

Kuwait**(Fanon No. 37 of 1964 on public tenders (37/1964**

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the first door - 0**(In the Central Tenders Committee (1-13****Rule No. 1**

A committee of public tenders called ((Central Tenders Committee)) and attached to the Council of Ministers. This Committee shall receive tenders offered at public tenders and decide where and lay the fittest bidding on a tender, in accordance with the procedures .set forth in this law

Rule No. 2

It may not be for ministries and government departments to import varieties or to instruct contractors to conduct business only public tender by the Central Tenders Committee set forth in the preceding article. The public tender may be limited, short participate in the certified contractors named in the lists prepared by the competent authority and approved by the Central Tenders Committee. And apply to tenders limited, with the exception of the .above, all the organization of public tenders provisions

Rule No. 3

It may not be for ministries and government departments to import varieties or to instruct contractors to conduct business only public tender by the Central Tenders Committee as stipulated in the previous article. The public tender may be limited shorten participate in an accredited contractors named in the lists prepared by the competent authority and approved by the Central Tenders Committee and applicable to tenders, Ltd. With the .exception of the above all the organization of public tenders provisions

Rule No. 3

Notwithstanding the provisions of the previous article, it is permissible government agency can take to import items or commissioned a business - practice or tender for non through the Central Tenders Committee, if the value of the contract did not exceed five thousand dinars, and may not be hired in this manner for the same items or Business during a month more than once. ((This paragraph has been replace by Law No. 81 of 1977, the first)) Material also may not be a single transaction is broken into monthly deals, the value of each of them in the range of five thousand dinars. ((This paragraph replace under Law No. 81 of 1977, the first) material) and may Central Tenders Committee regarding exceeds the limits set forth in the preceding paragraph to authorize the government agency that you import items or commissioned a practice work if it considers that the interest due to the type of items or the work required or urgency or other circumstances. Tenders Committee and also to authorize the government agency that buys local produce in practice, on the condition to ensure the validity of their specifications and that the cost of not more than 10% less than the cost of similar products imported. The permit shall be issued .based on the causing of the government agency that requested it note

Rule No. 4

Central Tenders Committee is composed of: (a) six members appointed for a term of two years by the Council of Ministers. And may be re-appointed, and determines the Cabinet bonuses, and appoint them as Chairman and Vice-Chairman. (B) representative of the

Ministry of Finance and Industry. (C) a representative of the Department of Fatwa and Legislation. (D) A representative from the Planning Council. (E) a representative government to which the tender for its own account. (F) representative of the government agency that will oversee the execution of the tender. Required for the health of the Central Tenders Committee the presence of six of its members at least including the .President or his deputy and a representative of the Fatwa and Legislation Department

Rule No. 5

Whoever leads the bid in public tenders: first - to be a Kuwaiti merchant - whether an individual or a company - registered in the commercial register and registered with the Chamber of Commerce and Industry of Kuwait. And it could be a foreigner, provided that the partner or agent of a Kuwaiti dealer officially authenticated contract, provided that the Central Tenders Committee developed a special system for the participation of foreign companies in tenders big business. Second - to be registered in the lists of classification of contractors or suppliers in accordance with the provisions of the .following articles

Rule No. 6

The secret of the Central Tenders Committee Secretariat prepare a list of registered suppliers who are applying for registration. Those to be entered in the list of suppliers .to the conditions set forth in paragraph meets the first of the previous article

Rule No. 7

Tireless Central Tenders Committee classification of contractors for public tenders to the Committee shall be composed of: 1. a representative of the Central Tenders Committee elected by this Committee, and is chairman of the classification committee. -2 Representative of the Ministry of Public Works. -3 Representative of the Ministry of Post, Telegraph and Telephone. -4 Representative of the Ministry of Electricity and Water. -5 Representative of the Finance and Industry Ministry. And appoint the Central Tenders Committee Secretary of the Classification Committee. The Committee may draw upon in their .work including the services of technicians and experts in various state agencies

