

Government Tendering & Procurement Regulations*

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Basic Principles

Article 1

These regulations aim at:

- a. Regulating the procedures of tendering and procurement undertaken by governmental agencies and preventing any personal interference therein with a view to protecting public resources;
- b. Attaining maximum degree of economic effectiveness in order to execute government procurements and projects at fair competitive prices;
- c. Reinforcing fairness and competition and providing equitable treatment of contractors and suppliers in full realization of the principle of equality of opportunities;
- d. Realizing transparency throughout the stages of government tendering and procurement procedures.

Article 2

To execute its tenders and procure its purchases, the government shall deal with the individuals and establishments licensed to carry out the type of works required in accordance with the established rules and procedures.

Article 3

Notwithstanding the provisions of the Foreign Investment Law, all individuals and corporations wishing to deal with the government and having the qualifications to do so shall be given equal opportunities and treated equally.

Article 4

Bidders shall be given clear, adequate and standard information about the work required and shall be enabled to obtain information at a specific date. Sufficient copies of the tender documents shall also be provided for all parties wishing to receive the same.

Article 5

Preference shall be given to national industries, products and services and those of equal classification.

Article 6

All government works and purchases shall be solicited through a public tender save as for those excepted from tendering under the provisions of these regulations.

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Article 7

- a. All government tenders shall be advertised in the official gazette, two local newspapers and electronic advertisement media as specified in the implementing rules of these regulations. The tender advertisement shall state the date and place of the submission of bids and opening of envelopes.
- b. The works or projects of a special nature for which no local suppliers or contractors are available shall be advertised outside the Kingdom in addition to local advertisement means, as provided for in the previous clause.

Article 8

No bids may be accepted or contracts may be concluded hereunder unless they meet the conditions and specifications established therein.

Article 9

Purchases shall be made and works and projects executed at equitable prices that do not exceed the prevailing prices. Tenders are the practical means to attain the same in accordance with the provisions of these regulations.

Submission of Bids and Opening of Envelopes

Article 10

Bids shall be submitted inside sealed envelopes at the specified time and place. Any bids submitted or delivered to the soliciting government agency after the specified date may not be accepted. Bids may be submitted and opened through electronic means as stated in the implementing rules of these regulations. The soliciting government agency shall announce the names of the companies and establishments which have submitted their bids.

Article 11

The bid shall be accompanied by a preliminary deposit ranging from 1% to 2% (one to two percent) of its value as per the conditions of the tender. The said deposit is not required to be submitted in any of the following cases:

- a. Direct purchases (unless bids are closed),
- b. Contracts between agencies governed by the provisions of these regulations as well as with charity societies and public profit societies provided that they carry out the related works by themselves.

Article 12

- a. The validity period of bids for public tenders shall be ninety days from the date specified for the opening of envelopes. If the bidder withdraws his bid before the end of the said period, the preliminary deposit will not be repaid to him.

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- b. The bid validity period and the preliminary deposit shall not be extended unless agreed to by the bidder.

Article 13

The total prices as well as any increases or decreases made to them shall be stated in the original bidding letter. No decrease submitted through a separate letter may be considered even if it is attached with the bid.

After submission of bids, the bidder may not, except in the cases where negotiations are permitted under the provisions of these regulations, amend the prices of his bid by increase or decrease.

Article 14

The soliciting government agency shall form one or more committees comprising not fewer than three members plus the chairman who shall hold a grade not less than 13 or equivalent. The formation decision shall provide for a standby member who shall complete the quorum if any member of the committee is absent. The said committee shall be re-constituted every three years.

Article 15

Bid envelopes shall be opened in the presence of all the members of the envelope opening committee at the specified date. The prices of bids shall be announced to the present bidders or their representatives. The minutes of the said committee as well as the tender documents shall be forwarded to the bid evaluation committee within seven days from the date of opening of envelopes.

Evaluation of Bids and Authority of Contracting

Article 16

- a. The soliciting government agency shall form a committee or more for the evaluation of bids comprising not fewer than three members plus the chairman who shall hold a grade not less than 13 or equivalent including the financial comptroller and other duly qualified members. The formation decision shall provide for a standby member who shall complete the quorum if any member of the committee is absent. The said committee shall submit its recommendations as to awarding the contract to the best bid in accordance with the provisions of these regulations and implementing rules. The committee may also seek the assistance of specialized technical experts in concluding its recommendations.
- b. The said committee shall be re-constituted every year.

