

Law No. (29) of 2010
Amending some provisions of Decree Law No. (36) of 2002
Regarding organizing government tenders and procurement

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

After reviewing the Constitution,

And Decree Law No. (36) of 2002 regarding the organization of government tenders and procurement, amended

by Law No. (1) of 2007,

Law No. (2) of 2007 amending some provisions of Decree Law No. (36) of 2002 regarding the organization of

government tenders and procurement,

And Decree Law No. (19) of 2001 promulgating the Civil Code,

And Law No. (60) of 2006 reorganizing the Legal Affairs Department,

The Shura Council and the House of Representatives approved the following law, which we have ratified and issued:

Article one

1 - The title of Decree Law No. (36) of 2002 regarding the organization of government tenders and procurement is amended to be "concerning the organization of government tenders, auctions, purchases, and sales."

2 - The phrase "disposing party" replaces the phrase "purchasing party" mentioned in the definitions from Decree Law No. (36) of 2002 regarding the organization of government tenders and procurement. ^{Yes} set forth in Article One

3 - The definition of the "Council" contained in Article (1) of Decree Law No. (36) of 2002 regarding the organization of government tenders and procurement is amended to be the "Tenders and Auctions Council."

4 - The definition of bidding shall be added after the definition of the Council contained in Article (1) of Decree Law No. (36) of 2002 regarding the organization of tenders and government procurement, and its text shall be as follows:
 Or renting owned items. Bidding : It is a set of procedures announced with the intention of selling it to the state, whether movable or immovable, with the aim of reaching the highest prices offered by bidders.

second subject

The texts of Articles Nos. (8), (10), paragraph (f), (13), (25), (26), (27), (28), final paragraph, (33), final paragraph, and (44), (55) and (61) of Decree Law No. (36) of 2002 regarding the organization of government tenders and procurement, texts

Yes First paragraph

The following:

Article (8)

An independent council shall be established, called the "Tenders and Auctions Council." It shall have a legal personality and be attached to the Council of Ministers. It shall be composed of the President, the Vice-President, and seven representatives. A number of specialists The Council's sessions must be attended by those appointed by the responsible authority and experts appointed by decree, and must be decided by a decision issued by the competent minister, without having a counted vote. The Vice President shall replace the

President in the event of his absence.

The President represents the Council in dealing with others and before the judiciary.

The remuneration of the Chairman, Vice-Chairman and members of the Council shall be determined by a decision issued by the Chairman of the Council.

Ministers.

Article (10) Paragraph (F)

Approving the qualification of relevant government agencies for suppliers and contractors according to standards approved by the Council.

Article (13)

For a council meeting to be valid, the attendance of the majority of its members is required, provided that the president or his deputy is among them. Council decisions are issued by a majority of its members present, provided that this majority is not less than 100,000. The side on which the president or his deputy belongs shall prevail in the case of four members, and in the event of equal exponents, his

absence shall prevail.

Article (25)

Bids shall be submitted from the date of announcing the tender, and for a period determined by the Council. It is permissible, based on a justified request from the disposing party or a number of bidders, to extend this period due to the importance of each tender, or to shorten it, and it is prohibited. Just For a period not exceeding ninety days

Receiving any bid received upon expiry of those deadlines.

Article (26)

Or the tender documents may include allowing the contractor or supplier to submit more than one price or proposal only, A proposal, if the documents do not include that or stipulate that a price be provided

The lower price or proposal must be taken into consideration, without prejudice to the stipulated conditions and specifications.

stated in the tender documents.

Article 27, first paragraph

The period required for the validity of the tender period shall not be less than the period specified in the tender documents. The bid shall be valid for a period of ninety days, based on the Council's approval of the tender documents.

This period is before its expiration, and every supplier or contractor has the right to refuse the extension, without forfeiting his right to recover his bid guarantee.

Article 28, final paragraph

The Council must set a table for the value of the initial guarantee according to the value and type of the tender, and the guarantee must be returned to the suppliers and contractors within seven working days from the date of submitting the implementation guarantee from the person to whom the tender was approved.

Article 33, final paragraph

The disposing party may not enter into negotiations with any supplier or contractor regarding his bid, especially with regard to the price, provided that it is permissible, after the approval of the Council, to negotiate with the bidder whose bid is higher to lower his price. To the lowest possible price if the price is the lowest. The best conditions of the estimated cost allocated for the purchase, without prejudice to the terms and specifications stipulated in the tender documents. The outcome of the negotiation must be returned to the Council. In all cases, the Council shall have the final decision in this regard.

Article (44)

An invitation to submit bids in limited tenders shall be sent to all or to the largest possible number of suppliers or contractors operating in the type of activity that is the subject of the tender and who are registered in the records of the managing authority and the Council, and tender information shall be posted. Ltd. on the website

For the council.

Article (55)

Without prejudice to any penalty stipulated in any other law, the Council may impose on the supplier or the contractor who violates any of the provisions stipulated in this law, i.e

The following penalties:

A - Warning.

B - Confiscation of the primary security.

- Demotion. C

D - Deletion from the purchase procedures register for a specific period or permanently.

In all cases, the Council may decide to reject the bid, suspend or cancel the purchase contract, and in all cases, it must notify the supplier or contractor of the measures and penalties taken against him. It depends

By registered letter with acknowledgment of receipt at his address stated in his bid or contract, as the case may be.

Article (61)

Complementing the tender conditions The provisions contained in the executive regulations of this law are considered a part

Subject to the contract.

Article Three

New paragraphs are added to Decree Law No. (36) of 2002 regarding the organization of

government tenders and procurement in Articles No. (24), (28), (56), and (57), texts. Say the following -:

Article 24, final paragraph

The bid may be submitted in two envelopes, one technical and the other financial, if stipulated in the tender documents

Accordingly, the initial guarantee must be placed within the technical envelope documents in accordance with

To the rules specified by the executive regulations.

