

We, Al Hussein the First, King of the Hashemite Kingdom of Jordan  
Pursuant to Article (114) of the Constitution  
and in accordance with the decision made by the Cabinet  
on the 4th of May 1993  
Command the Enforcement of the following Regulations:

**Regulations No. (32) for the Year 1993 Government Procurement  
Regulation  
Issued Pursuant to Article (114) of the Constitution**

**Chapter One  
Definitions**

**Article 1:** This regulation shall be called (the Government Procurement regulation No. 32 for the Year 1993, and shall be considered in force upon publication in the Official Gazette.

**Article 2:** The following terms and phrases shall have the meanings designated hereunder unless otherwise connoted by the context:

: Any Ministry, department, authority, or public official institution. **Department**  
**Minister** : The Minister of Finance  
**Competent Minister** : The Minister along with responsibilities related to his Ministry and related departments. For the purposes of this regulation the term (Competent Minister) covers the following:

- a. Prime Minister in matters relating to the Prime Ministry
- b. Head of the Royal Court in matters relating to the royal court
- c. Chairman of the Upper House of the Parliament and in his absence the Chairman of the Lower House with regard to the Parliament matters.
- d. Head of any department or the head of its Board of Directors practicing the authorities of the Minister in his own department pursuant to the laws and regulations of that department.

**Director General** : The Director General of the General Procurement Department, or any person assigned to replace the Director General in case of absence.

**Secretary General** : The Secretary General or the Director General of the General Procurement Department, or any person assigned to replace the Director General when absent.

**The Director** : The head of the directorate at the Headquarters of any department, or the head of the directorate representing the department in the governorate or regional center or the head of the project.

**Procurement** : The movable properties required for any department , their maintenance, insurance and services needed for the department.

- Specific Procurement** : The assets provided especially for a particular department or a number of departments. These assets must be essential for the fulfillment and implementation of duties required by the concerned department.
- The Project** : The particular activity for which all resources shall be mobilized by virtue of the general capital budget law or the department is capital budget, or the activity funded by a particular authority pursuant to a specific mutual agreement.

**Chapter Two**  
**Regulations Validity,**  
**Duties and Responsibilities**

This Regulation shall be enforced in all departments covered in the General Budget, the departments without a specific Procurement Regulations, and any other department designated by the Cabinet.

**Article 3:**

The General Procurement Department shall assume the following duties and responsibilities:

**Article 4:**

Establishing the general policy and means of execution for the Procurement Department. .One

Purchasing all the procurement needed for each department pursuant to the provisions herein. .Two

Maintaining and storing joint and surplus procurement at any department. Storage shall be in the central warehouses to be distributed to or exchanged among other departments as needed. .Three

Conducting the necessary studies for the development of the procurement administration including: .Four

1- Maintaining the standards of joint and receiving procurement.

2- Cooperating with the specialized departments and parties to hold training courses and seminars to improve skills of those operating the procurement section at the concerned department.

3- Providing advice and consultation in the field of procurement administration.

4- Conducting asset inventory at the different departments whenever necessary.

Participating in the execution of agreements and protocols between the Hashemite Kingdom of Jordan and other international authorities related to supplying of certain procurement to the Kingdom. .Five

Keeping records of durable procurement to be used for a long time. .Six  
Cooperating with other departments in order to identify specific methods and means for procurements best keeping and maintaining supplies. .Seven

The Minister shall issue the instructions required for lists of procurement to be purchased for the several departments. These instructions will cover the purchase orders and will be submitted to the General Procurement Department to implement the purchase transactions according to this regulation. .Six

**Article 5:**

**Chapter Three**  
**(Purchase)**  
**First: General Rules**

Any transaction of procurement purchase that exceeds JD5000 shall not be implemented unless upon a purchase order submitted to the party responsible for purchases. A financial bond must be enclosed with this order. Both shall be signed by

**Article 6:**

a.

the Secretary General or the person he authorize in writing. However, the Public Budget Department must legalize the bond when the amount estimated for the procuremnt to be purchased exceeds JD 10000. Otherwise, the order must be supported with a purchase permit issued by the Public Budget Department.

The purchase order mentioned in paragraph (a) of this article shall be attached to a -Two detailed description of the procuremnt to be purchased, general and specific details of it as well as the means of packaging, packing, filling, handling, units, and quantity.

**Article 7:** The purchase order must be submitted at a time sufficient for the completion of the purchase and supplying transaction. No purchase order assigned as urgent will be considered unless the urgency matter is due to an emergency or an unexpected need that cannot be foretold or predicted.

**Article 8:** Upon a report produced by a technical committee composed by the Minister, the party specialized in purchasing any supplies may replace second hand procuremnt with new ones or even other used ones. However, it must be agreed with the party that exchanges procuremnt upon a fair price for each of the supplies to be obtained through exchange and which is in favor of the Department.

**Article 9:**

a. Competition principles shall be taken into consideration in all procurement purchase deals whenever possible and in the means deemed suitable by the purchasing authority. Best qualities in the best prices and conditions must be considered upon purchasing. .Two

**Article 10:** Procuremnt shall not be divided into multiple deals when purchasing similar procuremnt.

**Article 11:** No department shall be entitled to purchase procuremnt or take procedures for that purpose in any of the following cases:

If the procuremnt is available at the general procuremnt department. .One  
If the general procuremnt department contracted with a supplier for the import of .Two  
those procuremnt.

If the general procuremnt department declared its intentions to purchase the same .Three  
through a tender.

If the general procuremnt department asked different departments to provide it with .Four  
their annual or periodical requirements of procuremnt.

**Article 12:** Should the specifications, quality, and other standards and conditions of the offered procuremnt be the same, the authority responsible for purchasing must the followings into consideration:

Preference is given to procuremnt produced locally in the Kingdom provided that .One  
there are to be determined according to the preferential difference in price determined  
by the Cabinet.

Preference is given to the procuremnt provided by a bidder permanently residing in .Two  
the Kingdom.

**Article 13:** Taking into consideration the terms of this regulation, the purchasing authority shall be entitled to purchase procurement according to the terms of trade protocols and agreements made between the Hashemite Kingdom of Jordan and other Arab and foreign governments and authorities.

### **Cross Boarder Purchase**

#### **Article 14:**

Purchase of procurement directly from outside the Kingdom shall be possible only in .One the following two cases, on condition that the purchasing authority shall provide good justification for its decision:

If the procurement to be purchase is not available in the Kingdom and purchasing .1 was not possible via correspondence.

If the authority responsible for purchasing decided that purchasing the required .2 procurement from abroad would be in the best interest of the Kingdom.

Upon a recommendation by the Competent Minister, the Prime Minister shall have .Two the right to approve of delegating an employee or more with the concerned procurement department to go abroad. This delegation will be purchasing procurement as in both cases stipulated in Clauses (1) and (2) of Paragraph (a) of this article. The Head of the Jordanian Diplomatic Mission in the targeted country shall nominate one or two employees therein to participate in the purchase transaction.

### **Second: Purchasing Means**

**Article 15:** Taking into consideration the procurement purchasing powers and the authorities responsible for purchasing, the procurement purchase processes shall be conducted through a tender, however, purchasing procurement shall be possible in one of the following means:

A. Inviting bids in any of the following cases:

When there is an urgent need for procurement to be purchased resulting from an .1 unpredictable situation and eventually tenders would not be feasible.

If the number of traders, producers, or suppliers of the procurement to be purchased .2 does not exceed three.

If the value of procurement to be purchased does not exceed (5000) five thousand .3 Dinars.

If the number of bidders for a tender is insufficient or inappropriate, and thus the .4 authority responsible for tenders find it necessary to purchase the procurement through an invitation for bids.

B. Direct purchasing of procurement through bargaining with the trader, producer, or supplier in any of the following cases:

If the prices of the required procurement are determined by the official .1 authorities.

If procurement to be purchased is needed for an urgent situation which would .2 not allow waiting for the tender procedures or inviting for bids upon a request from the Competent Minister.