Article 8

The Classification Committee shall classify the contractors in the following categories:
 Category I: It consists of contractors who are able to carry out major construction projects of high-level engineering and exceeding initial cost million Kuwaiti dinars. The contractors may subscribe to this category in all types of general contracting in the range of five million dinars, unless the increased tender raised this amount value. It is not permissible for this category to enter into bidding less than the initial estimates of about five hundred thousand dinars. Category II: contractors whose technical and financial capacity who may participate in tenders does not increase the appreciation million dinars. Contractors in this category may not do at the same time the implementation of the total value increases unless such a million dinars. Category III: It consists of local contractors who are allowed to participate in tenders, so that the total value of the work that they do at one time on the five hundred thousand dinars does not increase. Category IV: It consists of local contractors who are allowed to participate in tenders, so that the total value of the work that they do at one time on the two hundred and fifty thousand dinars, not more. And insert the previous standards proportion of the national workforce determined by the Council of Ministers for each of the categories that. ((This paragraph .((was added Law No. 62 of 1999 Article Four

Article 9

The Classification Committee contractor registered in a category that meet financial, technical and earlier what his work and his position. They must issue its decision within a month of applying classification, it shall be considered rejected every request a decision from the Commission has not issued during this period. The student and notify its decision within a week of its release and he may appeal to the Central Tenders Committee of the Classification Committee's decision to reject the registration or its classification in less than requested by the group, and the decision of the Central .Tenders Committee in this regard shall be final

Article 10

Do not allow the tenderer, unless the contractors first category, to contract the general contractor with a total value of more than the maximum authorized by him. Nor may it be built if the tenders were added to the value of what has remained of the business when you .open the envelopes exceeded the total maximum. Subject to the provisions of Article VIII

Article 11

It may not be a single person, or a group of people together, to score when rating by more than one name, or to submit a tender in more than one bid, and that with the exception of alternative offers allowing conditions of the tender. The person who has the shares in separate companies from each other and take each company judicial personality and finances and its engineers and employees of the administrative apparatus and the public, it may, when the classification, to record the same, though both of his independent companies .record

Article 12

The Contractor shall be one year after the classification, to request the Commission to reconsider classification in the category to which it belongs and raise it to a higher category. The decision of the Commission in this regard subject to appeal before the Central Tenders Committee whose decision is final. The Contractor may, after the expiry of each year, to repeat this request, and apply to re-examine the provisions of Article IX of .this law requests

Article 13

Government is not responsible for the opening credits private tenders to import items from abroad only if it deems appropriate government authority, according to the circumstances, .the need for that and as provided in the tender conditions

Part II - 1**IPO procedures in public tender and the submission of
(applications (14-31****Article 14**

Must, before putting the supply of items or contracting business in the public tender that the government agency relevant develop detailed specifications for each class or work. And develop the necessary instructions to the contractors, full and detailed graphics, tables detailed minute quantities that show members of the items, and the procedures to be followed in the implementation of the contract, and sanctions that can be imposed in case of breach of the provisions of the contract, or delay in its implementation. And all this .in addition to the auction format and general conditions of the contract

Article 15

Declares the Central Tenders Committee at the request of the government with regard for tender in the Official Gazette, ads and plastered their own at the headquarters of the Central Tenders Committee. The Committee sets the appropriate period for submission of tenders, from the date of announcement in the Official Gazette. And identifies the least possible period of validity of tenders after it was opened so that this period of not more .than ninety days

Article 16

Shows in the declaration deadline for submission of tenders, and their validity period, and the product was required or supplied or execution of work, and the corresponding cash for a copy of the tender conditions. And the tenders submitted to it and these are the .headquarters of the Central Tenders Committee

Article 17

You must set up the tender documents of the tender conditions and lists of items or work and accessories before the publication of the tender statement to take over as soon as its

request to the required performance after the monetary equivalent of schedule in the body
 .determined by the Central Tenders Committee

