

## Tenders and Auctions Board

## Resolution No. (1) of 2020

Concerning the regulations regarding  
pre-qualification procedures for suppliers and contractors

## Tenders and Auctions Board:

After reviewing Decree Law No. (36) of 2002 regulating tenders and auctions  
Government purchases and sales, as amended,  
And the executive regulations of Decree Law No. (36) of 2002 regarding organizing tenders  
And government auctions, purchases and sales, issued by Decree No. (37) of 2002, and Tenders  
and Auctions Board Resolution No. (1) of 2011 regarding the regulations for pre-qualification  
procedures for suppliers and contractors,

Decided the following:

## Article (1)

The provisions of the regulations relating to pre-qualification procedures for suppliers and contractors attached hereto shall be implemented

the decision.

## Article (2)

Tenders and Auctions Board Resolution No. (1) of 2011 regarding the regulations for pre-qualification procedures  
for suppliers and contractors shall be cancelled.

## Article (3)

The concerned authorities - each within its jurisdiction - must implement the provisions of this decision, and it will come into effect from the

day following the date of its publication in the Official Gazette.

Chairman of the Tenders and Auctions Board,

Nayef bin Khalid Al Khalifa

Issued on: 19 Safar 1442 AH Corresponding

to: 6 October 2020 AD

## Regulations regarding pre-qualification procedures for suppliers and contractors,

### Chapter One

#### Definitions and Preliminary Provisions

##### Article (1)

In applying the provisions of these regulations, the words and phrases contained therein shall have the same meanings as stated in Decree Law No. (36) of 2002 regarding the organization of government tenders, bids, purchases and sales, and the following words and phrases shall have the meanings indicated next to each of them, unless the context of the text requires otherwise:

### Law: Decree Law No. (36) of 2002 regulating tenders and auctions

Government purchases and sales. Executive

Regulations: Executive Regulations of the Law Regulating Tenders, Auctions and Procurement

And government sales issued by Decree No. (37) of 2002. Pre-qualification announcement:

The document prepared by the managing authority for the purpose of publishing it to invite suppliers and contractors for pre-qualification.

Pre-qualification request: Information and documents provided by suppliers and contractors to the disposing authorities

to prove their technical capabilities, financial and administrative capabilities, and the availability of appropriate experience.

Pre-qualification documents: All qualification documents prepared by the disposing authority to provide a copy of them

to suppliers and contractors, in order to indicate the specifications of the goods, services or constructions that are the subject

of the qualification, and to clarify the requirements and requirements for participation in the pre-qualification, in addition

to the pre-qualification standards. The pre-qualification declaration is part of the documentation.

Pre-qualification report: The detailed report prepared by the managing authority regarding the results of the evaluation

of pre-qualification applications participating in the pre-qualification

process. Pre-qualification register: It is a list of the names of suppliers and contractors qualified by the responsible authorities

and approved by the Council, each according to the field of his qualification. Suppliers

and contractors: companies, institutions, contractors, consulting offices and other commercial institutions with legal personality

and individuals who participate in procedures

Procurement to meet the requirements of the disposing entity for goods, construction or services

Large Projects: Projects whose estimated value exceeds ten million Bahraini dinars. Complex projects of a special nature: Projects that are unique in their work and are not repetitive, and in which the managing party has no previous experience, and in which it is impossible to formulate detailed specifications for goods or construction or determine the characteristics of the required service.

Recurring tenders and auctions: These are tenders and auctions that are similar in requirements and specifications and are issued repeatedly during similar periods of time.

#### Article (2)

The pre-qualification process is carried out for suppliers and contractors specialized in supplying goods or carrying out construction or services, the nature of which requires an assessment of their technical and financial capabilities and capabilities, in the stage before tenders are issued, especially in the following cases: 1- Similar tenders, bids, purchases and sales that are offered repeatedly.

2- Large or complex projects of a special nature.

3- Advanced and unique technology projects.

4- Specialized consulting services.

Procurement and services are critical to the activities and operations of managing entities. -0

#### Article (3)

The managing authorities are committed to following the pre-qualification procedures for suppliers and contractors mentioned in these regulations, with the aim of qualifying the largest possible number of suppliers and contractors to be included in the register.