- If the procuremnt is not available except from one source. .3
- If the procuremnt to be purchased is spare parts or complimentary parts or equipment not available at different sources in the same quality based on a report from the competent and expert authorities. .4
- Purchasing scientific items such as films, transcripts, and similar materials. .5
- If the procuremnt is to be purchased in order to achieve uniformity in the department, reduce variation, or to economize in the use of spare parts, which shall be determined upon a request from the Competent Minister. .6
- To purchase services that include maintenance, repair, replacement, or inspection where as the volume of work needed is not determined upon purchase. .7
- When tenders are announced or quotations are requested and none of them proves to be adequate, if prices are unreasonable, or when being unable to obtain the whole amount of procuremnt to be purchased. .8
- Whenever there is a legal text or an international agreement requiring the immediate purchase of procuremnt. .9

**Third: Purchase Powers**

The purchase of supplies shall be conducted by the following authorities **Article 16:**  
 according to the responsibilities invested in each authority:  
 The Competent Minister: .st1

- The purchase of procuremnt of a value not exceeding (1000) one thousand Dinars .1  
 for each purchase process in the means he deems suitable.
- The purchase of procuremnt of a value not exceeding (10.000) ten thousand Dinar .2  
 for each purchase process through a purchase committee composed of three staff members from the department appointed by its minister and headed by the highest in rank or the first in service provided that it shall be restructured annually at most by other ministers and the recommendations of the committee shall be adopted by consensus or the votes of the majority.
- Printing educational curriculum and providing examination material which shall be .3  
 purchased regardless of cost or value, and purchasing shall be made by a committee of three, two of which shall be staff members from the department assigned by a decision from the Minister, while the third shall be from the General procuremnt Department nominated by the Minister, and the committee shall be headed by the highest in rank and oldest in service, and decisions shall be taken by the votes of the majority or consensus.
- The purchase of copyrights, literary and artistic work, radio and television .4  
 programs, as well as selling, renting and leasing such programs, contracting for the production and preparation of the same whatever the value might be, on condition that such a process shall be conducted by a committee of three members formed by the Minister for this purpose and the members shall be from his department and heading the committee the highest in rank and oldest in service and decisions shall be taken by the votes of the majority or unanimously.

5. Purchase of scientific and cultural services including consultancies, research and studies, or their appraisal whether by institutions or individuals and upon a recommendation by the Secretary General.

#### **The Secretary General .Two**

1. Purchase procuremnt for JD 500 (five hundred Dinars) maximum for each purchase transaction, following the method he shall deem as convenient.
- Purchase procuremnt for JD 5000 (five thousand Dinars) for each purchase transaction through the Purchase Committee stipulated in Clause 2 of Paragraph (a) of this article. .2
- Purchase of spare parts and operational materials regardless of their value through the Purchase Committee stipulated in Clause (2) of Paragraph (a) in this article if they are not available at more than one source. .3
- Purchase of procuremnt the prices of which are specified by the official authorities no matter of which amount they should be. .4
- If the purchase and selling of procuremnt is between one department and the other, the transaction will be implemented upon a resolution by the two Secretary-Generals of both departments and for the price they agree upon. .5

#### **The Director in each Purchase Transaction .Three**

1. Purchase of procuremnt for JD 200 (two hundred Dinars maximum by means deemed as adequate.
- Purchase of procuremnt for JD 1000 (one thousand Dinars maximum) through the Purchase Committee stipulated in Clause (2) of Paragraph (a) in this article. .2
- Otherwise, a three-member purchase committee will implement the transaction. However, the committee must be formed every year according to the decision of the Secretary General.

#### **Purchases of Diplomatic Missions .Four**

Procuremnt for the Diplomatic Missions abroad shall be purchased according to the following powers:

1. Purchase of procuremnt for JD500 (five hundred Dinars) maximum or their equivalent amount of foreign currency following the method deemed as adequate by the Head of the Diplomatic Mission.
- Purchase of procuremnt for JD5000 (five thousand Dinars) maximum or their equivalent amount of foreign currency upon a resolution by the Head of the Diplomatic Mission through a Purchase Committee composed of two employees in the Mission for this purpose. .2
- Purchase of procuremnt for JD (10000) ten thousand Dinars maximum or their equivalent of foreign currency upon a resolution by the concerned minister through a three-member purchase committee formed by the Head of the Mission for this Purpose. .3

Five. Taking into consideration the contents of this regulation, purchase of procuremnt for more than JD 10000 (ten thousand Dinars) will only be through a tender committee formed in compliance with the provisions of this regulation.

## Fourth: Tenders

### Article 17:

A central tender committee shall be formed at the Department of General Procurement according to the following procedures in order to implement tasks and authorities stipulated herein: **.One**

1. The Director General (or his deputy from the first class employees upon the Chairman Minister's approval at the General Procurement Department)
2. An employee at the Ministry of Finance or another department under the Minister Member and of the second class employees
3. An employee at the Ministry of Industry and Trade nominated by the Minister of Member the second class minimum

Each member of the Committee stipulated in Clauses (2) and (3) of Paragraph (a) of this article must work full time with this Committee. His membership shall be for two years. The concerned Minister may extend or reduce the period on the condition that it does not exceed 3 years in all cases. **.Two**

When offering any tender to purchase specific procurement for one of the departments, the Central Tenders' Committee who consider the tender consists of two members from the employees of that department nominated by the Competent Minister. However, they must be of the second employment class at least. **.Three**

### Article 18:

The Central Tenders' Committee shall hold ITS meetings whether to purchase procurement to general use or specific procurement for one of the departments. in full quorum and shall make its decisions unanimously or upon majority. **.One**

Resolutions to purchase procurement for general use shall be approved by the Minister whereas resolutions to purchase supplies of special use shall be approved by the Competent Minister. **.Two**

The Chairman of Central Tenders' Committee shall have the right to compose technical sub-committees from the employees of the General Procurement Department and the concerned department in order to assist the Committee in its works and the tasks it is assigned with according to the provisions of this regulation. **.Three**

### Article 19:

The Competent Minister shall have the right to form a local tenders' committee at the Department consisting of three employees. Two of them to be nominated by the Competent Minister and the third from the Public Procurement Department nominated by the Minister upon a recommendation by the Director General. However, they must be of the fourth class employment at least. The Committee shall be presided by the employee of the highest degree in that class. The Committee's aim is to purchase the procurement of that department for the maximum amount of JD 20000 (twenty thousand Dinars). **.One**

The Local Tenders' Committee shall hold its meeting in full quorum and shall pass its resolutions unanimously or upon majority. Purchase resolutions issued by this Committee shall be approved by the Secretary General and the Director General. When **.Two**



in disagreement, however, the matter shall be referred to the Competent Minister for a final decision.

**Article 20:**

Upon a recommendation by the Competent Minister and the Minister, the Cabinet **.One** shall have the right to form a special committee for tenders consisting of the Secretary General of the Department, the Director General and three prominent employees of the first employment class. The Committee's aim is to purchase procurement for a certain project due to its size or because the Government of an Arab/foreign party participates in its financing. The Cabinet shall appoint its president from among its members<sup>1</sup>.

The Special Tenders' Committee shall hold its meetings in full quorum or in **.Two** presence of four members including the Committee's chairman. The Committee shall pass its resolutions unanimously or in majority. The Competent Minister and the Minister shall approve the purchase resolutions passed by the Committee. When in disagreement, however, the matter shall be referred to the Prime Minister for final decision.

The Special Tenders' Committee stipulated in Paragraph (a) of this Article shall be **.Three** restricted to the rules, conditions and procedures concerning the announcement of tenders decided under this regulation and the regulations issued in compliance therewith, taking into consideration any special terms incurred by agreements to finance the Project.

**Article 21:** The Party specialized in approving the resolutions of bid award must make the required decision during (15) fifteen days at most from the date of its receipt. Otherwise, they will be considered as de jure approved.

**Article 22:**

The Central Tenders' Committee or the special tenders' committee formed in **.One** accordance with this regulation may ask the help of experts and technicians whether government employees or others in order to benefit from their experience to study the offers. All departments must fully cooperate with these committees.

Upon a recommendation by the Director General, the Minister shall have the right **.Two** to give the experts, technicians, and the technical committees' members financial awards relative to the works they perform as assigned by the Central Tenders' Committee.

**Article 23:** The tenders' procedures, requirements of participation, the mechanism to study and award the offers, securities to be submitted by bidders and contractors, the contractual responsibilities and obligations in case of breach or implementation of the awarded contracts shall all be stipulated through instructions issued by the Minister and published in the Official Gazette attached with each bid invitation put to by the Department.

**Article 24:** As necessary, the Director General or the Secretary-General shall offer the tender and define the price of invitation thereto relative to the expenses of drafting, and

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<sup>1</sup> The authority to form the Committee has been delegated to H.E. the Minister of Finance and the Competent Minister upon the resolution of the Cabinet stated in the Letter by the Prime Minister No. N.T. 38/1392 of 5.2.1994.

printing the invitation and its annexes and the tender's value. However, he shall have the right to distribute the invitation free of charge to the Arab and foreign commercial attaches, non-resident companies, parties operating under the government, and the parties deemed as being of favor for the Treasury.

**Article 25:** The Director General shall act on behalf of any department in signing the agreements for supplying procurement with the contracted parties in implementation of the resolutions issued by the Central Tenders' Committee. He shall have the right to delegate this power to the Secretary-General of the Department or one of the first class employees at the General Procurement' Department.