Article 18

Government agency requesting the tender offer limited list of contractors who fail to tender them and submit them to the Central Tenders Committee to be invited to participate
 .in it

Article 19

Notify the Central Tenders Committee the government entity connected with the tender, and
 .send them a copy of the Official Gazette in which the publication announced

Article 20

It may not be a bidder a member of the Central Tenders Committee, nor an employee of the government agency requesting the tender. And it includes bidder phrase in the application of the provisions of this Article partner and agent and customer and employee and member
 .of the board of directors in the organization or the auction company

Article 21

Tenders must be submitted in the official tender documents issued to bidders. The tender
 .documents and all personal bidders who received them and may not be transferred to others

Article 22

It must be packed and complete bids in all respects according to the conditions set out in the tender documents returned, completely in line with what stipulated in these documents should also bidder does not make any modification in the tender documents. The void each bid violates these provisions unless the Committee unanimously agrees to considerations of
 .public interest

Article No. 23

If the tender documents states that allow the submission of alternative offers, and it was the bidder wishes to provide an alternative or more, you should get another set of official documents for the tender offer submitted by each alternative. It must be written
 .in clarity on each set of documents it constitute an offer for an alternative

Article 24

All bids are priced in the official currency, the tender documents did not provide otherwise. The total price indicated in the tender is the price formula which considers the Central Tenders Committee regardless of any numbers may appear in the general summary or anywhere else in the tender documents, apart from any errors committed by the bidder during total price calculation. Tenderer are not allowed to make any amendment at this price after submitting his bid. If the arithmetical error exceeds 5% of the total price ruled out the bid, unless the Committee respond unanimously approves the considerations of public interest. If the amount written in numbers differed from the amount written in
 .letters taken to Central Tenders Committee shall at least

Article 25

.Bids not accepted only if it included the total price constant

Article 26

It restores Almqson the tender documents on time, and in the manner set forth in these documents. The supplied documentation in the respective official envelopes, and sealed with red wax, not to mention the sender's name or mentioned any indication or sign of it. Envelopes torn or damaged or distorted and does not accept. In the case of damage or distortion or loss of the official tender envelope must be the bidder that gets the envelope Last stead to submit a tender. Otherwise, the tender shall, unless the Committee
 .decides unanimously approves the considerations of public interest

Article 27

The bidder must deposit with his bid, accompanied the initial tender form of insurance in the form of a certified check or letter of guarantee from a local bank or credit from a local bank insurance company. The insurance should be valid for a period of bid validity. .Insurance does not accept cash or checks is certified

Article 28

When a bidder who wins the tender to provide the final guarantee and sign a contract given .the bid bond to the owners of the bidders who did not tender their gear

Article No. 29

In cases where the tender documents stipulate the need to provide samples of the goods or to tender varieties not be acceptable if it is not accompanied by the required samples or deliver to hand over samples of the set by the tender conditions. In the case of the supply of local varieties require a technical examination to ascertain the suitability, you must submit samples for examination and display the result of the examination to the .Central Tenders Committee in the selected session to decide on the tender

Article No. 30

Tender remains in force and is not permissible in the back from time to export until the .end of the duration of effect. Nor taken any reduction in prices after the tender

Article 31

Fund retains public tenders at the headquarters of the Central Tenders Committee. It must all size of the fund will be enough to accommodate envelopes tenders, and to be opened so wide that it can be deposited envelopes, and be of the kind that prevents output envelopes from the slot. And be the Fund's three locks, the first key to the lock held by the Chairman of the Committee, and retains the key to lock the second vice president, secretary and keeps the key to the third lock. The Fund may not be open, but at the time .available in which a quorum of the Committee

Part III - 2**(Contracting procedures (32-56****Chapter One - 2.1****(Opening the envelopes and technical examination procedures (32-41****Article 32**

Closed tender box slot in the day and time specified in the tender documents, and sealed .with red wax until unseal by the tender committee

