

Decision No. 4 of 2007 Concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence

**The Chairman of the Executive Committee of the Palestine Liberation Organisation,
The President of the Palestinian National Authority,**

Having reviewed the General Intelligence Law No. 17 of 2005, particularly Article 19 thereof,

Based upon what the Head of the Palestinian General Intelligence prepared,

Based upon the powers bestowed upon me, and

In accomplishment of the public interest,

I hereby promulgate the following regulation:

Article 1: Definitions

The following terms and expressions mentioned under this regulation shall have the meanings specified hereunder, unless the context provides otherwise:

President:	The President of the Palestinian National Authority.
Intelligence:	The Palestinian General Intelligence.
Head of Intelligence:	The Head of the Palestinian General Intelligence.
Director of the Unit:	The Director of the Unit of Supplies and Purchases at the Intelligence.
Accountant:	Any official who is assigned to receive, preserve and spend the funds of the Intelligence, or any official who assumes a financial or monetary responsibility that arises from his performance of financial, accounting or administrative functions at the Intelligence, or that is associated with his duties thereat.
Bank:	The bank which is accredited by the Intelligence in accordance with the provisions of this regulation.
Committee:	The Committee of Tenders and Purchases at the Intelligence.
Supplies:	The movable properties belonging to the Intelligence and which require insurance and maintenance thereof, including books, documents, files, warehouses, furniture, materials, vehicles, office equipment, computers, weapons, ammunition, etc.
Maintenance and services:	<ul style="list-style-type: none">• The maintenance of the buildings of the Intelligence.• The maintenance of the equipment and tools of the Intelligence.• Any constructional or structural works or other services which the Intelligence needs for the implementation of its functions and the achievement of its objectives in accordance with the decisions of the Head of Intelligence.

Article 2

The Director of the Unit at the Intelligence shall be vested with the following responsibilities: To provide supplies through communication with external and internal sources for the procurement of supplies, perform the works required for the Intelligence, as well as supervise, deliver, examine, audit, register and store them in their warehouses, insure and

coordinate them, secure their maintenance, inventory, distribution, and monitor the disposition thereof.

Article 3

First:

The Head of Intelligence shall be entitled to agree to the purchasing of supplies, the total price of which does not exceed one thousand (1,000) US Dollars or the equivalent in legal tender, as well as the implementation of works, the costs of which do not exceed such amount in the manner which he deems fit.

Second:

1. On an annual basis, the Head of Intelligence shall form a 'Committee on Purchases and Tenders' to be composed of:

1. The Director of the Unit	as Chairman
2. The Accountant	as Member
3. A representative of the Department/Relevant Division	as Member
4. A representative of the Technical (Engineering) Department	as Member

2. The Committee on Purchases and Tenders shall assume the following specialisations:
 - a) Purchase supplies, the price of which is between one hundred (100) and five hundred (\$500) US Dollars or the equivalent in legal tender, as well as implement works, the costs of which do not exceed five hundred (\$500) US Dollars.
 - b) Purchase supplies, the value of which exceeds five hundred (\$500) US Dollars and is less than two thousand and five hundred (\$2,500) US Dollars or the equivalent in legal tender, and implement the works, the costs of which are within such amount via a request for price quotations in the manner which the Committee deems fit.
 - c) Purchase supplies, the value of which exceeds two thousand five hundred (\$2,500) US Dollars or the equivalent in legal tender, and implement the works, the costs of which exceed such amount via tenders through the announcement in local newspapers.
 - d) The Director of the Unit shall keep registers, records and files pertinent to tenders; complete all relevant transactions; verify the correctness of the announcements and tender forms, as well as their duration and attachments; and ensure the publication of the announcements in newspapers prior to the opening of auctions.

Article 4

A person authorised by the Head of Intelligence from among the officials of the Intelligence shall be entitled to purchase supplies, the price of which does not exceed five hundred (\$500) US Dollars or the equivalent in legal tender in the manner that he deems appropriate, in accordance with the directives which the Head of Intelligence may issue in this regard.

Article 5

Supplies shall be procured and works be implemented under general conditions which the Committee shall put forward for such purposes. It shall also coordinate the manner of payments, receipt, delivery, entry, extension of the duration, fines, guaranties, and all else that is relevant in this regard.

