Contract to enter into force, including the formulation of such contract;
- X-Any other requirements established by the Procuring Entity in conformity with this Regulation and the instructions issued pursuant thereto.

### **Article (96) Spare Parts**

- A-The Bidder shall present with his offer a separate table of spare parts, equipment and machinery for Supplies requiring such and which are recommended by the manufacturer to be used for two years at least, or for the period prescribed by the Procuring Entity in the Bidding Documents under normal use conditions. The table shall state the manufacturer's stock number for each item, the quantity and unit price.

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Such prices shall be binding for the Bidder towards the Procuring Entity for the period prescribed in this Paragraph. The Procuring Entity shall be fully entitled to order any item within the set period and in the price mentioned in the Table, and in such case, all spare parts shall be 100% original and new.

B-The Bidder shall enclose with his offer an equation for any escalation of prices for spare parts according to their prices in the country of origin, after the period stipulated in paragraph (A) of this Article.

C-The Bidder shall provide the maintenance shops and spare parts for the machinery, equipment and apparatus requiring such and for the period prescribed by the Procuring Entity or the common operational lifespan, unless the Tender invitation provides otherwise.

D-The Commission shall issue the instructions necessary to implement the provisions of this Article.

### **Article (97)Formulation of Evaluation Criteria**

Evaluation criteria used to assess the qualifications of Bidders, and the technical merit of their bids, offers, proposals or quotations shall be formulated in as clear, precise, and objective a manner as possible.

### **Article (98)Clarifications and Modifications of Bidding Documents**

A-A Bidder may request a clarification of the Bidding Documents from the Competent Procuring Entity within the period specified in the Bidding Documents. The Competent Procuring Entity shall respond to any request for clarification within (7) days prior to the deadline for submission of bids by issuing annexes for Procurement which include the clarification requests and their replies and shall communicate the clarification to all Bidders to which the Procuring Entity has provided the Bidding Documents, without identifying the source of the request, so as to enable the Bidder to make a timely submission of its bid.

B-1- At least (7) days prior to the deadline for submission of bids, the Competent Procuring Entity may, whether on its own initiative or as a result of a request by a Bidder, modify the Bidding Documents by issuing an addendum. The addendum shall be communicated promptly to all Bidders to which the Competent Procuring Entity has provided the documents.

2- Notwithstanding what is stated in Subparagraph (1) of this Paragraph, the Competent Procuring Entity may, whether on its own initiative or as a result of a request by a Bidder, and if it finds reasons to justify such, modify the Bidding Documents by issuing an addendum within a period less than (7) days prior to the deadline for submission of bids, provided that the period for submitting bids shall be extended so as to allow for not less than (7) days to lapse between the date for issuing the addendum and submitting the bids.

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C-The Competent Procuring Entity, in collaboration with the Procuring Entity, shall convene a meeting of Bidders, if it finds that the clarifications requests require so. It shall also issue an addendum for the minutes of the meeting containing the requests submitted or presented in the meeting, and its responses to those requests. The minutes shall be provided promptly to all Bidders who received the Bidding Documents.

D-The Tender addendum issued by the Competent Procuring Entity according to the provisions of Paragraphs (A), (B) and (C) of this Article shall be obligatory to Bidders who received the Bidding Documents.

### **Article (99)Pre-bid Conference**

A-The Competent Procuring Entity may, in collaboration with the Procuring Entity, undertake the following:

1-Organize a public conference for all Bidders who received the Bidding Documents, for the purpose of briefing them on any ambiguities, defects or clarifications pertaining to the Bidding Documents and taking their questions on the Bidding Documents, including the technical specifications. Any such conference should take place at an early point following the distribution of the Bidding Documents, so as to allow Bidders to take the information they obtain at the conference into account in preparing their bids.

2-Arrange for site visit to allow the Bidders to explore the Project site and acquaint to its surroundings.

B-If the Procuring Entity convenes a meeting of Bidders, it shall prepare minutes of the meeting containing what has been amended or ratified in the Bidding Documents, the requests submitted at the meeting for clarification of the Bidding Documents, and its responses to those requests, without identifying the sources of the requests. The Procuring Entity shall provide the minutes promptly to all Bidders to who received the Bidding Documents, so as to enable those Bidders to take the minutes into account in preparing their bids

C-Clarification of defects or ambiguities in the Bidding Documents and answering to Bidders requests at the conference referred to in Paragraph (A) of this Article shall not affect the authority of the Procuring Entity to amend the Bidding Documents according to the provisions of this Regulation.

### **Article (100)Prohibition of Cancellation of Tender Proceedings**

Tenders shall not be canceled except according to the provisions of this Regulation.

### **Article (101)Cancellation of Proceedings Before Opening of Bids**

A-The Competent Procuring Entity shall not cancel the Tender if there are justified reasons that achieve the public interest, including the following:

1-when the Procurement need in question has ceased to exist;

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2-when the Bidding Documents have to be modified to such an extent that would likely lead to an inevitable cancellation of the proceedings after the opening of bids if no action is taken at this stage to cancel the proceedings.

B-If the Procurement Proceedings are cancelled before opening of bids according to the provisions of Paragraph (A) of this Article, the Competent Procuring Entity shall return unopened any bids that have been received.

### **Article (102)Deadlines for Submission of Bids**

A-Deadlines for submission of bids shall be set in accordance with the following periods:

- 1-In the case of local Tender, not less than (15) days from the date of the first publication of the invitation to Tender;
- 2-In the case of international Tender, not less than (45) days from the date of the first publication of the invitation to Tender;

B-Subject to the provisions of Paragraph (A) of this Article, the deadline for submission of bids shall be set taking into account the nature of the Procurement, including:

- 1-whether the item to be procured is readily available commercially or must be produced to the unique specifications of the Procuring Entity;
- 2-the urgency by the Procuring Entity to obtain the Procured Items;
- 3-the time required for the preparation of bids in a proper manner;
- 4-whether an advance notice of planned Procurement had been published;
- 5-whether pre-bid conferences or site visits are envisaged;
- 6-whether foreign Bidders are anticipated.

C- The deadline for submission of bids shall be expressed as a specific date and time.

### **Article (103)Extension of Deadlines for Submission of Bids**

A-The Procuring Entity shall extend the deadline for submission of bids in any of the following cases, if such extension is necessary to allow Bidders sufficient time to take the clarification, modification or other added information into account in preparing their bids:

- 1-if there is an amendment of the Bidding Documents;
- 2-if there is significant modifications of the Bidding Documents;
- 3-due to the late issuance of minutes of a conference of Bidders or a site visit.

B-The Competent Procuring Entity may extend the deadline for submitting the offers on the basis of more than one request by the Bidders, if it is convinced of the seriousness of the request.

C-Notice of any extension of the deadline shall be given promptly to each Bidder to which the Procuring Entity provided the Bidding Documents.

### **Article (104)Preparation of Bids**

A-Bids shall be prepared and presented in writing, and all Bidding Documents shall stamped or signed by the Bidder or an authorized representative thereof.

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B-Notwithstanding what is stated in Paragraph (A) of this Article, bids may be submitted in any other means specified in the Bidding Documents, including electronic submissions, provided that each manes takes into account the achieving of security and confidentiality of the bids submitted and documenting such, according to instructions referred to in Paragraph (C) of Article (245) of this Regulation.

### **Article (105)Tenders Box**

A-A locked box shall be designated at the Government Institution into which Bidders may deposit their bids. The specifications and provisions relevant to such box shall be specified in instructions issued for this purpose.

B-The Tenders box referred to in Paragraph (A) of this Article shall have three different locks, the Chairman of the Committee offering the Tender shall retain one key thereof, the Committee Secretary shall keep a key to the second lock and one of the other Committee members nominated by the Committee shall keep the key to the third lock. The box shall be opened in the date specified in the Bidding Documents only.

### **Article (106)Submission and Depositing of Bids**

A-Subject to the provisions of Paragraph (D) of Article (90) of this Regulation, Bids shall be submitted by Bidders who received a copy of the Bidding Documents from the Competent Procuring Entity.

B-Bids shall be submitted in the required number of copies and in a tightly closed and sealed envelop on which the number of the Tender, the name of the Competent Procuring Entity and the name and permanent address of the Bidder shall be affixed. The copy marked as the “original” shall be included amongst them. If any contradiction occurs between original and other copies, the original shall be adopted. The Bid is submitted in one sealed envelop which contains the technical and financial proposal for Supplies and Ordinary Services and the financial proposal for Works, unless the nature of Procurement required the submission of the financial and technical proposals in separate envelops. The envelop shall bear the number of Tender, the name of the Competent Procuring Entity and the name and permanent address of Bidder.

C-The entity receiving the bid shall provide to the Bidder a receipt showing the date and time when its Tender was received.

D-The entity receiving the bids shall note the exact date and time of arrival of a bid in the Register prepared for this purpose.

E-In addition to direct deposit in the Tender box, bids may be submitted by registered mail, courier or any other means that allows identifying the date and time of receiving the bid, prior to the end of the deadline for submitting the offers.

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F-If the bid envelopes are so large that it is impossible to place them in the box, they shall be handed over to the Committee's Secretary, who should organize a Register thereof and ensure that the bids are kept in a safe, in secure area and manner, and handed over to the Committee at the bid opening.

G-Bids received after the deadline for bid submission shall be returned unopened and shall not be considered. The exact date and time of arrival of a bid shall be noted in the Procurement Proceedings Register.

### **Article (107)Modification or Withdrawal of Bid**

The Bidder may request in writing to modify or withdraw his bid. A modification or notice of withdrawal of a Tender is effective only if it is received by the Competent Procuring Entity prior to the deadline for the submission of bids.

### **Article (108)Bid Validity Period**

The bidding invitation shall set a required Tender validity period that is of a sufficient length to enable the Competent Procuring Entity to complete the evaluation and comparison of bids and to obtain all the necessary approvals so that the Procurement Contract can be awarded within that period, provided that such period is not less than (60) days from the deadline for submitting offers, unless the Tender invitation stipulates otherwise.

### **Article (109)Extension of Bid Validity Period**

A-Prior to the expiry of the validity period of bids, the Competent Procuring Entity may request Bidders in writing to approve the extension of the validity period of their bids in writing including the extension of the bid security.

B-A refusal to extend the bid validity period by the Bidder shall not result in forfeiture of the bid security.

C-Notwithstanding what is stated in Paragraph (A) of this Article, the Competent Procuring Entity shall not be allowed to request an extension of the bid validity period for more than two times, provided that each extension period shall not exceed the bid validity period specified pursuant to Article (108) of this Regulation or according to the Bidding Documents, as the case may be.

D-Notwithstanding what is stated in Paragraph (C) of this Article, the Competent Procuring Entity may request the extension of the bid validity period for a third time or more provided that it allows the Bidders who submitted their offers to adjust their prices according to a formula specified by the Competent Procuring Entity in accordance with instructions issued by the Commission for this purpose.

### **Article (110)Requirements Applicable to Bid Securities**

A-Bid securities shall be required in all bids whose value exceeds the following:

- 1-30.000 Dinars for Procurements of Works.
- 2-15.000 Dinars for Procurements of Supplies.

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3-10.000 Dinars for Procurements of Ordinary Services.

B-Bid securities may be requested for any Tender which value is less than the amount stipulated in Subparagraphs (1)-(3) of this Paragraph (a) of this Article.

C-Bid security for Tender to procure technical services and single source shall not be required irrespective of the value of Tender unless the procurement nature requires otherwise.

D-The amount of the bid security shall be set in the Bidding Documents, at between 2 and 3 per cent of the estimated value of the Procurement or of the value of the bid, as the case may be.

E-Subject to the provisions of Paragraph (D) of this Article, if the Bidder submits an alternative or optional offer, the bid security shall be proportionate with the value of the original, alternative or optional bid, whichever is higher.

### **Article (111) Bid Validity Period**

The Tender validity period shall extend for at least (30) days after the bid validity.

### **Article (112) Return of Bid Securities**

Bid security shall be returned to Bidders submitting it in accordance with the following:

A- Those who were not awarded the Tender after the endorsement of the award decision by the competent authority.

B- Those whose Bids have expired and who do not wish to extend such according to the provisions of Article (109) of this Regulation.

C- Those who have been awarded the Bid after submitting the performance guarantee, unless such guarantee has been submitted pursuant to Article (113) of this Regulation, in which case, guarantee shall not be returned.

### **Article (113) Acceptance of One Bid and Execution Guarantee in Tender**

One Bid and execution guarantee may be accepted for the same Tender whereby the guarantee amount shall not be less than (10%) of the estimated value of the Tender, or of the value of proposal, as the case may be.

### **Article (114) Forfeiture of Bid Guarantee**

Bid guarantees shall be forfeited in any of the following cases:

A- Withdrawal or modification of the bid after the deadline for submission of bid.

B- Failure to sign the procurement contract required in the Bidding Documents including the failure to submit performance guarantee.

C- Failure to sign the procurement contract within the specified period in accordance with the provisions of this Regulation.

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### **Article (115) Payment of Fees**

The Procuring Entity, before signing the contract, shall verify that the Bidder awarded the Tender has paid fees incurred thereby including stamp fees and university fees.

### **Article (116) Cases in which Bid Guarantees May not be Forfeited**

The Bid security shall not be forfeited and shall be promptly returned to the Bidder submitting it in any of the following cases:

- A- Withdrawal or amendment of the Tender prior to the deadline for submitting Bids, unless the Bidding Documents stipulates otherwise.
- B- The expiry of the bid bond validity.
- C- The entry into force of a procurement contract and the provision of a performance guarantee.
- D- The termination of the tendering proceedings without the entry into force of a procurement contract;

### **Article (117) Forms and Issuer of Securities**

- A- All securities submitted in accordance with the provisions of this Regulation shall be in one of the following forms:
  - 1- Bank guarantees issued by an accredited bank or financial institution in accordance with an approved form for this purpose.
  - 2- Certified cheques.
  - 3- Insurance sureties in accordance with instructions issued by the Commission for this purpose.
  - 4- Requests to seize the value of surety from any amounts due to the Bidder by the Procuring Entity provided that such amounts are mature on the date of submitting the request.
- B- If any of the securities mentioned in Subparagraphs (1), (2) and (3) of Paragraph (A) of this Article are issued by a bank or financial institution outside Jordan, they must be endorsed by a licensed and accredited bank or financial institution in Jordan.
- C- The securities provided for in Paragraph (A) of this Article shall not be contingent on any term or conditions, and shall be payable by first request of the entity in whose name they were organized, irrespective of any opposition made by the Bidder or Vendor, as the case may be.
- D- The Bidder, prior to submitting the Bid, may request the approval of the Procuring Entity or the Competent Procuring Entity, as the case may be, on the issuer of the security suggested. The Procuring Entity or the Competent Procuring Entity shall immediately respond to such request.

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- E- The prior approval of the Competent Procuring Entity or the Procuring Entity to the issuer of the security suggested in accordance with the provisions of Paragraph (D) of this Article shall not prevent from refusing such if the issuer came insolvent or bankrupt or lost its credit solvency.
- F- Security must be returned to its submitter within (14) days from the date of its expiry according to the provisions of this Regulation unless any action has been taken thereon.

### **Article (118) Disclosure of Bids**

- A- Prior to opening of bids, disclosure of the number of the Bids and the Bidders submitting them shall be made only to public officials who as part of their official duties require that information.
- B- Any samples that are submitted should be handled in a confidential and secure manner that does not lead to the disclosure of their characteristics prior to the opening of Bids

### **Article (119) Opening and Evaluation of Bids**

- A- Bids shall be opened by the committee and in the presence of the chairman of the committee, at the time and place indicated in the tender invitation. The time of bid opening shall be the same as the deadline for submission of Bids unless another date is mentioned in the Bidding Documents.
- B- The Committee shall, upon opening the Bids, read the names and addresses of the bidders submitting bids, the bid prices, and the price of any alternative tenders if they have been solicited or permitted and shall record such immediately in the record of the minutes of meeting stipulated in Paragraph (A) of Article (120) of this Regulation.
- C- If the Committee, for any reason, is unable to open the Bids in the specified time, it may postpone the opening of Bids to another date provided that this is recorded in its minutes of meeting and that all Bidders who submitted the Bids are present in the new date, provided that the invitation is done via a means that is proper to the postponement date.
- D- The Bidders or their representatives may be present at the opening of Bids, provided that they do not participate in the Committee's activities or intervene in any way therein.