Article 33

Do not pay attention to any tender received after the deadline for the closure of the .tender box

Article 34

Opens tender box in a room of the Central Tenders Committee and the Committee meeting in session. If a quorum for the health of the Committee is not available, the Fund not be opened, and his condition is minutes to make sure of the safety of Okhtamh and prevent the .deposit of any other bids it, and postpone the meeting to the earliest possible date

Article 35

When you open the tender box, unsealed Central Tenders Committee all bids and write it .down in a table prepared for it

Article 36

Do not pay any attention to tender is accompanied by the initial insurance provided for in
.Article 27 of this Law

Article 37

If you found in the tender of any discrepancy or inconsistency, decided by the Central Tenders Committee in the acceptance or rejection in accordance with the provisions set forth in Part II of this law

Article No. 38

All accepted bids forwarded to the competent governmental authority of the technicians the study and make recommendations in the matter to the Central Tenders Committee during the period specified by them. The Commission may - in cases that do not require technical .study - that establishes the tender bidders immediately on less expensive

Article 39

May the Central Tenders Committee may decide to refer bids accepted on the special technical committee formed for this purpose. The Committee independently study the bids or participate in the study with the competent governmental authority as we see the Central .Tenders Committee

Article No. 40

If the tender documents have been prepared by the consultants, engineers Hola Engineers studying the bids and make recommendations thereon to participate with the government .authorities

Article 41

Do not be those set forth in the recommendations of the previous three materials bound for the Central Tenders Committee, and this committee to decide on the establishment of the tender regardless of any recommendation. The Commission issued a decision establishing the tender contrary to the recommendation of the stakeholders previously referred to two .thirds of the members who make up the majority of the committee

Chapter II - 2.2

(Decide on the tender and sign a contract procedures (42-56

Article 42

Central Tenders Committee decisions made by a majority of those present, unless the law .provides otherwise

Article 43

Tender remains in force and is not permissible in the back from time to export until the .end of the duration of effect. Nor taken any reduction in prices after the tender

Article 43

Tracy Central Tenders Committee on the bidder who offered the lowest price for Total if the tender was in line with the requirements of the tender documents. However the Commission establish bidding on the tenderer may offer a higher price if the prices were lower bidders low price unreasonably in percentage does not call to check on the workflow.

The Committee may also in the tenders of supply given priority in the docking for the cheapest bidder for local products, if it is in line with the tender documentation requirements, did not increase in the price of the lowest bids received for similar products imported from abroad increased by more than 10% of the price of the tender. In all cases, the Commission prior to the auction establishing sure to provide sufficient .funds to cover the value of the awarded tender

Article No. 44

If it considers the Central Tenders Committee that there is a strong case calls for preference tenderer offering a higher price, and the terms of the previous article are

available, refer the matter to the Council of Ministers to issue a decision. Cabinet does not adhere to the lowest price or the technical recommendations without the need for .explanation

Article 45

If found when checking in the tender that the individual prices and details do not match the overall price always matters is the total price, but if the error is the excess of the sum of the individual prices and details it is significant in this case the right with the . total it all Without prejudice to the provisions of Article 24 of this Law

Article 46

If found when checking that some individual price is reasonable, the Commission - or appointed by the technicians - modified with the winning bidder before awarding the tender .in the total price of the tender limits

Article 47

Must when deciding on the bidding that the Commission is guided by the recent Baloosman previously handled locally or externally, competitive market and the Commission - if it considers cancellation of the tender for the high prices - to prove that in the minutes that they have taken action to find out the market prices. The cancellation of the tender shall be a decision of the Council of Ministers on the recommendation of the Central .Tenders Committee

Article 48

Re-tender if the tender contained a single for some or all of the items or business even if it fulfills the requirements. The tender alone if received together with other tenders contrary to the terms of, or incomplete to make them unfit for consideration. However in the case of urgency it may only accept the tender decision taken by a two-thirds of the .members of the Central Tenders Committee, with the approval