Prequalification.

#### Article (4)

Suppliers and contractors are committed to fully cooperating with the managing authorities and the Tenders and Auctions Board in implementing qualification and rehabilitation procedures and submitting all required documents.

#### Article (5)

The Council supervises all pre-qualification work for suppliers and contractors, and approves the results Qualification and classification. He may verify the eligibility of suppliers and contractors at any stage.

#### Article (6)

The managing authorities undertake pre-qualification work through qualification committees consisting of at least three members with experience and specialization from the same authority or technicians and specialists from the same authority.

Other parties. Committees may seek assistance from consulting offices in the Kingdom or abroad.

#### Article (7)

The managing authorities may carry out pre-qualification work according to the following methods: 1-

Issuing a general invitation to pre-qualify a specific tender.

2- Issuing a public invitation for qualification for inclusion in the pre-qualification register.

3- Qualification of individual applications.

### Chapter II

Issuing a general invitation to qualify for a specific tender

#### Article (8)

The invitation to pre-qualify is offered locally or internationally. Participation in local pre-qualification work is limited to local companies. As for pre-qualification work offered internationally, participation in it is

For local and international companies registered in the Kingdom of Bahrain and not registered, the authorities must also obtain

It is responsible for the prior approval of the Council in the event that pre-qualification work is being carried out in preparation

To submit a tender to international companies.

#### Article (9)

In the event that the tender is issued internationally, the disposing authority shall prepare a pre-qualification declaration, and it must

The announcement includes the following information;

1- The name and address of the disposing party.

2- The nature and types of goods, services or constructions that will be pre-qualified. 3-

How to obtain pre-qualification documents and their value.

4- Clarification regarding whether the invitation for pre-qualification is local, international, or limited to suppliers

Or contractors belonging to a specific country.

5- The last date during which pre-qualification documents are permitted to be purchased, if any.

6- The last date and location for submitting applications.

- Statement of the place and time of opening applications. ✓

The period granted to suppliers and contractors to purchase, prepare and submit pre-qualification applications shall And it must not be less than three weeks, provided that pre-qualification documents are available for purchase within a period of no less than two weeks.

### Article (10)

The disposing authority prepares pre-qualification documents, provided that the documents include data and information

The following:

1- The name and address of the disposing party.

2- The nature and types of goods, services or constructions that will be pre-qualified. 3- Documents and information required to be submitted by the participant, provided that they include the following:

A- Commercial registry certificate.

B- The company's initial articles of incorporation and articles of association. C- Audited financial reports for the last three years, including the balance sheet, income statement, and cash flow statement.

(Cash Flow Statement)

D - A copy of the CV of the administrative and technical staff working for him.

E- The equipment, machines and devices available to him and necessary to complete the required work.

F- The length of experience, a list of the work he has successfully completed, and the highest value of the work he has executed.

G - Written approval for the discharging authority to carry out the field visits stipulated in Clause (1) of Article (19) of these regulations, when necessary.

In the event of qualifying suppliers, it must be stipulated that the participant must submit the following documents:

1) A list of the names of the manufacturers that the participant represents in the Kingdom, if any.

2) Commercial agency registration certificates, if any.

4- The pre-qualification documents prepared by the disposing authority must include the following:

A- Stipulating that all pre-qualification work is subject to the Law Regulating Government Tenders, Auctions, Purchases and Sales, its Executive Regulations and the provisions of these Regulations.

B- Mechanisms to enable participants to obtain clarifications regarding pre-qualification documents.

C- Details of the foundations and criteria for evaluating pre-qualification applications, the relative weights of these criteria, and the minimum threshold for accepting a pre-qualification application.

D- Suppliers and contractors classification system, if any. E- The possibility (or inability) to submit more than one pre-qualification application, whether alone or in partnership in a coalition.

F- The deadline for filing applications, and the place and time of opening applications. In the event that the pre-qualification request is submitted by a consortium of companies, the following additional documents and information must be requested:

A- Copies of the commercial registration certificates of the companies that make up the consortium.

