

Note: The below translation is unofficial. The Arabic original is the recognized text for the legal purposes.

**LEGISLATIVE DECREE NO.36 OF 2002 WITH RESPECT TO
REGULATING GOVERNMENT TENDERS AND PURCHASES**

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

Having reviewed the Constitution,

And upon the submission of the Prime Minister,

And with the approval of the Council of Ministers,

Hereby Decree the Following Law:

Chapter One
General Provisions

Article 1:

In the application of the provisions of this Law, the following words and expressions shall have the meanings assigned against each unless the context otherwise requires:

Purchase: Acquisition of goods, installations or services by one of the purchasing methods provided for in this Law.

Buyer: One of the authorities listed in Article (3) of this Law.

Goods: Items of every kind and description including raw materials, products, equipment and things that are in a solid, liquid or gaseous state, electricity and associated services that complement the supply of goods.

Constructions: Works related to the erection of buildings, structures, installations or the rebuilding or demolition, renovation or refurbishment thereof such as the site preparation, excavation, installation of equipment or materials, finishing as well as the related services that accompany the process of erection such as soil tests, engineering and geological investigations, survey activities, aerial photography and such other services that are provided pursuant to the purchase contract. Constructions also include the roads, causeways, tunnels, pavements, car parks, power, water and sewerage stations and networks, water drains, airports, seaports, water streams and channels, land reclamation and railways.

Services: Purchasable items that are not goods or constructions including engineering, management and financial consultancy services and studies.

Supplier or Contractor: Companies, businesses, consulting firms and other commercial establishments that have a corporate entity and individuals who participate in purchasing procedures to meet the buyer's requirements of goods, constructions or services.

Board: Tender Board.

Public Tender: A set of procedures that are announced in compliance with the conditions set forth in this Law with the aim of achieving the best bid, either local to be announced in the Kingdom of Bahrain or international to be announced in the Kingdom and abroad.

Limited Tender: A tender participation in which is restricted to a limited number of group of suppliers or contractors.

Local Tender: A tender participation in which is restricted to suppliers or contractors who are authorized to carry on business activities in the Kingdom of Bahrain according to the applicable laws and regulations.

International Tender: A tender in which is local suppliers and contractors and international suppliers and contractors who are unregistered in the Kingdom may participate.

Tender Documents: Documents and papers prepared by the buyer to describe the types and specifications of goods, constructions or services required to be purchased, dates and methods of delivery or execution and details of all the requirements and conditions of participation in the tender.

Register: Purchase Procedures Register.

Prequalification: A prior assurance of the fulfillment of the required conditions in the participating suppliers or contractors according to the requirements set forth in the prequalification documents including their technical capabilities, financial and management resources, extent of their obligations and their ability to perform.

Prequalification Documents: All the documents related to prequalification and include the invitation to participate in prequalification and requirements and conditions of prequalification.

Article 2:

This Law aims at:

- (a) Protection of public property and preventing the influence of personal interests on tender formalities.
- (b) Achieving the maximum level of economic efficiency to obtain government purchases at competitive and fair prices.
- (c) Encouraging the participation of suppliers and contractors in government purchasing procedures.
- (d) Enhancing integrity, competitiveness and providing fair treatment for all the suppliers and contractors for the realization of the principle of equal opportunities.
- (e) Achieving transparency in all phases of government purchasing procedures.

Article 3:

Without prejudice to the provisions of treaties and agreements applicable in the Kingdom of Bahrain, the provisions of this Law shall be enforced with respect to purchasing operations of goods, constructions and services. Its provisions shall apply to all ministries, organisations, public institutions, municipalities and government authorities that have an independent or supplementary budget and the companies that are fully owned by the government, Consultative Council and House of Representatives. An exemption from the scope its application shall be given to the Bahrain Defence Force, Public Security forces and the National Guard with respect to the purchase of goods, constructions and services of a military, security or confidential nature or these required by the public interest not to be announced or not to apply the procedures stipulated under this Law.

Article 4:

Contracts for the purchase of goods or constructions shall be concluded by the public tender method. However, a buyer may pursuant to a decision from the Tender Board enter into a contract in any of the following methods:

- (a) A tender in two phases.

- (b) Limited tender.
- (c) Competitive negotiation.
- (d) Direct purchasing (purchase from a single source).
- (e) Request to present proposals.