Article 49

If no tender is submitted and a single after the re-tendering, the Commission examined the .prices and relevance and decided on it

Article 50

If prices are equally divided between the two tenders or more, the Committee could divide the quantities advertised between equal price providers, they provided their consent to do .so and it was not detrimental to the interests of the work, and only voted them

Article 51

Notify the Tenders Committee - in writing - the bidder who laid the tender to accept its tender bid it and Prso, and send a copy of this book to the competent governmental .authority

Article 52

Do not result in the establishment of the tender and the winning bidder to inform them of any right to him by the state in the case of reverse awarding a decision of the Council of Ministers in compliance with the provisions of this Act, shall not be considered unless the bidder contractor of the signing of the contract referred to in the following article .history

Article 53

The government Entrepreneur of the winning bidder in the tender to ask attendees to sign the contract within the period specified by him. If you do not apply in this promised to .sign the contract, was considered withdrawn

Article 54

Ask the winning bidder - before signing the contract - to submit to the competent governmental authority final guarantee, if not provided deemed withdrawn, and should be the final guarantee is valid for the duration of the contract. The estimated value of the .tender committee for final guarantee to be provided

Article 55

If the winning bidder on the progress of the signing of the contract at the date specified in his or provide the final guarantee, or withdrawn for any other reason the failure did not provide an excuse accepted by the Central Tenders Committee, lost the first locked, it was vulnerable to any other penalty imposed by the Commission Khtab his name from the list of contractors and suppliers approved write-off always or for a certain period. Tenderer and the right to appeal against the decisions set forth in the preceding paragraph to the .Council of Ministers

Article 56

In the case of the withdrawal of the winning bidder, consider the Central Tenders Committee, at the request of the competent governmental authority to cancel the tender or re-raised or could be awarded to the bidder following a price in accordance with the .provisions of this law

Part IV - 3 (Final provisions (57-66

Article 57

Sanctions, signed by the Central Tenders Committee on contractors and suppliers are: - A warning. (B) reduce the category. (C) the deletion of the record for a certain period or permanently. These sanctions shall not prejudice the contractual rights to government .contracting party according to the contract terms

Article 58

The Commission issued its decision to sanction appropriate to what was attributed to the contractor after being summoned to a hearing does not preclude the presence of absence from the issuance of the decision. A contractor who issued the death against him may appeal the decision to the Council of Ministers in accordance with the provisions of .Article 62 of this Law

Article 59

That pursuant to the provisions of Articles 8 and 9 of this law are classified as contractors and registration of suppliers, is currently located at the ministries of the state classification, each within its competence. And identifies the Central Tenders Committee time that the provision contained in the preceding paragraph shall apply where .the condition that does not exceed six months from the date of formation of the Committee

Article 60

Announces Tender Committee Tender prices in the stomach panel of the ads in its headquarters in the same building where the tender envelopes were opened. It must be published in the Official Gazette of all the Central Tenders Committee decisions unless .the committee decides to postpone publication

Article 61

.Be the Central Tenders Committee secretary appointed by the Council of Ministers

Article 62

Any party would file an appeal with the Central Tenders Committee of the decisions and the Commission to meet to discuss the grievance on an urgent basis. If the audience saw half of the members of the Committee that there is a view of the grievance shall raise the .subject to the Council of Ministers, whose decision shall be final

Article 63

The Central Tenders Committee general conditions of contractors for works and supply and
.it may cost you see anyone preparing these conditions

Article 64

May not be amendments to the tender exceed 5% of the total value of an increase or
.decrease, except with the consent of the Central Tenders Committee

Article 65

Excluded from the application of the provisions of this law, procurement of military
materials to the Ministry of Defense and the security forces that determine the decree,
and this exception applies to military installations Contracting in emergency
.circumstances

Article 66

The Ministers - each within his own jurisdiction - the implementation of this law, and
.shall be effective from the date of publication in the Official Gazette

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