### **Article (120) Minutes for Opening of Bids**

- A- A minutes for opening the Bids shall be organized by the Committee secretary in which the names of all Bidders participating in the Bid shall be recorded in sequel numbers including the names of Bidders disqualified. The value of Bid bond and its type and validity for each Bid shall also be recorded therein, in addition to any other information deemed important to be registered by the Committee chairman.

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B- The minutes mentioned in Paragraph (A) of this Article shall be signed by the chairman and present members and secretary of the Committee, in accordance with the following:

- 1- Promptly after opening all Bids along with stating the number of participating Bidders written in letters. Any amendments thereto must be justified in writing and endorsed by the chairman and present members of the Committee. The minutes may be published in any means specified by the Committee chairman.
- 2- Promptly after the end of the meeting if Bids are not opened for any reason.

### **Article (121) Evaluation of Bids Principles**

A- 1- Bids shall be evaluated and compared only in accordance with the evaluation criteria set forth in the Bidding Documents.

2- Bids containing non-material deviations shall be evaluated.

B- No negotiations whatsoever may be held with Bidders as to the substance or prices of their Bids.

C- The Procuring Entity may seek only clarifications of Bids, and may not solicit or accept changes in or negotiate as to the substance or prices of Bids. Any such clarifications may only be sought and provided in writing.

### **Article (122) Preliminary Screening**

After the initial opening of tenders, a preliminary screening of tenders shall be carried out for the purpose of determining whether Bids comply with the requirements of this Regulation and the instructions issued pursuant thereto. This preliminary screening may involve examining the following at a minimum:

A- Whether all the required documents, including any standard forms supplied with the Bids, have been submitted fully completed.

B- Whether the Bidder has met the qualification and classification, if any.

C- Whether the tender substantially conforms with the contractual terms and technical requirements set out in Bidding Documents and instructions to Bidders.

D- Whether the tender has been signed by the Bidder or an authorized representative thereof.

E- Whether a Bid bond, if required, has been provided and the amount and validity thereof.

F- Whether the Bid is valid or not.

### **Article(123) Classification of Bids**

On the basis of the existence of deviations or reservations in the technical specifications and the contractual terms stipulated in the Bidding Documents, the Committee may classify

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the Bids into the following:

- A- Those tenders that do not contain deviations or reservations.
- B- Those tenders that contain minor deviations or reservations, but that may be considered responsive, provided that the deviations or reservations are quantified and taken into account in the evaluation and comparison of tenders.
- C- Those tenders that contain material deviations or reservations or qualifications and are therefore to be rejected as non-responsive in accordance with Article (132) of this Regulation.

### **Article (124) Correction of Errors in Bids**

- A- If the Committee finds during the evaluation of the bid that it contains arithmetical errors appearing according to the provisions of Paragraphs (B) and (C) of this Article, it shall correct such errors. The correction shall be mandatory for the Bidder after he/she have been informed of such.
- B- 1- If there is a discrepancy between the unit price and the total price, or the line item total, that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Committee there is an obviously gross misplacement of the decimal point in the unit rate or a similarly obvious gross mathematical error, in which cases the line item total, or total price, as the case may be, as quoted will govern and the unit rate will be corrected.  
2- If more than one unit price is found for the same item, the Committee may decide the accredited price based on the evidence indicating the unit price adopted by the Bidder. The Committee may disregard the offer if evident of pricing was impossible.
- C- If the Bidder was found not to have priced one or more items, the competent Committee shall be entitled to reject the bid or consider the un-priced items to be calculated along with other items and hence the Bidder is required to execute such items without consideration, once the bid is awarded thereon.
- D- Where there is a discrepancy between the amounts in figures and in words, the amount in words will govern unless the Committee finds adequate evidence of otherwise.
- E- Should any contradiction occur in the information between the submitted copies, the original copy shall be adopted.
- F- Where the Bidder has priced one or more items in a false or exaggerated manner whereby it affects the value of the bid, the Committee shall be entitled to reject the bid.

### **Article (125) Assessing Responsiveness of Bids**

The Competent Procuring Entity may regard a bid as responsive even if it contains deviations in any of the following cases, provided that any such deviations shall be

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quantified, to the extent possible, and appropriately taken account of in the evaluation and comparison of bids:

A-If the Bid contains some minor deviations that do not materially alter or depart from the characteristics, terms, conditions and other requirements set forth in the Bidding Documents, or the Bid's location on the price list.

B-If the Bid contains errors or oversights that are capable of being corrected without touching on the substance of the Bid.

### **Article (126)The Successful Bid**

A-The tender shall be awarded with justification to the successful Bid according to any of the following:

- 1-The Bid conforming with the terms and conditions stipulated in the Bidding Documents and is submitted with the lowest Bid price, subject to any margin of preference applied pursuant to the provisions of Paragraph (A) of Article (28)of this Regulation.
- 2-The Bid conforming with the terms and conditions stipulated in the Bidding Documents and is submitted with the lowest costs, subject to any margin of preference applied pursuant to the provisions of Paragraph (A) of Article (28)of this Regulation. This shall be on the basis of criteria specified in the Bidding Documents, which criteria shall, to the extent practicable, be objective and quantifiable, and shall be given a relative weight in the evaluation procedure or be expressed in monetary terms wherever practicable.
- 3-The most suitable Bid. Where the Committee finds unsubstantial deviations in all the Bids submitted, it shall select the most suitable Bid as to price, quality and terms that fulfil the objective intended, if the Committee finds this in the interest of the Procuring Entity.

B-In determining the Bid with lowest costs in accordance with Subparagraph (2) of Paragraph (A) of this Article, the Committee may consider only the following:

- 1- The cost of operating, maintaining, and repairing the time for delivery of the Procured Items, the functional characteristics thereof, the terms of payment and of guarantees.
- 2- The effect that acceptance of a Bid would have on the balance of payments position and foreign exchange reserves, the countertrade arrangements offered by Suppliers or Contractors, the extent of local content, including manufacture, labor and materials in the Procured Items being offered by Bidders, the economic-development potential offered by tenders, including domestic investment or other business activity, the encouragement of employment, the reservation of certain production for domestic Suppliers, the transfer of technology and the development of managerial, scientific and operational skills.

### **Article (127)Confidentiality of Information**

A- Subject to applicable legislation, no employee, personnel or Procurement Committee member is permitted to disclose in any case confidential information pertaining to the Procurement process or the Bidders, including Bidders' proprietary commercial

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information obtained by virtue of their involvement in, or contact with officials involved in, Procurement Proceedings or the planning of Procurement.

- B- Information relating to the examination, clarification, evaluation and comparison of Bids shall not be disclosed to Bidders or to any other person not involved officially in the examination, evaluation or comparison of Bids or in the decision on which Bid should be accepted.
- C- Notwithstanding what is stated in Paragraphs (A) and (B) of this Article, the Competent Procuring Entity may, in achieving transparency, equity and fairness amongst Bidders, disclose any information pertaining to the winning Bid, with the exception of any commercial information which are confidential in nature.
- D- The provisions of Paragraphs (A) and (B) of this Article shall extend also to those acting on behalf of Competent Procuring Entities in Procurement Proceedings.

### **Article (128) Evaluation of Bids in Different Currencies**

When tender prices are expressed in two or more currencies, the tender prices of all tenders shall be converted to the same currency, and according to the rate specified in the solicitation documents pursuant to the provisions of Paragraph (j) of Article (95) of this Regulation, for the purpose of evaluating and comparing tenders.

### **Article (129) Prompt-Payment Discounts**

The Bidder may include in his/her proposal prompt payment discounts according to specific terms which shall become a term of the Procurement contract, and shall be utilized by the Procuring Entity if payment is made in accordance with the terms of the discount. However, prompt payment discounts shall not be considered in the evaluation and comparison of Bids.

### **Article (130) Confirmation of Qualification Information**

- A- The Committee may, after prequalification was conducted, require the Bidder submitting the successful Bid to demonstrate again its qualifications in accordance with criteria and procedures on the basis of which it has been prequalified.
- B- If the Bidder submitting the successful Bid fails to demonstrate again its qualifications in accordance with the provisions of Paragraph (A) of this Article, the Committee shall reject that Bid, forfeit the Bid security and select a successful Bidder from among the remaining Bids, until the tender is awarded.
- C- Notwithstanding what is stated in Paragraph (B) of this Article, the Procuring Entity shall be entitled to reject all remaining Bids If the Bidder submitting the successful Bid is requested to demonstrate again its qualifications but fails to do so.

### **Article (131) Rejection of Bids and Cancellation of the Tender**

The Competent Procuring Entity shall be entitled to undertake any of the following without incurring any liability before the Bidders who have submitted Bids:

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A-Reject all Bids at any time prior to identifying the successful Bid.

B-Cancel the Bid at any time before signing the contract, if this achieves best interest.

### **Article (132)Rejection of Bids**

A-The Committee shall reject a Bid in any of the following cases:

1-If the Bidder that submitted the Bid is not qualified.

2-if Bidder that submitted the Bid has submitted, or participated in, another Bid for the Procurement in question, in which case both tenders shall be rejected.

3-If the Bidder that submitted the Bid does not conform to the Bidding Documents according to the provisions of Paragraph (C) of Article (123) of this Regulation;

4-If a Bid security was not provided, if such a security was required by the tender Bidding Documents;

5-In any other circumstance provided for in this Regulation, including the circumstances referred to in Paragraph (B) of Article (160) of this Regulation.

B-The Committee may reject any Bid if its prices are much less than the cost or current prices or prices estimated by the Procuring Entity, provided that, before doing so, the Committee shall request the Bidder concerned to provide clarification as to the basis of the Bid price. If the Committee decides to reject the Bid, it shall include in the Register of the Procurement Proceedings a detailed statement of the reasons for rejection.

### **Article (133)Cancellation of Procurement Proceedings After Opening of Bids**

A- The Competent Procuring Entity may cancel the Procurement Proceedings after opening of Bids in the following cases:

1-the object of the Procurement is no longer required;

2-it has become necessary to modify the specifications;

3-defects or gaps in the specifications have been revealed, including failure to accommodate the fulfillment of the Procurement need by a substantially less expensive and functionally equivalent article other than the one called for in the tender solicitation document, and failure to include all items of cost in the tender;

4-there is evidence of collusion among Bidders in setting Bid prices;

5-if the Bid prices exceed substantially the estimated value of the Procurement or the financial allocations available.

B- The Committee's decision to cancel the Bid after opening of Bids shall be subject to approval by the entity authorized to endorse the Committee's decision.

C- If the Tender was canceled in accordance with the provisions of Subparagraph (1) of Paragraph (A) of this Article, the Procuring Entity shall not procure the items subject matter of Procurement unless after one year from the date of canceling the Tender.

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### **Article (134) Notice for Rejection of all Bids and Cancellation of Procurement Proceedings**

- A- Where the Procuring Entity has decided to cancel the Tender, whether before or after opening the Bids, or reject all bids, it shall promptly give notice of such to all Bidders that received the Bidding Documents or submitted Bids, as the case may be.
- B- The Competent Procuring Entity shall upon request by Bidder who received the Bidding Documents or submitted a Bid, as the case may be, send the grounds for its rejection of all Bids, or for cancellation of the Procurement Proceedings, but is not required to justify those grounds.

### **Article (135) Acceptance of Bid**

- A- Notice of acceptance of a Bid shall be given promptly to the Bidder awarded the Bid via registered mail to the address affixed on the bid submitted thereby, or in any modern communication means that can be verified, provided that this shall be done within a period not exceeding (14) days from the date of endorsing the awarding decision.
- B- The Bidder awarded the Bid shall complete the procedures necessary to sign the Procurement Contract after the awarding decision including the submission of performance Bid and payment of taxes and fees, and signing the Procurement Contract within (14) days from the date of sending the award decision mentioned in Paragraph (A) of this Article, or within the period prescribed in the letter of notification sent thereto.
- C- Neither the Competent Procuring Entity nor the winning Bidder shall take any action that interferes with the entry into force of the Procurement Contract or with its performance or that contradicts therewith in the period between the dispatch of the award letter and the date of signing the Procurement Contract.
- D- The Vendor's signature of the Procurement Contract shall constitute an acknowledgment thereby that it has reviewed the contents of the award decision and the Procurement Contract and all what pertains thereto, and that the Bidder is committed to their content and substance.
- E- Failure of the Bidder whose bid has been accepted to sign a written Procurement Contract or failure to pay fees and duties incurred thereby including university and stamp fees, or failure to provide any required security for the performance of the contract, the Procuring Entity shall forfeit the Bid bond and shall select a successful Bid in accordance with the evaluation of tenders, subject to the provisions of Subparagraph (5) of Paragraph (A) of Article (133) of this Regulation.
- F- The Procuring Entity shall not request or require the successful Bidder to sign a contract at variance with the terms and conditions set forth in the Bidding Documents.

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### **Article (136) Entry into Force of the Procurement Contract**

The Procurement Contract shall enter into force from the date of its signature unless otherwise is so stipulated therein or in the awarding decision.

### **Article (137) Notice to Other Bidders**

Upon the entry into force of the Procurement Contract, the Procuring Entity shall give Bidders who submitted bids a notice of the Procurement Contract, specifying the name and address of the Bidder that has entered into the contract and the contract price.

### **Article (138) Public Notice of Procurement Contract Awards**

A- The Procuring Entity shall publish, on its advertisement board or on its address on the world wide web, as the case may be, a notice of the Procurement Contract award.

B- The notice referred to in Paragraph (A) of this Article shall refer to the announcement of the Procurement, the subject matter of the Procurement, the name and address of the successful Bidder and the contract price.

### **Article (139) Request for Reasons to Dismiss and Reject Bids**

A- Any Bidder who has submitted a Bid shall be entitled to request from the Procuring Entity, in writing, to explain the grounds on which his Bid was dismissed or rejected, within (14) days from the date of the announcement referred to in Paragraph (A) of Article (138) of this Regulation.

B- The Procuring Entity shall within (3) days of the date of receiving the request referred to in Paragraph (A) of this Article, answer the Bidder without having to justify the reasons of its decision.

### **Article (140) Performance Security**

A- The value of the performance security shall be set at a minimum of (10%) of the value of the Procurement Contract, or, in the case of an indefinite quantity contract, of the value estimated by the Procuring Entity.

B- Unless otherwise stipulated in the Procurement Contract, the validity period of the performance security shall extend at least one month beyond the latest of the time of delivery agreed upon, or time of actual delivery, as the case may be.

C- 1- Performance security shall be reduced in proportion with the value of the Procurement received, if partial delivery occurred.

2- Partial delivery shall be accepted for the purposes of implementing the provisions of Subparagraph (1) of this Paragraph, if the delivered portion was in quantities that enable the Procuring Entity to significantly make use thereof.

### **Article (141) Default of Vendor to Fulfill Commitments**

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Where the Vendor is in default with respect to his commitments pursuant to the Procurement Contract, failed to implement in due time, or failed to replace the rejected Procured Items with conforming ones, the Procuring Entity shall undertake the necessary actions against such Vendor, including the forfeiture of the performance security or any portion thereof in proportion to the value of unsupplied Procured Items, provided that the forfeited amount is not less than (10%) of the value of the unsupplied Procured Items. Such amount shall be considered a revenue to the treasury.

### **Article (142) Return of Performance Security**

Performance security shall be returned in the following cases:

- A- If the Procured Items agreed upon have been received, and the maintenance, default and malfunction security have been submitted, as the case may be, and where the Procurement Contract so stipulates.
  
- B- Where a Procurement Contract has been terminated for a reason that is not attributable to any fault of the Contractor, Supplier or Consultant, and the Procuring Entity has no claim against them arising out of the contract or relating in any manner whatever to the contract.

### **Article (143) Default and Maintenance Warranty**

- A- After executing Works, each Contractor shall submit a default and maintenance warranty in an amount not less than (5%) of the actual Procurement value, unless the nature of Works does not require the submission of the warranty, provided that this is stipulated in the Bidding Documents.
  
- B- After delivering Supplies, each Supplier shall submit a maintenance warranty in an amount not less than (3%) of the actual Procurement value, unless the nature of Supplies does not require the submission of the warranty, provided that this is stipulated in the Bidding Documents.
  