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Article 17

No member may combine the chairmanship of the bid evaluation committee and the authority of deciding on the bid. Moreover, no member may combine the chairmanship of the envelope opening committee and the chairmanship of the bid evaluation committee or the membership of both committees.

Article 18

The bid evaluation committee may be chaired by a staff holding a grade not less than 10 or equivalent if the said committee is formed at a place other than the head office of the soliciting agency.

Article 19

The committee shall give its recommendations in a plenary session. The said recommendations shall be entered in minutes that should state the objecting views, if any, as well as the justifications of both views, to be submitted to the official authorized to decide on awarding the tender as commensurate with the provisions of these regulations.

Article 20

The soliciting government agency shall decide on the bids and award the contract within the specified bid validity period under article 12. After the expiration of this period, necessary actions shall be taken to release the preliminary deposits to concerned parties.

Article 21

The bid evaluation committee may negotiate with the bidder who submitted the lowest priced bid that complies with the conditions and specifications and then with the bidder who submitted the next lowest priced bid in any of the following cases:

- a. If the bid is apparently higher than the market prices, the committee shall state the amount of reduction as commensurate with the market prices. It shall ask the bidder who submitted the lowest priced bid in writing to reduce the price of his bid. If he objects to this request or fails to reach the specified price, the committee shall negotiate with the next bidder, and so on. If the specified price is not reached, the tender will be cancelled and re-announced.
- b. If the bid price exceeds the funds allocated for the project, the soliciting government agency may delete some items of the tender or reduce the same to reach the allocated funds, provided that this does not adversely affect the purpose of the project or the order of bids, in which case, the tender will be cancelled.

Article 22

No bid may be excluded on the pretext of low prices unless it is 35% (thirty five percent) less than the estimates of the soliciting government agency and prevailing

prices. After discussions with the bidder and conducting financial and technical analysis, the bid evaluation committee may, after being convinced of the capability of the bidder to perform the contract, recommend not to exclude the bid.

Article 23

The bid evaluation committee may recommend excluding any bid even if it is the lowest priced one if it finds that the bidder is committed to a number of projects and decides that the volume of his contractual obligations has become high to an extent that exceeds his financial or technical capabilities, which may eventually affect the performance of his contractual obligations. In this case, the committee shall negotiate with the next bidder in accordance with the rules of negotiation stipulated herein.

Article 24

If only one bid is submitted for the tender or if several bids are submitted but found violating the conditions and specifications except one bid, the said bid may not be accepted unless its prices are similar to prevailing prices and the urgent nature of the work does not permit re-announcement of the tender after obtaining the approval of the concerned minister or the head of the autonomous agency.

Article 25

Notwithstanding the provisions of articles 21 and 24 hereof,

- a. The tender may not be cancelled except for public interest, unless the procedures of tending violate the provisions of regulations or if it contains essential errors that affect the conditions and specifications. The power of cancelling the tender is vested in the concerned minister or the head of the autonomous agency.
- b. If the tender is cancelled for reasons ascribed to the soliciting government agency, the bidders shall be repaid the value of the tender document.

Article 26

The authority to decide on the tender and execution of works is vested in the minister or the head of the autonomous agency. He may delegate his powers to other officials within a range not exceeding three million Saudi Riyals. However, the delegation of authorities shall be graded in a manner equal to the responsibilities of the authorized official.

Contract Execution and Duration

Article 27

Contracts and related documents and appendices shall be executed in Arabic. Another language may be used beside Arabic provided that the Arabic text shall

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govern the interpretation and performance of the contract as well as contract specifications, drawings and related correspondence.

Article 28

- a. Service contracts of a continuous nature like maintenance, cleaning, operation and catering contracts shall not exceed five years. The said period may be extended for contracts that require the same upon the approval of the Minister of Finance.
- b. Periods of public works contracts shall be commensurate with the quantity and nature of works as well as with the annual funds allocated for the project.

Article 29

When preparing contracts, government agencies shall use the forms of contracts approved under these regulations.

Article 30

- a. The contract shall be concluded between the government agency and the party awarded the tender after informing it with the award and submitting the final guarantee.
- b. The work site shall be handed over to the contracting party within sixty days from the date of award.