**Article 26:** The Central Tenders' Committee shall have the right to charge the Purchase Committee or a foreign body with purchasing the procurement on their behalf in cases where it is impossible or difficult for the Committee to do the same, upon the terms and powers resolved thereby.

**Article 27:** The Central Tenders' Committee or the Secretary-General shall have the right to charge a committee, a body or specialized companies with inspecting the procurement before shipment to establish their conformity.

**Chapter Four**  
**Procurement Administration**  
**First: Procurement Units**

**Article 28:** The Secretary General shall be responsible for supervising the procurement of his department, controlling it and taking the required procedures and arrangements to maintain it to the best use for the defined purposes.

**Article 29:** Each department shall establish an administrative unit to be responsible for the organization and maintenance of procurement. These must be used to the best value and benefit for purposes defined in accordance the provisions herein.

**Article 30:** A unit of central warehouses shall be established at the General Procurement Department to assume the following tasks:

- One. Storing the joint procurement necessary for the operation of departments.
- Two. Storing the valid durable procurement that exceed the need of departments.
- Three. Storing materials necessary for crisis and emergency conditions.
- Four. Establishing the levels of procurement 's inventory in light of the annual historical use and the actual needs.

**Article 31:** Warehouses at the departments shall be responsible for using the records and form that are relevant to the instructions adopted by the General Procurement Department. They shall be restricted by the instructions issued in accordance with the provisions herein.

**Article 32:** An administrative unit for the central register shall be established at the General Procurement Department to maintain the central register to keep records of durable procurement according to the regulations passed by the Minister.

**Article 33:** The Director General shall be responsible for forming a central committee of a specific number of those in charge of the procurement unit at the departments in coordination with the Secretaries-General therein. This Committee shall assume the following tasks:

- One. Proposing the rules and regulatory bases of the central register.
- Two. Revising the procedures of recording the durable assets.
- Three. Participating in defining the needs and cooperating to benefit from the idle, surplus and old procurement.
- Four. Proposing procedures of effective internal monitoring of durable procurement.

**Article 34:** Each department shall open a register for the durable assets. This register shall be in parallel with the central register and cross-checked therewith on a periodical basis.

**Article 35:** The Director General and the Secretaries-General at departments must introduce computer uses to the procurement units whenever possible in order to guarantee accuracy, speed and capability to store and circulate the necessary data to the Procurement Administration and Supervision.

### **Inspection and Delivery**

**Article 36:** All procurement in the contract shall be shipped and provided from inside and outside the Kingdom in name of the beneficiary department.

**Article 37:** The beneficiary department shall be responsible for the following:  
One. Following up the execution of contracts to purchase procurement.  
Two. Procedures of clearance of the procurement purchased from abroad.

**Article 38:** In each department, there shall be established one or more delivery committee shall be established which consists of three employees from the department. They shall be appointed by the Secretary General and responsible for receiving the procurement delivered to the department by suppliers or contractors when the amount of these supplies exceeds JD500 (five hundred dinars). The department may request the assistance of technicians and experts at other departments when necessary.

**Article 39:** The Ware-house Keeper shall receive the procurement as a consignment in preliminary manner upon delivery at the provision site.

#### **Article 40:**

a. The Delivery Committee shall implement the following procedures:

1. Inspecting and verifying the specifications of the provided procurement and their compliance with the conditions in the procurement contracts regarding quality and quantity, site and date of supply while observing the agreements executed in relation therewith.
2. The procurement shall be delivered in ten days as from the date of provision, taking into consideration observing Paragraph (a) in this Article.
3. Producing a delivery statement of the supplied items with a clarification of acceptance or rejection of such procurement when in breach of the specifications and terms and the rate of deviation. A copy of this statement must be delivered to the Supplier, and the concerned Ware-house Keeper. The delivered copy shall be deemed as a notice to the Supplier of acceptance or rejection.

When a dispute of opinion arises among the members of the Delivery (reception) Committee, it shall be referred to the Secretary-General to be considered. His decision shall be final.

If the said Committee decides to reject the procurement for being in violation of the specified terms and standards, the Contractor providing these procurement can object to the Committee's resolution in a period of (10) ten days at most from the date of receiving the delivery statement. He shall object to the party issuing the purchase order. The decision taken by this party whether in acceptance or in rejection shall be deemed as final. The rejected procurement shall be kept as a consignment.

The Supplier shall remove the rejected procurement on his expense during a period of (15) fifteen days at most from the date if of notification of the necessity to remove them from their site unless health or security requirements necessitate the removal or the damage of these procurement prior to that date. In case he fails to implement the same in due time, he shall be deemed as waiving them for the Government who shall have the right to charge him with the expenses of removal and damage if necessary.

Aids and donations of procurement shall be received upon cross-checking them with the shipment documents, the invoices or any other document revealing the specifications of procurement and their quantities. Any deviation in quality and quantity from the standards and terms in the agreement, invoices, or shipment documents shall be stated. Such data will be duly entered into records.

### **Third: Entering and Recording Procurement into Warehouses**

#### **Article 41:**

The procurement shall be entered into the records of warehouses after being received by the delivery committee directly. However, they must be supported with the following documents:

- Entry Document. .1
- Delivery Committee statement or the Local Purchase Order. .2
- The invoice or the bill of lading. .3

**Two.** The entry records issued by the warehouse where the procurement have been placed shall be supported with release records of procurement transported from another warehouse. A copy of the entry record shall be sent to the previous warehouse where the procurement were kept.

The procurement manufactured or transformed according to precise standards shall be delivered at the warehouse upon an entry document showing the number of the release document for the basic procurement used in the manufacturing and transformation whenever possible. **Three**

**Article 42:** The procurement that exceed the record balances, or spare parts or parts taken from procurement that have been deleted shall be duly entered as a trust in the procurement records.

**Article 43:** The General Procurement Department shall define the type of trust registers, data and records that must be stated. They will also define the forms to be used, data included therein according to the latest methods used by the Procurement and Warehouse Administration.

**Article 44:** Each department shall keep the registers and card files of their procurement warehouses. Records will be implemented in order to maintain the movement of each type of procurement according to the latest systems and methods adopted in the supply warehouses' management.

### **Fourth: Storing and Disbursing Procurement**

#### **Storage of Procurement**

**Article 45:** Procurement shall be kept in the designated warehouses at the concerned department in a ready and sound state to be delivered upon request.

**Article 46:** The nature of each type of procurement shall be considered when keeping them at the warehouses. They shall be kept in order while taking into consideration.

**Article 47:** Warehouses, shelves and storage areas shall be given adequate numbers and letters in order to reach these procurement when dispensing of them. Numbers and letters will be stated on the record files of each type.

#### **Disbursing the Procurement**

**Article 48:** The procurement shall be disbursed upon a supply disbursing order filled in forms adopted in the disbursing regulations after being signed by the Secretary-General or the person he shall delegate.

**Article 49:** The procurement shall be delivered from the warehouse to the requesting party upon the adopted release document after being signed by the recipient, stating his name and job title in the release form.

**Article 50:** Procurement can be disbursed from the central warehouses to the departments of financial independence against the designated price.

#### **Transportation, Sale, Cancellation and Damage of Supplies**

##### **Article 51:**

If the Secretary-General decides that the procurement have become a surplus and **.One** not needed for work, the valid procurement at the department shall be transported from the department's warehouses to the central warehouses.

The General Procurement' Department shall implement procedures to sell the valid **.Two** and surplus supplies at the central warehouses upon a periodical public auction and after following all the possible methods to benefit therefrom at any of the governmental departments.

Upon a recommendation by the Director General, the Minister shall have the right **.Three** to sell the valid and surplus procurement at the central warehouses to the private sector parties for the price established by the committee formed for this purpose.

In certain cases, the Competent Minister shall have the right to sell valid **.Four** procurement to private sector parties upon a recommendation by the Minister.

##### **Article 52:**

If the Secretary-General and upon a recommendation by a technical committee shall **.One** resolve that any of the procurement at the department have become invalid, they will be sold by a three-member committee of the department. These members will be appointed by the Secretary General and the sale will be done by means of public or secret auction (in sealed envelope). The Committee, however, can define the terms required for selling. A copy of the sale resolution shall be sent to the General Procurement Department except in cases approved by the Minister.

Invalid procurement at the Jordanian Diplomatic missions shall be sold upon an **.Two** approval by the Competent Minister through a Committee presided by the Chairman of the Mission and the membership of two employees at the mission appointed by the Chairman and as deemed adequate.

Procurement to be sold shall be announced in newspapers or by means of any **Three** adequate mechanism.

**Article 53:** When damaging or selling any invalid or surplus procurement, they must be supported with the adopted release documents attached to a certificate of damage or a copy of the selling list as necessary. The certificate or the list must indicate the permit issued for damaging or selling the same.