Article 6

The Committee shall announce the invitation for tenders of supplies and works no fewer than fifteen (15) days before the date of the tender. Such period may be reduced to seven (7) days

as circumstances may require. The announcement shall appear in at least two daily newspapers and, if the Chairman of the Committee on Purchases and Tenders deems necessary, in any other means of announcement, whether internal or external, provided that the announcement states the nature of the required supplies, the deadline for the submission of bids, the date of the opening of the bids, the amount of insurances, and such other conditions or information which the Committee on Purchases and Tenders deems appropriate.

Article 7

The bids shall be deposited at the Intelligence in sealed envelopes on which the number of the invitation for the tender, the subject of the tender, and the name of the bidder shall be stated. Any participant in the tender may withdraw his bid by a memorandum deposited in the tender box prior to the deadline allotted for the opening of the tender.

Article 8

The participant shall attach a bank guaranty or a certified cheque in an amount of not less than five (5%) percent of the value of the tender or in proportion to the value provided in the tender (the preliminary insurance) for good implementation. Any bid which is not supported by such insurances shall not be considered.

Article 9

Upon the expiration of the allotted period for the submission of bids, the tenders shall be opened in the presence of at least three (3) members of the Committee on Purchases and Tenders. Each submitted bid shall be read and signed by the present members. A conclusion of such bids shall be drawn up, in which the name of the bidder, the amount of the insurance, and such other information which the Committee deems appropriate and expedient shall be stated. Participants in the tender may attend such session.

Article 10

The Committee on Purchases and Tenders may not examine a tender if there are fewer than three (3) submitted bids. In such a case, the bids shall be returned without being opened, and the tender shall be announced once again. The Committee may view the tender and take the appropriate decision thereon regardless of the number of bids submitted following the second announcement.

Article 11

1. With reference to the other paragraphs under this Article, 1. the quotation with the lowest price shall be admitted, provided that such a price is suitable and that the Committee on Purchases and Tenders is convinced of the competence and propriety of its applicant. If the prices, conditions, specifications and delivery dates among the bids received are equal and the Committee does not find a reason for preference, the awarding shall be conducted on an equal basis among the bidders. If this is impossible, the awarding shall be given to one of them by means of a lot in the presence of the bidders.
2. The Committee on Purchases and Tenders shall be entitled not to award the tender to the bidder offering the lowest price, provided that it includes in the decision the reasons therefor.
3. If the Committee on Purchases and Tenders finds that the prices submitted are high and do not conform to the estimations set forth for the supplies or works, it shall be entitled to take any of the following procedures:
 - a) Negotiate with the bidder of the lowest price to lower further the price offered.

- b) Cancel the tender and negotiate with those who took part in it, as well as with others, to obtain a lower price and give a concession on the supplies or works in accordance with it.
 - c) Re-invite for the tender.
4. The Committee on Purchases and Tenders shall announce the decision of each award on the designated board at the Intelligence at least two (2) days prior to its certification. The bidders shall have the right to challenge the decision. If the viewpoint of the challenging bidder is not considered, the Committee shall state the relevant reasons in a memorandum to be attached to the decision upon its referral for certification.

Article 12

The Committee on Purchases and Tenders may elect not to open the tender on the allotted deadline and postpone it for a period of time not to exceed one (1) week, provided that it states in its decision the reasons for each postponement.

Article 13

Bids that are not signed by their applicants or by their proxies, as well as those submitted after the allotted deadline, shall not be admitted.

Article 14

No official at the Intelligence may take part in any tender Intelligence. In addition, he may not purchase any supplies or be given a concession to any work pertinent thereto.

Article 15

1. Upon the awarding of the tender, the submitted samples shall be kept, along with the admitted tender, by the Director of the Unit. The other samples are to be returned to their owners.
2. The Director of the Unit shall keep the insurance submitted by the bidder to whom the tender is awarded. The other insurances shall be returned to their owners against their signatures. This shall be conducted following the certification of the awarding decision.
3. Following the certification of the awarding decision, the person to whom the tender is awarded shall be notified of the decision against his signature on the designated notification form no later than one (1) week from the date of certification.