Article 31

The governmental committee may suffice with the exchanged correspondence in lieu of the contract if the value of the contract is three hundred thousand Saudi Riyals or less.

Article 32

All government agencies, departments, bodies and institutions shall present their contracts the period of execution of which is more than one year and the value of which is five million Saudi Riyals or more to the Ministry of Finance for review prior to signing. The Ministry of Finance shall complete the said review within two weeks from the date of forwarding. However, if the Ministry of Finance does not reply within the said period, it is considered as having approved the contract.

Bank Guarantees

Article 33

- a. The successful bidder shall submit a final guarantee equal to 5% (five percent) of the contract amount within ten days from the date of award, which period may be extended for a similar period. However, if he delays beyond this

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- period, the preliminary deposit will not be returned to him and the next bidder will be negotiated with in accordance with the provisions of these regulations.
- b. No final guarantee is required to be submitted in case of direct purchase unless the soliciting government agency determines it to be necessary. Agencies subject to the provisions of these regulations as well as public institutions, companies in which the government has a share not less than 51% (fifty-one percent) of their capital, charity societies and public profit societies shall be exempted from submitting the final guarantee provided that they carry out their works by themselves.
 - c. The final guarantee shall be retained until the contracting party completes his obligations, and in case of public works until the end of the maintenance period and final acceptance of works.
 - d. The final guarantee for continuous contracts shall be reduced annually by the percentage of completion of works provided that the said guarantee shall not be less than 5% (five percent) of the value of remaining works.

Article 34

Final guarantees shall be accepted if they meet any of the following forms:

- a. A bank guarantee letter issued by a local bank,
- b. A bank guarantee letter issued by a foreign bank through a local bank operating inside the Kingdom,
- c. A cash deposit besides the bank guarantee in cases of catering contracts or other contracts that require an urgent deposit not exceeding the cost of catering or works for a period of three days.

Article 35

The Implementing rules of these regulations shall state the conditions of bank and financial guarantees and related provisions and forms.

Increase and Decrease of Contractor's Obligations

Article 36

The governmental committee may increase the obligations of the contractor within the scope of the contract by not more than 10% (ten percent) of the total value of the contract or reduce the same by not more than 20% (twenty percent). The Implementing rules shall state the necessary relevant provisions.

Payment of Financial Compensation

Article 37

The value of contracts shall be paid in Saudi Riyals. It may be paid in another currency following coordination with the Ministry of Finance. The tender

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conditions shall state the currency of the bid. However, the value of the contract may not be paid in more than one currency.

Article 38

The government agency may make an advance payment equal to 5% (five percent) of the total contract value to the contractor provided that the amount of the payment does not exceed fifty million Saudi Riyals or equivalent against a bank guarantee equal to the same amount. The said advance payment, if any, shall be stated in the conditions and specifications at the time of tendering. The advance payment shall be deducted from the contractor's payments in instalments beginning with the first payment in accordance with the provisions stated in the Implementing rules.

Article 39

The dues of the contractor shall be paid as per the percentage of completed works against invoices approved by the government agency.

Article 40

The final payment which should not be less than 10% (ten percent) of value of public works contracts and not less than 5% (five percent) of the value of other contracts shall be paid after the provisional acceptance of works of the delivery of purchases.

Article 41

When necessary, the government agency, after agreeing with the Ministry of Finance, may carry out some of its projects on the basis of annual instalments provided that these projects are announced in public tenders.

Article 42

The total value of the contract shall include and cover all related costs of execution under its conditions including fees and taxes paid by the contractor which may not be exempted from. Moreover, the profits of contractors with the government agency or the income of their employees may be exempted from tax except as excluded under a special provision.

Article 43

When amending custom duties, fees, taxes or officially priced materials or services by increase or decrease after the date of submission of the bid, the contract amount shall be increased or decreased, as the case may be, by the amount of difference. For the payment of the difference resulting from the increase, the following conditions shall be met:

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- a. The contractor shall prove that he has paid the custom duties, fees, taxes or the officially priced materials and services on the basis of the categories amended by increase as a result of supplying materials designated for the contract works.
- b. The amendment of the custom duties, fees, taxes or officially priced materials or services should not have been issued after the end of the period specified for the execution of the contract or that the contractor has incurred them as a result of delay of completion unless he proves that the said delay has been beyond his control.