- C- The Procuring Entity may request from the Consultant to submit a default warranty in an amount not less than (3%) of the actual Services Procurement value for the Services that require the submission of the security, provided that this is stipulated in the Bidding Documents.

### **Article (144) Malfunction Warranty**

- A- 1- The Supplier shall submit a written warranty for malfunction that is endorsed by the notary public in the total amount of insured Supplies plus (15%) of their value, unless otherwise is stipulated in the Bidding Documents.  
2- The Contractor shall submit a written warranty for malfunction of Supplies furnished during the execution of Works, that is endorsed by the notary public in the total amount of insured Supplies plus (15%) of their value, unless otherwise is stipulated in the Bidding Documents.
  
- B- The Supplier or Bidder shall replace the Supplies which are proved to be malfunctioning with new ones within the warranty period stipulated in the award

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decision, on the basis of a technical committee report. Such replacement shall be on the expense of the Supplier and pursuant to a written declaration signed thereby. In all cases, replacement shall occur within (2) months from the date of his notification, unless the type or amount of Supplies requires longer periods, which shall be determined by the competent minister. The Committee may impose fines commensurate to the replacement period and the damages and expenses resulting therefrom. Warranty period shall be calculated from the date of submitting the new Supplies.

- C- Malfunction warranty shall be valid for one calendar year starting from the date of actual receipt unless otherwise is mentioned in the Bidding Documents.
- D- If the Contractor or the Supplier does not execute his commitments the full amount of warranty shall be collected pursuant to the Collection of State (Emiri) Funds Law, and (15%) of the value of the Supplies proved to be malfunctioning shall be collected as revenue for the Government Institution. The remaining amount shall be deposited to procure the Supplies on the account of the Vendor who shall bear the costs of Supplies plus any expenses or damages incurred by the Government Institution.

### **Article (145)Default and Maintenance Warranty**

- A-Default and maintenance security shall be submitted according to the special conditions and shall be returned to the person submitting it upon fulfilling all obligations incurred thereon.
- B-The free warranty shall be valid for one year from the date of receipt unless longer periods are stipulated in the Bidding Documents, provided that it is confirmed in all cases in the Procurement Contract.
- C-1- If the Vendor violated the warranty or failed to furnish the required maintenance, as the case may be, the Procuring Entity shall conduct the necessary maintenance on the expense of the Vendor.
  - 2- The Procuring Entity shall liquidate the default and maintenance warranty after the Vendor has failed to conduct the necessary maintenance. The Procuring Entity shall forfeit the cost of maintenance plus (25%) of such as administrative costs for the Procuring Entity.
  - 3- The Procuring Entity shall return the remaining amount of the performance security after the maintenance period has lapsed, unless was used for other maintenance work under the same contract. where the costs of maintenance where higher the value of the warranty the Vendor shall bear the differences.
- D-Where the free maintenance period stipulated in the contract has ended, the default and maintenance warranty supplied by the Vendor shall be deemed released after its period has lapsed, unless the Procuring Entity issued a notice otherwise to the Vendor.

### **Article (146)Retention of Bidding Documents**

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A-The Procuring Entity or the Competent Procuring Entity, each in its jurisdiction, shall retain the Registers and documents issued during the Procurement Proceedings and the winning bid and the procedures for implementing the Procurement Contract for a period not less than (7) years starting the date of initiating the Procurement process, provided that the nature and importance of the dib is taken into account.

B-Registers and documents and electronic officers pertaining to the Procurement process shall be retained in accordance with instructions issued by the Commission for this purpose.

### **Article (147) Destruction of Bidding Documents**

A-Subject to any other provision of this Regulation, unsuccessful offers shall be destroyed after a period not less than (6) months from the date of endorsing the award decision, or from the date of canceling the bid before or after offering it, subject to the following:

- 1- The Competent Procuring Entity shall maintain the documents that it decides they are useful or may be used later.
- 2- Documents shall be destroyed by a committee formed by the competent minister.
- 3- The competent committee shall organize a minutes including a summary of documents and reasons for destruction.
- 4- The Bidding Documents pertaining to any tender or parts thereof shall be returned to the person submitting them if this was requested before their destruction.

B-Notwithstanding what is stated in Paragraph (A) of this Article, documents shall not be destroyed for any tender regarding which a lawsuit has been established unless after (6) months at least from the date on which the court decision has become final.

## **CHAPTER VI**

### **Monitoring Procurement Processes**

#### **Section (1)**

#### **Contract Administration**

### **Article (148) Responsibility for Contract Administration**

A-The Procuring Entity shall be responsible for the administration and the follow up on implementation of Procurement Contracts for Supplies, Works, or Services into which it enters with any of the bidders. The Procuring Entity may delegate its powers for the administration and implementation follow-up of the Works contracts to the Ministry of Public Works ad Housing, upon its approval.

B-The Procuring Entity shall provide the necessary financial and human resources for administration of Procurement Contracts and what pertains to such, including the following:

- 1- financial control and payment services;
- 2- engineering and design services;

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- 3- management information systems for coordinated processing and communication of and access to relevant information by all parties involved in contract administration, including document control services, for establishing and maintaining filing systems for correspondence and other paperwork and Registers relating to Procurement Contracts;.
- 4- legal services.

C-Procurement Contract may be terminated upon the choice of the Procuring Entity if it was in the public interest, subject to the payment of the return of Works and Services that have been delivered satisfactorily prior to the valid expiry date, and the payment of costs actually incurred which can be compensated or for goods that have been specifically manufactured for the Procurement Contract, as well as the payment for reasonable costs of termination without forgone profits.

### **Article (149)Contract Administration Elements**

The main elements of contract administration shall include:

A-Holding post-award conferences or other appropriate forms of communications with the successful bidder, and devising a specific contract administration plan;

B-where appropriate, composing a contract administration team;

C-development of contract implementation work plan and schedule;

D-monitoring progress in implementation of the Procurement Contract, including determination of extent of performance accomplished periodically according to the work plan, and inspection and testing of quality aspects;

E-management of variation orders, contract suspension and termination, price revisions, application of contract remedies, and dispute settlement procedures;

F-management of financial aspects of contract implementation, including payments to suppliers or contractors, budgetary and cost accounting aspects; and,

G-organization and management of documentation files related to contract implementation, preparing periodic reports on the implementation of contracts.

### **Article (150)Review of Documents**

A-The Procuring Entity shall make available to the Higher Procurement Unit and other authorized organs documentation, reports, and other information pertaining to contract implementation.

H-The Procuring Entity, and any supervising party that it involves in the implementation of the Procurement Contract, shall comply with the execution of Procured Items according to the layouts, specifications award conditions and conditions of the Bidding Documents. Any provision providing for any Procured Item in any document

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constituting the tender shall be considered sufficient to prove the necessity of executing such.

### **Article (151) Breach of Contract**

The Procurement Contract shall provide for the right of the Procuring Entity to undertake or obtain any of the following in the event of breach of the Procurement Contract by the Vendor:

- A- rejection defective performance;
- B- prompt removal and replacement of defective supplies;
- C- termination of the contract and Procurement of replacement performance, at the expense of the defaulting party;
- D- means of dispute settlement between the Procuring Entity and the Vendor;
- E- such other remedies as may be available pursuant to the contract or to applicable legislation.

### **Article( (152)Basic Pricing Approaches**

A-The price of a Procurement Contract shall be set either on the basis of a unit price applied to the quantities actually delivered, or on a lump-sum basis, applied to the entirety or to a part of the contract, irrespective of the actual quantity delivered.

- B-1- Procurement Contracts shall be concluded on the basis of an initial definite price.  
2- Notwithstanding what is stated in Subparagraph (1) of this Paragraph, the Procuring Entity, subject to approval of the competent minister, a Procurement Contract may be concluded on the basis of a provisional price, specifying the manner in which the price is to be made definite, provided that the grounds for the use of such a pricing clause shall be noted in the Register of the Procurement Proceedings

C-Procurement Contracts may include incentive clauses linked to delivery periods, improved quality, and production-cost reduction

### **Article (153)Price Adjustment**

- A- The price of a Procurement Contract shall be considered a fixed Procurement price except in the case where price may be adjusted in accordance with the provisions of Paragraph (B) of this Article, and provided this is stipulated in the Bidding Documents.
- B- The Procuring Entity may adjust the price specified in the Bidding Documents in response to changes in economic or commercial conditions, provided this is explicitly stipulated in the Procurement Contract.

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- C- If the Procurement Contract provides for the possibility of price adjustment according to the provisions of Paragraph (B) of this Article, it shall stipulate the conditions in which price adjustment would be permitted, including the following:
- 1- increases or decreases in the cost of materials, labor, and energy;
  - 2- the formulas and indices to be referred to in order to determine whether economic conditions have altered to a significant enough degree to justify a price adjustment;
  - 3- the amount of increase or decrease in price;
  - 4- the frequency with which price adjustments may be implemented;
  - 5- the procedures to be followed to adjust the price.
- D- The Commission shall issue the necessary instructions to implement the provisions of this Article including price adjustment formulas.

### **Article (154) Due Payments**

- A- Payments that become due under the Procurement Contract shall be made in accordance with the deadlines set forth in the Procurement Contract, failing which, compensation shall be provided to the Vendor by payment of interest in accordance with the provisions of the Procurement Contract.
- B- The Procurement Contract may provide for the making of progress payments. Progress payments may be issued in accordance with the progress of performance of the Procurement Contract, upon presentation by the Vendor and acceptance of such documentation by the Procuring Entity as required by the Procurement Contract to evidence the progress in performance.
- C- Notwithstanding what is stated in Paragraph (A) of this Article, where payments are allowed to be made according to intermediary or progress method, the Procurement Contract may provide that a percentage of amounts due may be withheld until performance of the Procurement Contract is completed.

### **Article (155) Advance Payments**

- A- The Procurement Contract may provide for advance payments provided it sets the condition necessary thereto.
- B- The total amount of advance payment made under the Procurement Contract shall not exceed the (10%) of the initial contract price.
- C- An advance payment shall not be made unless and an advance payment guarantee is furnished covering the amount of the advance payment and satisfies other terms pertaining to payment and set forth in the Bidding Documents.
- D- The Vendor shall use the advance payment only in the execution of Procured Items set forth in the Procurement Contract for which the advance payments are made.

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E- The Commission shall issue the instructions necessary for advance and progress payments.

### **Article (156)Subcontracting**

The Procuring Entity may accept subcontractors and agree to conditions of payment thereto according to the following procedures:

A- If the Bidder's bid included an application to accept subcontractors, the bid shall include the following:

- 1- The nature of the Procured Items for which subcontracting is envisaged;
- 2- The name and address of the proposed subcontractor;
- 3- The amounts expected to be paid directly to the subcontractor;
- 4- The manner of payment;
- 5- The conditions of payment foreseen in the draft subcontract and, if applicable, price revision;
- 6- A declaration to the effect that the proposed subcontractor is specialized in the field of such items procured and that he is not barred from participating in Procurement Proceedings.

B- 1- when the request for subcontracting is submitted after the conclusion of the Procurement Contract, the request shall be in writing and shall contain the information mentioned in Paragraph (A) of this Article.

2- The Procuring Entity shall provide the Contractor, Supplier or Consultant a Register of the submission and receipt of the request referred to in Subparagraph (1) of this Paragraph.

C- When the request for subcontracting is presented in the bid, the notice of acceptance of the bid shall include the acceptance of the subcontractor and of the conditions of payment. In the other case, the silence of the Procuring Entity shall be deemed to constitute acceptance of the subcontractor and of the conditions of payment.

D- If a subcontractor request was submitted according to the provisions of Paragraph (A) of this Article, the Procuring Entity shall respond to this request during a period of twenty-one days from the receipt of the request. The silence of the Procuring Entity after this period shall be deemed to constitute acceptance of the subcontractor and of the conditions of payment.

### **Article (157)Administration of Subcontracts**

A-The prime Vendor shall be responsible for administering its subcontracts. The Procuring Entity shall have the right to review and evaluate the prime Vendor's administration of subcontracts.

B-Notwithstanding what is stated in Paragraph (A) of this Article, the Procuring Entity may intervene in subcontracts in the following cases:

- 1-The Procuring Entity would otherwise incur undue cost;
- 2-Successful completion of the prime contract is threatened;

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3-Certain high risk or critical subsystems in major systems acquisition require special surveillance.

### **Article (158)Subcontractors Warranties**

A-The Bidding Documents and Procurement Contract shall refer to the value of warranty and the basic conditions that the prime vendor must obtain from the subcontractor.

B-The Procurement Contract must include a statement that requires the prime vendor can oblige the subcontractor to submit the necessary warranty which shall be valid and in accordance with the Procurement Contract.

C-Warranties which do not achieve public interest may be rejected.

### **Section (2)**

#### **Standards of Conduct**

### **Article (159) Responsibilities and Commitments of Procurement Personnel and Committees**

A- Public officials and Procurement Committees members involved in any of the functions stipulated in this Regulation or the instructions issued pursuant thereto shall comply with the following:

- 1- discharge their duties impartially so as to assure fair competitive access to public Procurement by bidders.
- 2- act in the public interest, and in accordance with the objectives and procedures set forth in this Regulation and the Instructions issued pursuant thereto.

B- Public officials and Procurement Committees members in any of the functions stipulated in this Regulation or the instructions issued pursuant shall at all times avoid conflicts of interest as stipulated in Article (162) of this Regulation, and avoid the appearance of impropriety in carrying out their duties and conducting themselves, and shall not interfere in the work of Procurement Committees.

C- 1- Public officials and Procurement Committees members shall not commit or abet practices in violation of the provisions of this Regulation, including the receiving or soliciting of anything of value to influence actions in Procurement Proceedings. Any information concerning such practices by any Bidder or Vendor who offers or attempts to directly or indirectly offer such money or things shall be reported immediately to his direct supervisor, who shall inform the Secretary General of such.

2- Any public official or Procurement Committee member who becomes aware of any practices of those mentioned in Subparagraph (1) of this Paragraph shall inform his direct supervisor of such, who shall in turn inform the Secretary General of such.

D- Public officials shall keep confidential the information that comes into their possession relating to the Procurement Proceeding and to bids, including proprietary information of any Bidders or Vendors.

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### **Article (160) Prohibitions of Bidders**

A- Bidders or Vendors shall not engage in any practices in violation of the provisions of this Regulation and the instructions issued pursuant thereto, including the following:

- 1- offering of improper inducements of any type whether financial or personal or attempting to do so directly or indirectly;
- 2- fraudulent practices including but not limited to the misrepresentation of facts in order to influence the decision on the award of a Procurement Contract or the execution of a contract;
- 3- collusion among bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the Procuring Entity of the benefits of free and open competition.

B- A Procuring Entity shall reject a Bid if the Bidder or Vendor commits any of the practices referred to in Paragraph (A) of this Article, and shall promptly notify the rejection to the Bidder or Vendor concerned, undertake the necessary actions against him and inform the relevant entities if such rejection including the Commission.

### **Article (161) Declaration and Disclosure Requirements Concerning Conflicts of Interest**

A- All members of the Procurement Committee, and the Procurement officials prior to commencing evaluation and comparison of tenders, shall sign a declaration to the effect that they have no relationship with bidders of the following types:

- 1-a marital or direct birth relationship with a Bidder participating in the Procurement Proceedings, with its legal counsel or with its officers;
- 2-during last three years has been employee or officer of a Bidder participating in the Procurement Proceedings, or has held a financial interest in a Bidder;
- 3-is negotiating or has an arrangement concerning prospective employment in a Bidder involved in the Procurement Proceedings.

B- All Procurement Committee members and employees responsible for any Procurement related activities the Procuring Entity who becomes aware that it has a relationship with a bidder referred to in Paragraph (A) of this Article shall immediately report that to the head of the Procurement Committee or his direct supervisor, who shall in turn inform the Secretary General, and shall request exclusion from the Procurement Proceeding. Any such report and request for exclusion shall be made a part of the Register of the Procurement Proceedings.

### **Article (162) Identification of Activities Subject to Conflict of Interest Restrictions**

Procurement-related activities that are subject to the conflict of interest restrictions in accordance with the provisions of this Regulation include the following:

- A-preparation, review or approval of specifications or a statement of work for a particular Procurement;
- B-assessment of requirements to be fulfilled by a Procurement action;
- C-preparation of Procurement documents;
- D-evaluation and comparison of tenders, proposals, offers or quotations;
- E-conduct of technical discussions or negotiations; and,

## **Translation for Government Procurement Regulation**

F-selection or approval of selection of bidder;  
G-administration of the Procurement Contract.

