



*Electronic Public Procurements Role in Developing Public Services at the Level of Local Authorities*

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*Abstract*

E-government is a product of the scientific and technological advancements the globe is currently experiencing. It is embodied in the electronic management applied in all central and local state facilities that seek to improve and develop the public service through its electronic transactions in administrative contracts in general and its public procurements in particular.

Keywords: Local authorities, Electronic Administration, Electronic Procurements, Electronic Portal.

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## 1. INTRODUCTION

All nations, regardless of their political, economic, or social conditions, are now attempting to implement e-governance as a result of the advancements brought about by the revolution in information and communications technology. E-governance positively affects the conditions of the country by improving and developing public services, eliminating all forms of corruption and expanding citizens' benefit from information technology. In addition, it can fulfil developmental and economic projects for people's interest, which are among the most important concerns of local groups. Such practices, e-governance realize them through the application of the responsible authorities "The Electronic or Digital Management." These projects are embodied in electronic transactions such as electronic public procurements that contribute to achieving the best public service.

Public contracts are considered the most widespread mechanism for concluding contracts for state facilities and the most important means of advancing the national economy and achieving the development that local communities aspire to achieve. Such a mechanism requires disbursing huge sums of money from the public treasury and going through many slow procedures and stages that affect the completion of projects, especially developmental ones. Algeria is like any other country, it tries to move toward modernizing public administration and developing it through the Public Procurement Law, which referred in its amendments to the so-called electronic contracting process and the use of the electronic portal to keep pace with technological developments and the information revolution. In doing so, Algeria will contribute to rationalize public spending, raising the quality of public services, and supporting projects of all departments, including the local authorities represented by the municipality and the district. These two local entities must follow the electronic contractual method in carrying out their activities and providing services through the electronic portal. Accordingly, this study tries to investigate the following: What is the content of the electronic portal, how it is managed, and the extent of its

contribution to improving and developing public service at the level of local authorities?

To answer the research problem and its sub-questions, the descriptive analytical approach was adapted to examine the legal texts related to the subject. The study is divided into two chapters.

-Chapter One: Embodiment Forms of Public Facilities Electronic Transactions.

-Chapter Two: Public Transactions and their Electronic Portal.

## **2. Chapter One: Embodiment Forms of Public Facilities Electronic Transactions.**

The government and its public facilities seek to meet all of the citizens' needs and desires. They are public entities, (national, regional or local), founded in the first place to fulfil these public services. They always strive to achieve the best. In keeping pace with this goal, they need to be up-to-date with the technological developments currently occurring to develop and modernize their management and governance through e-governance, which is manifested in the application of electronic management aimed at reforming and improving public service via electronic websites in education, health, and scientific research. Furthermore, e-governance works to develop the sector of contracts for public administrations to facilitate and develop services in the field of public transactions, based on the application of electronic transaction legislation and a set of electronic means.

### **Section One: Electronic Government**

The advancement of technology and communication has led to the emergence of electronic government, which uses modern electronic means in its various activities. Nowadays, most administrations in several countries have their websites on the internet, which enables them to develop better administrative contracts through

electronic means. The aim of this development is to facilitate government business and achieve its goals efficiently.

### **Part One: Definition of E-government**

It is a new concept that relies on the use of communications and information technology to achieve optimal use of government resources, as well as ensuring the provision of distinguished government service to citizens, companies, investors and foreigners. It ensures the improvement of the public administration performance in terms of quality and speed for the citizens generally, and for investors and businessmen in particular. (Al-Masry, 2010, pp. 175-176).

Some jurists have defined it as “the use of the production of technical capacity to improve the levels of performance of government agencies, raise their efficiency and enhance their effectiveness in achieving the desired goals.” (Al-Rahim, 2015, p. 48) Others have defined it as “the reliance of government agencies on modern information and communications technology to organize and perform administrative work, to facilitate methods of communication with customers in a way that helps rationalize the public spending and raise the quality of services provided. (Al-Rahim, 2015, p. 50). E-government is the transition from providing public services and transactions from their routine paper form to the electronic form via the Internet (Al-Masry, 2010, p. 176).