Entering into contracts with respect to services shall take place by way of requesting the submission of proposals. However, contracts may be concluded by one of the aforesaid methods upon a resolution of the Board.

The methods provided for in this Article shall be subject to the rules, conditions, provisions and provisions with respect to public tenders with regard to anything that is not specifically provided for in this Law.

Article 5:

Contracts for goods, constructions or services subject to this Law shall not be divided with the intent to fraudulently avoid the conditions, rules, procedures and other restrictions and guarantees provided for in the Law. A buyer shall ensure consolidating all the similar requirements that are linked by a certain connection or a single aim to be purchased in one bulk.

Article 6:

Entering into contracts for the purchase of goods, constructions or services from suppliers or contractors who have the creditworthiness and fulfil the prequalification and classification conditions in the manner outlined in the Executive Regulations.

Article 7:

Civil servants, government officials and other employees of the authorities to whom the provisions of this Law are applicable shall not personally or through third parties submit bids or offers to the Government or such authorities. Further, no goods shall be purchased from them nor shall they be instructed to execute works.

This shall not apply to the purchase of books written by them nor to instructing them to produce artistic works such as drawings, photography or the like or the purchase of works of art from them if they are related to their job duties, provided that they shall not participate in any manner in the procedures for the purchase decision or instruction. That shall take place in compliance with the restrictions and according to the rules and procedures to be set forth by the Implementing Regulations.

Chapter Two **Tender Board**

Article 8:

An independent Board shall be set up to be designated the "Tender Board" and shall directly report to the Council of Ministers.

The Board shall consist of the Chairman, Deputy Chairman and seven members to be appointed by a Decree. The Board meetings shall be attended by the person to be nominated by the buyer by an order of the concerned Minister without having a countable vote.

Article 9:

The Board's term of office shall be two years that is renewable once only. Any member whose term of office has expired may be re-appointed provided that two years have elapsed since the termination of his membership.

Article 10:

The Board shall be responsible for all the tenders in the authorities that are subject to the provisions of this Law and shall, in particular, have the following powers:

- (a) Overseeing government tenders and purchase transactions undertaken by the authorities subject to the provisions of this Law.
- (b) Endorsing the technical specifications provided by the authorities subject to the provisions of this Law and reviewing tender documents.
- (c) Receiving bids for tenders, opening tender envelopes, ascertaining that they contain all the required documents and papers and deciding upon acceptance or rejection of bids.

- (d) Reviewing, revising and approving the evaluation of bids and adopting the award decision in respect thereof.
- (e) Cancelling a tender and re-inviting it.
- (f) Pre-qualification of suppliers and contractors in co-ordination with the concerned government authorities.
- (h) Enforcing the penalties provided for in this Law upon suppliers and contractors according to reports received from the authorities subject to the provisions of this Law or the concerned government authorities with respect to reports for violations or failure to honour contractual obligations.
- (i) To decide upon the complaints of suppliers and contractors related to pre-qualification, tender procedures and other methods of entering into contacts.
- (j) Any other powers provided for in this Law.

Article 11:

The Board shall be empowered to decide upon tenders. It may form a committee that reports thereto comprising some of its members or others under the chairmanship of a Board member to be empowered to deal with tenders valued at less than BD500,000 (Bahrain Dinars five hundred thousand), provided that such committee shall refer its recommendations to the Board for approval.

Article 12:

The Board shall be empowered to form from amongst its members or other experienced and specialized personnel sub-committees to be concerned with studying certain issues referred thereto and decided to be referred to such committees. Each sub-committee shall have a chairman who is a Board member in the manner to be defined by the Implementing Regulations.

Article 13:

In order for a meeting of the Board to be valid, it shall be attended by at least two thirds of its members who shall include the Chairman or his Deputy. Its resolutions shall be adopted by the majority vote of the Board members.

Article 14:

The Board shall have a technical and administrative staff that shall be regulated by an Edict to be issued by the Prime Minister. The appointment of its staff shall be determined by a decision of the authority concerned with employment in the Kingdom upon the nomination of the Board Chairman. The staff shall be administered by a secretariat of the Board that shall supervise the implementation of its decisions.