### **Article (163)Post-Employment Restrictions on Public Procurement Officials**

A- Individuals who served as Procurement officers or who exercised some other authority in accordance with the provisions of this Regulation with respect to a Procurement shall not participate in any manner in any Procurement Proceedings in which he was involved, including the participation on behalf of the Bidder or Vendor in negotiations or technical discussions leading to the award of a contract for such Procurement or in any other action pertaining to the Procurement Proceedings or Procurement Contract.

B- The restriction referred to in Paragraph (A) of this Article shall remain in effect for the duration of the Procurement Proceeding and contract.

### **Article (164)Prohibition of Award to Consultant-Affiliated Bidder**

All Bidders who participated directly or indirectly in preparing the studies, designs or tender documents or supervising the execution of the Procurement Contract shall be prohibited from submitting to participate in the Procurement Proceeding. This provision does not apply to the turnkey or design and build contract.

### **Article (165)Dissemination of Applicable Conflict of Interest Rules to State Employees**

A- Every institution shall ensure that each public employee, and including any member of a Procurement Committee, is provided a copy of the portions of the Regulation dealing with conflicts of interest and prohibited actions set forth in this Regulation and the instructions issued pursuant thereto.

B-After having been furnished the text of the documents and information referred to in Paragraph (A) of this Article, each public employee shall be required to sign a statement, on a form issued by the Government Institution, to the effect that he or she is familiar with their content.

### **Article (166)Prohibited Activities**

A- Activities prohibited pursuant to the provisions of this Regulation shall include the payment to any person, including former government officials, of any amount or thing of personal or financial value in any manner for the purposes of illegitimately influencing the Procurement Proceedings.

B- The Bidding Documents shall require Bidders to disclose any contingent fee arrangements entered into for the purposes of securing the Procurement Contract.

## **CHAPTER VII Control of Public Procurement**

### **Article (167)Register of Procurement Proceedings**

## **Translation for Government Procurement Regulation**

- A- The Competent Procuring Entity shall maintain a Register named the (Procurement Register) of all the key information concerning all stages of the Procurement Proceeding, including the following information:
- 1-a brief description of the Items to be procured, or of the Procurement need;
  - 2-the names and titles of the members of the Procurement Committee;
  - 3-grounds and circumstances for selecting Procurement methods other than open tendering when procuring Supplies and Works;
  - 4-grounds and circumstances for selecting Procurement methods other than request of proposals when procuring Services;
  - 5-the price, or the basis for determining the price, and a summary of the other principal terms and conditions of each Procurement transaction;
  - 6-entities allowed to participate in the Procurement transaction;
  - 7-Information relative to the qualifications, or lack thereof, of bidders that submitted qualification requests;
  - 8-the names and addresses of bidders that submitted bids and the name and address of the bidder with whom the Procurement Contract is entered into and the contract price;
  - 9-a statement of financial receipts paid by the Bidders in return of obtaining Bidding Documents;
  - 10-information on reporting conflict of interest and the requests of Procurement Committee members or other employees to be relieved from participating in the Procurement Proceedings;
  - 11-a summary of any requests for clarification of the pre-qualification or Bidding Documents, the responses thereto, as well as a summary of any modification of those documents and a summary if the meeting held with the Bidders;
  - 12-the date and time of arrival of each late bid;
  - 13-a summary of the evaluation and comparison of bids including the application of any margin of preference pursuant to Paragraph (A) of Article (28) of this Regulation;
  - 14-information on contingent fee arrangements, disclosed pursuant to Article (166) of this Regulation;
  - 15-reasons for rejecting un-conforming bids;
  - 16-reasons for cancelling and reoffering Procurement;
  - 17-if a successful bidder in tendering proceedings fails to enter into a Procurement Contract, a statement of the grounds therefore;
  - 18-any information required to be registered pursuant to the provisions of this Regulation or the instructions issued pursuant thereto.
- B- Procurement Proceedings and procedures pertaining to each transaction shall be recorded in the Register in sequel numbers and according to the date of the initiation thereof.

### **Article (168)Disclosure of Register**

- A- The Bidder may, upon his request, review the Register after a bid has been accepted.
- B- Notwithstanding what is stated in Paragraph (A) above, the following information of the Register shall not be disclosed except by order of a competent court:

## **Translation for Government Procurement Regulation**

- 1-Information if its disclosure would be contrary to this Regulation and the enacted legislation, would not be in the public interest, would prejudice legitimate commercial interests of the parties or would inhibit fair competition;
- 2-Information relating to the examination, evaluation and comparison of bids other than the summary referred to in Subparagraph (13) of Paragraph (A) of Article (167) of this Regulation.

C- The Register and documents of the Procurement Proceedings shall be made available for inspection upon demand by the Commission and other oversight organs.

### **Article (169) Retention of Procurement Proceedings Documents**

A- Each Competent Procuring Entity shall open a special file for every Procurement Proceeding. All the information and documentation relating to the Procurement Proceeding such as the tender invitation, Bidding Documents, summary of submitted bids, evaluation reports, decision of award, copy of the successful bid and Procurement Contract shall be kept in the file.

B- After awarding the bid by the Competent Procuring Entity, the Procuring Entity shall open a special file for every Procurement Proceeding in which it shall keep a copy of the successful bid, the award decision and Procurement Contract, and all correspondence that occurred after the contract has been signed, until the Procured Items have been delivered.

### **Article (170) Reports on Procurement Proceedings**

Competent procuring entities and procuring entities shall report to the Commission their Procurement activities in accordance with the requirements and formats issued thereby.

**Chapter VII  
Special Provisions**

**Section (1)  
Works**

**Article (171) Direct Execution of the Works**

Notwithstanding what is stated in this Regulation, the Council of Ministers may delegate to the Ministry of Public Works and Housing the execution of any Works directly pertaining to any Government Institution.

**Article (172) Altering Orders**

A-It shall be taken into account not to conduct any amendment, alteration, addition or deletion to the type, quality, or quantity of the Works or the volume of Technical Services during execution. The owner of work and the supervising entity shall comply with the execution according to the plans, drawings and specifications of the tender. Any statement mentioned in the Bidding Documents indicating the need to conduct any Works shall be considered sufficient to dictate conducting that work.

B-For the purposes of this Article, it shall be considered as an altering order of Works any amendment, alteration, addition or deletion which has not been stipulated in the Bidding Documents upon signing the Procurement Contract, but has been dictated by the project's circumstances. It shall not be considered as altering order any increase or decrease occurring in the actual amounts of the Works executed according to the plans and which do not require an issuance of an altering order.

C-If work requirements dictate the need to establish new items not originally mentioned in the Bidding Documents, the pricing of such items shall be subject to the approval of the work owner.

**Article (173) Authorities to Issue Altering Orders**

If need arises to conduct any amendment, alteration, addition or deletion during the execution of Works and Technical Services tenders, in order to prepare studies, designs and documents or to supervise the execution of projects, the award decision shall remain valid in this case and the supervising entity shall submit a technical report to the owner of work for prior approval which indicates the justification for conducting such altering orders, the need therefore and the impact of such on the value of tender, as well as the suitability of the prices proposed for all altering order items. A copy of the report is sent to the Minister attaching therewith the documents to examine the reasons, justification and proposed prices for the altering order. The Minister shall have the right to request any information he deems necessary to complete the examination, and may share with the competent minister or the Prime Minister the opinion of the Ministry of Public Works and Housing in this regard. Altering orders shall be executed pursuant to the following authorities and upon approval thereon:

## **Translation for Government Procurement Regulation**

A-By a decision of the secretary general if the altering orders during execution was less than (15%) of the Procurement Contract value or (50.000) dinars whichever less for Works tenders or (15.000) dinars whichever less for Technical Services tenders.

B-1- By a decision of the competent minister on the basis of a recommendation by the technical committee formed from three engineers specialized in altering orders and not among the supervisors of the project in question, where the altering orders are between (15-25%) of the Procurement Contract value or the following amounts, whichever less:

- a- (50-250) thousand dinars for Works tenders;
- b- (15-30) thousand dinars for preparation of studies, designs and Bidding Documents;
- c- (15-75) thousand dinars for execution supervisory tenders.

2- Notwithstanding what is stated in Subparagraph (1) of this Paragraph, the decision shall be by the competent minister upon the recommendation of a technical committee from three engineers specialized in altering orders and not among the supervisors of the project in question, where the excess in altering orders during execution exceeds (25%) of the Procurement Contract value, provided that they do not exceed (50) thousand dinars for Works tenders; (10) thousand dinars for preparation of studies, designs and Bidding Documents; and (15) thousand dinars for execution supervisory tenders.

C-1- The decision shall be by the committee formed according to the provisions of Subparagraph (2) of this Paragraph on upon the recommendation of the competent minister on the basis of a recommendation by the technical committee from three engineers specialized in altering orders and not among the supervisors of the project in question, where the excess in altering orders during execution exceeds the authorities of the competent minister stipulated in Subparagraph (3) of this Paragraph, provided this is subject to the approval of the Prime Minister.

2- A committee shall be formed under the chairmanship of the Minister of Public Works and Housing and the membership of the Minister of Finance, competent minister and the Director General of the General Tender Department.

3- The committee shall conduct its meetings upon an invitation of the chairman and the quorum of its meetings shall be met upon the attendance of not less than (4) members provided that the chairman and the competent minister are among them. Decisions shall be passed by majority voted of three of its attendees. If the majority is not met the minister shall present the matter to the Council of Ministers to take the appropriate decision in this regard.

4- The Minister shall nominate one of the General Tenders Department employees as a secretary for the committee.

5- The General Tenders Department shall be the competent department in following up the implementation of the committee's decision.

## **Translation for Government Procurement Regulation**

### **Article (174) Calculating the Value of the Altering Order**

A- The value of each amendment, alteration, addition or deletion shall be counted in the calculation of the altering order value or percentage, in order to define the authorities authorizing altering orders.

B- Total values of altering orders shall not exceed (75%) of the value of the Procurement Contract for each tender, provided that the financial allocations needed are available. In case there is an urgent need to exceed this percentage the Council of Minister's approval shall be required to issue the altering order.

C- Altering orders shall not be divided in order to exceed the thresholds stipulated pursuant to the provisions of Article (173) of this Regulation.

### **Article (175) Formation of Works Receiving Committees**

The Secretary General shall form one or more receiving committee for each project within the period specified in the Procurement Contract. Committees shall be responsible for receiving Works executed by the Government Institution, and may request the assistance of technicians and experts upon need.

### **Article (176) Procedures for Receiving Works**

A- The receiving committee shall undertake the following:

1- Conduct testing and verification for the specifications of the Works executed and their compliance with the conditions in the Procurement Contract, subject to any agreements signed in this regard.

2- Receive Works within the period specified pursuant to the Procurement Contract.

3- Organize a minutes for receipt of Works with a statement indicating the acceptance or approval of the receipt. In case of rejection, the grounds therefore shall be stated, including reasons as the violation of specifications and conditions and stating deviation level. A copy of the minutes shall be handed to the Contractor concerned and this copy shall be deemed as a notice of acceptance or rejection of Works.

B- If a dispute arises between the receiving committee members, the matter shall be presented to the Secretary General for resolution and the decision thereof shall be conclusive.

C- If the committee refuses to receive the Works for violation of specifications to the specifications and conditions required, the Contractor shall be entitled to object the committee's decision within the period specified in the Procurement Contract to the Procuring Entity through the entity supervising the Project.

D- The minutes of receipt mentioned in Subparagraph (3) of Paragraph (A) of this Article shall include a statement as to what the Contractor should do with the Works refused to be received.

## **Section (2)**

## **Supplies**

### **Article (177) Replacement of Supplies**

The Government Institution may exchange any used Supplies with new or used Supplies upon a report by a technical committee formed by the Competent Minister, provided that it is agreed with the entity with which Supplies will be exchanged that a fair price is reached for the obtained Supplies and in a manner that achieves the best interest of the Government Institution.

### **Article (178) Procuring Supplies through General Supplies Department**

No institution shall procure any Supplies of Common User or undertake any action to this end, in any of the following cases:

A- If these were available to the General Supplies Department.

B- If the General Supplies Department has signed a contract to supply such.

C- If the General Supplies Department has announced its intention to procure such Supplies by an Open Tender.

D- If the General Supplies Department has requested from the other departments to provide it with their annual or seasonal needs of such Supplies.

### **Article (179) Testing Supplies**

The Procurement Committee may entrust to a committee, commission or specialized company the responsibility of testing Supplies to ensure their compliance to specifications, prior to their shipping.

### **Article (180) Responsibility for Overseeing Supplies**

The Secretary General shall be responsible, in his institution, for overseeing Supplies, monitoring them, undertaking procedures and arrangements necessary for their safekeeping and organization and proper use thereof as well as their use in their intended objectives.

### **Article (181) Establishment of Administrative Units to Organize Supplies**

An administrative unit shall be established at each institution which shall be responsible for organizing Supplies, safekeeping such and planning their use as well as using them in their intended objectives in compliance with the enacted legislation.

### **Article (182) Establishment of Central Warehouse Unit**

A Central Warehouse Unit shall be established in the General Supplies Department and shall be responsible for the following:

A- Storing Supplies of Common Use necessary for Government Institutions.

B- Storing durable Supplies in excess of the needs of the institutions.

C- Storing materials necessary for emergencies and crises.

## **Translation for Government Procurement Regulation**

D- Determine levels of Supplies warehouse in light of annual use and actual needs.

### **Article (183) Duties of Warehouses**

Warehouses shall be used according to the nature of materials stored therein and in accordance with the registers and forms adopted by the Commission and according to this Regulation and in compliance with the instructions issued pursuant thereto.

### **Article (184) Establishment of Central Register Unit**

A Unit for Central Register shall be established in the General Supplies Department who shall be responsible for safekeeping durable Supplies according to the instructions issued by the Minister for this purpose.

### **Article (185) Formation of Central Register Committee**

The Director General may form a committee for Central Register from (5) employees from the procurement units specialized in Supplies of the Government Institutions, in coordination with the Secretary General therein. The unit shall be responsible for:

A- Propose bases and regulatory principles for the Central Register.

B- Review the procedures for documenting durable Supplies.

C- Participate in identifying the needs and assist in exploiting unused, excess and idle Supplies.

D- Propose effective internal procedures to monitor durable Supplies.

### **Article (186) Durable Supplies Register**

Each institution shall organize a Register for durable Supplies currently available thereto, in parallel to the Central Register and shall conduct periodical conformity between the two Registers.

### **Article (187) Shipping and Supplying Supplies**

All Supplies contracted thereon shall be shipped and supplied within and outside the kingdom in the name of the Procuring Entity.

### **Article (188) Committees Receiving Supplies**

The Secretary General shall, within (10) days from the date of the Supplier requesting to receive Supplies, form one or more receiving committees for one year or less to receive certain Supplies. These committees shall be responsible for receiving Supplies received by the Government Institution which exceed (500) Dinars, and may request the assistance of technicians and experts if necessary.

### **Article (189) Receiving Supplies as a Surety**

The Warehouse supervisor shall receive the Supplies as a surety initially when received to the supply area.

## **Translation for Government Procurement Regulation**

### **Article (190) Procedures for Receiving Supplies**

- A- The Receiving Committee shall undertake the following procedures:
- 1- Conduct the necessary testing and verify the specifications for durable Supplies being supplies and their compliance with the conditions set in the Procurement Contract as to quality and quantity and the place and date of supply, subject to any agreements signed in this regard.
  - 2- Receive supplied Supplies within (10) days from the date of their supply, unless the Procurement Contract stipulates otherwise.
  - 3- Regulate the receipt of the Supplies supplied within the period referred to in Subparagraph (2) of this Paragraph along with a statement to accept or reject the Supplies as a result of their compliance and defining the deviation level and shall submit a copy of the minutes to the Supplier and the warehouse keeper. The submitted copy for the Supplier shall be considered as a notice for approval or rejection.
- B- If a dispute arises between the receiving committee members, the matter shall be presented for the Secretary General for resolution and his decision shall be conclusive.
- C- If the committee decides to refuse receipt of the Supplies due to their incompliance with the specifications and conditions specified, the Contractor providing the Supplies shall be entitled to object to the committee's decision within (10) days from the date of receiving the Supplier of the minutes of receipt. The objection shall be presented to the entity issuing the procurement decision and its decision shall be conclusive. The rejected Supplies shall be considered as a surety.
- D- The Contractor must remove the Supplies, acceptance of which is refused by the Committee, on his own expense within (15) days from the date of his being notified of the need to remove such Supplies from their location, unless there are health requirements or security necessities that require their removal or destruction prior to that date. If the Contractor fails to remove the Supplies within the specified period for such, the Contractor shall be considered to have abandoned the Supplies to the Government, who shall be entitled to claim the removal and destruction expenses, if need be, from the Contractor.
- E- If the Supplies are accepted according to the provisions of this Article, the date of the Supplier requesting the supply receipt shall be considered the date of receiving the Supplies for the purposes of calculating the contract's implementation period and the delay fines, unless otherwise is stipulated in the Procurement Contract.
- F- If Supplies are rejected according to the provisions of this Article for their incompliance with the conditions and specifications, such Supplies shall not be considered supplies for the purpose of calculating the implementation period of the contract and the delay fines, unless otherwise is stipulated in the Procurement Contract.