**Article 54:** Any loss or decrease in the procurement for reasons other than negligence or theft shall be cancelled according to the following powers:

One. Upon a resolution by the Competent Minister following a recommendation by the Secretary General when the amount of the procurement at purchase time does not exceed JD 500. (Five hundred Dinars).

Two. Upon a resolution by the Minister following a recommendation by the Competent Minister when the amount of procurement at purchase time does not exceed JD 5000 (five thousand Dinars).

Three. Upon a resolution by the Cabinet following a recommendation by the Minister when the amount of procurement at purchase time exceeds JD 5000 (five thousand dinars).<sup>2</sup>

Four. A copy of the cancellation resolution and the relevant documents shall be sent to the General Procurement Department.

**Article 55:** If the Secretary General is convinced that announcing the invalid or surplus procurement for sale is infeasible or that the expenses of selling exceed the price to be collected, he can take the decision to disburse of them or duly damage them. Then, they will be cancelled in the records by a three-member committee formed by the Secretary General. The Committee shall certify that they have inspected the procurement and found them invalid for use or sale. A copy of the damage and cancellation resolution will be sent to the General Procurement Department.

**Article 56:**

One. The valid surplus governmental procurement at the central warehouses shall be sold when reaching the conclusion that there is no means to use them. They shall be sold for the fair and just price estimated by a three-member committee established by the Director General. The Committee shall sell those procurement according to the following powers:

1. Procurement whose estimated value does not exceed JD 10000 (ten thousand Dinars) at selling time shall be sold upon approval by the Director General.
2. Procurement whose estimated value of which exceeds JD 10000 (ten thousand dinars) at selling time shall be sold upon approval by the Minister.

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<sup>2</sup> The power to form the committee has been delegated to H.E. the Minister of Finance, and the Competent Minister upon a resolution by the Cabinet stated in the letter of the Prime Minister No. T 38/1392 dated 5.2.1994.

Two. Products of vocational schools, training centers and research along with the products of any similar productive department shall be sold according to the regulations passed by the Competent Minister.

- c. The sold procurement shall be delivered to the Purchaser after paying their value upon a duly organized release document with the number, date and value of receipt vouchers.

### **Lending, Renting, Donating, Granting and Transferring**

**Article 57:** The Competent Minister shall have the right to lend, rent or transfer any procurement to any other department they need. However, the General Procurement Department must be informed of this.

### **Article 58:**

Two. The Competent Minister shall have the right to donate any surplus government procurement whose amount when purchased does not exceed JD 1000 (ten thousand Dinars) to public or private official institutions, voluntary societies, sports clubs, cultural and arts bodies; or any government or regional, or foreign international institution for the purpose of strengthening their mutual relations with the Kingdom. The General Procurement Department of General Procurement must be informed of the same.

- b. Upon a recommendation by the Competent Minister, the Prime Minister shall have the right to donate or grant the procurement of a value more than JD1000 (one thousand Dinars) at purchase time. This will be done to parties stipulated in Paragraph (a) of this Article and the General Procurement Department must be informed of the same.

## **Chapter Five** **Control on Procurement**

The General Procurement Department shall coordinate and cooperate with **Article 59:**  
the other departments in terms of the following:

- a. Characterizing the components of commonly used procurement into patterns to facilitate identification and to define the usage of procurement and the requirements of each department.
  - b. Classification of some or all the procurement according to shape, color, weight, and measurement.
  - c. Attaching code numbers and letters to the supply items to insure non duplicity and facilitate purchasing procedures, storing, handling and benefiting from the supplies.
- Distinguish the government procurement by a special stamp whenever possible. .Three

The Secretary-General shall form one committee or more consisting of the department staff members in order to control the procurement and assets available at the warehouses. He shall also insure proper utilization and safe stock piling through conducting an inspection whenever they see appropriate on condition that the number of **Article 60:**



inspections shall not be less than once every year and the report shall be submitted to the Secretary General.

The warehouse keeper of any department shall: **Article 61:**

Provide a court guarantee according to the staff guarantee system. a.  
Submit periodical reports to the secretary general on the conditions of procurement b.  
under his at least custody once a year supported with lists of defected procurement,  
surplus, shortage, stagnant procurement.

A. Reception and delivery of procurement between different departments **Article 62:**  
warehouse keepers or any other officer responsible for the maintenance of procurement  
shall be conducted according to special inventory lists identical to the warehouse  
records to be signed by both the receiving and delivering parties, while the direct  
officer in charge of each shall endorse their signatures.

B. If the warehouse keeper or any other officer responsible for the maintenance of  
procurement did not manage (for any reason) to deliver the supplies under his custody  
to his successor then delivering the procurement shall be made to a special committee  
appointed by the direct officer in charge to perform this responsibility on a temporary  
basis.

C. If any surplus or shortage in the assets of the warehouse was found during delivery, then  
individual lists shall be made for each case of surplus or shortage which shall be signed  
by all parties participating in the delivery and reception processes.

D. The person in charge of keeping the procurement shall be fined to cover at least half the  
value of the shortage or the loss due to defects resulting from neglect, and the proper  
measures shall be taken against him.

E. If an outside violation into the warehouse took place then the warehouse keeper shall  
inform the chairman of the department of such an attempt, and the chairman of the  
department shall in turn conduct an immediate investigation and take the necessary  
measures.

F. In cases of forgery in the records, embezzlement, or shortage in the warehouse assets,  
the entity that found this situation shall inform the chairman of the department  
immediately, who shall run the necessary investigation and take the necessary  
measures.

The chairman of the department shall inform the Minister and the chairman of the Audit .th7  
Bureau Audit of any shortage in the public assets. Accordingly, the Minister shall study  
the matter in coordination with the chairman of the Audit Bureau in order to decide if  
the case requires another inspection and investigation and to take the necessary  
precautions that would insure the well protection of public assets.

Reception and delivery of procurement at the Jordanian missions abroad **Article 63:**  
shall be performed according to instructions to be issued by the Minister.

The Minister, and upon a recommendation from the Director General, shall **Article 64:**  
form special committees to run an inventory on the assets of the different department  
warehouses in the way defined by the Minister.

Scratching, erasing, or writing off on any records, vouchers, or specific procurement documents shall not be allowed, and correction shall only be by writing two parallel lines in red ink on the error and the correction shall be written in blue or black ink with the signature of the person who made the correction in front of it. **Article 65:**

## **Chapter Six** **General Articles**

Collected payments of the value of loss, surplus, or sold procurement shall be recorded as follows: **Article 66:**

Revenues for the General tREASURY if they were collected by any authority with a .st1 budget included within the general budget law.  
Revenues to be included in the accounts of the department if they were collected by the .nd2 department and if it was financially independent taking into account other provisions mentioned in other constitutions.

The Director General shall determine the records and special forms related to procurement and their management. **Article 67:**

Violation of the terms of this regulation shall be punished in accordance with the laws and rules in force. **Article 68:**

The Minister shall issue all regulatory instructions necessary for the implementation of the provisions of this law. **Article 69:**

Whenever a dispute arises and cannot be settled according to the provisions of this regulation or a dispute regarding the enforcement of this bylaw, then the dispute shall be referred to the Cabinet for the decision it deems suitable for the settlement of the issue or dispute in question, and this decision shall be final. **Article 70:**

The central and special tender committees formed pursuant to the provisions of the Procurement RegulationNo. (37) for the year 1978 shall continue performing their duties until they are reformed pursuant to the provisions of this regulation. **Article 71:**

**Article 72:** Upon the enforcement of this regulation the following shall be invalid:

The Supplies Bylaw No. (37) for the year 1978 along with its amendments, while the .st1 instructions issued according to this bylaw shall remain effective until other instructions are issued to replace them according to the provisions of this bylaw.

Any regulations, provisions, or regulations indicated in any other law which is .nd2 contradictory to the provisions of this law.

4/5/1993

Al Hussein Bin Talal

**Tender Instructions No. (1) for the Year 1994**  
**Instructions to organize tender procedures and participation conditions**

Pursuant to the authorities invested in my person in accordance with article (23) of the supplies regulation no. (32) for the year 1993, I have decided to issue the following instructions to be published in the official gazette and be in force upon publication.

**Article 1:** These instructions shall be referred to as the instructions organizing tender procedures and participation conditions there in, and shall include the methods of considering tenders, approving them and collateral to be provided by the bidders and contractors, as well as the commitments and responsibilities of the bidders.

**Article 2:** The terms and phrases defined in article (2) of the supplies regulation no. (32) for the year 1993 shall have the same meanings in these instructions as indicated in article (2) of the same regulation whenever mentioned unless otherwise is indicated.