### **Part Two: Advantages of E-government**

The application of e-government guarantees many advantages. It accelerates the completion of proficient public services provided to citizens electronically. Also, it lowers costs and simplifies the procedures. Moreover, it is transparent which eliminates all forms of bribery, manipulation and abuse. ( Al-Rahim, 2015, p. 53), in addition to contributing to the development of society by providing services in the easiest ways, which increases his concentration in his work because he gets rid of the

suffering of tracking down transactions (Al-Masry, 2010, pages 183-184).

## **Section Two: Electronic Management**

All countries, including Algeria, seek to modernize public facilities and introduce information technology into the performance of their tasks. Such a change would lead to the transformation of business and administrative services from their traditional form to an electronic form called electronic administration. The latter aims at promoting and developing administrative and service performance.

### **Part One: Definition of Electronic Administration**

Electronic administration, or digital administration, came as a project that embodies the trend of countries towards using modern technology in the management of their public facilities, to achieve developmental and economic goals, which require the application of advanced, effective, fast and transparent methods. Electronic administration has been defined as “completing administrative transactions and providing public services via the internet sparing citizens the hassle of physical presence to complete their transactions and save their time, effort and energy.” (Al-Bashir, 2015, p. 103).

It is also defined as a means to raise the performance and efficiency of the government. A government that uses electronic means have no place or time and operates continuously. It is an administrative strategy for the information era that works to achieve the best services for citizens and customers, through its optimal exploitation of the available information sources by the use of material, human and moral resources in the modern electronic framework. It facilitates the optimal use of time, money and effort in providing the highest quality public services (Al-Bashir, 2015, p. 104).

## Part Two: Advantages of Electronic Administration

The transformation of administration from the traditional style to the electronic style came due to the characteristics that distinguish electronic administration, which mainly revolve around increasing proficiency in completing its transactions and activities quickly, accurately and clearly. This proficiency affects the development of the provision of public services, and the reduction of costs that were previously spent on material and human resources. Also, it simplifies procedures by making the administration optimally exploit the information it has while meeting the needs of citizens. Moreover, it achieves transparency by providing the best services to citizens and those dealing with the administration under periodic electronic monitoring (Al-Bashir, 2015). , pages 107-108).

Electronic administration is characterized by characteristics that constitute a fundamental motivation for the movement of governments and departments towards the application of electronic transactions in all their service or contractual actions, including public procurements, which are considered development financier at all levels in the country. Governments tend to use this new administrative form for more effectiveness and advancement.

### Section Three: Electronic Means

The application of both e-government and e-administration must be accompanied by a set of electronic means mentioned in legislation that organize their use such as e-mail, the website, e-signature, and e-money.

#### 1/ Electronic Mail (Email):

It is a free and easy method that enables both the contracting authority and its contractors to conclude an electronic contract by exchanging offers and acceptances between them over the Internet.

It is one of the most widely used and widespread Internet services in the world. It is a messaging service similar to regular mail, but electronically. With it, anyone can exchange electronic messages with others, as well as conclude many legal transactions such as contracts. (Allah, 2013, p. 85).

It has many definitions that were characterized by agreement on the content, including what was stated by the General Committee on Terminology in France as “an information document edited, sent, or viewed by the user by connecting to an information network.” By using it, individuals can conclude many different contracts. (Al-Awad, 2005, p. 53).

## 2/Website:

It is known as the space reserved within a specific range on the Internet. It is a screen to display products or services that enables the contracting authority to present its advertisements and bids, and the contracting customer to announce his intention to contract with the administration by sending his required data via e-mail. (Saliha, 2016), page 69).

## 3/ Electronic Signature:

The emergence of the internet has led to the use of electronic signatures for completing contracts and transactions quickly and efficiently between two parties who are not in one place. However, the definition of electronic signatures and their technical aspects vary depending on the legislation (Al-Helou, 2009, p. 199). Despite this, the electronic signature is considered to be the same as a traditional signature in the Model Laws for Electronic Commerce and Electronic Signatures. The term refers to a general concept that encompasses various technical mechanisms that can be used to sign documents, as long as they allow for identification of the signer and expressing their satisfaction with the document's content while maintaining its integrity (Allah, 2013, p. 332). The electronic signature is considered one of the most

important tools on which electronic commerce is based, and it is defined as “It is letters, numbers, symbols, or signs that have a unique character that allows the person who has the signature to be identified and distinguished from others and is approved by the competent authority.” (Al-Junaihi, Dr. SN, pages 192-193).