### **Article (191) Receiving Gifted Supplies**

## **Translation for Government Procurement Regulation**

Supplies given as aids, gifts and grants shall be received by the a receiving committee after verifying the nature of such against bills of lading, invoices or any other document that indicates the Supplies' specifications and quantities, indicating any violation in type or quantity from the specifications and conditions indicated in the agreement, invoices or bills of lading. Such Supplies shall be duly entered in the registers.

### **Article (192) Entering Supplies in the Warehouse Records**

A- Supplies accepted by the receiving committee must be immediately entered in the warehouse records, provided that they are backed up with the following documents:

- 1-Entry document.
- 2-Minutes of Receipt or purchase requisition.
- 3- Invoice or bill of lading.

C- The Entry Record issued by the Warehouse to which the Supplies were delivered, shall be supported by an Exit Record issued by the Store, from which the Supplies were transferred.

D- Supplies manufactured or transformed in precise specification shall be delivered to the Warehouse pursuant to an Entry Record, indicating therein the number of the Exit Records for the original Supplies used in the manufacturing or transformation process, whenever possible.

### **Article (193) Surplus Supplies**

Surplus Supplies and the parts and pieces that have been exited from any Supplies that have been scrapped shall be duly recorded on the register's accounts as a trust in the Supplies register.

## **Storing and Disposing of Supplies**

### **Article (194) Warehouse Registers and Cards**

Each Institution shall keep registers, cards and records necessary to regulate the movement of any kind of Supplies according to the most recent systems and methods followed in managing Supplies warehouses.

### **Article (195) Sorting Supplies**

A- Supplies shall be stored in the Warehouses relevant thereto whereby it shall be safe and ready for delivery upon request.

B- The nature of each type of Supplies shall be taken into account when stored in the warehouses and shall be kept arranged taking into account its validity.

### **Article (196) Regulating Storage in the Warehouses**

The Warehouses, shelves and storing yards shall be given numbers and letters, which ensure easy access thereto upon expenditure. Such numbers and letters shall be recorded on the labels of each type of Supplies.

## **Translation for Government Procurement Regulation**

### **Article (197)Expending Supplies**

Supplies from the Warehouse shall be expended pursuant to an expenditure application on the forms adopted according to the provisions of the expenditure instructions, after signing such from the Secretary General or his delegate in writing.

### **Article (198)Exit Document**

Supplies shall be delivered from the Warehouse to the requesting entity pursuant to an adopted exit document after the signing of the recipient and stating his name and title on the exit document.

### **Article (199)Expending Supplies to Independent Institutions**

Supplies may be sold from the Central Warehouse to independent institutions of financial autonomy against price.

### **Article (200)Surplus Valid Supplies**

A- If the Director General decides that any valid Supplies in the Government Institution have become in excess and unnecessary for work, these shall be transferred to the Central Warehouse.

B- The General Supplies Department shall conduct the sale procedures of the valid surplus Supplies which are in the Central Warehouse pursuant to a public periodical auction and after consuming all possible means of making use of such in any institution.

C- The Minister, upon the recommendation of the Director General, shall sell the valid surplus Supplies existing in the Central Warehouse for civil entities in the price determined by a committee formed for this purpose.

D- The Competent Minister and in special cases shall sell valid Supplies to civil entities upon the approval of the Minister.

### **Article (201)Unfit Supplies**

A- If the Secretary General decides, upon the recommendation of a technical committee formed for this purpose that any Supplies in the Government Institution are unfit for consumption, they shall be sold by three member committee of the Government Institution, appointed by the Director General and by public or closed auction (sealed envelopes), and this committee may set the condition for sale. A copy of the sale decision shall be sent to the General Supplies Department.

B- Unfit Supplies available at the Jordanian diplomatic missions shall be sold after taking the Competent Minister's approval and via a committee under the chairmanship of the missionary chief and membership of two missionary members appointed by the chief, and in the manner it deems fit.

C- Supplies to be sold shall be announced in the newspapers or any other appropriate manner.

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### **Article (202) Destruction and Sale of Unfit or Surplus Supplies**

Upon the destruction or sale of any unfit or surplus Supplies, the exit documents organized therefore must be accompanied by a certificate proving the destruction or providing a sake list, as the case may be, and such shall be stated in the certificate or permit issued for destruction or sale.

### **Article (203) Scrapping Supplies**

Any loss or decrease in the Supplies occurring without negligence or embezzlement must be scrapped according to the following authorities:

- A- By a decision of the Competent Minister upon the recommendation of the Secretary General if the value of Supplies upon Procurement does not exceed (5000) Dinar.
- B- By a decision of the Minister upon the recommendation of the Competent Minister if the value of Supplies upon Procurement exceeds (5000) Dinar and is less than (25.000) Dinar.
- C- By a decision of the Council of Ministers upon the recommendation of the Minister if the value of Supplies upon Procurement exceeds (25.000) Dinar.
- D- A copy of the scrapping decision shall be sent to the General Supplies Department along with any accompanying documents.

### **Article (204) Destruction of Supplies**

If the Secretary General is convinced of the unfeasibility of offering unfit or surplus Supplies for sale or if the costs of selling such exceed the price to be obtained, he may decide to dispose of such or duly destruct such and scrap from records by a three member committee formed for this purpose, which shall attest to the examination of Supplies and its decision that they are unfit for use or sale, a copy of the destruction and scrapping decision shall be sent to the General Supplies Department.

### **Article (205) Sale of Surplus Supplies**

- A- Government Supplies that are valid and in excess of the Government Institution's needs and available at the Central Warehouse shall be sold after all means of making use of such are exhausted. Such sale shall be at fair price as estimated by a three member committee formed by the Secretary General and shall sell the Supplies according to the following authorities:
  - 1- by approval of the Secretary General for Supplies that do not exceed in value of (10.000) Dinar.
  - 2- by approval of the Competent Minister for Supplies that exceed in value of (10.000) Dinar.
- B- Vocational schools and research and training centers products as well as any products for production department of the like shall be sold according to instructions issued by the Competent Minister.

## **Translation for Government Procurement Regulation**

C- Sold Supplies shall be delivered to the purchaser after paying their price pursuant to a due exit document on which the number, date and value of receipt shall be affixed.

### **Article (206) Lending and Leasing Supplies**

The Competent Minister may lend or lease or transfer any Supplies to any institution in need for such provided that the General Supplies Department is informed.

### **Article (207) Gifting Supplies**

A- The Competent Minister may gift any surplus Supplies which value is not more than (1000) Dinar to any public official Government Institutions or civil societies, social societies, sports clubs, artistic or cultural clubs,, or any government or regional or international corporations for purposes of strengthening the ties between such and the Kingdom. This shall be notified to the General Supplies Department.

B- The Prime Minister may, upon the recommendation of the Competent Minister gift or donate Supplies which value upon Procurement exceeds (1000) Dinar, for any of the entities provided for in Paragraph (A) of this Article and shall notify the General Supplies Department.

### **Article (208) Codifying Supplies**

The General Supplies Department shall undertake the following in coordination and collaboration with other institutions:

A- Codifying the components of Supplies of common use to facilitate identifying such and determining the means for using and circulating such amongst institutions.

B- Describing some or all the Supplies, as the case may be, as to their shape, color, weight and measurement.

C- Symbolizing the Supplies in letters and numbers to ensure non duplication and simplifying the procedures for procuring and storing such and the facile dealing and benefiting therefrom.

D- Distinguishing the government Supplies by using a special stamp for every type, whenever possible.

### **Article (209) Inspecting Supplies**

The Secretary General shall form one or more committee from the Government Institutions to inspect Supplies and Warehouse assets and ensure the proper use of such, and the safety of storing methods at any time he deems appropriate provided that inspection rounds are not less than once a year. Committee's reports shall be presented to the Secretary General.

### **Article (210) Responsibilities of Warehouse Keeper**

The Warehouse Keeper at any department shall undertake the following:

A- Submitting a notary guarantee according to the Regulation of the Employees' Guarantees.

## **Translation for Government Procurement Regulation**

B- Submitting periodic reports to the Secretary General on the condition of the Supplies at his custody at least once a year, supported by lists of the Supplies which are unfit for use, in access, in shortage and inactive.

### **Article (211) Delivery of Supplies between Warehouse Keepers**

A- Supplies shall be delivered and received between the Warehouse Keepers in Government Institutions or those who have Supplies under their custody pursuant to inventory lists conforming with Stores' records, to be signed by those who delivered and received such and endorsed by their direct superior.

B- If the Warehouse Keeper or those who have Supplies under their custody are not able to deliver the Supplies for any reason to their successor, delivery shall be made to the committee temporarily formed by the direct supervisor.

C- If it becomes apparent upon delivery that there is excess or shortage in the Warehouse's assets, separate lists for each excess or shortage shall be prepared and signed by all parties involved in the delivery and receipt of such.

D- The employee, in whose custody the Supplies are, shall incur the value of the shortage or spoilage resulting from his negligence and shall be subject to the necessary procedures.

E- The Warehouse Keeper must inform the head of the Government Institution of any infringement upon the Store upon discovering such. The head of the Government Institution shall conduct the necessary investigation and take the necessary procedures.

F- If there is falsification in the records or fraud, embezzlement, loss or shortage has occurred on the Warehouse's assets, the body that discovers such must inform the head of the Government Institution of such. The head of the Government Institution shall conduct the necessary investigation and take the necessary procedures.

G- The head of the Government Institution must inform the Minister of Finance and the Head of the Audit Bureau of any shortage occurring on public property. The Minister of Finance shall decide in coordination with the Head of the Audit Bureau whether or not a re-inspection or investigation must be taken and shall decide on the necessary procedures to be taken.

### **Article (212) Receipt of Diplomatic Missions Supplies**

Supplies at the Jordanian diplomatic missions shall be received and delivered in accordance with the instructions issued by the Competent Minister for this purpose.

### **Article (213) Warehouse Survey**

The Minister may, upon the recommendation of the Director General, form committees to survey the assets of the institutions' Warehouses in the manner he specifies.

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### **Article (214) Prohibition of Scratching or Striking in Records and Registers**

Striking and scratching in the records, expenditure requests or the documents pertinent to Supplies shall be prohibited. Corrections shall be made by inserting two parallel lines in red over the errors and correction shall be inserted in blue and black ink and shall be substantiated with a signature by the person inserting the correction.

### **Article (215) Record of Funds**

Any collected amounts of the value of Supplies missing, surplus or sold shall be done as follows:

- A- As revenue for Public Treasury if collected by any institutions whose budget is listed within the Public Budget Law.
- B- As a revenue for the Government Institution's account if collected thereby and such institution was of financial autonomy, subject to any provision of any other legislation.

## **VIII. Section (3)**

### **IX. Procurement of Services**

#### **Article (216) Types of Services**

Services are divided as follows:

- A- Technical services, which are services of intellectual or consultative nature, including:
  - 1- Engineering Consultative Services.
  - 2- Economic, financial, legal, social and environmental services.
  - 3- Reform and administrative development services.
  - 4- Training services.
- B- Ordinary Services, which are services that are not consultative or intellectual generally, including services dominated by physical effort or mainly depending on machinery and equipment, including:
  - 1- Insurance services.
  - 2- Transport services.
  - 3- Statistics services.
  - 4- Cleaning services.
  - 5- Apparatus maintenance services.

#### **Article (217) Determining Nature of Services**

A- If there are services which are difficult to determine as to whether Technical or Ordinary, the Procuring Entity shall determine their type according to the substantial character of which, and if unable to determine such, shall request from the Commission to determine the nature thereof.

B- The Commission shall determine the nature or type of services whose nature is difficult upon its own initiative or upon the request of the Procuring Entity. The determination made by the Commission shall be obligatory to all Government Institutions.

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### **Article (218) Methods of Procuring Services and Competent Authorities**

- A- Ordinary Services shall be procured according to the Procurement methods mentioned in Article (60) of this Regulation.
- B- Technical Services shall be procured according to one of the Procurement methods mentioned in Article (219) of this Regulation.

### **Article (219) Procurement of Technical Services**

Technical Services shall be procured according to one of the following methods:

- A- Procurement based on quality and price.
- B- Procurement based on quality only.
- C- Procurement based on price only.
- D- Procurement based on Consultants' qualification.
- E- Procurement based on negotiation and selective tendering.

### **Article (220) Primary Method for Procurement of Technical Services**

- A- Services shall be procured by the method based on quality and price in accordance with the provisions of this Regulation, except in the cases herein in which other methods are allowed.
- B- The Competent Procuring Entity using another method other than Procurement based on quality and price shall record in the Procurement Register the grounds therefore.
- C- The procedures applied for the Procurement based on quality and price stipulated in this Regulation shall be applied to any Procurement pursuant to the methods referred to in Paragraphs (B)-(D) of Article (219) of this Regulation, to the extent that such application does not contradict with the provisions and nature of each method.

## **Procedures for Procuring Technical Services Based on Quality and Price**

### **Article (221) Procurement of Technical Services Based on Quality and Price**

Technical Services shall be procured according to the method based on quality and price by submitting a request for proposal by addressing to the following Consultants a special invitation containing the request by the Competent Procuring Entity to the competent Consultants to submit their proposals to provide the Technical Services, subject to the provisions of Article (223) of this Regulation:

- A- Consultants whose names are mentioned in the short list referred to in Subparagraph (5) of Paragraph (A) of Article (223) of this Regulation.

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B- Classified Consultants, if their number is between (3-8) Consultants.

### **Article (222) Invitation for Expression of Interest**

The Competent Procuring Entity, prior to submitting any proposals regarding the Technical Service in which classification does not occur, or where the classified Consultants in any of the Services to be classified exceeds (8) Consultants, shall conduct the procedures for expression of interests as referred to in Article (223) of this Regulation.

### **Article (223) Procedures for Expression of Interest**

A- If the Competent Procuring Entity must conduct an expression of interest procedure, it shall undertake the following:

- 1- The Competent Procuring Entity shall publish the expression of interest published as follows:
  - First- In two local newspapers for more than one day, if Procurement was local, and may publish such on the electronic web.
  - Second- In two local newspapers for more than one day and in an international media means of wide dissemination including the web, if Procurement was international, provided that the publication is done in English.
- 2- The expression of interest shall state in a clear manner the criteria to be applied which contains the minimum qualifications to be available in the Consultant in order to be short listed as mentioned in Subparagraph (5) of this Paragraph, including the following:
  - First- Expertise of the Consultant pertaining to the required Services.
  - Second- Consultant's general requirements.
  - Third- The technical, financial and administrative capabilities of the Consultant, if it was a juridical person.
  - Fourth- Qualifications of the basic cadre at the Consultant of juridical incorporation or the Consultant's individual qualifications.
- 3- Each Consultant wishing to participate shall submit his proposal for the expression of interests according to what is stated in the expressions of interest documents including the time and date of submission.
- 4- Proposals for expression of interest shall be evaluated according to the evaluation criteria specified in the expression of interest documents, whereby the names of all Consultants who have completed the requirements of success as specified in the documents are listed. Such proposals shall be arranged according to their evaluation from highest to lowest.
- 5- A short list of Consultants shall be selected from the Consultants who expressed their interest to participate in providing the Technical Services, after their proposals have been evaluated. This list shall include (3-8) Consultants who are chosen according to their evaluation from highest to lowest.