B- A copy of the coalition formation agreement. C- Data on the financial situation, administrative and technical personnel, equipment and equipment, and the necessary experience.

### Article (11)

The managing authorities are obligated to upload the pre-qualification documents to the Council's electronic system to obtain their approval electronically by the specialists in the Council's technical and administrative staff, before publishing the pre-qualification announcement. In all cases, the disposing party bears responsibility for the integrity and accuracy of the information recorded in the documents.

### Article (12)

The managing authority publishes advertisements in a way that ensures they are delivered to the largest possible number of companies, provided that the Council's website serves as the main platform for announcing the launch of pre-qualification works, and publication is also done on the managing authority's website. In the case of international advertisements, they are announced in the Kingdom of Bahrain and abroad in Arabic and English in widely circulated international newspapers.

Local advertisements shall be published in Arabic, and in addition, they may be published in more than one language if the public interest so requires.

### Article (13)

The supplier or contractor must obtain pre-qualification documents from the council's electronic system after paying their value, and he may not transfer them to others or use each copy more than once.

#### Article (14)

The managing authorities must provide clarifications and respond to the questions of the pre-qualification participants, provided that the clarifications are communicated to all participating suppliers or contractors.

#### Article (15)

Pre-qualification applications are submitted to the Council before the date specified in the qualification documents or for the period specified by the Council, through the Council's electronic system.

#### Article (16)

The Council or the committees it appoints shall open pre-qualification applications at the place and time specified in the pre-qualification documents or at the deadline in the event of an extension. The Chairman of the Council or Committee, as the case may be, must take the following measures:

- 1- Allow applicants participating in the qualification to attend the application opening session.
- 2- Announcing the name of each participant when his application is opened.
- 3-

Preparing a report to prove the opening of pre-qualification applications, and having it signed by the committee members.

#### Article (17)

The managing authorities receive pre-qualification applications from the Council immediately after the applications are opened.

This is to study, evaluate and submit recommendations regarding them to the Council for approval. The Council has the right to study and evaluate the applications or to refer them to any other committee or body.

#### Article (18)

When reviewing qualification applications, the acting authorities must ensure the following: 1- The activity

participant is licensed to practice. 2- Availability of the necessary licenses

activities that the

is compatible with the commercial

subject to the qualification

to implement the activity projects subject to the qualification. Verifying the legality of documents and

the validity of the information recorded in the qualification application.

-3

4- The soundness of the company's financial position and the availability of financial liquidity; To ensure that projects are implemented without delay, based on the latest financial reports.

5- Availability of a sufficient number of qualified and trained technical and administrative personnel to implement activity projects

Rehabilitation topic,

6- The presence of appropriate facilities and the availability of sufficient equipment and devices to implement the subject activity projects

Qualification.

Qualification: The duration and type of experience are compatible with the quality and size of the activity involved -V

### Article (19),

A- While reviewing the participants' information and documents, the managing authorities may take action

The following:

1- Conduct field visits to review and inspect participants' facilities and equipment.

2 - Contacting the participants' clients to ask and inquire about the quality of work and performance.

3- Review the details of previous projects implemented by participants in the same activity subject to the qualification.

The results of previous actions must be integrated into the final evaluation report.

B- The managing authorities may not request additional documents from the participants during the application evaluation stage, except after obtaining the Council's approval.

### Article (20),

A- When preparing materials, the discharging authorities must verify the following:

1-The quality of materials and their conformity with established technical specifications.

2- The reliability of the materials and their suitability to their lifespan.

3- Providing international certificates - from credible sources - that praise the performance and quality of materials.

B- The disposing authorities may take the following measures:

1 - Request the factory to provide certificates of conformity of materials with the approved technical specifications.

2- Requesting the factory to provide test reports for materials issued by relevant international laboratories

credibility. 3-Subjecting

a sample of materials to experiment and testing for a specific period of time, provided that a period of time is provided

The Council shall provide the necessary time plan for the test and a report on the final results upon completion.

The results of the previous procedures must be integrated with the final evaluation report.

C- The provisions of this article apply to the supplier even if he is an exclusive authorized agent for the required materials.



