

CIRCULAR LETTER No. 0000011 /LC/PR/MINMAP/CAB OF 15 JAN 2020

To specify the conditions for transmission of files relating to the ex-ante control of contracts award procedures by Central Contracts Control Boards.

THE MINISTER OF PUBLIC CONTRACTS
To

- **Project Owners;**
- **Delegated Project Owners.**

The new public contracts system entered into force since 20 June 2018. It is materialised at the institutional level by the recognition of MINMAP as the Authority in charge of Public Contracts and external controller of the said contracts, giving full and entire responsibility to Project Owners and Delegated Project Owners in the preparation, award and follow-up of public contracts execution and finally, the establishment of Central Contracts Control Boards (CCCB), assigned with ex-ante control missions.

A year and a half after the implementation of the current reform, it should be noted that the institutional stakeholders with the support of MINMAP are resolutely committed to its satisfactory implementation, despite some hitches which may be explained by the poor capacity of the stakeholders to understand or get acquainted with the reform.

Specifically, as concerns the Central Contracts Control Boards, these hitches are mainly:

- the poor preparation and incomplete forwarding of files submitted to Central Contracts Control Boards, often the source of numerous reviews ;
- the non-observance of regulatory deadlines assigned to the various stakeholders concerned ;
- the cumbersomeness and slowness noticed at each stage of the procedure, thereby giving rise to recurrent mutual agreement procedure;
- the absence and/or the poor ability of representatives mandated by Project Owners for the follow-up of files during Central Contracts Control Boards sessions ;
- the loss of some budgetary credit votes following the withdrawal of some partners who cancel projects which are still at the award phase, meanwhile they would normally have been completed according to the planning provided for by the funding agreements.

Thus, the objective of this circular is to specify certain adjustments to strengthen the achievements and overcome the shortcomings that may jeopardize the expediency and efficiency in the processing of files submitted to the Central Contracts Control Boards (CCCB) for scrutiny. They include:

- the establishment of a Permanent Secretariat ;
- the admissibility of files forwarded to CCCBs ;
- the notification of CCCBs opinions.

1. The establishment of a Permanent Secretariat.

This structure shall serve as a platform between the different Project Owners and Delegated Project Owners and the Central Contracts Control Boards. In this regard, it shall be in charge of receiving the files referred to the CCCBs. It shall register the said files and check their completeness and compliance. Finally, it shall be in charge of forwarding the opinions of the CCCBs to the Project Owners and other stakeholders in the public contracts chain.

2. The admissibility of files forwarded to CCCBs.

Any file subject to the ex-ante control of a Central Contracts Control Board shall be constituted in strict compliance with the relevant provisions of Article 39 of the Public Contracts Code, and therefore, reach the Permanent Secretariat **on working days latest at 12 noon**. The receipt, established according to the model adopted, shall be issued and handed to the bearer of the file.

The Permanent Secretariat carries out the necessary formalities and refers, the same day to the competent Central Contracts Control Board, the file for further action.

In case of acceptance of the file, it shall be recorded in a special register, bearing the code number and the submission time mentioned on the deposit receipt allocated to the file;

In case of rejection, the file is handed back to its bearer, with the reason of the rejection mentioned on the above-stated receipt;

In order to enable the effective and rapid implementation of the control carried out by the Central Contracts Control Boards, the Project Owners and the Delegated Project Owners shall particularly ensure that the documentation which accompanies each file is in compliance with the prescriptions of Article 39 of the Public Contracts Code.

3. Notification of CCCBs opinions.

The entire file, after review, is returned to the initiating Project Owner either with no outright objection, or no objection with the reservations to be lifted imperatively, or again with a reasoned objection.

Once the opinions of the CCCBs have been collected, the files shall be forwarded on the same day to the different Project Owners or Delegated Project Owners by the Permanent Secretariat with a copy to the representatives of the Project Owners and Delegated Project Owners, who took part in the scrutiny of the file at the CCCBs, for the necessary formalities to be fulfilled.

The Minister Delegate,

IBRAHIM TAÏBA MALLA