B- The Commission shall issue the necessary instructions to implement the provisions of this Article.

**Article (224) Contents of Request for Proposals**

A- The request for proposals shall provide Consultants with the information necessary to enable them to submit proposals that are responsive to the needs of the Procuring Entity, including:

Firstly: Invitation Letter,

- 1- Name and Address of the Procuring Entity, Competent Procuring Entity and the Funding Agency.
- 2- A short list of the invited Consultant for providing proposals.
- 3- A brief description for the nature and aims of the mission.
- 4- Method of evaluating proposals and selecting method that shall be followed.
- 5- Method, place and deadline for providing the proposals.

Secondly: Information for the Consultants

- 1- General description for the nature of the assignment or project.
- 2- Language/s of the Invitation Letter and permitted languages for providing proposals.
- 3- Statement of the Procuring Entity's right to reject all proposals, in case it wishes that.
- 4- An indication to the possibility that the Consultant may propose an alternative methodology special for him, and may propose the required manpower and may comment on the conditions of reference.
- 5- The means by which Consultants may seek clarifications of the Proposal Documents and the deadlines therefore, and a statement as to whether the Competent Procuring Entity intends to convene a meeting for Consultants;
- 6- If Consultants are permitted to submit proposals for only a portion of the technical services, a description of the portion or portions for which proposal may be submitted
- 7- Whether it is permitted for alternatives for the technical services characteristics, rules, contractual terms or any other terms stipulated in any of the documents of the submission proposals application. Defining the method for evaluating and comparing between the alternative proposals.
- 8- The manner in which the proposal price is to be formulated and expressed, including a statement as to whether the price is to cover elements other than the cost of providing the service itself, such as any applicable transportation and insurance charges, customs duties and taxes; whether the prices are fixed or adjustable and the formula therefore;
- 9- The currency or currencies in which the proposal price is to be formulated and expressed. In respect of local proposal application, the price shall be expressed in Jordanian Dinars and any convertible currency for international proposals, in addition to the date in which the exchange rate is calculated and the entity accredited to identify such rate;

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- 10- Any requirements or conditions regarding the nature and amount of any security to be provided in accordance with the provisions of this Regulation;
- 11- details of all the criteria to be used in the evaluation and comparison in each of proposals and relative weights including:
  - (i) a description of the nature of the followed procedures in evaluating proposals, in the case of a quality and cost base evaluation;
  - (ii) the details of the financial and technical evaluation, where applicable, including the relative weights for quality and cost and subcriteria used in the evaluation process;
  - (iii) the minimum pass score for quality;
- 12- the details on the public opening of proposals.
- 13- Evaluation of the minimum manpower, on basis of business days for each staff, required from the key staff of Consultants for providing technical services.
- 14- requirement to identify key personnel that will carry out the assignment and their experience and academic achievements. Further, to provide the curriculum vitae of each person, which must be accurate, complete, and signed by an authorized official of the Consultant and the individual proposed.
- 15- standard formats for the technical and, if applicable, financial proposals
- 16- the manner in which the proposal shall be submitted, including the requirement that the technical proposals and financial proposals be sealed and submitted separately in a manner that shall ensure that the technical evaluation is not influenced by price
- 17- a request that the Consultant provide the following:
  - (i) acknowledges receipt of the request for proposals, and (ii) informs the Competent Procuring Entity whether or not it will be submitting a proposal;
- 18- an indication whether or not associations between the invited consultants are acceptable;
- 19- the period for which the Consultants' proposals shall be held valid, at least 90 days, and during which the Consultant shall undertake to maintain, without change, the proposed key staff.
- 20- a statement to disqualify the Consultant, who participated directly or through any of its affiliates in providing downstream goods, works, or services under the project, to provide proposals, if in the Competent Procuring Entity's judgment, such activities constitute a conflict of interest with the services provided under the assignment;
- 21- a statement indicating (i) whether or not the consultant's contract and personnel shall be tax-free or not; if not, (ii) what the likely tax burden will be or where this information can be obtained; and a statement requiring that the consultant should include in its financial proposal a separate amount clearly identified, to cover taxes;

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- 22- References to this Regulation and to legislation and instructions directly pertinent to the Procurement Proceedings, provided, however, that the omission of any such reference shall not constitute grounds for review according to the provisions of Paragraph (A) of Article (265), or give rise to liability on the part of the Procuring Entity
- 23- If it is suitable, to split the assignment into levels. Any additional commitments.
- 24- The forms pertaining to prohibited payments or any other payments
- 25- Notice of the right provided for in Paragraph (A) of Article (265) to seek review of an unlawful act or decision of, or procedure followed by, the Competent Procuring Entity in relation to the Procurement Proceedings
- 26- Any conditions pertaining to subcontracting any of the assignment portions, providing the adherence to this Regulations and Instructions issued thereafter

Thirdly, the Terms of Reference including the following information:

- (i) Project Background: including the name of Procuring Entity, Competent Procuring Entity, project place, funding source and a brief of the project history, a list of existing relevant studies and basic data
- (ii) the objectives, goals and expected outcomes must be defined precisely, such as the project feasibility, project design and data collection and examination
- (iii) Scope of Work: to describe the Consultant's key tasks and expected outcomes
- (iv) outline of any transfer of knowledge or training that is required, including details of tasks and number of staff to be trained;
- (v) list of reports and time of delivering the outputs: there must be a reference for the assignment deadline and required reports (initial report, achievement report and final report)
- (vi) details of the services, facilities, equipment, and staff to be provided by the procuring entity;

Fourthly: the Proposed Contract:

- A- contractual terms and rules, to the extent that such terms and rules are defined previously, in addition to contract format that must be signed by the parties.
- B- The Procuring Entity and Competent Procuring Entity must add any requirements necessary to clarify the requested services.

**Article (225) Submission and Opening Proposals**

- A- Proposals shall be submitted by Consultants who received a copy of the Proposal Request Documents from the Competent Procuring Entity.
- B- The Consultant shall submit the Technical and Financial proposals at the same time in separate tightly sealed envelopes and in the required number of identical copies. The submitted copies shall be marked ( Original ) on which the name and number of the Proposal request are written. Further, the name of the Competent Procuring Entity, the name and permanent address of the Consultant and type of proposal (technical or financial) shall be affixed.
- C- The Technical offer shall not have any reference to information related to the prices; otherwise the bidder's offer shall be rejected.
- D- The entity receiving the proposal shall provide to the Consultant a receipt showing the date and time when its Proposal was received. Also, to note the exact date and time of arrival of a proposal in the Register prepared for this purpose.
- E- In addition to direct deposit in the Tender box, Proposals may be submitted by registered mail, courier or any other means that allows identifying the date and time of receiving the Proposal, prior to the end of the deadline for submitting the proposals.
- F- If the proposals envelopes are so large that it is impossible to place them in the box, they shall be handed over to the Committee's Secretary, who should organize a Register thereof and ensure that the proposals are kept in a safe, in secure area and manner until the time of proposal opening
- G- Proposal received after the deadline for submitting such proposals, shall be returned unopened and shall not be considered. The exact date and time of arrival of a proposal shall be noted in the Procurement Proceedings Register.
- H- Opening technical and financial proposals shall be publicly in accordance with rules of this chapter.

**Article (226) General Principles for evaluating and awarding technical services procurement.**

In the evaluation of technical and financial proposals, only the conditions set forth in the request for proposals shall be applied. Providing technical services shall be awarded by the competent procuring entity to the Consultant whose proposal best meets the needs of the procuring entity as determined in accordance with the technical and price criteria for evaluating the proposals as set forth in the request for proposals.

**Article (227) Evaluation of proposals in quality and cost-based selection procedure**

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Evaluation of proposals shall be as following and in full conformity with the rules of this Regulation, Instructions issued pursuant thereto and proposals request.

- a- at the first stage, only technical proposals shall be evaluated. The Committee shall not open financial proposals until the technical evaluation is concluded.
- b- At the second stage the financial proposals of the Consultants, whose technical proposals are accepted, shall be opened and evaluated.

**Article (228) Criteria for evaluating technical proposals**

A) Technical proposal shall be evaluated using the following criteria:

- (i) the consultant’s relevant experience for the assignment;
- (ii) the quality of the methodology proposed;
- (iii) the qualifications of the key staff proposed;
- (iv) transfer of knowledge, and
- (v) the extent of participation by nationals among key staff in the performance of the assignment.

(b) Evaluation of the juridical incorporation consultant and individual consultant shall be in accordance with the criteria mentioned in the previous paragraph, providing that in evaluation there shall not be a comparison between the juridical incorporation consultant and the individual consultant. Each one shall be evaluated separately.

**Article (229) Relative weighting for criteria of technical and financial evaluation**

(a) Each criterion, mentioned in article 228, shall be weighted on a scale between the following percentage, the total of such weights shall be 100%, taking in account the percentage given to financial proposal in accordance with paragraph C from this article:

<b>Consultant’s experience related to the assignment</b>	10 to 30 percent of score
<b>Proposed Methodology</b>	20 to 50 percent of score
<b>Key personnel:</b>	30 to 60 percent of score
<b>Transfer of knowledge</b>	0 to 10 percent of score
<b>Participation by nationals:</b>	0 to 10 percent of score
<b>Total</b>	100 percent of score

- (b) Use of subcriteria of the general criteria, mentioned under paragraph (a), should be limited to what is essential to conduct the evaluation

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- (c) In determining relative weighting for the price, it shall take in account the extent of complexity of assignment, the importance of the technical and quality aspects and the extent of determining the minimum quality in accordance with paragraph A from this article. The relative weighting for the price shall be in range between %20 to %40 of the total relative weighting and shall not use any relative weighting which is not released in the proposal request.
- (d) the aggregate total of relative weight for both the technical and financial proposal shall be 100% of the relative weight.

### **Article (230) Principles for determining the relative weighting of criteria of technical proposal evaluation.**

- (a) The weight given to experience can be relatively modest, since this criterion has already been taken into account when short-listing the consultant.
- (b) More weight shall be given to the methodology in the case of more complex technical services (for example, multidisciplinary feasibility or management studies).
- (c) More weight shall be assigned to the qualifications and experience of key personnel if the requested technical services is complex
- (d) When the assignment depends critically on the performance of key staff, such as a project manager in a large team of specified individuals, it may be desirable to conduct interviews.

### **Article (231) Subcriteria for evaluation of key personnel**

Notwithstanding to what mentioned under art. 229 (b) The key personnel of the consultants shall be rated according to the following subcriteria, as relevant to the task:

- (a) general qualifications: general education and training, length of experience, positions held, time with the consulting firm as staff;
- (b) adequacy for the assignment: education, training, and experience in the specific sector, field and subject relevant to the particular assignment; and
- (c) experience in the Kingdom: knowledge of the local language, culture, administrative system and government organization.

### **Article (232) Determination the minimum level for accepting the technical proposal**

The competent procuring entity shall determine, in the proposal request, the minimum pass score of the technical score.

### **Article (233) Classifying technical proposals after examination**

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- A- the procurements committee has to subject the technical proposals for a preliminary evaluation, in accordance with Art.122, and to reject proposals do not conform substantially with the proposal request.
- B- The procurements committee has to evaluate proposals, which conform to the proposal request, in according with the evaluation criteria and the relative weighting for such criteria. Then, such proposals shall be arranged according to their evaluation from highest to lowest.
- C- The Procurements committee has to reject proposals that do not achieve the minimum pass score as it is defined in the proposal request.

### **Article (234) Notification the results of technical proposal evaluation**

After the completion, and simultaneously, of the technical proposal evaluation the procurements committee has to do the following:

(a)to notify those consultants whose proposals have been rejected in accordance with article 233 (b) and (c), and their financial proposals shall be returned unopened.

(b)The procuring entity shall notify the consultants, whose proposals have been accepted in accordance with article 233(b), and indicate the date and time set for opening the financial proposals.

### **Article 235 Technical evaluation report for proposals and its retention**

The procuring entity shall prepare report for the technical evaluation of the proposals. The report shall substantiate the results of the evaluation and describe the relative strengths and weaknesses of the proposals. All records relating to the evaluation shall be retained by the competent procuring entity.

### **Article 236 Opening of financial proposals**

- A- The financial proposals of Consultants, whose technical proposals are accepted, shall be opened in the presence of consultants or their representatives who choose to attend. The name of consultants, the technical proposal scores and the proposed prices shall be read aloud. The committee shall prepare the minutes of the public opening, which shall form part of the record of the procurement proceedings
- B- for purposes of evaluating the financial proposals, the proposal, which is evaluated to have the lowest price, shall be considered to have a score equals to the required relative weighting. Other proposals would be given lower scores where the lower price is given higher score than others.

### **Article 237 selection of the successful proposal**

Following the evaluation of technical and the financial proposals, the successful proposal is the evaluated proposal as the best regarding the relative weighting of quality and price criteria.

**Article 238 Final technical discussions and award of proposal request**

(a) The consultant submitting the proposal determined to be successful in accordance with article 237 may be invited for technical discussions aimed at issuing the award decision and signing the contract.

(b) The technical discussions shall include discussions of the terms of reference, the methodology, staffing, the procuring entity's inputs, and special conditions of the contract. The discussions shall not substantially alter the original terms of reference or the terms of the contract. Also, the discussions shall not breach transparency and competition principle between consultants. The final terms of reference, the agreed methodology and the discussions minutes shall form part of the procurement contract.

(c) Technical discussions shall include clarification of the consultant's tax liability in Jordan (if any), and how this tax liability has been or would be reflected in the contract. Proposed unit rates for staff-months and reimbursables shall not be negotiated, since these have already been a factor of selection in the cost of the proposal, unless there are exceptional reasons.

- (d) The selected consultant should not be allowed to substitute key staff, whom agreed upon in the consultant proposal, or any member from such staff except in the following two cases, providing that key staff proposed for substitution shall have qualifications equal to or better than the key staff initially proposed:
- 1- both parties agree that undue delay, by the procurements committee, in the selection process makes such substitution unavoidable or;
  - 2- that such changes are critical to meet the objectives of the assignment.

(e) If it is established that the key staff or any member of the staff, whom were offered in the proposal, have been substituted, the committee may disqualify the consultant and the process continues with the next ranked consultant.

**Procuring Technical Services Based on Quality only**

**Article (239) cases of Procuring Technical Services Based on Quality only**

Procuring technical services, based on quality only, may occur in any of the following cases:

- A- If the requested assignment is complex and has an advanced specialized nature to the extent that it is difficult to set up clear and precise terms of reference. Or, in case that the requested assignment, from the consultant, is vague and the consultant can provide his proposal, inventions and creativity for the requested technical services. The following are some of such services:

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- 1- sectorial and regional studies.
- 2- Feasibility studies for various sectors.

B- Assignments have significant impact on other assignments and aim to acquire the best expertise including the following:

- 1- Feasibility study and structural engineering for huge infrastructure projects such as massive dams.
- 2- Essential studies have national necessity
- 3- Administrative studies for big governmental entities

C- assignments that can be conducted by multi different ways that vary dramatically and it is impossible to compare between the proposals, including the following:

- 1- Administrative consultations
- 2- Sectorial Studies
- 3- Policy studies where services depend on analyzing.

### **Article (240) Submission and evaluation proposals based on quality**

- A- In procurement based on quality, the competent procuring entity may request the consultants either to submit their technical proposals only or to submit both the technical proposals and the financial proposals, providing that they must be in separate sealed envelopes.
- B- The submission of proposals shall include the estimated budget or the proposed days for key stuff, as a criteria, where the consultant is free in arranging his accounts.
- C- After evaluating the technical proposals, the competent procuring entity has to comply with the following:
  - 1- to define the technical and quality thresholds and terms of reference that the procuring entity intend to discuss in accordance with Article 241 from this regulations.
  - 2- Reject proposals that do not meet the thresholds, mentioned in paragraph (a) from this article, and to notify the consultants who submitted such proposals that their proposals have been rejected and they will not be negotiated.
  - 3- To notify the consultants who at least meet the thresholds, mentioned in paragraph (a) from this article, that their proposals have been accepted and they may be negotiated, providing that the negotiations with the consultant, who has the best proposal, do not succeed.