It is also defined as a small digital file issued by one of the specialized and independent bodies recognized by the government, like the real estate registration system. In this file, the name and some other important information are stored, such as the serial number, expiry date of the certificate, and its source. (Hejazi, 2006, p. 230). An electronic signature is nothing but a set of electronic symbols, numbers, or letters that indicate the personality of the signatory alone, and it has several forms, namely the digital signature, the signature using the electronic pen, and the signature using the chemical and natural intrinsic properties of individuals. (Al-Junabihi, pages 194-197).

#### **Section Four: Advantages of concluding administrative contracts by electronic means:**

In concluding its contracts through bidding or electronic means, the administration aims to achieve several advantages, namely: (Al-Helou, 2009, pages 20-21).

1/ The administration takes advantage of the competition between those wishing to contract with it to obtain the best offer represented by the lowest amount in the tender and the largest in the auction. By following and abiding by transparency, openness of the contract and equality between the competitors, it concludes the electronic contract that expands the competition and makes it reach the international level.

2/ It rids the administration of the actions of employees who contract in the name of the administration in violation of the law, characterized by encouraging bribery, obtaining financial benefits, exploiting influence, and extortion.



3/ Electronic contracts, characterized by speed of completion and ease of performance, and the exclusion of paper use and correspondence expenses, have contributed to saving a percentage exceeding 25 per cent of the time and effort required for the procedures and stages of traditional contracts.

4/ Facilitating communication between the administrative authority and citizens and the transparency of the administration's financial transactions allows for the implementation of more democracy and the expansion of its concept.

### **3. Chapter Two: Public Procurements and their Electronic Portal:**

Both scientific development and technological changes have contributed to the emergence of digital or electronic technology. The latter has affected all the activities of state facilities, including administrative work, which constitutes the most important criterion to measure the development of any country. The administrative work is represented by administrative contracts in general and public procurements in particular, which digital technology contributes to its rationalization and development. Therefore Algeria, like other countries, was interested in including it in the public procurement law regulating all state institutions, whether central or decentralized or the so-called local administration, starting with the establishment of the National Electronic Portal that allows a set of immaterial procedures to be followed for concluding public contracts. It announces requests for offers, then opens and evaluates them after submitting them electronically, all the way to determining their results, signing them electronically, and then implementing them.

#### **Section one: The field of Public Procurement and The Local Authorities**

The Public Procurement Law is considered one of the most important laws that have undergone successive amendments and changes in Algeria. There are many decrees and orders. First of all, Order No. 67/90 of 06/17/1967, which includes the first Algerian legislation in the field of public procurement. Thereafter, a Presidential

Decree was issued No. 10/236 of 07 /10/2010 canceled and Presidential Decree No. 15/247 of September 16, 2015 was introduced relating to the organization of public procurement and public utility authorizations. As well as, the current Law No. 23/12 specifies the general rules relating to public procurement. Decree No. 10/236, Decree No. 15/247, and Law No. 23/12 all touched on the so-called electronic communication and exchange of information through a set of articles. Later on 11/17/2013, the issuance of a decision specifying the content of the electronic portal for public procurement and how to manage it and exchange information electronically through it. Finally, the current Presidential Decree No 15/247 defines in its second article the public contract. It was defined as “written contracts within the meaning of the applicable legislation, concluded in exchange for a fee with economic dealers in accordance with the conditions stipulated in this decree, to meet the needs of the contracting authority in the field of works and supplies, services and studies.” The sixth (06th) article states the institutions considered a field for public procurement are the state, regional authorities, and public institutions of an administrative nature.