In all cases, the amount of difference of fees, taxes or officially priced materials or services after reduction shall be deducted from the dues of the contractor unless he proves that he has paid them on the basis of the original categories prior to amendment.

Article 44

The requirements of the government agency and the execution of its works may be procured through direct purchase in urgent cases provided that the amount of purchases does not exceed one million Saudi Riyals.

Article 45

- a. When executing works or purchases through direct purchase, at least three bids shall be solicited. The bids shall be evaluated by a committee formed by the concerned minister or the head of the autonomous agency provided that the costs shall not exceed market prices.
- b. The authority to decide on direct purchase is vested in the minister or the head of the autonomous agency, which authority he may not delegate except within the limits of five hundred thousand Saudi Riyals.
- c. Works and purchases not exceeding thirty thousand Saudi Riyals shall be procured in the way that the government agency may deem proper.
- d. The government agency may procure its requirements by direct purchase through electronic means.

Article 46

Purchases or works may not be split with the aim of reaching the authority of direct purchase. Moreover, these works may not be split with the aim of reaching the authority of delegated officials.

Purchases and Works Excepted from Public Tendering

Article 47

As an exception to public tendering, the requirements of government agencies for the following works and purchases may be procured as per the ways specified for purchase even if their cost exceeds the authority of direct purchase. These are:

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- a. Military arms and equipment and their spare parts directly purchased from manufacturers. The best bid shall be selected in a manner that realizes public interest to be determined by a ministerial committee to be formed by a royal order for this purpose comprising at least three members plus its chairman. The recommendations of the said committee shall be presented to the Chairman of the Council of Ministers for approval.
- b. Consulting and technical works as well as studies, specifications and plans and supervising their execution and the services of accountants, lawyers and legal counsellors procured by inviting at least five specialized offices licensed to operate in their respective fields to submit their bids within a period specified by the agency. Award will be done in accordance with the provisions of article 16 hereof.
- c. Mechanical, electrical and electronic spare parts and equipment procured by inviting at least three specialized corporations to submit their bids within a period specified by the agency. The concerned minister or head of the autonomous agency shall form the bid evaluation committee to select the best bid.
- d. Goods, constructions or services available from a single supplier, contractor or producer with no acceptable substitute procured through direct purchase after obtaining the approval of the concerned minister or head of the autonomous agency in accordance with the procedures stated in the Implementing rules.
- e. Medical supplies required on an urgent basis in the case of occurrence of epidemics.

Penalties and Extension of Contracts

Article 48

If the contractor delays completion of the contract beyond the specified date, a delay penalty not more than 6% (six percent) of the value of supply contracts and not more than 10% (ten percent) of the value of other contracts shall be applied against him.

Article 49

In case of maintenance and operation contracts as well as contracts of continuous execution, if the contractor fails to carry out his obligations, a penalty not more than 10% (ten percent) of the contract value shall be applied against him plus deducting the value of incomplete works.

Article 50

The contractor shall assume the cost of supervising the execution of the project during the delay period.

Article 51

The contract shall be extended and the penalty shall be waived in agreement between the soliciting government agency and the Ministry of Finance if the delay results from an emergency or reasons beyond the control of the contractor provided that the period of delay copes with these reasons.

Article 52

The concerned minister or head of autonomous agency may extend the contract in any of the following cases:

- a. If the contractor is assigned other works in addition to those stated in the contract provided that the period of extension is commensurate with the volume and nature of works and date of assignment;
- b. If an order is issued by the government agency to suspend all or some of the works for reasons not ascribed to the contractor; or
- c. If the annual financial funds allocated for the project are not sufficient for the completion of works on the specified date.

Article 53

The government agency may withdraw the work from the contractor and then terminate the contract or carry out the works at the contractor's expense with the right of recourse against the contractor for resulting damage in any of the following cases:

- a. If it is found that the contractor has offered by himself or through other parties either directly or indirectly a bribe to any official employed by the agencies governed by the provisions of these regulations or if he wins the contract through bribery;
- b. If the contractor delays commencement of work, slows down execution of the contract or fails to fulfil any contract condition and fails to correct this situation within fifteen days from the date of written notice to correct the situation;
- c. If he assigns or sublets the contract without obtaining a prior written permission from the government agency;
- d. If the contractor becomes bankrupt, declares his bankruptcy or proved to have become insolvent, if a receiver is appointed on him or if he is a company that has been liquidated or wound up; and
- e. If the contractor dies when his personal capacities are respected in concluding the contract. However, the government agency may continue the contract with the contractor's successors if they provide sufficient technical or financial guarantees.