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### **Article (241) *Negotiations according to quality – based selection procedure.***

Upon procurement of technical services according to quality – based selection procedure, the procurement committee shall follow the following procedures when negotiating with consultants:

- A)1- If the invitation has included request from consultants to submit their technical proposals only , such proposals shall be evaluated in accordance with evaluation procedures of technical proposals submitted pursuant to Article (226) of this regulation .
- 2- The consultant who has submitted the best technical proposals according to the arrangement of evaluation of proposals pursuant to the provisions of para (B) of Article (233) of this regulation , shall be invited to submit its financial proposal in details .
  - 3- After the consultant's submission to his financial proposal, the Procurement Entity would negotiate the proposal and terms of contract with him.
  - 4- If the procuring committee finds that negotiations with the consultant who has submitted the best technical offers , shall not lead to conclusion of a procurement contract , then it shall have the right to stop negotiations therewith and shall inform the consultant about reasons thereof and shall state such reasons in the procurement register .
  - 5- After concluding negotiations with the consultant who has submitted the best offers , then the procuring committee shall invite the consultant who has submitted the next best proposal to submit its financial proposal , and negotiations shall be held on the same basis and conditions of negotiations with the previous consultant . if the procuring committee finds that negotiations with the consultant shall not result in conclusion of procurement contract , it shall stop such negotiations pursuant to clause (4) of this para , and the procuring committee shall invite other consultants according to priority of their proposals until reaching the conclusion of the procurement contract or to reject all the remaining proposals .
  - 6- In negotiations with any of the consultants who have submitted their accepted technical proposals , resulted in conclusion of the procurement contract , then the procuring committee shall inform other consultants who have submitted accepted technical offers , that negotiations have stopped and procurement contract has been concluded .
- C) 1- If the invitation has included request to the consultants to submit their technical and financial proposals , such proposals shall be evaluated in accordance with procedures for evaluation of technical proposals submitted pursuant to Article (226) of this regulation , and the financial proposal shall not be opened except that related to the consultant being negotiated .
- 2- The consultant who has submitted the best technical proposal , according to the proposals evaluation arrangement , pursuant to the provisions of para (B) of

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Article (233) of this regulation , so as to open his financial proposal and start negotiations concerning this proposal and the conditions of contract .

- 3- If the procuring committee finds that negotiations with the consultant who has submitted the best technical proposal , shall not result in the conclusion of the procurement contract , then it shall have the right to stop negotiations therewith and shall inform the causes of such stop and state the such causes in the procurement register .
- 4- After concluding negotiations with the consultant who has submitted the best proposal , the procurement committee shall invite the consultant who has submitted the next best proposal , to open his financial proposal and shall be negotiated on the same bases and conditions negotiated with the previous consultant . If the procurement committee finds that negotiations with him shall not result in conclusion of the procurement contract , it shall stop such negotiations pursuant to the provisions of clause (4) of this para , and the procurement committee shall invite other consultants according to priority of their proposals until conclusion of the procurement contract or rejection of all remaining proposals .
- 5- If negotiations with any of the consultants who have submitted their accepted technical proposals , has resulted in the conclusion of the procurement contract , then the procurement committee shall return the remaining closed financial proposals to their owner without opening them .

### **Price – Based selection only**

#### ***Article (242) procurement of technical services in accordance with Price – Based selection only.***

Technical services may be procured according to price – based selection methods in any of the following two cases :

- 1) If it has a standard or routine nature , it shall be submitted in conformity with stable criterion including auditing , engineering studies and designs for non – complex projects .
- 2) If its value not exceeding 10,000 Dinars .

#### ***Article (243) procedures for price – based selection upon procuring technical services according to price – based selection , the following shall be abided by :***

- a- Technical and financial proposals shall be submitted in two separate envelopes .
- b- Technical proposals shall be evaluated according to the criterion specified in the application documents for proposal submission and reject proposals inconsistent therewith ,and which do not have the minimum pass score .
- c- The financial proposals of consultants whose technical proposals have been accepted , shall be opened in the presence of the consultants , and awarding shall be to the proposal of the least prices.

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### **Procurement of Technical Services in accordance with consultants qualification-based selection methods**

#### ***Article (244) cases of procurement of Technical services in accordance with consultants qualification – based selection methods .***

Technical services may be procured in accordance with consultant qualification – based selection , if the volume of required services is small and not exceeding 10,000 Dinars, and the nature of services does not require preparation and consideration of competitive proposals .

#### ***Article (245) procedures for consultants qualification – based selection methods .***

Upon procurement of technical services in accordance with consultants qualification – based selection methods , the following shall be followed :

- A) The competent procurement entity shall publish an invitation for expression of interest , as it shall include a request from consultants to state their capabilities and experiences related to the required services , aiming to reach the short – list referred to in item no.(5) of para (A) of Article 223 of this regulation .
- B) The competent procurement entity , and after preparation of the short list , shall select the best consultants whose names are included therein , related to qualifications and experiences to provide technical services .
- C) The competent procurement entity shall request the selected consultant , to submit a joint technical and financial proposal and then shall be invited for negotiation concerning procurement contract .

### **Procurement of technical services according to negotiation and selective tendering methods**

#### ***Article (246) procurement of technical services according to negotiation and selective tendering methods .***

Technical services procurement shall be according to negotiation and selective tendering methods , in cases provided in Article (63) of this regulation as the case may be.

### **Procurement of technical services from individual consultants**

#### ***Article (247) Cases of selection of individual consultants***

A) Technical services may be procured from individual consultants in the following cases :

- 1- If the works do not require groups of workers.

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- 2- If the works do not require additional professional support .
  - 3- If the works basically depend on the qualifications and experiences available to the individual consultant .
- B) The individual consultant shall be selected upon any of the following , provided that its capability shall be determined according to its relevant experiences including academic qualifications , general and special experiences and knowledge of local circumstances such as language , culture and administrative system :
- 1- By comparison of qualifications among consultants interested , through a notice published in two local daily newspapers .
  - 2- By the competent procurement entity contacting consultants , provided not to be less than three .
  - 3- Upon recommendation of the individual consultant by the procuring entity or competent procurement entity or any other entity , if the works required are in completion of works carried out or necessary by contingent and urgent need , and he has been the only person capable to carryout such job , pursuant to technical report submitted by an adhoc committee .

### ***Article (248) Rejection of all proposals***

The procurement committee shall not refuse all proposals, except if such proposals are inconsistent with technical , quality or reference conditions or inappropriate , either being a result of substantial defects concerning meeting the reference conditions , or its financial prices are substantially higher than the estimated value .

### ***Article (249) conflict of interests and professional responsibility***

- A) Each and every consultant must implement tasks assigned to him in conformity with valid professional standards .
- B) The consultant or any of its staffs or affiliates shall not be engaged in any consulting works inconsistent with the interests of the Governmental body contracted with , and the consultant shall not enter into contract with the same Governmental body to supply supplies or execute works for the same project, unless the same is continuation of services submitted under the contract .

## **Types of Contracts**

### ***Procurement of Technical Services***

### ***Article (250) Technical Services procurement contracts***

## **Translation for Government Procurement Regulation**

The application documents for submission of proposals must include specification of the contract type to be concluded with the consultant , provided to be in the form of any of the following contracts :

- a- Lump sum contract ( Final determined price ) .
- b- Timeframe contract.
- c- Indefinite execution contract ( price agreement ) .

### **Article (251) *Lump sum contract ( Final determined price)***

- A) The Lump sum contract is the contract defining the nature and quantity of the required technical services as well as the lump sum amount due to the consultant for extending such services and shall be terminated upon finishing the execution of the required tasks .
- B) Technical services may be procured by using the lump sum contract to execute the following tasks :

1-Tasks wherein content and period of services as well as results required from the consultant are clearly specified , including the following :

- Simple planning operations .
- Feasibility and environmental studies .
- Detailed design for standard or normal frames .

2-Tasks where payment is related to outputs to be delivered . including reports , layouts or tender documents .

### **Article (252) *Timeframe Contract*** .

- A)Timeframe contract may be used when it becomes difficult to determine the scope of the technical services required and the period thereof , due to being related to other activities carriedout by other persons , wherein execution periods may differ , or because tasks required from the consultant to fulfill the purposes of the task are difficult to be evaluated , including the following :

- 1- Complex studies .
- 2- Supervision of construction .
- 3- Consultancy services and training services .

- B)Amounts to be paid to the consultant pursuant to this contract shall be specified according to the price of any of the following :

- 1- The charges of hour , day , week or month for the basic consultant's staff .
- 2- The charges of actual expenses .
- 3- The unit price .
- 4- Any other criteria agreed upon by the contract .

## **Translation for Government Procurement Regulation**

C) Timeframe contract shall include the maximum amount payable by the procuring entity, as such amount shall include any anticipated increase in the tasks required of the term thereof and the resulting increase in the prices.

### **Article (253) *Indefinite execution contract ( price agreement )* .**

- A) The indefinite contract is the contract pursuant to which a contract shall be concluded to extend specialized technical services upon request. Pursuant to such contract, the consultant shall be paid for the tasks actually executed or for the time actually used.
- B) The indefinite contract may be used when the procuring entity cannot pre-determine the scope of the tasks required and the timing thereof, including the following:
  - 1- Contracting with arbitrators to settle disputes or experts to implement institutional reforms.
  - 2- Consultancy in the field of supplies.
  - 3- Follow up solving technical problems and related matters.

## **Chapter (8)**

### Procuring Information and Communications Technology

#### **Article (254) *Procurements of Information and communications Technology*.**

Procurements related to computers, Information systems and communication technology, regardless being hardware, software or relevant technical services.

#### **Article (255) *Types of procurements of Information and communication technology* .**

The procurements of Information and communication technology is divided into the following:

- A) Procurement of Information and communication technology related to supplying hardware, maintenance or procurement of ready software and relevant services, provided that the value of such services shall not exceed 15% of the total estimated value of such procurements.
- B) Procurements of Information and Communication technology related to supplying technical services such as introduction of studies or integrated technical solutions without supplying hardware.
- C) Procurements of Information and Communications technology having interrelated nature through supplying hardware and technical services together but in different rates, including the following:

## **Translation for Government Procurement Regulation**

- 1- Supply and installation of Information & Communication systems .
  - 2- Information and Communication systems engineering , or integrated programmes contracts , or integrated technical solutions for information and communications systems , including design , development and operation of information and communication systems .
- D) Procurements of maintenance services for information and communication technology necessary to keep the complicated information and communication technology effeciently performing without stop , or those requiring big number of specialized maintenance technicians .

### ***Article (256) Types of purchasing procurements of information technology .***

- = Procurement of Information and Communication technology related with supply of hardware , and maintenance or procurement of ready – made software must be in conformity with any of procurement methods referred to in Article (60) of this regulation .
- = Procurement of Information and Communication technology related with rendering technical services , must be in conformity with any of procurement methods referred to in Article (219) of this regulation .
- = Procurement of Information and Communication technology of interrelated nature must be procured must be procured according to the technical services procurement services based on quality and price referred to in para (A) of Article (219) of this regulation , and the relative weight of the technical offer shall be between (30% and 70% ) of the total relative weight of both financial and technical offers .
- = Procurement of maintenance services of the information and communication technology of complex nature, must be in conformity with technical services procurement method based on quality and price referred to in para (A) of Article (219) of this regulation , and the relative weight of the technical offer shall be between 920% - 40% ) of the total relative weight of both technical & financial offers .

### ***Article (257) Two – stage Tender***

If the procuring entity can not prepare appropriate and detailed technical specifications for frocurement of information and communication technology , then procurement shall be allowed by two – stage terndering method pursuant to the provisions of Article (67) of this regulation .

### ***Article (258) Guarantees***

## **Translation for Government Procurement Regulation**

Notwithstanding what has been mentioned in para ( C and D ) of article (110) of this regulation , guarantees or bonds to participate in the tender for all tupes of information and communication technology procurements shall be submitted as mentioned in Article ( 255) of this regulation , provided their amount be predetermined in the tender documents .

### **Article (259) *Conflict of Interests* .**

Notwithstanding what has been mentioned in para (B) of Article (249) of this regulation , the commission shall establish instructions related to the conflict of interests accompanying procurement of information and communication technology , in case of procuring additional consultative services to supply suppliers of the same project.

## **Chapter (9)**

### ***Use of information and communication technology Net and Systems in government procurements***

#### **Article (260) *policy of using of information and communication technology net and systems.***

- A) The commission shall design & establish the policy necessary for the use of the information & communication technology net and systems in the procurement transactions in coordination with concerned bodies .
- B) Information and communication technology net and systems may be used to carryout electronic procurement operations wholly or partially .
- C) The commission shall issue instructions necessary to organize the use of information & communication technology net and systems in procurement transactions , including the establishment of electronic market , data base and information related to procurement operations , provided that confidentiality and security be taken into consideration .

#### **Article (261) *Determination of application of information & communication technology in the government procurements .***

- A) The Government institution , in conformity with the policy referred to in para (A) of Article (260) of this regulation , shall use information & communication technology net and systems as well as any other modern technologies in carrying out procurement transactions .
- B) Basic principles to be taken into consideration for the use of information & communication technology in carrying out procurement transactions , shall include the following :

## **Translation for Government Procurement Regulation**

- 1- The information and communication technology infrastructure of the government institution shall fulfill the technical and operational connection and compatibility with information & communication technology nets and systems of other government institutions , in order to facilitate transmission and exchange of data , and to enable bidders to easily participate in the procurement transactions, subject to the relevant legislations .
- 2- Establish a developed applicable data system equipped to accommodate future developments in the field of procurements .
- 3- To avoid , as far as practicable , the imposition of any new requirements to the electronic procurement applied to procurement by normal methods (written) , unless required by the nature of electronic procedures .
- 4- Use of developed applicable and commercially used information systems , and to avoid , as practicable , the use of unique applicable information system used exclusively by the government institution , aiming at reducing expenses and facilitating the participation of the biggest number of bidders .
- 5- Selection of methods by which applicable legal frameworks can be revised and upgraded , in order to ensure the legal frameworks required for the use of information technology and communication net and systems in the government procurements .
- 6- Selection of methods by which procurement transactions procedures can be revised and upgraded , in order to get the best benefit possible from the application of information and communication technology .

## **Chapter (10)**

### **Encourage participation of small and medium size enterprises in procurement transactions**

#### ***Article (262) Ensuring appropriate participation opportunities for small and medium – size enterprises .***

- A) Upon approval of the general policy of the government procurements , it shall be taken into consideration , to ensure appropriate opportunities for the small medium size enterprises to participate in the procurement transactions as main or sub-contractors , suppliers , consultants or service providers .
- B) The commission shall establish programmes necessary to encourage small and medium-size enterprises to participate in the procurement transactions .
- C) The secretary general shall be responsible for the application of the small and medium-size enterprises promotion programmes mentioned in para (B) of this Article , each in its field of specialization . The secretary general shall ensure that procurement staff in his institution are acquainted with the programmes and requirements of small and

## **Translation for Government Procurement Regulation**

medium-size promotion programmes , and shall take all measures necessary to increase participation of such enterprises in the governmental procurements .

### **Article (263) *Measures to promote participation small and Medium-size enterprises .***

The commission shall identify methods necessary to facilitate participation of small and medium-size enterprises in the governmental procurements , including the following:

- A) Simplification of procurement procedures and rules as well as transparency thereof .
- B) Drafting the technical requirements in away which shall lead to the possibility of broadening competition and participation by small and medium-size enterprises .
- C) Prompt payment of due payments including progress payments and undisputed variation orders .
- D) Facilitate access to financing government receivables.
- E) Facilitate guarantees (bonds) required from small and medium-size enterprises .
- F) Facilitate access to the technical data related to procurements and allowed by government to be disclosed / published for pre-procurement purposes.
- G) Encourage sub-contracting opportunities with small and medium-size enterprises .
- H) Apportioning procurement transactions into relatively small portions , when practicable , so as to allow small and medium-size enterprises to submit their offers for quantities less than the total quantity .
- I) Encourage limiting participation in the procurement transactions carried out in certain area , in the small and medium-size enterprises existing in the said area , when practicable .
- J) Give priority and preference to small and medium-size enterprises in the event of equal offers according to applicable evaluation basis .
- K) Allow the maximum time possible to submit offers .
- L) Accurately measure the participation extent by small and medium-size enterprises in the procurements , while collecting data and information .