The current Law No 23/12 defines public contracts in its second article. It states “Public contracts are written contracts concluded in exchange for money by the public purchaser (the contracting authority) with one or more economic operators (contracting dealer) to meet the needs of the contracting authority in the field of works, supplies, services and studies, in accordance with the conditions stipulated in this law and in the applicable legislation and regulation.”

In turn, it stated through his ninth article that the institutions that constitute a field of public procurement expenditures are the state represented by public bodies and departments, local authorities, and public institutions subject to public law.

Thus, it is noted through the Public Procurement Law indicates that Algeria, with its central administration and regional decentralization (local administration: the

municipality and the district) concludes its contracts implementing its projects in all areas of public service based on the application of the Public Procurement Law, as stipulated in Municipal Law No. 11/ 10 dated 06/22/2011. It stated through its Article No. 189 “Deals for supplies and works or the provision of services carried out by municipalities and municipal public institutions of an administrative nature shall be concluded under the applicable regulation applied to public procurement.”

District Law No. 12/07 of 02/21/2012 stated through Article No. 135 “Procurements for works, services or supplies for the district and its public institutions of an administrative nature shall be concluded following the applicable laws and regulations that apply to public procurement.”

The Algerian legislator has tried to establish the electronic trend in public procurement by approving Chapter VI on electronic contracting. Such a law was issued to advance the role of public procurement in achieving development and ensuring the smooth operation of public facilities (the municipality and the district). Two public entities can achieve the efficient management of public procurement by concluding them electronically. This form of contract serves the interests of the administration by reducing the deadlines for concluding its public contracts and their costs on the one hand, and the interest of the contracting client by relieving him of the burden of the paper file consisting of all the original papers and documents and their copies on the other hand.

## **Section Two: The Possibility of Contracting Electronically in Public Procurements**

Most countries have amended their contractual legislation to oblige their governments to conclude their contracts electronically to reduce costs, save time, and increase performance efficiency.

Similarly, Algeria moved towards this electronic direction in 2005 with an

amendment introduced by the Algerian legislator to the Civil Code through its Article No. 323 bis 1, which explicitly approved the validity of electronic documents in proof by stating “Proof in writing in the electronic form is considered the same as proof on paper. Provided that it is possible to verify the identity of the person who issued it and that it is prepared and stored in conditions that guarantee its safety.”

According to our interpretation of the texts, it permits the conclusion of administrative contracts electronically, because the Algerian legislator, in his definition of public contracts in its historically successive laws, always emphasized that they were written contracts, and did not specify the type of writing (Sardok, 2009, p. 114).

With regard to public procurement, Presidential Decree No. 10/236, through its Article No. 174, permitted the exchange of information electronically by stipulating that “Contracting interests may...contractors may respond...” As for Presidential Decree No. 15/247 in its Article No. 204, it deleted the phrase ‘permissibility’ and emphasized the contracting entities resort to electronic contracting. It stipulates, “The contracting entities shall place invitation documents for competition at the disposal of contractors or candidates for public tenders electronically, according to a timetable determined by a decision of the Minister in charge of Finance. Contractors or candidates for public tenders shall respond to the invitation to compete electronically according to the previously mentioned timetable.”

This is the same as what was required by Law No. 23/12, except for Article No. 107, which required contracting departments to implement the exchange of information electronically with candidates or contractors for public contracts.

The law has stripped public transactions of their paper nature, based on Presidential Decree No. 15/247 with its reference to dispensing with the physical and paper form in public procurement procedures and replacing it with the electronic form by stipulating in Article No. 204, "Every procurement, especially for procedures

on a paper holder, can be adapted to electronic procedures.” Similarly, Law No. 23/12 emphasized through Article No. 107 in its third and final paragraph the adaptation of procedures to the electronic method.

### **Section Three: Establishing the Electronic Portal and its Governing Principles**

It has been noted that adopting modern technological means to conclude public transactions in Algeria started through three decrees. First, Algeria started with the repealed Presidential Decree No. 10/236. Secondly, it began with the current Presidential Decree No. 15/247 labelled as “Communication and Information Exchange by Electronic Method.” Finally, Law No. 23/12 named “Digitization in the Field of Public Transactions” demonstrated the trend of public authorities towards placing public procurement within the areas concerned with the process of transition from traditional paper-based administration to digital electronic administration via the electronic portal that facilitates the exchange of documents and information about public procurements.