**Article 3:** With due observance to the above mentioned in article (2) of the supplies regulation no. (32) for the year 1993, the following terms and phrases whenever mentioned in these instructions shall have the same meanings as indicated below unless otherwise is indicated:

<b>Tender Committee</b>	:	The central tender committee or any tender committee formulated pursuant to the terms of the supplies regulation No. (32) for the year 1993.
<b>Technical Committee</b>	:	The committee formed by the tender committee which include experts and technicians either through naming the members or selecting representatives from different departments and authorities.
<b>Secretary</b>	:	Head of the tender committees secretariat and its secretary, or the person performing the secretary duties nominated by the general manager or the secretary general
<b>Tender</b>	:	The purchase process that is conducted through the tender committee by inviting for tenders.
<b>Beneficiary department</b>	:	Any Ministry, department, authority, official public corporation, or a governmental institution ordering the purchase of supplies by means of a tender committee formed in accordance with the terms of the supplies regulation No. (32) for the year 1993
<b>Bidder</b>	:	The person bidding for a tender
<b>Contractor</b>	:	The person to whom the tender shall be referred by the tender committee.
<b>General Conditions</b>	:	The conditions of participating in a tender and the terms of contracting which shall be attached with each

		invitation for a bid.
<b>Special Conditions</b>	:	The conditions decided by the beneficiary department or the general supplies department.
<b>Invitation for Bids</b>	:	<p>The invitation shall include the following documents:</p> <p style="padding-left: 40px;">An invitation for bidding..st1</p> <p>The specifications of the required supplies (including .nd2 models, plans, illustrations, and other illustrative items).</p> <p style="padding-left: 40px;">Tender instructions and general conditions..rd3</p> <p style="padding-left: 40px;">Tender special conditions (if any)..th4</p> <p>Bidder qualification requirements (whenever .th5 requested).</p>

### **Duties and Obligations**

**Article 4:** Before dispatching the purchase order to the party concerned with bidding the tender, the beneficiary Department shall assure the real need of purchasing the required supplies, and that they are not available at the General Procurement Department unless in cases of emergency not allowing that. The concerned tendering party shall implement the following:

A. Revising the specifications submitted for the required supplies in order to assure their generality, accuracy and clarity. The Party can ask the assistance of experts and technicians or any other party for this purpose.

B. Assuring the submission of a duly signed financial bond for the amount estimated for the tender or the purchase permission issued by the General Procurement Department and the fulfillment of tender requirements.

C. The General Procurement Department may investigate the real need for the supplies required and that these cannot be provided by any other departments.

D. Preparing the invitation for tender.

**Article 5:** The Director General or the Secretary General may establish the rules and bases necessary for qualifying the bidders whenever necessary. He shall, in order to achieve that, seek the assistance of the specialized and experts.

**Article 6:** The Director General shall have the right to correct the typing or clerical errors found in contracts concluded with the contractors, none of these corrections shall be binding to the government unless signed thereby. *(by the Director General)*.

### **Article 7: Announcement of Tenders**

- A. The Director General or the Secretary General shall announce the tenders under annual serial numbers in three local daily news papers for more than one day, and by other media he shall deem as convenient.
- B. The tender announcement must clearly state the number thereof, the type of supplies, and the closing date of selling the tender invitation and closing date of bidding, the price of the invitation, and any other issues deemed necessary for announcement by the Director General or the Secretary General.
- C. Upon the request by more than one bidder or as deemed necessary, the Director General or the Secretary General may extend the period of submitting bids for a convenient period of time if convinced that the request is serious. This extension shall be announced via the same media that have the tender through which the invitation for the tender had been previously made
- D. The Director General or the Secretary General shall announce the tender that will be re-invited for.

### **The General Conditions for Tender Bidding and Agreement with Contractors**

#### **First: Insurance and Securities of Tenders**

##### **Article 8: Securities of Bidding**

The Bidder shall enclose with his/her offer a financial security as a bank guarantee or a certified check issued by one of the banks or the financial institutions licensed and operating in the Kingdom for the account of the Director General or the Secretary General in addition to his/her job and for an amount not less than 5% of the supplies value stated in the offer, or for the amount stipulated in the tender invitation. The security shall be valid for (.....) days as from the closing date of bidding unless otherwise explicitly stated in the tender invitation.

##### **Article 9:**

**a.** Tender securities shall be returned to bidders as follows:

1. Those who were not awarded the bid after finalizing the bidding decision this was ammended in instructions of the year 1998.
2. Those whose offers have become expired and did not wish to extend accoring to a writen request thereof.
3. Those who have been awarded the bid after submitting the performance bond.

**Two.** The Tenders' Committee shall confiscate the value of entering the bid as revenue for the Treasury in the following cases:

- (a) If the Bidder fails to comply with his offer, or
- (b) If he has not fulfilled the contracting requirements, and

- (c) If he hasn't signed the purchase order or its alternative within the period defined by the Director General, the Secretary General or their authorized person.

#### **Article 10 – Performance Bond**

One. The Bidder shall submit the performance bond when awarded the bid. Such bond must be in the form of a bank guarantee or a certified check issued by one of the banks or the financial institutions licensed and operating in the Kingdom for an amount not less than 10% of the total value of the supplies in the tender or of the value calculated by the estimatd by the tender committee for decisions of unknown value. The Performance Bond must be submitted before signing the Purchase Order (the Agreement).

Two. A single security for more than one tender shall not be accepted. However, one security to enter the bid and performance bond for the same tender shall be accepted if the security contains an explicit statement thereof while observing the adequacy of the security value. This was ammended in instructions of 1998.

**Article 11:** The Bidder shall be committed to submit the performance bond during the period stipulated in the notification letter of the award of the bid and issued by the awarding department.

**Article 12:** The Department inviting for bids shall examine the period of securities and insurance of the tenders and shall request the extension of the validity of those securities and insurance at least two weeks prior to the date of expiration of the period deemed as convenient. Or, the value of securities shall be deposited as a consignment at the Ministry of Finance or at the Department issuing the tender. This value shall be recorded in name of the Director General or the Secretary General in addition to his job as necessary. The amount shall be considered an insurance of the tender or the award decision.

**Article 13:** If the Contractor fails to provide the supplies in the awarded bid, or fails to implement the contract by the stipulated date, or fails to replace the rejected supplies with others complying the specifications, the Tenders' Committee who have awarded the bid shall take measures against the Contractor including the confiscation of the performance bond or any part thereof to cover the amount of the supplies not provided. This amount must not be less than 10% of the value of the missing supplies and shall be taken as a revenue to the Public Treasury.

**Article 14:** The performance bond shall be refunded to the Contractor after implementing all conditions and terms of the contract upon written request the beneficiary department to release the bond in addition to the duly produced documents, sent to the General Supplies Department or to the Department inviting for bidding. These include the receipt statement, the enteries document or the certificate of service, the maintenance security and the guarantee for manufacture defects or bad performance if included in the Contract terms.

**Article 15: Maintenance Security:** The maintenance security shall be submitted in the form of a bank guarantee or a certified check issued by a bank or a financial institution

licensed and operating in the Kingdom for a rate not less than 5% of the value of the supplies under guarantee. This guarantee shall be refunded to the Contractor after implementing all contractual obligations upon written letter issued by the beneficiary department. When the Contractor fails to provide the required maintenance, the Tenders' Committee shall have the right to confiscate the amount of the guarantee and implement the required maintenance jobs on the account of the Contractor who shall be responsible for price differences.

**Article 16: Guarantee of Manufacture Defect Free**

- A) A judicial guarantee shall be submitted for manufacture defect free for at least one year for the total amount of the guaranteed supplies with 15% added thereto unless otherwise stated in the tender invitation.
- B) 1. The guarantee of manufacture defect free can be submitted in the form of a judicial guarantee or a personal bond by the Contractor legalized by the Notary Public according to the type of supplies under guarantee.  
  
2. The manufacture defect free can be accepted from the contractors who participate in tenders on a regular basis in the form of an annual judicial guarantee or an annual personal bond as necessary and without specifying the amount. This must be legalized by the Notary Public to guarantee all supplies for all tenders awarded to that Contractor.<sup>3</sup>
- C) If the manufacture defect was proved to be there, the Contractor shall replace the defected supplies with other new supplies during two months maximum. The Tenders' Committee may impose a fine correlating with the period of replacement, damage and expenses resulting therefrom. The period of guarantee shall be re-calculated as from the date of submitting the new supplies.
- D) Where the Contractor failed to implement that, the amount of guarantee shall be entirely collected in compliance with the Law of Public (Emiri) Property Collection or any other means. A rate of 15% of the amount of supplies shall be deposited as revenue to the Treasury. The remaining amount shall be deposited as consignments to purchase the supplies on the account of the Contractor and charge him with the entire value of the supplies and any other expenses or injuries resulting.
- E) The guarantee shall be released upon written request by the beneficiary department at the end of the stipulated period and no manufacture defects have been traced.