Article 16

If the bidder to whom the tender is awarded abstains from signing or implementing the tender or is tardy in delivering the supplies or performing the works or any part thereof on the prescribed deadline, or infringes any condition of the tender, or if it has been proven to the Committee on Purchases and Tenders that the bidder has delivered supplies to the Intelligence or rendered services or works that do not conform to the specifications of the tender, the Committee may take any or all of the following actions, upon the approval of the Head of Intelligence and without need to issue a notice or warning:

1. Seize the insurances and register them as revenues for the account of the Intelligence.
2. Purchase the supplies from the market at the current price or perform the works in the manner which it deems to be proper and include in the tender the spread of the price and costs or award the tender to the person who follows him in the price if he accepts and incurs the spread of the price or costs on the declining bidder, in addition to obliging the bidder to compensate the Intelligence for any damage or impairment that may result from his declining.
3. Deprive the bidder from taking part in the tenders of the Intelligence.

Article 17

No supplies may be purchased, works be performed, or commitments be made regarding any expenditures for which appropriations on the annual budget of the Intelligence are not earmarked.

Article 18

The Committee on Purchases and Tenders shall be entitled to invite for tenders to periodic procurement of supplies or implementation of particular works within a limited period of time. The provisions under this regulation shall be applicable to such tenders.

Article 19

If the purchasing of supplies from local markets is impossible, or it is established that the interest of the Intelligence requires that they not be purchased from such markets, they may be purchased from external markets based upon the recommendation of the Committee on Purchases and Tenders in accordance with the following provisions and powers:

1. By the decision of the Head of Intelligence and through a committee of two (2) Intelligence officials, if the value of the supplies to be purchased is less than five thousand (\$5,000) US Dollars or the equivalent in legal tender.
2. By the decision of the Head of Intelligence and through a committee of at least three (3) Intelligence officials, if the value of the supplies to be purchased exceeds five thousand (\$5,000) US Dollars.

Article 20

The Director of the Unit shall keep the necessary registers, records, and cards in accordance with the most up-to-date methods adopted in the administration of supplies and the regulation of warehouses.

Article 21

The supplies shall be entered into the warehouses of the Intelligence and brought out in pursuance of inventory forms to be signed by the relevant persons.

Article 22

Scratches, erasing, or crossing through the data in books, registers, requests, or documents relating to the supplies is not allowed. The necessary modification shall be conducted using red ink and signed by the person who conducts it, in addition to the signature of the person who delivers and receives the supplies on the register of which the error occurred.

Article 23

1. Supplies exceeding the need of the Intelligence or those which are invalid may be sold by the Committee on Purchases and Tenders upon the decision of the Head of Intelligence and based upon the recommendation of the Director of the Unit, provided that the sale is conducted in a public auction, unless the Committee finds by a justified decision that the interest of the Intelligence necessitates that another method be used in selling such supplies and materials. The price shall be recorded in the accounts of the Intelligence under Miscellaneous Receipts.
2. Invalid and un-salable supplies or those missing, the original value of which does not exceed five hundred (\$500) US Dollars or the equivalent in legal tender, shall be damaged and their value crossed by the decision of the Head of Intelligence and based upon the recommendation of the Director of the Unit. If the original value of the supplies exceeds five hundred (\$500) US Dollars or the equivalent in legal tender, an approval from the President must be obtained.

3. The process of damaging shall be conducted by a committee to be formed by the Head of Intelligence.
4. Supplies may not be damaged except when their selling is impossible or an interest to damage them exists.

Article 24

An annual inventory of the warehouses shall be conducted by a committee to be appointed by the Head of Intelligence for this purpose. He shall also be entitled to establish an ad-hoc committee to conduct the inventory whenever he deems necessary.

Article 25

The Head of Intelligence may seek assistance from experts and specialists so as to offer advice and consultation on any of the functions of the committees working on tenders and purchases.

Article 26: General Provisions

The Head of Intelligence shall issue forth the instructions and decisions necessary for the implementation of this regulation.

Article 27

Every provision that contradicts the provisions of this regulation is hereby repealed.

Article 28

All competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this regulation, which shall enter into force as of the date of its publication in the Official Gazette.

Issued in the city of Ramallah on 15 January, 2007 AD, corresponding to 26 Thu al Hijja 1427 AH.

Mahmoud Abbas

**Chairman of the Executive Committee of the Palestine Liberation Organisation
President of the Palestinian National Authority**