#### **Part One: The Electronic Portal and its Functions**

Both the repealed Presidential Decree No. 10/236 and the current Decree No. 15/247 referred to the electronic portal. The latter was established as a single central portal subject to the supervision of the Ministry of Finance in accordance with Article 173 of the 2010 Decree, and under the joint supervision of the Ministry of Finance and the Ministry of Information and Communication Technology according to Article No. 203 of the 2015 Decree. In addition, Law No. 23/12 and its Article No. 105 stipulate the establishment of the electronic portal managed by the competent departments of the Ministry in charge of Finance to stabilize the application of electronic contracting in reality.

It is a website specialized in public procurements. It constitutes a wide space for all public dealers in the field of public procurements and for all those interested in

them. (Muqtaf, 2013, page 04).

The issued laws have successively confirmed the establishment of this electronic portal under the decision of the Minister in charge of Finance by his decision issued on 11/17/2013. There was another decree issued following the content of the current Law No. 23/12 specifying the general rules for public procurement.

The electronic portal aims, according to Article No. 02, to publish and exchange documents and information related to public contracts, as well as their conclusion electronically. (Article No. 02 of the decision dated 11/17/2013 relating to the electronic portal.)

Regarding the management of the electronic portal, Article 6 of the electronic portal decree, indicated that it includes the information infrastructure, the management of all systems, networks, and databases. In addition, it includes access to the portal, maintenance of the portal, ensuring an appropriate level of security against electronic threats, continuity, accessibility for the services provided by the portal, and managing technical developments by including new functions.

The third article of the portal's decree stated the functions of the electronic portal. It is responsible for publishing all of the Legislative and regulatory texts and legal consultations related to public transactions. Also, it should publish a list of all economic operators prohibited and excluded from participating in public procurement. It ought to publish estimating programs for projects of contracting entities, lists of procurements concluded during the previous fiscal year, as well as the names of institutions or groups benefiting from them. Moreover, it shows the reports of contracting parts related to the implementation of public contracts, a list of institutions from which the classification and competency certificate was withdrawn, indicative numbers for prices, and every document or information related to the subject of the deal.

Article Four of the portal's decree added that it registers both contracting entities and economic operators. It facilitates the exchange of information between them, multi-criteria search, alerting of any developments, uploading documents, undertaking through the portal, encoding documents, recording the date and timing of documents, and practicing electronic pledge, electronic signature of documents, events sheet, interactive guides for portal users, and every other function necessary for its proper functioning.

## **Part Two: Principles of Adopting the Electronic Public Procurement System**

The electronic portal's decree dated 11/17/2013, based on its seventh article, required that the information system for public procurement be designed within the framework of respecting the following principles:

1/The principle of the integrity of documents exchanged electronically: Ensuring the formats of digitizing written documents not compromising their integrity. This principle also ensures the signing of documents via the secure electronic method while respecting the legislative and regulatory provisions. Finally, identifying and verifying the identity of economic dealers.

These are issues that can be achieved in electronic dealing by using some techniques, namely:

-The firewall that prevents hackers and malicious programs from accessing the computer through the Internet, by examining information from the time it enters or exits and does not allow it to enter unless it conforms to the specifications. (Saliha, 2016, p. 61).

- Encryption: It represents one of the means of preserving and confidentiality of data and information within the scope of government and electronic administration. It represents the process of changing the content of the message using the encryption

key program, before sending the message, in which the recipient can restore the content of the message in its original form before the encryption process using its reversible process, decoding. (Radwan, 1999, p. 32). The Egyptian e-commerce draft law defined it as “A change in the form of data by converting it into symbols or signals to protect this data from being viewed by others or from being modified or changed.” (Hegazy, 2006, p. 261).

-Electronic signature: It is a distinctive sign of the signatory person, which is closely linked to him unambiguously, thus identifying him. (Attar, 2010, p. 58).