Article 15:

All the Board's activities and deliberations shall be confidential. All the employees shall maintain such confidentiality and shall not disclose any of its activities except by a permission from its Chairman. The obligation to maintain confidentiality shall be applicable to any employee who may have participated in the tenders or who has familiarized himself with any of their procedures in his official capacity except for anything permitted by a special provision of the law.

The Board's activities and deliberations shall be maintained in special registers to be called "Purchase Registers" as indicated in the Implementing Regulations.

Article 16:

A Board member or any person who participates in tender activities shall refrain from taking part in all the procedures thereof if he has a direct interest in the proposed transaction.

A direct interest means that the member, person, spouse or one of his relatives to the third degree is the one who has submitted the bid in question or owns a share thereof, a board member of the organisation that has submitted the bid, an officer thereof, an agent acting on its behalf or a sponsor thereof.

Article 17:

Both the buyer and Board or any committee formed by the Board shall maintain a register to be called the "Purchase Procedures Register" in which shall be confirmed all the purchase procedures. The Implementing Regulations shall detail the particulars to be entered in such Register, persons and government authorities who may have access to such particulars.

A buyer shall not divulge any of the particulars included in the Register the disclosure of which involves a violation of the law or constitutes a conflict with the public interest or damages the legitimate interests of parties or leads to unfair competition. Further, the particulars related to examination and evaluation of bids shall not be disclosed except in the manner to be determined by the Implementing Regulations.

Article 18:

The Board shall prepare an annual report about its activities containing the performance indicators. The said report shall be published in the Official Gazette within 3 months from the end of the financial year.

Chapter Three
Methods of Concluding Contracts

Section One
Public Tender

Article 19:

A public tender shall be local or international. A local tender shall be limited to companies and organisations registered in the Kingdom of Bahrain. An international tender shall allow the participation of local and international companies and firms that are registered or unregistered in the Kingdom of Bahrain, provided that the unregistered international companies and firms shall register according to the applicable regulations in the Kingdom within 30 days from the date of awarding the tender thereto.

GCC companies shall be dealt with as national companies after the enforcement of the state laws upon them with respect to business activities and joint agreements among the GCC states.

The criteria for distinction between local and international tenders shall be based upon the nature of goods, constructions or services required to be purchased, volume thereof, extent of their complexity and standards required. The Board shall be empowered to determine the reasons for selection of an international tender on the basis of such criteria.

Article 20:

Suppliers or contractors who wish to participate in a public tender shall provide evidence of their qualification by fulfilling the criteria set forth in the Implementing Regulations.

Article 21:

Before inviting for the purchase of goods, constructions or services in a public tender, the authorities subject to the provisions of this law shall lay down precise technical specifications that shall comply with the criteria to be defined by the Implementing Regulations.

The Implementing Regulations shall specify the contents of tender documents, procedures and conditions with respect to alterations or any clarifications to such documents. The Board shall prepare a table with respect to the value of tender documents. Such value shall represent the minimum costs of such documents.

Article 22:

In each of the authorities subject to the provisions of this Law, specifications shall be laid down by a committee that is experienced in the required goods, constructions or services in the manner to be determined by the Implementing Regulations.

Article 23:

A public tender shall be advertised in a local daily newspaper or two local daily newspapers or as shall be deemed appropriate by the Board. In particular, the advertisement shall contain the tender's subject, buyer, method of obtaining documents, required goods, constructions or services, amount of the bid bond, value of the tender documents, place of submitting bids, final date for submission thereof and any other particulars deemed necessary by the Board for the proper performance of its operations.

An international tender shall be advertised in the Kingdom of Bahrain and abroad in both Arabic and English. Further, embassies or consulates of foreign countries in the Kingdom of Bahrain shall be requested to give notice to those engaged in the same field of business in these states of the text of the tender notice.

In all cases, the Board may advertise in the other media that have a wide circulation, provided that for tenders whose value exceeds BD1,000,000 (Bahrain Dinars one million) the advertisement shall also be published in the Official Gazette.

Article 24:

Tender envelopes shall be kept in special boxes to be designated by the Board and each envelope shall carry the tender's title and number. Envelopes may be sent by registered letters with acknowledgement slips before the date fixed for opening them or by email according to the conditions to be laid down by the Board.

The Board shall lay down rules with respect to the method of submitting bids, samples, prescribed forms, seals, signatures and other requirements, provided that the tender documents shall contain details of such rules.