### Article (21)

The managing authorities evaluate all pre-qualification applications for participants according to the evaluation foundations and criteria that were previously specified in the pre-qualification documents and the relative weights of these criteria. It is not permissible to use foundations, evaluation criteria or relative weights other than those mentioned in the pre-qualification documents.

### Article (22)

The disposing authorities may contact applicants for pre-qualification to seek clarification about the information and documents provided, without prejudice to the principle of equal opportunities and equality between applicants, and provided that they are given an appropriate period of time to provide the required clarifications.

### Article (23)

The acting authorities shall send their recommendations to the Tenders and Auctions Board immediately after the end of the evaluation process, accompanied by the pre-qualification report. The report must include the following:

- 1- A list of the names of companies participating in the qualification.
- 2- Copies of the commercial registry certificate for participants in A3- A table of the points awarded to companies according to the evaluation criteria, with justifications for granting these points.
- 4- Details of the reasons why some companies did not pass the qualification process.
- 5- The names, job titles, and signatures of the members of the committee in charge of pre-qualification, with the official seal of the managing authority.
- 6- The names and contact numbers of those concerned with the managing authority who are authorized to respond to any inquiries related to the report.

The names of the companies must also be recorded according to the official name according to the registry certificate

Commercial.

### Article (24)

The Tenders and Auctions Board approves the recommendations of the managing authority regarding pre-qualification requests. If these recommendations are rejected, the rejection must be justified.

The Council communicates its decision to the responsible authorities, and these authorities are responsible for notifying everyone who participated in the qualification within three working days from the date of their notification of it.

## Article (25)

Approval of the pre-qualification application submitted by a consortium of companies is valid according to the composition of the coalition mentioned in the application, and any change in this composition (exit of a company, replacement of a company, change in responsibilities or assignment of responsibilities to other companies) without the approval of the Council and the managing party, makes the consortium ineligible.

## Article (26)

The disposing authority shall prepare a study regarding pre-qualification applicants with sufficient financial, material, technical and administrative capabilities who do not have a period of experience or work carried out, or the absence of financial reports for three years due to their recent establishment, and present it to the Council to take a decision regarding them.

## Chapter III

Introducing a public invitation for qualification for inclusion in the pre-qualification register

### Article (27)

The managing authorities may carry out the pre-qualification process for the purpose of increasing the number of qualified companies in a specific field and then including them in the pre-qualification register, so that they are invited when tenders are offered to the qualified companies, especially tenders for the projects mentioned in Clause (1) of Article (2) of the Act.

This decision.

## Article (28)

Taking into account the pre-qualification procedures contained in the provisions of Chapter Two, the managing authorities may request any additional documents from participants during the application evaluation stage, so that the qualification applicant can pass the required qualification standards.

## the fourth chapter

Qualification of Individual Applications

### Article (29)

The disposing authorities may carry out the pre-qualification process for any supplier or contractor if it applies

With an official request for qualification without a general invitation for prior qualification.

In order to prevent monopoly of some goods or services, the managing authorities must survey the market, search for suppliers and contractors, and invite them to submit an application for pre-qualification.

#### Article (30)

The disposing entities must obtain the Council's prior approval of the pre-qualification documents, provided that the documents meet the requirements stated in Article (10) of this decision.

#### Article (31)

The supplier or contractor must obtain pre-qualification documents according to the method it specifies Council, after paying its value.

#### Article (32)

The supplier or contractor must submit a pre-qualification application including all the required information and documents at the place and time specified in the documents. The disposing authorities may request any additional documents from the supplier or contractor during the application evaluation stage, so that the pre-qualification applicant can pass the qualification standards approved by the Council.

#### Article (33)

The pre-qualification procedures contained in Articles (18) to (26) of this decision will be followed to evaluate and approve the results of the qualification, with the exception of the last paragraph of Article (19) of this decision.

#### Article (34)

Qualified suppliers and contractors - if necessary - are classified into categories based on the results of pre-qualification, provided that each category determines the financial limit for the projects that the supplier or contractor is allowed to undertake. In all cases, the disposing parties must obtain the Council's prior approval of the classification system.