**Article 17:** The securities and guarantees shall be kept at the Secretariat of the Tenders' Committee or the financial Section in the Department inviting for the tender.

**Second: Purchase of the Invitation for the Tender and Submitting the Offers by Tenderers:**

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<sup>3</sup> This is in compliance with the Letter by the Minister of Finance No. General/219/6442 of 6.9.1994

**Article 18:**

- A. The Contractor wishing to purchase the tender invitation shall submit a duly certified copy of a valid License of Profession that entitles him to manufacture, sell, supply or trade with the required supplies. He shall also submit trade register which states all terms required by the Ministry of Industry and Trade to be entered into the Trade Register. Competent employee may require to be presented when selling any of the tenders' invitations, once a year or more.
- B. The Bidder participating for the first time in the tenders of the Department must enclose a certified copy of the Profession License, and the Trade Register along with his offer.

**Article 19:** The Bidder shall pay the amount for the tender's invitation (which is) in return a receipt voucher duly produced. He shall receive all the documents of the tender's invitation and its attachments.

**Article 20:** The Bidder shall prepare his offer according to the documents in the tender's invitation after reading these documents and understanding all their contents. In case the documents are incomplete or has missing parts, the Bidder shall ask for the missing part from the department inviting for the tender. The Bidder shall be responsible for the results of not checking the documents to be duly completed.

**Article 21:** When the tender's invitation state that the supplies to be purchased must comply with the sample or samples at the Department or at any other place stated in the tender's invitation, the Bidder shall inspect the sample (s), and implement the required tests before submitting his offer. The claim that he has not reviewed things or implemented tests shall not exempt him and he shall be deemed as if fully inspecting the sample.

**Article 22:** The Bidder shall prepare his offer and prices as required in the tables and forms enclosed with the tender's invitation. He shall stamp and sign all the documents in the invitation and submit the same completed within the offer. The Bidder shall have the right to add any documents or information he wishes to enclose with the documents in the tender invitation which he deems as necessary to clarify his offer. He must write his full and accurate address in his offer including the post office number, telephone number, fax and telex numbers in order to send him letters concerning the tender. He shall inform the Department in writing about any change or modification in his address. All the letters served to him at the mentioned address or dispatched by mail or any other means shall be deemed as actually received in due time.

**Article 23:** The Offer shall be produced in two identical copies (the original and a copy) clearly typed or written free from erasing, modification or crossing out or addition. Where ever necessary, the Bidder shall sign in red beside the erasing, modification, crossing out or addition. He must write the price in figures and in words. The Tenderer shall mention the unit price and the total price of each item as well as the total price of the entire offer (all the items included in the offer). The price shall be considered to include packing. Otherwise, the Tenders' Committee shall have the right to disregard the offer.



**Article 24:** When requested, the Bidder shall submit the due documents and data according to his experience and technical and financial capacity, and the service level available for him, and any other requirements necessary to indicate his capacity to fulfill the obligations and requirements of the tender.

**Article 25:** The Bidder shall submit his offer in two identical separate copies along with a security to participate in the tender in one envelope duly sealed unless otherwise requested in the tender's invitation. He shall write the name of the department inviting for the tender, the address P. O. Box, fixed name and address of the Bidder, number of the tender clearly stated, and the closing bidding date. Otherwise, the Tenders' Committee shall have the right to disregard the offer.

**Article 26:** The Bidder shall file the offer in the tenders' box at the department inviting for bidding before the end of the specified period. It is preferable to do this or so in a reasonable period prior the closing date in order to avoid all emergencies. Each offer that is filed in the tenders' box prior to the bidding closing date shall be disregarded and shall be returned to its source sealed. In where the sender of addresser is not written or the required information are not sufficient or clear, the Department shall have the right to open the envelope to investigate the contents and address if any in order to return the offer back.

**Article 27:** No offers dispatched directly to the department in cable, by fax, telex or telephone shall not be accepted unless the tender invitation otherwise explicitly stated.

**Article 28:** Offers not duly signed and stamped shall not be accepted. The same applies to the offers with missing or vague parts in a manner that prevents awarding the bid.

**Article 29:** The Bidder must enclose with his offer the original copy of any catalogues, bulletins, technical information or statistics detining the offered supplies either in Arabic or in English. In case these are not enclosed with the offer or not submitted therewith, the Tenders' Committee shall have the right to disregard the offer. The Bidder shall not object thereto.

**Article 30:** The Bidder shall submit with his offer the samples required in the tenders' invitation. If the samples cannot be transported, he shall define its place and time to inspect them. Otherwise, the Tenders' Committee may disregard the offer.

**Article 31:** Packing must be of a good commercial level. The method of packing to be used shall be clearly shown without any addition in price. All boxes, bags and packing materials shall be taken as property for the Government unless otherwise stated.

**Article 32:** The Bidder shall maintain the offer and not to withdraw it for a period of (.....) days as from the closing date of bidding unless otherwise clearly stated.

**Article 33:** The offers to furnish all quantities or some parts of them or one item or some items shall be accepted unless otherwise stated in the invitation for the tender.

**Article 33:** The offers to furnish all quantities or there of or one item or some items shall be accepted unless otherwise stated in the invitation for the tender.

**Article 34:** When the date of submitting the supplies is not specified in the invitation to the tender, the Bidder must specify this date. Where this date is unspecified in both cases, the supply shall be deemed as immediately. The term immediately herein means in one week as from the date of signing the Purchase Order (the Agreement).

**Article 35:** The Bidder shall state in his offer the country of origin for the supplies subject of the offer and the origin of their components. He must also state the name of the manufacturing company, the trade mark, the trade name, the model, the number in the catalogue or the bulliten concerning the offered supplies.

**Article 36:**

- a. The Bidder shall submit with his offer a separate table of the spare parts that the manufacturing company advise of for (.....) year (s) under usual operation conditions. He must state the number of the part as in the manufacturing company, the quantity, the unit price, the total price. These prices must be obligatory for the Bidder for the stated period. The Department shall be totally free to order the same within the said period as per the price included in said table. The spare parts in this case must be original and new.

Three. The Bidder shall provide the maintenance workshops, spare parts required therefor for a period not less than (8) eight years, or the stated operation cycle unless otherwise stated in the tender's invitation. The Bidder shall enclose with his offer the ammended clauses of spare parts, prices after the end of the period stated in Paragraph (a) in this article as in the country of origin.

**Article 37:** Whre this tender invitation included a trademark or special specifications for any of the supplies, this will not confine the Bidder. These are stated only as an indicator to the advantages, specifications, and uses of the required supplies. The Bidder shall have the right to submit other substituting materials of the same advantages, specifications, and uses that can serve the purpose thereof in the same amount, as would the stipulated materials. In this case, the required specifications shall be deemed as general in order to fulfill the requirements of the beneficiary department.

**Article 38:** The Offer of the Bidder shall be deemed as an assurance that the same offer has not been submitted based on a relation with another bidder who has submitted an offer for one or more items included in the offer. In all cases, bidder shall not submit two separate offers for the same supplies whether in his personal name or in partnership with another. In such case, both offers shall be disregarded and the Bidder shall submit one specific offer. The Bidder, however, may enclose with his offer some optional alternatives in separate documents on condition that the amount of participation insurance is proporionate with the amount of the offer or the alternative whichever will be higher.

**Article 39:**

One. The offer submitted by the Bidder shall be deemed as a consent by him to issue the purchase order by the Department after being notified thereof. Along with the

accredited documents of the tender, these will constitute an obligatory contract unless otherwise stated in the award decision and the purchase order.

Two. The Bidder shall guarantee that the provided items are 100% new and free from any manufacturing defects, or material defects. And that they are of a new model and regularly produced unless otherwise explicitly stipulated in the Contract.

### **Third: Opening the Offers**

**Article 40:** The offers will be opened by the whole Tenders' Committee or upon the majority of members and in a public manner. The Committee may read total prices thereof and shall sign each of the offers. Each bidder or his representative may attend the session to open the offers.

**Article 41:** The Secretary shall prepare a table for the (minutes of the meeting) to open the offers. In it, he shall enter names all of the bidders participating in the tender under serial numbers, and the amount of participation insurance, its type and any other information deemed as necessary by the Head of the Committee. The Committee shall sign the minutes immediately after opening all the offers along with the number of bidders participating in the tender written in words. Any amendment thereof must be justified in writing and subsanitated with the signatures of the Committee members.

**Article 42:** All offers or amendments received after the closing bidding date and time shall be rejected.

### **Article 43:**

One. When opening the offers, the Tenders' Committee may extend the date of submitting the offers (re-announcing the tender) or transfer the tender to purchase by means of price quotation. Whre the Committee discovers that the number of bidders is less than three or less than the accepted number.

Two. If convinced that the extension is not warranted, the Tenders' Committee may open the received offer (s), study them and award the if discovers that the prices and items offer are adequate.