Article 28, final paragraph

from paying the initial

It is permissible, by a reasoned decision of the Council, to be exempt

guarantee based on a request from the disposing party and when the public interest requires it, provided

that the exemption includes all suppliers or contractors participating in the tenders. The Council may - for

public interest considerations - exempt bidders related to studies, consulting and specialized services

from providing the initial guarantee.

Article 56, final paragraph

The right of the supplier or contractor to submit a request for reconsideration shall be forfeited if he does not

submit this request for that action or decision after Within the aforementioned period, the bidder is considered aware

seven working days from the date of announcing either of them on the notice board designated for that purpose in

the Council and on the special website. In the council.

Article 57, final paragraph

The right of the supplier or contractor to submit a grievance shall be forfeited if he does not submit it within the
 aforementioned period, with that procedure or decision, seven working days after the bidder is considered knowledgeable
 the date of announcing either of them on the notice board designated for that purpose in the council or on the website.

The Council's electronic website.

Article Four

Added to Decree Law No. (36) of 2002 regarding the organization of tenders and procurement

Its texts are as follows: And (77) bis And (54) bis The government has three articles numbered (11) bis

Article (11) bis

Taking into account the provisions of this law and its executive regulations, the disposing authority shall carry out the
 procedures of offering, deciding, purchasing and selling for tenders, auctions, purchases and sales that are not permitted.
 Their value exceeds twenty-five thousand dinars. As for companies wholly owned by the state,
 they undertake these procedures for tenders, bids, purchases and sales whose value does
 not exceed fifty thousand dinars.

In all cases, the Council shall be notified of the list of such purchases at least once every three
 months.

Article (54) bis

Works in the contract may increase or decrease, volume The disposing authority may modify the quantities or
 so that the total value of the increase or decrease does not exceed 15% of the contract value, and the Council's
 approval may not be obtained exceed this percentage until later

Article (77) bis

The President of the Council shall issue the necessary decisions to implement the provisions of this law.

Article Five

The phrase (if these tasks are related to the work of their jobs) shall be replaced with the phrase (if
 related to the work of their positions) mentioned in the second paragraph of the text of Article (7).

Article Six

A new chapter is added to Decree Law No. (36) of 2002 regarding the organization of tenders
 and government purchases, so that the sixth chapter will be entitled (Auctions and Sales), in accordance with

For the following texts, provided that the name of the current Chapter Six of the law is changed to Chapter Seven and the articles are renumbered from (61, 62, 63, 64, 65, 66 67). (To), 72, 73, 74, 75 (78, 77, 76)

Chapter Six

Auctions and sales

Article (61)

The Council is responsible for deciding on government auctions and sales, and it may form a committee under the members of the Council that is responsible for making decisions under its supervision from among its members or others, headed by the most important government auctions and sales that are less than Its value is no more than 300,000 (three hundred thousand)

Bahraini dinars, provided that this committee submits its recommendations to the Council for approval.

Article (62)

Selling state-owned real estate. The assets and assets owned by entities subject to the provisions of Except for this law are disposed of through public public auction in closed envelopes. It is permissible, by a reasoned decision of the Council, to dispose of these funds by exercise or directly in the following cases:

- Items that are feared to be damaged by remaining stored. a

Items for which no offers were submitted in auctions or whose price did not reach the estimated price. B-

- Emergency cases of urgency that do not tolerate bidding procedures. C

Article (63)

The auction shall be announced in the same advertising methods specified for public tenders. The announcement shall indicate the items to be disposed of and their information, the date and location specified for the auction and the method of delivery.

Article (64)

It applies to government auctions and sales with rules and procedures regulating tenders

And government purchases, all in a way that does not conflict with the nature of the government auction or sale.

Article (65)

It is an amount of cash, a check certified by a bank, or a certified letter of guarantee. The Council determines the value of the initial guarantee in each separate transaction.

Article (66)

The auction will be canceled after it is published or invited and before deciding on it if it is completely dispensed with if the public interest so requires. No civil or other liability shall be imposed on the Council or the disposing party as a result of canceling the bid.

Article (67)

The Council shall issue a decision to award the bid to the highest bidder.

Article (68)

Government employees, officials, and other workers in entities subject to the provisions of this law are prohibited from entering into auctions and government sales unless the items purchased are for their private use and are offered for sale through entities other than those they work for. With it. The council member or any person who participates in government auctions or sales is also obligated to refrain from participating in all its procedures if he has a direct interest in the process at hand.

Article (69)

The person who wins the auction must pay the full value of the items within seven days from the day following the win of the auction. If he is late without an acceptable excuse, the guarantee will be forfeited.

Or repeat. In this case, the Council may, depending on the circumstances, award the auction to the next lowest bidder.

Announcing the auction again.

Article (70)

The person who wins the auction must receive the sold items within fifteen days. If he does not receive them today on land at another 1% rate without an acceptable excuse, he must pay the following fee to pay the price. A maximum delay of fifteen days from the value of the items that he did not receive for each day

The items are auctioned at his expense, the initial security is confiscated and others are charged, after which all
* expenses resulting from that are sold.

Article (71)

The executive regulations specify the procedures and other conditions related to bids and sales.

Article Seven

The President of the Council must issue the necessary decisions to implement the provisions of this law.

Article Eight

The provisions of this law, and the Prime Minister and the ministers - each in his capacity - are responsible for implementing

From the day following the date of its publication in the Official Gazette. With it in mind

**King of the
Kingdom of Bahrain, Hamad bin Isa Al Khalifa**

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Dated 18: Rajab 1431 AH

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