The implementing rules shall state the necessary procedures for the provisions contained in the previous clauses.

Article 54

The government agency shall execute the contract in accordance with its conditions. If it fails to meet its obligations including delay of payment of dues, the contractor may submit these claims before the committee stated in article 78 hereof.

Sale of Moveable Items

Article 55

The government agency may assign dispensable moveable items to affiliated government departments and related training bodies provided that the Ministry of Finance is notified. The agency holding the moveable items shall inform government agencies in the region of the types and quantities of moveable items stating the period within which the said government agencies should declare their interest to purchase the same, which if not received during the specified period, the government agency may sell the moveable items through a public auction if their estimated value is two hundred thousand Saudi Riyals or more. Announcement of these moveable items shall meet the provisions of public tendering.

Article 56

Items of an estimated value less than two hundred thousand Saudi Riyals shall be sold either through public auction or the way that the government agency deems in the best interest of the public treasury, provided that it gives the opportunity to the largest number of auctioneers.

Article 57

If the auction is conducted by sealed envelopes, the auctioneer shall submit a preliminary deposit equal to two percent (2%) of the bid price with his bid. The successful auctioneer shall increase the amount of the deposit to five percent (5%), which shall not be released unless the auctioneer makes the full payment and moves the items he bought. The preliminary deposit shall be returned to the other auctioneers who have not been awarded the auction. If the auction is public, the successful auctioneer shall submit a guarantee equal to five percent (5%) of the price of the auctioned items. A bank check or cash can be accepted in a public auction.

Article 58

If no party responds to the auction after advertisement, it shall be advertised again. However, if no party responds to the auction for the second time, the authorized official has the right to invite persons specialized in the items to be sold and offer selling these items to them. If no suitable price is quoted, the items may be donated

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to charity societies or public profit societies, provided that the Ministry of Finance is notified of the same.

Article 59

The minister or head of the autonomous agency has the power to approve awarding public auctions for selling moveable items. He may delegate this power with regard to items that do not exceed the value of one million Saudi Riyals, provided that the said authority is graded as per the responsibilities of the authorized person.

Article 60

The implementing rules of these regulations shall state the procedures of auction and the formation of sale committees.

Real Estate Lease and Investment

Article 61

Anything not provided for herein shall be subject to the lease and investment of real estates owned by the state which are not officially priced through public action in accordance with the procedures stated in the implementing rules hereof.

Article 62

The government agency may lease a real estate or part of it for the construction of facilities in accordance with the established conditions and specifications, the ownership of which shall inure to the government agency in accordance with the provisions of the Implementing rules hereof.

Article 63

Public auctions related to lease and investment of government real estates shall be awarded in accordance with the provisions of article 59 hereof.

General Provisions

Article 64

Contracting shall be based on accurate and detailed conditions and technical specifications complying with the applicable standard specifications, or in case of absence of standard specifications, with international standards.

Article 65

In preparing the tender specifications and conditions, the government agency shall check that they realize the best public interest and that they are not prepared in a way that match with products and services of particular companies or suppliers.

Article 66

No contracts may be concluded for works of unspecified quantities, categories and specifications and no contingent amounts may be stated in the contract for the execution of unsolicited emergent works.

Article 67

The government agency may procure its requirements by rent or replace plants and equipment with new ones in accordance with the provisions stated in the implementing rules hereof.

Article 68

The agencies governed by the provisions of these regulations may procure services from each other by direct agreement provided that they carry out their works by themselves. The same agencies may represent each other in finalizing contracting procedures.

Article 69

Taking into consideration effective international agreements and conventions to which the Kingdom is a part, these regulations and relevant implementing rules shall apply to all government agencies, ministries, services, institutions and bodies of autonomous corporate personality, except those having special regulations, shall be governed by these regulations with regard to anything not provided for in their own regulations.

Article 70

The provisions of these regulations shall govern the projects and works carried out by government agencies outside the Kingdom. Requests for exception from the provisions of these regulations in this respect shall be studied by the Ministry of Finance as required by the circumstances of execution of these projects as may realize the best public interest. These requests shall be forwarded to the Prime Minister for deciding on.