### **Fourth: Considering and Assessing the Offers**

**Article 44:** The offers of the bid shall be inserted into the tables designated for such purpose.

**Article 45:** The Tenders' Committee or the Director General shall nominate the people, or parties who consistutes the Functional Committee to study the technical, financial and legal aspects of the offers as required. A convenient recommendation these from shall be produced to the Tenders' Committee.

**Article 46:** Any offer not including the insurance of participation shall be disregarded.

**Article 47:** The offers (bids) submitted for the tender shall be considered in sequence according to price as follows:

- A) The technical aspects of offers shall be considered in order to establish technical standards according to required specifications by using a special form prepared for this purpose. All offers shall be subject to the same standards regarding the Bidder's compliance with the specifications and requirements in the Tender's Invitation.
- B) The Bidder's financial and technical capacity along with his ability to comply with the tender requirements shall be taken into consideration.
- C) Consideration shall be due paid to the offer with the lowest price first, followed with sequence until finishing all the submitted offers.
- D) If the offers fulfill with all conditions, specifications, and quality, the Functional Committee shall recommend awarding the bid to the lowest price.
- E) A comparison of prices is held (made) in order to determine the lowest conforming price on condition that any additions or spare parts not required in the tender invitation shall be excluded. The Tender Committee shall have the right to accept the additions, and spare parts included in the offer awarded the bid after winning.
- F) Where the requirements are not provided in the offer with the lowest price, the following offer shall be considered until reaching the offer fulfilling the requirements of awarding the bid. However, reasons for excluding other low price offers shall be clearly explained.
- G) Where all offers (bids) do not comply with the requirements or missing some parts thereof, the supplies in the offer that fulfill the requirements of the beneficiary department may be purchased. These must be of good quality and adequate prices (the most convenient offers).
- H) When considering the offers, the regular availability of the spare parts, maintenance and any other matters stipulated in the Supplies Regulations and their Instruction shall be taken into account.
- I) When considering the offers, the preferential price granted for local products will be taken into account.

**Article 48:** Where there is a mistake in the offer concerning the total price, the unit price shall be adopted. However, if where is more than one unit price, the matter shall be referred to the Tender Committee to take a decision according to the contextual indicators. The Committee, however, may exclude the offer when failing to find such indicators. In where there is a difference between the figure and the word of amounts, the lower price shall be adopted unless the Committee found satisfactory indicators to adopt the higher price.

**Article 49:** Where required specifications, prices, terms and quality identical/equal in offers, the offer with additional advantages shall be preferred, then the offer providing local products, then the Bidder permanently residing in the Kingdom, then the shorter delivery period in case a quick delivery is in favor of the beneficiary department.

**Article 50:** The Tender Committee shall have the right to exclude an offer by a Bidder who:

- (a) fails to comply with his obligations before concluding the contract,
- (b) fails to comply with terms of contracts already concluded therewith,
- (c) does not comply with the terms of the contract,
- (d) or delays the execution of the Contract or commits frauds.

Provided that, such violations recurred in more than one contract or more than twice in one contract. The Committee may restrain forbid him from participating in the tenders for the period they specify.

**Article 51:** Before awarding the bid, the Tender Committee shall take into consideration the proficiency and experience of the Bidder to provide the required supplies, his good will, facilities offered by him, services or spare parts he can provide, the maintenance workshops, and his financial capacity. The Committee may exclude his offer in case all or some of these requirements cannot be fulfilled.

#### **Fifth: Awarding the Tenders**

Article 52: The bids shall be awarded to the winners while explaining the reasons as follows:

- A) The lowest price and in full conformity with the requirements: Where offer with the lowest price provides the required quality of the requested supplies in the Tender Invitation.
- B) The lowest price of offers fulfilling the requirements: Where there were non-complying violating offers and others fulfilling the requirements, the violating offers shall be excluded while awarding the bid to the lowest price.
- C) Quality: Where offers comply with the contract specifications and terms while the quality of these supplies obviously do not comply with the requirements, the Committee can purchase the better quality for the adequate price.
- D) The more adequate: Where all offers violate the terms, the Tenders' Committee shall have the right to select the most adequate of these offers depending on quality, price, type, and requirements to serve the purpose. However, the Committee shall be convinced that this selection is in favor of the concerned department.
- E) Any other reason in line with the provisions herein on condition that it be satisfactorily warranted.

**Article 53:** The Tenders' Committee shall reserve the right to exclude any offer that is not clear as may be necessary to award the bid or that bears more than one interpretation.

**Article 54:** The Tenders' Committee shall have the right to award one item or more item in any of the offers, or any part thereof unless otherwise required by the Bidder. In addition,

the Committee may reject offers submitted. The Committee shall not be bound to award the bid to the lowest price with no liability to mention the reasons thereof.

**Article 55:** The Tenders' Committee shall have the right to decrease or increase the quantities required in the tender invitation prior to awarding the bid without referring to the Bidder or after awarding the bid with the approval of the contractor on condition that the increase or decrease be 30% maximum whether before or after awarding the bid.

**Article 56:** The Tenders' Committee may exclude any offer from a bidder who could not fulfill his obligations in the past, or who claimed to be a representative of a certain institution/company, or claimed to be their agent, or hide the fact that he is their agent whether a Jordanian or a foreign institution/company.

**Article 57:** The Tenders' Committee shall ignore an offer not complying with the specifications, terms, general regulations, special conditions, and the provisions of the valid Supplies Regulations. They shall ignore an offer by an incapable or unqualified bidder; it shall also reject an offer by a bidder who has been previously forbidden from participating in bids for a period defined by the Tenders' Committee.

**Article 58:** If there is a contradiction or a conflict between the general regulations and terms and the special ones, premises in the special ones shall be adopted.

**Article 59:** Specifications stated in the tender invitation or the award resolution shall connote the minimal accepted level. Specifications of samples in offers shall not nullify those in the tender invitation or the award resolution unless they should be of a higher standard.

**Article 60:** Where the Tenders' Committee discovers that the offered prices are high and inadequate, it may re-announce the tender. Otherwise, it can effect the purchase by means of requesting quotations, or upon negotiations in conformity with the Supplies Regulations. It may also cancel the purchase decision whether entirely or partially. When re-announcing the tender, the bidder who has already purchased the invitation can attain the new one for free.

**Article 61:** The Secretariat of the Tenders' Committee shall announce names of those who have been awarded the bid by means of the special note board or by means defined by the Director General or the Secretary General. The announcement shall be for four working days in order to have any of the bidders object thereto. However, the Tenders' Committee and in the exceptional cases may reduce the period for objection to 48 hours minimum.

**Article 62:** The Tenders' Committee shall consider the objections submitted thereto and shall issue their resolutions thereof prior to referring the award resolution to the competent authority for signature.

**Article 63:**

A) Through the Departments' employees, the Director General or the Secretary-General shall be responsible for drafting resolutions on the Tenders' Committee and giving

them annual serial numbers. After being certified, the resolutions shall be put in the form of agreements or (purchase order) signed by both contractual parties. Copies of such agreements/purchase orders and resolutions shall be distributed to the concerned parties in order to implement them.

B) A copy of the resolutions by the Tenders' Committee shall be sent to the Public Supplies Department/Central Register.

**Article 64:** The Tenders' Committee shall reserve the right to cancel any of the tender invitations in any time or any phase with no clarification of reasons. It may also reject all or some of the submitted offers with no right for any of the bidders to report thereto on basis of loss or damage as a result of submitting the offer. The Tenders' Committee shall not be subjected to bear no financial or other obligations.

#### **Sixth: Responsibilities of the Contractor before the Tenders' Committee and the Governmental Departments**

**Article 65:** The Contractor who has been awarded the bid shall complete procedures of the contract regarding the award resolution during the period defined in the notice sent to the Contractor. These procedures include performance bond, payment of legal fees and signature of agreement.

**Article 66:** The act of signing the purchase order (agreement) by the Contractor shall be deemed as an acknowledgment thereby that he has reviewed all the contents of the award resolution, and the purchase order and all the other relevant matter. He shall be deemed as assuming full obligation with their contents and substances.

**Article 67:** None of the contractors may assign waive all or a part of the contract to another person without written permission from the Tenders' Committee which have awarded the bid. However, all rights of the Department shall be reserved in line with the award resolution and the original contract.

**Article 68:** Where the Contractor failed to implement his contractual obligations, or he could not implement them up to the required level, or he has delayed the provision of supplies in the bid, the Tenders' Committee may purchase the supplies or services in the Contract in the same specifications and characteristics. It may purchase other substituting items of the same properties and uses and of the same quality from any other source on the contractors account and expenses. He shall be responsible for differences in price, additional expenses, any loss or expenses, damage or damages incurred to the beneficiary department or the Public Supplies Department. In this case, there is no need for a warning notice and the Contractor shall not have the right to object thereto.