### **Article (264) *Confirmation of representations as governmental small and medium-size enterprises .***

- A) The bidder and in order to confirm its eligibility to award as a small or medium-size enterprises , shall confirm in writing , to the procuring entity that it is a small or medium-size enterprises at that time .
- B) The competent procurement entity may, at any time , verify the bidder representation that it is a small or medium-size enterprises and in the method it deems appropriate .
- C) The competent procurement entity shall accept the bidders offer or proposal that it is a small or medium-size enterprises unless :

## **Translation for Government Procurement Regulation**

- 1- Any other bidder or any concerned party has objected that the bidder is not a small or medium-size enterprises .
  - 2- The procuring entity finds , due to convincing reasons , that the bidder is not a small or medium-size enterprises .
- D) Objections / challenges or reasons mentioned in para (C) of this Article shall be referred to the commission within a period not exceeding five (5) business days from the date of objection or knowing reasons . The commission shall promptly provide the small governmental enterprise which representation is being challenged , with a copy of the challenge / objection or the reason for not considering it a small enterprise .
- E) The tender who allegedly represent it self as a small-size enterprise shall respond to such challenges or reasons within three (3) business days from sub mission thereof , and to submit evidence supporting its position . The commission shall , within ten (10) business days from receiving the response to the challenge , issue its decision regarding the challenge , and shall inform the competent procurement entity , the challenging party as well as the challenged bidder , of its decision by registered mail , and return delivery receipt shall be requested .

## **Chapter (11)**

### *The Commission's monitoring and objections*

#### ***Section (1)***

#### **Commission's monitoring and supervision**

#### **Article (265) *The Commission monitoring tasks* .**

- A) All procurement transactions and procedures thereof shall be subject to the control and supervision of the commission in conformity with provisions of this regulation as well as the instructions issued pursuant thereto . The council of ministers shall issue the instructions necessary for practicing the commission's supervision and control tasks .
- B) All the procurement staff shall be subject to the commission's control so as to ensure their abidance by the provisions of this regulation and completion of the qualifications required pursuant to the instructions to in para (B) of Article (72) hereof .

#### **Article (266) *Cooperation with the commission* .**

## **Translation for Government Procurement Regulation**

- A) The commission , pursuant to its supervisory and control tasks , shall have the right to request from the governmental institution , any information and documents related to the procurement transactions . All persons and bodies concerned with procurement , shall cooperate completely with the commission , subject to non-prejudice to the rights of bidders or contractors in protecting their confidential commercial information .
- B) 1- If the commission finds , during practicing its supervisory and control tasks , that there are practices by the procuring entity of the competent procurement entity , substantially violating the provisions of this regulation as well as instructions issued pursuant thereto , it may request the commission to remedy the violations , if possible .
- 3- If the concerned government institution does not respond to the commission's request , it shall have the right to request the Prime Minister to stop the relevant procurement transaction . The competent procurement entity must stop the procurement process as from the date of the prime Minister's approval , and each measure taken thereafter shall be null & void .
- C) 1- If the practices carried out by the competent procurement entity are rectifiable , then the competent procurement entity must rectify / remedy such practices to be in conformity with the provisions of this regulation as well as the instructions issued pursuant thereto , prior to proceeding in other procurement process measures.
- 2- If the practices carried out by the competent procurement entity are unrectifiable , then the procurement transaction with undue practices , shall be cancelled .

### ***Article (267) Measures taken against procurement staff .***

The commission may take any of the following measures against any of the procurement employees in the governmental institutions , according to the violation committed , with prejudice to any other penalty stipulated in any other legislation :

- A) Debarment of the employee from participation in the procurement transactions , either being in the procurement committees or technical committees .
- B) Withdrawal of any of qualifications or certificates conferred by the commission to the employee .

### ***Article (268) Collection of data relevant to governmental procurement .***

- A) The commission may collect information and request reports relevant to governmental procurements from government institution and any other body . such institutions and bodies must submit the information required therefrom, and the commission may delegate such task to the department .

## **Translation for Government Procurement Regulation**

- B) The commission shall provide the government institutions and any body concerned with statistical information and reports related to governmental procurement periodically .
- C) The commission shall analyze the information collected and submit its recommendations to the concerned governmental institutions so as to improve procurement procedures .
- D) The commission shall submit to the council of Ministers an annual report stating the extent of application of rules , instructions and structural arrangements related to the legal and organizational framework of the governmental procurements , provided that such report shall include a list of the governmental institutions committing serious violations , and the institutions which performance has been distinguished by transparency and justice during practicing the procurement processes.

### **Article (269) *Development of procurement policies & procedures .***

- A) The commission shall coordinate with concerned bodies for development of the procurement procedures , policies , rules and forms , and to establish necessary procedures and mechanisms .
- B) A consultative council shall be formed in the commission by a decision of its chairman , including experienced and specialized persons from both the public and private sector in order to help it in development and coordination of procurement policies.

### **Article (270) *Cooperation with the commission and the department .***

- A) Each and every government institution shall provide the commission , not later than one month from the signing date of the procurement contract , with a copy of the contract , terms , prices and the decisions issued by the procurement committees in each government institution .
- B) Each and every government institution following up execution of procurement , shall provide the commission and the department , after completion of execution , with final information about the procurement transaction , indicating the final cost , execution term , variation orders , extensions , and the extent of the contractor's abidance by its obligations , as well as other information required by the commission .

**Section (2)**

*Objections*

**Article (271) *Right to object***

- A) Any bidder who allegedly assume that he has suffered or may suffer any loss or has incurred any damage due to the procuring entity or the competent procurement entity carrying out any measure or issuing any decision in prejudice to obligations and responsibilities entrusted to it under the provisions of this regulation and the instructions issued pursuant thereto, may object to the invalidity of such measure or decision, subject to the provisions of Article (56) of this regulation.
- B) Notwithstanding contents of para (A) of this Article, the competent procurement entity's decision to reject all offers or cancellation of the bid pursuant to the provisions of any of the two Articles (131) and (132) as the case; shall not be subject to objection.

**Article (272) *Objection procedures***

- A) The objection request shall be submitted in writing and the reasons to the competent procurement entity within (7) days from the date of bidder's knew the causes of objection, or as from the date should have known such causes, or from the date of announcement on the bulletin board of the competent procurement entity, if objection has been submitted against any decision or measure taken prior signing the procurement contract.
- B) Taking any essential decision in the objected procurement transaction shall be suspended for seven (7) days from the submission date of the objection by a decision taken by the chairman of the competent procurement entity or chairman of the commission, as the case, and any one of them may extend his decision for a period not exceeding (30) days from the date of submission of the objection.
- C) Extension of the suspension period for taking any substantial decision in the procurement process, shall not be allowed if it has been confirmed to the chairman of the competent procurement entity or the chairman of the commission, that public interest considerations necessitate to proceed in the procurement process, provided such considerations be stated in the procurement procedures register.
- D) Any decisions by the competent procurement entity, objection committee, commission or court shall be recorded pursuant to the provisions of this regulation, and causes thereof, as well as relevant measures taken, in the procurement register.

**Article (273) *Determination of objection .***

- A) The procurement committee shall determine and decide regarding the objection within (7) days from the date of submission .
- B) The bidder shall have the right to object in writing against the procurement committee decision issued concerning the objection submitted to it , within (5) days from the date being informed the committee decision as follows :-
  - 1- To the concerned Minister if the decision has been issued by the subsidiary or local procurement committee , and the Minister shall take decision concerning the objection , within (10) days from submitting thereof to him .
  - 2- To the objection committee formed in the commission pursuant to the provisions of para (A) of Article (274) of this regulation .

**Article (274) *Objections Committee***

- A) One or more committees to be formed in the commission and to be cited “ Objection Committee “ headed by the commission chairman or any high-caliber employee of the commission nominated by him , and the membership of the following :-
  - 1- One high-calibre employee of the commission to be nominated by its chairman .
  - 2- One high-calibre employee of the government tendering department , or employees of the general supplies department , as the case may be , nominated by the General Manager .
  - 3- Two members from the list referred to in Article (276) of this regulation , provided one shall be legal and the other technical .
- B) The objection committee shall be entrusted determination of objections submitted to it , pursuant to the provisions of item (2) of para (B) of Article (273) of this regulation . Determination shall be within (10) days of the objection submission date , and its resolution shall be contestable before the supreme court of justice .
- C) The competent procurement entity must abide by the decision of the objection committee , and each measure inconsistent with its decision shall be null and void .
- D) The commission shall ensure availability of secretariat service for the objections committee .
- E) If the department is the challenged party , then the department representative in the objection committee shall not attend the committee meetings or vote therein , and the commission chairman shall nominate a high-calibre commission employee as a substitute member in the committee instead of the department representative .

## **Translation for Government Procurement Regulation**

- F) The chairman and members of the objection committee mentioned in items (1 and 2 ) of para (A) of this Article as well as the secretary thereof , shall be paid remuneration pursuant to the instructions referred to in para (A) of Article (86) of this regulation .

### **Article (275) *Reply to objections.***

Unless objection is dismissed , the Minister or the objection committee may take any of the following measures concerning objections :-

- A) Declare the legal rules and regulations governing the objected measure and decision , and to direct the competent procurement entity to act in conformity with the provisions of this regulation as well as the instructions issued pursuant thereto , and the tender documents or procurement contract .
- B) Prevent the competent procurement entity from acting or proceed in acting contradictory to the provisions of this regulation , instructions issued pursuant thereto , tender documents or procurement contract .
- C) Cancel , wholly pr partially , the competent procurement entity’s unlawful act or decision , except the decision leading to the cancellation of the procurement contract .
- D) Request the competent procurement entity to revise any unlawful decision issued by it or substitute the same by an other decision , except the decision leading to the cancellation of the procurement contract.

### **Article (276) *Panel of Experts to consider the objections .***

- A) By a decision of the Prime Minister upon recommendation by the commission chairman , a panel including between 20 to 25 legal and technical experts shall be selected , provided that members are not government employees , Membership of this panel shall be revised once every two years .
- B) The panel of experts to consider objections shall include experts in the field of works , supplies , services as well as legal experts in the field of procurements .
- C) The commission shall issue instructions necessary to identify persons to be mentioned in the panel for considering objections, as well as criterion for specifying their remuneration, and the party / parties to pay such remuneration.

## **Chapter (12)**

### ***Penalties and General Provisions***

#### ***Section (1)***

## **Translation for Government Procurement Regulation**

### ***Penalties***

#### **Article (277) *Debarment from Participation* .**

- A) The Minister and upon request by the concerned Minister or any concerned authority , may take any of the following acts against any classified contractor , supplier , or consultant , according to a recommendation by the classification committee m based on a report by a panel formed for this purpose , without prejudice to any other penalty stipulated by any other legislation :
- 1- Debarment from participation in procurement processes for a limited time .
  - 2- Downgrade its classification category .
  - 3- Cancel its classification in case of repeating violations to its obligations or withdrawal of more than one procurement transactions.
- B) The Minister and upon request by the concerned Minister , upon recommendation by a technical committee formed by the Minister , may take any of the following acts against any unclassified contractor , supplier or consultant , without prejudice to any other penalty stipulated in any other legislation :-
- 1- Debarment from participation in procurement processes for limited time .
  - 2- Debarment from participation in procurement processes permanently .

#### **Article (278) *Reasons for penalty imposition***

Any of the acts stipulated in Article (277) of this regulation , may be taken against any contractor , supplier or consultant based on any of the following reasons only :

- A) Refusal by the successful contractor , supplier or consultant awarded the bid , to sign the procurement contract or to submit performance bond pursuant to the provisions of this regulation .
- B) Supply of false information while submitting offers .
- C) Collusion with any of the government institution employees to direct / formulate the tender documents or the reference terms .
- D) Acting in contradiction to the provisions of this regulation , including collusion , specify the prices or breach of confidentiality .
- E) Substantial breach of the contractual obligations pursuant to the procurement contract , provided that breach has not been due to force majeure and causes out of its control .
- F) Conviction for an offence or felony related to obtaining or attempting to obtain a procurement contract or a subcontract thereto .
- G) Conviction for a crime of economic nature .

## Translation for Government Procurement Regulation

### **Article (279) *Procedure for exclusion from participation in tenders .***

Any of the acts provided in Article (277) of this regulation , shall not be taken against any contractor , supplier or consultant except according to the following procedures :

- A) The petition for imposition of penalty shall be remitted ro a technical committee formed by the Minister , and the contractor , supplier or consultant shall be informed of such petition and violation committed within (7) days from the referral date of the matter to the technical committee to impose the penalty .
- B) The technical committee may hear any person to verify the violation committed by the contractor , supplier or consultant , including hearing the testimony of the work owner or its representative , the contractor or any of its staff or employees .
- C) The contractor , supplier or consultant may , within (10) days from the date if its notification of the referral of the matter to the technical committee , request the committee to hearing or to submit a written reply to the alleged violation , and the committee shall inform it the time and place of the hearing .
- D) The following procedures shall be applied when hearing the contractor , supplier or consultant before the committee : -
  - 1- The contractor , supplier or consultant may be represented by any of its employees or a counsel.
  - 2- The hearing as well as evidence shall be recorded and filed .
  - 3- Witnesses shall be heard and shall testify under oath , and may be interrogated again .
- E) The committee shall submit its recommendations to the Minister within (60) days from the referral date .
- F) The act shall be taken against the contractor upon a decision by the Minister , and shall come into force as from the issuance date, in writing ; and the contractor , supplier or consultant , if the penalty is debarment for a limited time , shall not participate in procurement transactions during this period .
- G) The commission shall maintain a list including names of contractors , suppliers or consultants subject to any of the penalties stipulated in Article (271) of this regulation , and circulate the same to governmental institutions , and no government institution shall enter into contracts with them during the debarment period.

### **Article (280) *Violation to the provisions of this regulation .***

Subject to the provisions of this regulation , any person violating the provisions hereof shall be subject to penalties stipulated in the applicable legislations .

## **Section (2) General Provisions**

## **Translation for Government Procurement Regulation**

### **Article (281) Agreement to submit disputes for arbitration**

Parties to the procurement contract may agree in the procurement contract or in separate agreement to submit any dispute that arises upon procurement to arbitration. This shall be in accordance with the applicable Jordanian Arbitration Law.

### **Article (282) Delegation of authorities**

Should the Vendor fail to submit the procurements in the stipulated dates, then he shall pay a Delay Fine in according with the values, rate and thresholds stated in the Instructions issued by the Commission for this purpose.

### **Article (283)**

- A- the competent Ministry is entitled to delegate any of his authorities to Secretary General, General Director or to any employee of the concerned governmental institution. Such delegation shall be in writing and specific.
- B- The General Secretary may delegate any of his authorizations, which are stated in these Regulations, to any employee of the concerned governmental institution. Such delegation shall be in writing and specific.

### **Article (284) forms of correspondences**

Subject to the provisions of this Regulations, Instructions issued pursuant thereto and the applicable legislations, all documents, correspondences and decisions conducted according to this Regulations or Instructions issued pursuant thereto shall be in writing. Other corresponding methods, including electronic methods, can be used, should the content of such correspondences are saved in an easy accessible way.

### **Article (285) Using electronic means**

Notwithstanding to what is provided under this Regulations and taking in account to achieve and maintain security and confidentiality, the governmental institution may use electronic means in exercising any of its authorities or producers in according with this Regulations including publishing advertisements, providing offers and arranging records and standard forms.

### **Article (286) cases not provided for under this Regulations**

Where there is an issue can not be dealt with under the provisions of this Regulations, Council of Ministers may deal, upon recommendation from the competent minister or the Commission, with such issue as it finds appropriate.

### **Article (287) Issuing Instructions**

## **Translation for Government Procurement Regulation**

- A- subject to the special provisions for works, supplies and services, the commission may issue the necessary Instructions to apply this Regulations.
- B- Notwithstanding to paragraph (A) from this article, the Commission, further to recommendation from the Department, may issue Instructions related to the executive aspects of this Regulations.
- C- Instructions, notices and forms issued pursuant to Regulations of Governmental Works No. (71) for the year 1986, Supplies Regulations No.(32) for the Year 1993 or Supplies and Works Regulations for any governmental institution shall continue applicable until they are replaced by new instructions.

### **Article (288) Cancellations**

Upon applying this Regulation, the following shall be cancelled:

- a- Regulations of Governmental Works No. (71) for the year 1986, also the Department of Supplies which was established pursuant thereto shall be cancelled,
- b- Supplies and Works Regulations for any governmental institution
- c- Any provision or rule under other legislations contravenes with this Regulations