A bid shall be submitted in writing, signed by the bidder and kept in a sealed envelope in the manner to be determined by the Board. The bid shall be accompanied by the statements and documents determined by the Implementing Regulations.

Article 25:

The Board shall fix the period required for submission of bids from the date of the tender. The Board may upon the request of the buyer or upon the request of a number of bidders, to be decided by the Board according to the importance of each tender, extend this period provided that it shall not be more than 90 days.

Further, the Board may upon the request of the buyer reduce such period provided that the said buyer shall provide a justification therefor.

Any bid submitted after the expiry of the time limit fixed for submission of bids shall not be received.

Article 26:

Tender documents may contain allowing the contractor or supplier to quote more than one price or to submit more than one proposal. If the above is not contained in the documents, the terms thereof shall be strictly complied with.

Article 27:

A bid shall be valid for the period fixed by the tender documents. The period required for the effectiveness of bids shall be a minimum of 90 days. The Board may extend this term prior to its expiry. Every supplier or contractor shall be entitled to reject the extension without forfeiting the right to recover the bid bond.

In all cases, every supplier or contractor may amend or withdraw his bid before the deadline fixed for submission of bids.

Article 28:

Every bid shall be accompanied by a bid bond the amount of which, its content, form and source thereof shall be specified by the Board as part of the notice conditions in the manner to be outlined by the Implementing Regulations.

The tender documents shall contain the bond's terms and conditions and rules of claiming its amounts in the events mentioned by the Implementing Regulations.

The Board shall draw up a schedule of the amount of the bid bond according to the tender's amount and type. The said bond shall be refunded to the suppliers or contractors without being demanded from them upon the completion of the purchase procedures.

Article 29:

The Board or any committees assigned with such duty shall open the bid envelopes at the time and place fixed in the tender documents or on the final date in case of an extension the presence of the bidders or their representatives, provided that the name and address of every bidder whose bid has been opened and amount of bid shall be announced. Results of opening the envelopes shall be recorded in a statement to be called "Envelope Opening Statement" to be signed by the Board members or the committee, as the case may be.

Article 30:

The Board shall refer the bids after opening their envelopes to the buyer or to any other authority for the evaluation of bids. It shall be empowered to re-evaluate bids.

The authority that undertakes the evaluation of bids and comparing between them may request the bidders to provide clarifications about their bids without resulting in any change in a fundamental issue in the bid or price. Such authority may correct arithmetical errors that appear in the course of reviewing the bids, provided that notice thereof shall be given to the concerned bidders.

Article 31:

A bid shall be qualified for acceptance if it conforms with the conditions of the tender documents including the conditions related to the required documents and papers.

A bid may be deemed qualified if it contains secondary errors or omissions that can be corrected without causing a change in any fundamental matter, provided that such errors shall be quantitatively evaluated and taken into account upon evaluation and comparison.

Article 32:

Bids shall be evaluated according to the criteria indicated in the tender documents, provided that a bid shall be rejected in the following events:

- a) Bidder's disqualification.
- b) If the bid is qualified for acceptance.
- c) If the bidder gives a bribe or any temptation to an employee in the buyer or in an any other government authority.

A bidder may be ignored in case of the supplier's or contractor's refusal to correct the arithmetic error. Unqualified

Article 33:

Information relating to the examination of bids, evaluation thereof or comparison between them shall not be disclosed before the award. However, the concerned parties may have access to the register with respect to the purchase formalities in the cases prescribed by the law.

The buyer shall not enter into negotiation with any supplier or contractor regarding its bid.

Article 34:

The buyer or the committee assigned by the Board to analyse the bids shall forward a copy of the analysis results accompanied by a written confirmation of the availability of the required purchase appropriations in the budget to the Board for approval.

Article 35:

The Board shall lay down the rules with respect to the determination of criteria on the basis of which the comparison between bids shall take place, provided that such standards shall be objective and can be quantitatively estimated. Price shall be the principal criterion in case of fulfillment of the technical and other criteria.

The tender documents shall contain the criteria relied upon by the buyer in selecting the successful bid and the relative weighting of such criteria including time of execution, maintenance, operation, terms of payment and such other guarantees.

The tender shall be awarded to the bidder who offers the best terms and lowest price after standardising the bases and criteria of comparison between the tenders in the manner to be determined by the Implementing Regulations.

