

Sultanic Decree No. 51/2019 promulgating

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We, Qaboos bin Said, Sultan of Oman

Having reviewed the Basic Law of the State issued by M.R.

, < /a href="https://qanoon.om/p/1996/rd1996101"

and the Allocation Act issued by the Decree of the

, < /a href="https://qanoon.om/p/2004/rd2004077"

and the Tenders Act issued by Decree No.

, < /a href="https://qanoon.om/p/2008/rd2008036"

and following its submission to the Amman Council, and in accordance with the requirements of the public interest

we have decreed as follows

Article 1

The Appropriation Act, set out in the Annex, shall come into force.

Article 2

The Chairman of the Board of Directors of the General Authority for Privatisation and Partnership shall issue the regulations within one year of the date of their entry into force, and shall issue the necessary decisions to implement the provisions and decisions in force , provided that they do not conflict with its provisions.

Article 3

The Allocation Act issued by Sultan's Decree No. 77/2004 is hereby repealed, as it is inconsistent with the provisions of this Act.

Article 4

This Decree shall be published in the Official Gazette, and shall come into force on the day following its

**Issued on: 27 Shawwal 1440 AH,
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[. </https://qanoon.om/p/2019/og1300](https://qanoon.om/p/2019/og1300)

The Allocation

Act Chapter

One Definitions and

General

Provisions

Article (1)

In applying the provisions of this Act, the words and phrases shall have the following meanings, unless the context otherwise requires:

Authority:

The General Authority for Privatisation and Partnership.

The Board:

The Authority's Board of Directors.

Competent Authority:

Ministries, public bodies, public institutions, and other entities subject to privatisation.

Privatisation Programme:

The plan drawn up by the Authority in accordance with the provisions of this, which sets out the allocation, the methods of implementation and the timeframes.

General Project:

Government facilities and installations.

Privatisation projects:

Public projects or government-owned companies, whether wholly or partly, which are approved, as the case may be, for a private individual.

Proposals for conversion into companies:

A public project which the Council of Ministers decides to convert into a joint-stock company

Project company:

the two companies referred to in Articles 10) and (11) of this Act.

Regulations:

The Regulations for the implementation of this Act.

Article (2)

The provisions of this Act shall apply to privatisation projects and conversion projects in respect of which they apply, and the provisions of the Tenders Law shall not apply to them.

Article (3)

Data and information relating to a project or allocation programme, and it is prohibited for anyone who has access to them by virtue of their position from disclosing them

Article (4)

Neither the public sector nor companies wholly owned by the government are not entirely subject to this Act, and the privatisation of public projects or companies must be carried out in accordance with proportion to the privatisation projects not included in the programme the privatisation programme to the Council of Ministers, for approval following a preliminary assessment by the

**Chapter Two
Tender and Award****Procedures****Article (5)**

The allocation project must be subject to the principles of transparency and competitiveness. The Regulations shall set out the rules and procedures relating to tendering and awarding contracts, and the information and documents that must be included in each tender envelope, financial guarantees, and so on.

The Authority is responsible for publicising and organising the tender for the allocation under

Article (6)

The assessment of the privatisation project and projects for conversion to companies shall be carried out on the basis of criteria relating to technical competence, good reputation and International organisations select them on the basis of transparency, openness and equal opportunities, equality and free competition. The regulations set out the principles, evaluation criteria and procedures to be the consultant must comply with

Article (7)

The Authority shall have the right to convene meetings with the successful tenderer to discuss the technical and financial requirements, and the negotiations must not address any matters deemed

for negotiation, or to which the successful tenderer has not expressed any reservation the tender is based on the technical and financial conditions on which for the tender on which it was evaluated.

In the event that negotiations with the successful tenderer, the Authority shall be entitled, in accordance with their ranking and on the same basis as referred to in the preceding paragraph, even if it rejects them all.

In any event, the Authority is prohibited from reopening negotiations with M regarding under this Article.

Article (8)

Tenders that do not comply with the conditions and for the award of the contract to the tenderer, and this

Article (9)

The procedures for launching a privatisation project shall be cancelled in any of the following cases:

1 – If a single tender is submitted, or if, after the exclusion of tenders, but one

2 – If all or the majority of the tenders are accompanied by substantial reservations that do not comply with the project or cannot be assessed technically and financially.

3 – Failure of negotiations with tenderers pursuant to the provisions of Article (7) of 4 – if the public interest so requires.

In all cases, a decision to revoke shall be issued by the Authority, and no claim for compensation may be made in respect of this decision. Notwithstanding the foregoing, a sole tender may be accepted in the cases and within the limits set out in

Article (10)

The successful tenderer must allocate the project establish the tangible and intangible assets and liabilities relating to this project, as well as its rights and obligations, and the company's share capital and its allocation, as set out in the Regulations.

Article (11)

The Board may, at the request of the competent authority or on its own initiative, in consultation with the Ministry of Finance, and with the approval of the Council of Ministers, the transfer of a public project, in whole or in part, to the Government for the purpose of improve the efficiency of the project's management and operation in accordance with the Regulations.

This company shall take the place of the public project in respect of its rights and obligations, and the Board shall take the necessary measures to establish this company, and

competence and experience in accordance with the mechanism determined by the Council of Ministers.

The company's board of directors shall submit half-yearly reports to the Council outlining the measures it has taken to prepare for privatisation, provided that the necessary decisions are taken to complete the privatisation process.

Article (12)

The proportion of foreign shareholding in the company may amount to referred to as a percentage of its share capital, and a single founder is not restricted to a specific percentage of the

Article (13)

The proceeds from the sale of the shares or assets of the company shall be allocated to the company after deducting all expenses and costs incurred in connection with the work of the consultants referred to in Article (6) of this Act.

The provision of the preceding paragraph shall apply to the proceeds from the sale of the government's holdings in

Article (14)

The allocation contract shall specify the rights and obligations; it must comply with the Regulations.

Article (15)

The Council shall have jurisdiction to consider complaints lodged by the concerning any matter relating to the allocation contract or its implementation, provided that the appeal is lodged within (60) sixty days, and the Council shall decide on the appeal within (30) thirty days from the date of its submission. The regulations shall specify the procedures for lodging, considering and deciding on appeals, and the decision of the

Chapter Three: Settlement of Employees' Status

Article (16)

The principles and regulations set out in this chapter apply to employees state employees, and who are affected by the allocation of the general project or conversion project to

Article (17)

The competent authority shall provide data on the number of staff employed, a statement of their responsibilities, their qualifications, length of service, and remuneration and benefits

Article (18)

The company referred to in Article (11) of this Act shall, after the expiry of the period, identify the employees who be absorbed into it, their number, and the posts

The provisions of the preceding paragraph shall apply to all those applying for propose the recruitment of staff, their number, and the posts they will fill in the tender submitted

Article (19)

The project company undertakes to transfer the employees referred to in Article (18), each of which sets out the duties and powers of the post and the benefits and other financial entitlements to which they will be entitled they were receiving prior to their transfer to us; the company also undertakes that company is obliged not to make the transferred employees redundant to it, provided that these employees comply with the regulations and regulations.

Article (20)

Omani employees transferred to a company for a specific project must comply with the company's regulations following their transfer, and the company is also obliged to pay its contributions under the law.

Article (21)

The status of employees who are not retained by the company shall be settled by the Minister responsible for this matter.