**Article 69:** The Supplier shall remove rejected supplies in fifteen days maximum as from being notified to do so and on his own account unless health or security requirements necessitate that they be removed or damaged before that date, then the Contractor shall comply therewith. In case of delay, he shall be deemed as having waived the same to the

Government who can hold him responsible for the expenses of removal and damage if necessary.

**Article 70:** Where Contractor did not implement his obligations by the date stipulated in the Contract, the Secretary General of the beneficiary department shall impose a financial fine on him regardless of the damage due to the delay in implementation. The fine shall be 0.5% minimum of the value of supplies that have not been provided for every week or part of a week for two months maximum unless otherwise stipulated in the award resolution.

**Article 71:** Where the delay to provide supplies is more than two months, the Secretary General of the beneficiary party shall refer the matter to the Tenders' Committee in order to take the appropriate decision. The Committee may purchase supplies on the expense of the Contractor with no notice. It may also allow a grace period for the Contractor, as it shall deem convenient for not more than one month. If the supplies are not provided in the specified period, provisions and regulations of the Supplies Regulations shall be implemented. In all cases, the Committee may impose a financial fine in the manner it deem as adequate. The fine shall be 2% minimum of the value of supplies delivered after the first two months or those not delivered yet for each week or a part of the week.

**Article 72:** Amounts due on bidders or contractors for the Department upon the Supplies Regulations or upon these Instructions shall be collected from their dues at the governmental departments. They may be also collected from their bonds at those departments or in conformity with the Law of Public (Emiri) Property Collection.

### **Seventh: Samples**

**Article 73:** The beneficiary department shall have the right to choose a certain sample in order to purchase items fully identical therewith. However, samples are not limited to one trade mark, or one manufacturer. Provided that samples will be placed in a certain position at the beneficiary department, or at the Public Supplies Department. The site and address shall be mentioned in the tender invitation for the contractors' review.

**Article 74:** The bidder may enclose a sample with his offer which he may consider it as a full sample. He may clearly state in his offer the purpose for which such a sample has been offered.

**Article 75:** The samples accepted when awarding the bid shall be kept at the place defined by the Department inviting for the tender. The samples shall be sealed with the Department stamp, signed by the Tenders' Committee in order to be compared with the supplies when delivered.

**Article 76:** Samples received from bidders who have not won the bid shall be returned to them if claimed these in writing from two weeks as from the date of final award. The General Procurement Department or the beneficiary department shall not be held responsible for the loss or damage of those samples. In all cases, the bidder shall not have the right to request the samples if not claimed in writing in two months as from the final award. They shall be duly entered in the records of the department unless written



convincing reasons are mentioned. Then, they can be returned upon a resolution by the Director General, or the Secretary General in three months maximum as from the date of entering the records. The resolution upon which these samples have been returned will be entered into the official register of supplies before disclosing them.

**Article 77:** The Director General or the Secretary General shall define the method of sample delivery, their storage and return back.

**Article 78:** Samples submitted by Contractors who were awarded the bid shall be returned after implementing the contract and receiving a letter from the beneficiary department asking the concerned party to return them. This shall be executed in compliance with procedures in Article 76 herein unless otherwise stated in the award resolution.

### **Eighth: Inspection and Delivery of Supplies**

**Article 79:** Supplies shall be received from the contractors according to the standards, and conditions in the award resolution as well as the samples adopted and mentioned therein.

**Article 80:** Supplies provided by the Contractor shall be subject for weighing and measuring again according to scales defined by the Government. Price shall be paid according to the net weight or the net measure of these supplies unless otherwise stated.

**Article 81:** Supplies provided by the Contractor shall be inspected and tested. They shall be experimented in order to acknowledge their compliance with standards and by methods defined by the beneficiary department, and the delivery committee. The Contractor shall be responsible for the expenses of inspection in case the supplies violates the standards and have been rejected.

**Article 82:** The Delivery Committee shall reject any supplies that do not conform to the contractual standards or conditions. However, the Tenders' Committee may accept the supplies in cases it deems as adequate and upon a recommendation by the Secretary General against a fair (just) decrease of price.

### **Ninth: Forces Majeure**

#### **Article 83:**

- A) It should be agreed upon that the Contractor is not held responsible for the damages incurred because of delay or failure to implement the contract if this is due to forces majeure.
- B) In all cases, when forces majeure are present, the Contractor shall submit a written and prompt notice to the concerned party regarding the conditions and reasons preventing or delaying implementation of the contract. All supporting documents shall be provided.
- C) Temporary forces majeure shall be held as reasons for delay and the obligation shall be fulfilled once they are removed. Permanent forces majeure shall be held as a reason for not implementing the contract.

**Article 84:** The Tenders' Committee specialized in forces majeure shall consider the same in relation with place and time and their impact on implementing the contract.

**Tenth: Bid Box**

**Article 85:** The Department shall keep a box with three keys. The head and two members of the Committee shall keep one each. Bidders or representatives will file offers in this box through a hole which can be closed by using a special piece. Bidders may withdraw their offers or amend them upon written requests duly signed and stamped and filed in the box prior to the closing date.

**Article 86:** As from the date of enforcing these instructions, the following will be turned null and void:

- One. Organizational instructions No. (1) issued upon Article (9) of the Supplies' By-laws No. (37) for 1978.
- Two. Any instructions or text that contradicted with these instructions.

**Sami Qammouh**  
**Minister of Finance**

**Instructions of Preparing Lists of Supply Requirements for  
Departments  
And Producing the Relevant Purchase Orders**

Upon the powers given to me in compliance with Article (5) of the Procurement Regulation No. (32) for the year 1993, and as the execution of works depends on defining this job (supply requirements), and producing it in the form of plans and programs; as the purchase of procurement requires enough time to be announced, and produce the external correspondence, manufacturing, and supply; and in line with the content of Article (10) of said regulations that prevents announcing similar procurement in several purchases; and in order to secure the needs of governmental departments of procurement, each of the departments must fulfill the following:

**Article 1:** Producing lists of their needs of procurement for each year ahead. These procurement can be in kind items, or services in the form of contracts. These needs must be interpreted into money values estimated for each of the procurement. They must be included in the budget of that year.

**Article 2:** Up-dating said lists after announcing the Department's budget in accordance with allowances therein, or from any other source. Each of the lists must include the following:

- One. Kind of procurement to be purchased.
- Two. The estimated value for each type.
- Three. Number of item and material in the Budget.
- Four. Gathering similar procurement in one part.

**Article 3:** Reorganizing the lists of procurement to be purchased according to the powers of purchase stipulated in the regulations of the General Procurement Department.

**Article 4:** Assuring the factual need for procurement and the impossibility to provide the same from sections in the same department or from the General Procurement Department.

**Article 5:** Producing general, precise and clear standards for each type of similar procurement to be purchased. These must be competitive and not designated for an industry or a certain source. The Department can ask the assistance of any party or person to produce the standards.

**Article 6:** In case the procurement to be purchased are not available except in one source, the purchase order must be supported with a technical report that must be enclosed with an official letter on the subject-matter.

**Article 7:** Producing financial liability documents according to the value estimated for each purchase transaction. The competent authorities or a purchase permit issued by the General Procurement' Department must approve these documents. They must be duly entered into the registers.

**Article 8:** Producing purchase orders while having all similar procurement in one purchase transaction.

**Article 9:** Sending purchase orders to the concerned parties during the first three months as from the date of issuing the department's budget supported with the following:

- One. General, comprehensive, accurate and clear standards as per Article (5) herein.
- Two. A financial bond for the amount estimated for each purchase transaction.
- Three. Any other special conditions resolved by the beneficiary department.
- Four. Any other requirements and approvals necessary to implement the purchase transaction.

**Article 10:** In case there is an unforeseen need to purchase certain procurement not covered with allowances or their allowances are insufficient, the purchase permit must be obtained from the General Procurement Department before dispatching the same to the party authorized with purchase.

**Article 11:** While observing Article (9) herein, when need arises to purchase emergency supplies, the purchase order shall be sent to the authorized party upon that need and in line with these regulations.

**Article 12:** In case the provision of procurement will take place in a fiscal year rather than the fiscal year of concluding the contract, the beneficiary department must provide the required allowances to cover the procurement to be provided in the coming year(s).

**Article 13:** Whenever possible, the General Procurement Department gathers purchase orders of similar procurement and purchase them by means of a unified tender.

**Article 14:** Appointing a liaison officer with the General Procurement Department in order to recover any defects in the purchase orders as well as following up the execution of purchase orders of the Department itself.

These regulations shall be enforced as from 15.1.1994.

**Sami Qammouh**  
**Minister of Finance**