The Board may request the successful bidder to prove his qualification once again, otherwise his bid shall be rejected if he fails to respond to such request.

Article 36:

A tender shall be cancelled by a substantiated decision of the Board if it is finally dispensed with at the request of the buyer or if so required by the public interest, provided that all the participating bidders shall be given notice to this effect.

No civil or other liability shall arise towards the Board or buyer as a result of canceling the tender. Re-inviting for the tender shall take place by a resolution of the Board.

Article 37:

The Board or any authority instructed thereby shall issue the award decision for the bid that has been confirmed as the winning bid according to the evaluation criteria. All the award decisions shall be announced on a monthly basis in the Official Gazette.

The buyer shall send an initial letter of intent to the bidder who has been awarded the tender to enable him to submit the performance bond according to the terms of the tender documents, provided that he shall be notified of the award decision within 3 days from its receipt of such decision.

Article 38:

The successful bidder shall pay the performance bond in the amount to be fixed by the Board during the period and according to the rules to be determined by the Implementing Regulations.

Article 39:

The performance bond shall be a guarantee for ensuring the proper execution of the contract and shall be refunded upon completion of the execution according to the terms of the contract.

A performance bond shall not be paid if the successful bidder supplies all the goods that he has been awarded the supply contract thereof and accepted by the buyer during the period fixed for payment of the said bond.

Article 40:

The Implementing Regulations shall determine the terms and conditions with respect to the bid bond and performance bond, method of payment of each, their refund, replacement and procedures to be followed in respect thereof.

Section Two
Two Phase Tender

Article 41:

A contract may be entered into by a two-phase tender if it is feasible to draft detailed specifications for goods or constructions or to determine the characteristics of services to obtain the best solutions to meet the buyer's requirements if the following conditions are fulfilled:

- (a) Availability of clear criteria for technical evaluation of offers.
- (b) If there is enough time for holding a two-phase tender.
- (c) If there is the intent to conclude a lump-sum contract.
- (d) If it is expected to receive more than one bid.

Article 42:

- (a) The first phase of the tender provided for in the preceding Article shall take place by an invitation to be sent by registered letters with notes of delivery to submit preliminary bids without quoting a price but containing technical, quality or other proposals for the goods, constructions or services and suggestions with respect to terms of the contract and information about the competence and qualifications of bidders.

Negotiation may take place at this stage with any bidder whose bid has not been rejected concerning any aspect of the bid.

- (b) The second phase of the tender shall take place by inviting bidders whose bids have not been rejected to submit final bids inclusive of prices on the basis of one set of the specifications. AT this stage, it is possible to amend any specifications contained in the original documents, provided that all bidders shall be notified of such amendments.

Section Three
Limited Tender

Article 43:

A contract may be entered into by a limited tender in any of the following cases:

- (a) If the goods, constructions or services are not available because of their highly sensitive nature except with a limited number of suppliers, contractors, consultants, technical personnel or experts whether in the Kingdom of Bahrain or abroad.
- (b) If the goods, constructions or services are of a small value so that such value is not proportionate to the necessary time and cost for review and evaluation a large number of bids.
- (c) If the purchase takes place from a limited number of suppliers, contractors, consultants, technical personnel or experts necessary for strengthening the national economy especially supporting the balance of payments or foreign exchange reserves.

Article 44:

An invitation to submit bids for the limited tender shall be given to all the suppliers or contractors engaged in the type of business subject to the tender and registered in the registers of the buyer and the Board by virtue of registered letters with notes of delivery containing all the particulars to be mentioned about the limited tender in the two cases provided for in Clauses (a) and (c) of the preceding Article. In addition, an invitation shall be given to the largest number of them in the case provided for in Clause (b). An invitation may be delivered by any other appropriate method with a confirmation of the date of delivery to the concerned persons after their signature in acknowledgement of receipt, provided that an invitation shall be given at least 15 days for opening the envelopes, subject always to the rules laid down in the Implementing Regulations.

Section Four
Competitive Negotiation

Article 45:

A contract may be entered into by way of competitive negotiation in any of the following cases:

- (a) The goods that cannot be identified by precise specifications.
- (b) Technical works which by their very nature require the execution thereof by technical personnel, specialists or appointed experts.
- (c) Goods, constructions or services which by their very nature or purpose of obtaining them require to be purchased from their points of manufacture.
- (d) Supplies, constructions and services for which no bids have been submitted in the tenders or bids were submitted at unreasonable prices and where the need therefor does not allow inviting tenders therefor.
- (e) In cases of disasters and urgent necessity that cause an urgent need for goods, constructions or services where it is not likely to allow following the public tendering procedures.