Article 71

Contracts shall be concluded directly with the authorized contractor. No mediation may be accepted. An authorized distributor or agent for the original product shall not be considered a mediator. The contractor shall carry out the work himself and may not assign it wholly or partially or sublet it without a prior written approval from the employer. However, the contractor shall remain jointly responsible with the assignee or subcontractor for the execution of the contract.

Article 72

The Ministry of Finance shall prepare the forms of contracts in accordance with the provisions of these regulations and submit the same to the Council of Ministers for approval.

Article 73

All staff of government agencies shall maintain the confidentiality of information contained in the bids and shall not divulge to other bidders or others except as provided for in these regulations.

Article 74

All government agencies shall announce the results of government public tenders and purchases exceeding one hundred thousand Saudi Riyals. The implementing rules shall state the method and procedures of announcement.

Article 75

Any violation of any provision contained herein shall hold the violating staff disciplinarily accountable in accordance with staff disciplining provisions and other penal provisions applicable to servants of governmental sectors and public institutions with the right of the government agency to file a criminal or civil lawsuit against the violator, if the case so requires.

Article 76

The contractor shall guarantee the works against any complete or partial destruction for a period of ten years from the date of final handover to the government agency if such destruction is resulting from defective workmanship unless the two contracting parties have agreed to maintain the works for a period less than ten years.

Article 77

Contractors and government agencies shall execute their contracts in accordance with their conditions and in good faith as required for the good performance and interest of the public facility.

Ministries, government agencies and institutions of autonomous corporate personality shall inform the Ministry of Finance of the cases of fraudulence, deceit and trickery as soon as they are discovered and shall provide it with the decisions to be taken in this respect including those related to withdrawal of work.

Article 78

- a. The Minister of Finance shall form a committee of not less than three counsellors from the ministry and other concerned government agencies in coordination with the said agencies. The committee shall include a legal

- counsellor and a technical expert and shall be headed by a legal counsellor holding a grade not less than 13 or equivalent. The formation decision shall provide for a standby member and the remuneration of members and secretary. This committee shall be re-formed every three years, and membership thereof may be renewed for one time only.
- b. The said committee shall consider compensation claims submitted by contractors and suppliers, reports of fraudulence, deceit and trickery, decisions of work withdrawal and requests received by the Ministry of Finance for the exclusion of a contractor who defectively carried out a project in violation of established conditions and specifications.
 - c. The said committee shall hear the testimonies of contractors and suppliers who complain against any violations ascribed to them as well as their defences and the point of view of the government agency either verbally or in writing. It may use technical experts as it may deem proper. The committee shall pass its decisions in plenary session either by consensus or majority of votes. The minutes of the committee shall state the objecting views, if any, and the proofs of both sides.
 - d. If the committee concludes that the contractor or supplier is right, it shall issue its decision to pay the due compensation. The said decision shall be subject to objection before the Board of Grievances within sixty days from the date of notification to the concerned parties.
 - e. If the committee finds out that the contractor has violated the provisions referred to under (c) hereinabove, the committee shall issue a decision to stop him from dealing with the government for a period not more than five years. The said decision shall be objectionable before the Board of Grievances within sixty days from the date of notification to the concerned parties. Upon issuing a final decision by the Board against the contractor or upon the expiration of the objection period without the contractor submitting any objection, his name shall be defamed in two local newspapers and government agencies shall be informed of stopping dealing with him via a circular by the Minister of Finance.
 - f. The implementing rules hereof shall state the procedures required for the work of this committee.

Article 79

If any need arises for exemption from any provision contained herein, the same shall be forwarded to the Prime Minister to form a committee from the Minister of Finance, the concerned minister and other two ministers to study the issue and determine the subject of exemption and related justifications and submit their recommendations to the Prime Minister for direction.

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Article 80

The Minister of Finance shall issue the implementing rules of these regulations within one hundred and twenty days from the date of promulgation hereof, to be published in the official gazette.

Article 81

These regulations shall supersede the Government Procurement, Execution of its Projects and Works Regulations issued by the Royal Decree No. M/14, dated 7.4.1397 AH. and related implementing rules and shall cancel all contradicting provisions. It shall come into effect one hundred and twenty days from the date of publication in the official gazette.