#### Article (35)

The Council maintains a register called (Pre-Qualification Register) in which suppliers and contractors are registered

Their qualification results have been approved. The disposing entities must base their purchases on the pre-qualification record approved by the Council, and must periodically verify the conformity of the qualification lists.

It has a pre-qualification record approved by the Council.

## Article (36)

The disposing authorities determine the activities (supplying goods or carrying out construction or services) whose nature requires qualifying suppliers or specialized contractors and evaluating their technical and financial capabilities and capabilities, and establish a timetable for the rehabilitation of all suppliers and contractors whose names are included in the disposing authorities' lists on a periodic basis, provided that the rehabilitation period does not exceed Over three years

Consecutive.

## Article (37)

During the rehabilitation of suppliers or contractors who are not classified in one of the grades, and whose services are still valid, the authorities acting may limit themselves to ensuring the following: 1- The soundness (of the company's financial position, and the availability of financial liquidity to ensure the implementation of projects without delay, based on the latest financial reports. Verifying the performance of the supplier or contractor in implementing previous and current projects through performance evaluation reports.

## Article (38)

The Council may - if the interest requires - directly undertake pre-qualification procedures and approve the results according to the procedures contained in these regulations. It may also classify qualified suppliers and contractors. The Council must notify the relevant managing authorities of the results of qualification and classification and direct them to base their purchases on qualified suppliers and contractors.

## Article (39)

The Council may, if necessary, request at any time from suppliers or contractors to prove their eligibility again, provided that the names of suppliers and contractors who fail to prove their eligibility are deleted.

## Article (40)

The acting authorities must maintain approved lists of qualified suppliers and contractors

Annually publish a public announcement to invite more suppliers and contractors for qualification, and then include them on these lists. It is also committed to striving to qualify a sufficient number of suppliers and contractors in all countries.

Required fields.

#### Article (41),

The managing authorities are committed to providing the Council annually, during the month of November at the latest, with the pre-qualification plan for the coming year.

#### Article (42)

The disposing entities may initiate pre-qualification processes internally in the case of purchases offered as an internal tender (for amounts less than 25,000 Bahraini dinars for ministries and government agencies and less than 50,000 Bahraini dinars for companies), provided that the same procedures stipulated in this decision are followed. The Council shall be provided with a quarterly report that includes the results of pre-qualification processes for suppliers and contractors participating in the pre-qualification. The Council approves the results of the qualification of suppliers and contractors according to the aforementioned financial limits, and records this in the pre-qualification record.

#### Article (43)

The disposing authorities are obligated to follow the following procedures if they wish to cancel the pre-qualification process:

- 1- Obtain the Council's approval for the cancellation, after notifying it of the reasons and justifications for canceling the pre-qualification process.
- 2- Notifying everyone who participated in the pre-qualification of the cancellation decision within three working days from the date of notifying the disposing authority of the decision to approve the cancellation, and returning the value of the pre-qualification documents.

For participating companies.

- 3- Canceling the pre-qualification process in the Council's electronic system.

#### Article (44)

The disposing authorities must notify suppliers and contractors by one of the following methods: 1- A registered letter with acknowledgment of receipt to the address stated in the pre-qualification application.

2- An email as mentioned in the pre-qualification application, verifying its receipt. 3- An electronic system dedicated to the pre-qualification process.

#### Article (45)

The supplier or contractor whose request for qualification, reclassification of grade, or removal of his name from the prequalification register was rejected may apply to the disposing authority or the council - as the case may be - within thirty days from the date of his learning of the decision to request clarification about the foundations on which the decision was based, and the disposing authority shall not be Or the Council are obligated to provide evidence and reasons proving the existence of those foundations.

#### Article (46)

A supplier or contractor whose request for qualification, reclassification of grade, or removal of his name from the pre-qualification register By decision. <sup>issue a</sup> was rejected may file a grievance with the Council within thirty days from the date of his knowledge. The Council shall reasoned decision regarding the grievance within thirty days from the date of its submission. The deadline for deciding on the grievance shall be deemed to have expired without notification to him. The result of his grievance is an implicit rejection of him.

The grievant may appeal the Council's decision before the competent court within thirty days from the date of his notification of the grievance's rejection or from the date his grievance is considered implicitly rejected.