Article 46:

An invitation to submit bids in competitive negotiations shall be invited to the biggest number of operators in the type of business subject to the negotiation in the manner to be outlined by the Implementing Regulations.

Article 47:

In case of following procedures of competitive negotiation, the buyer shall, through a committee that the Board shall decide to form, enter into negotiations with bidders or their representatives. The buyers shall notify the bidders of any requirements, directives, documents or information related to bidding.

Article 48:

Upon finalizing their negotiation, the buyer shall request those who have submitted acceptable bids to submit within the time limit fixed for them their best final bids and the buyer shall select the best of these bids subject to the rules to be determined by the Implementing Regulations.

Article 49:

Confidentiality shall be observed in negotiations between the buyer and bidders. It shall be prohibited for either party to reveal any technical or pricing information related to the negotiations without the approval of the other party subject always to complying with the provisions related to access to the purchasing procedures register provided for in this Law.

Section Five
Direct Purchase (From a Single Source)

Article 50:

Contracts may be entered into by way of direct purchase in any of the following cases:

- (a) If the goods, constructions or services are not available except with a certain supplier or contractor and there is no acceptable substitute.
- (b) Emergency cases that do not allow following the tendering procedures of all their kinds or competitive negotiation.
- (c) In cases of disasters and urgent necessity that cause an urgent need for goods, constructions or services where it is not likely to allow following the public tendering procedures.
- (d) In cases of standardization or compatibility with the available goods, equipment, technology or services while taking into account the limitation of proposed purchase as compared with the original purchase, suitability of the price and unsuitability of the substitute.
- (e) In cases of purchase for research, experimentation, study or development.

- (f) If the purchase from a certain supplier or contractor is necessary to strengthen the national economy such as the balance of payments or foreign currency reserve.

Direct purchase shall take place by a requisition for submitting a proposal or quotations subject always to the procedures to be outlined by the Implementing Regulations.

Section Six **Requests for Proposals**

Article 51:

Entering into contracts with respect to services shall take place by advertising locally or overseas or in a specialized publication by way of requesting the submission of proposals or filing applications for prequalification whenever necessary. However, requests for submission of proposals may be made directly to a number of suppliers or contractors in any of the following cases:

- (a) If the services are unavailable except with a limited number of suppliers or contractors.
- (b) If the time and costs of the study and evaluation are not proportionate to the value of the required services.
- (c) If confidentiality or national interest so requires.

In the events provided for in Clause (a), all the suppliers or contractors engaged in the relevant type of business and registered in the registers of the buyer and Board shall be invited. In the events provided for in Clauses (b) and (c), it shall be adequate to invite a sufficient number of them.

Article 52:

The Implementing Regulations shall determine the contents of the request for proposals, criteria of evaluation of proposals, procedures and methods of selection whether by successive or simultaneous negotiations or without negotiation as well as the clarifications and amendments with respect to requests for proposals.

Article 53:

Confidentiality shall be observed in submitting proposals and in negotiations to ensure the non-disclosure of technical or pricing information or any other information related to the purchase transaction or the legitimate interests of suppliers or contractors.

Chapter Four
Contract Execution

Article 54:

A contract shall be effective immediately upon the issue of an award decision to the successful bidder. A contract shall be drawn up according to the model form of contracts approved by the Board whenever possible.

A contract shall be signed between the buyer and by the bidder who has been awarded the contract within a maximum of 30 days from the date of issuing the award decision.

Execution of the contract shall commence from the date of sending the award letter or from any other date to be fixed in such letter.

Article 55:

If the supplier or contractor violates any of the provisions set forth in this Law, the Board may inflict any of the following penalties:

- (a) Rejection of the bid.
- (b) Warning.
- (c) Reducing the class.
- (d) Striking off from the purchase procedures register for a fixed period of time or on a permanent basis.
- (e) Suspending or canceling the purchase contract.

In all cases, the supplier or contractor shall be given notice of the decision adopted against him by virtue of a registered letter with a note of deliver at his address indicated in his bid or contract, as the case may be.

Chapter Five
Reconsideration and Complaints

Article 56:

Any supplier or contractor claiming, prior to the contract coming into effect, that he has suffered or may suffer a loss or damage because of the buyer's breach of a duty imposed by law may request the authority seeking to enter into a contract or the Board, as the case may be, a reconsideration of any of the tendering procedures or any decision related thereto within 10 days from the date of becoming aware of the procedure or decision for local tenders and 20 days for international tenders.

The authority to whom the request is submitted shall adopt a decision in respect thereof within 30 days from the date of its submission. A decision of refusal shall be substantiated. If no decision is adopted in respect of the request within the aforesaid time limit, this shall be deemed as an implicit rejection thereof.

The Implementing Regulations shall determine the cases that are not subject to reconsideration.

Article 57:

A supplier or contractor may file a complaint with the Board in any of the following cases:

- (a) If it is impossible to submit a request for reconsideration or its acceptance because of the contract's coming into effect.
- (b) If a decision is adopted for rejection of a request for reconsideration explicitly or implicitly.
- (c) If a decision is adopted or action is taken in respect of the tender but the supplier or contractor is not aware thereof except upon the contract's coming into effect.

A complaint shall be filed within 10 days in respect of local tenders and 20 days in respect of international tenders from the date of becoming aware of the decision or action.

Article 58:

The Board shall adopt a substantiated decision in respect of the complaint within 30 days from the date of filing it. It shall be empowered to decide while investigating the complaint to take one action or more of the actions indicated in the Implementing Regulations.

A complainant shall be entitled to challenge the decision adopted by the Board before the competent court within 30 days from the date of informing him of the decision by a registered letter with a delivery note.

Article 59:

The Implementing Regulations shall determine the rules related to the procedures for each of the request for reconsideration and complaints. Further, they shall determine the effect of a request for reconsideration and complaints upon the contractual procedures and upon the purchase contract in case of its coming into effect.

Article 60:

Subject to the provisions of the preceding Articles, every interested party may file a challenge with the law courts in respect of any final action or decision adopted in respect thereof in pursuance of the provisions of this Law or its Implementing Regulations within 60 days from the date of becoming aware thereof.

Chapter Six
Final Provisions

Article 61:

Tender conditions shall stipulate that the provisions of this Law's Implementing Regulations shall be deemed as an integral part of the conditions to which the contract is subject.

Article 62:

The authorities subject to the provisions of this Law may enter into contracts with each other by way of direct purchase. It shall be prohibited to assign the contracts concluded amongst them to any other parties.

Article 63:

Contracts for purchase or leasing of properties required for the authorities that are subject to the provisions of this Law shall be regulated by all the stipulations of this Law with respect to the purchase of services to the extent that does not conflict with the nature of any of these contracts.

Article 64:

Reasons for the decisions with respect to the award of a public tender, two phase tender, limited tender, competitive negotiation, request for quotation or request for proposals or canceling any of them or ignoring bids shall be displayed on a board to be designated for this purpose to be kept in a conspicuous place for a period of one week for each decision. In addition, bidders shall be given notice by registered letters with notes of delivery to their addresses indicated in their bids.

Article 65:

It shall be prohibited for a supplier or contractor to do any of the following acts:

- (a) To influence the results of the tender or award decision with the aim of overcoming competition such as giving bribes and incentives to any officer in the buyer, Board or any government authority.
- (b) To obtain information about the tender by unlawful methods.
- (c) To connive with contractors or suppliers participating in the tender.
- (d) To engage in any practices leading to a monopoly.

Article 66:

The Implementing Regulations of this Law shall be issued by a Decree.

Article 67:

The Prime Minister and ministers, each in his respective capacity, shall implement the provisions of this Law which shall come into effect 3 months after the day following the date of its publication in the Official Gazette.

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

**Khalifa bin Salman Al Khalifa,
Prime Minister**

Issued at Riffa Palace:
On 3rd Shaaban, 1423 Hijra
Corresponding to 9th October 2002

Note: The above translation is unofficial. The Arabic original is the recognized text for the legal purposes. .

**Legislative Decree No.36 of 2002 with respect to
Regulating Government Tenders and Purchases**

GULF TRANSLATIONS WLL
Legal Translation Service

**GOVERNMENT TENDER LAW
&
IMPLEMENTING REGULATIONS**

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