2/ The principle of confidentiality of electronically exchanged documents: This principle protects the exchanged documents electronically through a document encoding system while respecting the applicable legislative and regulatory provisions.

3/ The principle of Events Tracking: It creates a journal of events that allows tracking the exchange of information electronically, and taking into account the date and timing of documents exchanged electronically by delivering a receipt showing the date and time of receiving offers for each offer sent electronically.

4/ The principle of information systems compatibility: It adopts standards that allow different information systems to communicate in order to exchange data.

5/ The principle of archiving digital documents electronically: As indicated in Article No. 205 of Presidential Decree No. 15/247 mentioned previously, it is important to facilitate the return to digital documents when requested, as well as to complete contracting procedures through it.



## **Section Four: Procedures of Concluding Public Contracts via the Electronic Portal:**

Electronic contracting for public procurement, compared to regular contracting, has special procedures and stages, which are respectively, as follows:

### **Part One: Exchanging information and the access to the electronic portal:**

The portal's decree stated, based on its ninth article that the exchange of documents shall be electronically between the two parties of the public procurement.

#### **1- Contracting parties:**

The required document may vary to include the following a scope statement, forms of authorization, subscription declaration, a letter of pledge, a declaration of integrity, and a pledge to invest when necessary. Additional documents and information when necessary might be required. Also, the announcements of tenders, invitations for initial selection, letters of consultation, return of offers when necessary are fundamental papers to be sent. The contracting entities are asked to complete or clarifying offers when necessary, temporary granting of public contracts, ineffectiveness of procedures, cancellation of procedures or temporary granting of public contracts, answers to inquiries about the provisions of the terms of scope statement, and answers to requests for evaluation of offers and appeals.

#### **2- For economic clients:**

Subscription declaration, the pledge letter, the declaration of integrity, the pledge to invest when necessary, withdrawing the scope statement (books of conditions) and additional documents when necessary, nominations within the framework of procedures that include an initial selection stage, technical and financial offers, amended offers when necessary, evaluation results of offers and appeals.

As for the entry of the parties to the electronic public procurement into the electronic portal, Article 10 of the electronic portal decree clarified that the entry of contracting parties and economic operators into the jobs assigned to them depends on their registration in the portal. It takes place after filling out, signing, and sending the form specified by the portal's decree to the admin of the portal via e-mail or directly, with the necessity of appointing a natural person authorized to access their jobs based on his e-mail address.

### **Part Two: Announcement of the Competition via the Electronic Portal**

The Public Procurement Law stipulates the process of announcing the request for tenders and the duration of its preparation in both the press and the official bulletin for public dealer contracts, as well as the public procurement portal, based on Articles No. 65 and No. 66 of the Presidential Decree No. 15/247 regulating public procurement and facility authorizations.

Although public procurements are dealt with electronically through the electronic portal, at the same time press advertising and public dealer's bulletins cannot be dispensed because of their importance to economic operators.

The decree of the electronic portal stated, through its Article No. 15, that the announcement of tenders, invitations to initial selection, or consultation letters should be published on the portal at the same time, with advertisements being sent for publication in newspapers and the official bulletin of public dealers, or sending consultation letters to the concerned economic operators.

According to Article No. 11 of the portal's decree, the contracting departments specify the address for downloading the competition announcement documents when they are made available to contractors or candidates for public contracts electronically in the press announcement.

Article No. 17 of the portal's decree stated that in the case of a partnership of applications, the competition announcement documents are published in the name of the partnership by the head of the collaboration. In the case of a partnership of institutions, the scope statement (book of conditions) and the electronic pledge are uploaded in the name of the partnership by its head's name.

The portal's decree also stated, based on Article No. 13, that if the documents are large or of a confidential nature, the contracting departments can notify the economic operators on physical paper or electronically, which they can extract from the address specified by the announcement of the tender or the invitation to pre-selection or the consultation letter.

With regard to the date that is taken into account in calculating the period for preparing offers, Article No. 16 of the portal's decree refers to the decision to determine the date for the procedures. It followed the physical paper holder stipulated in the decree related to public contracts, which linked the period of preparation of offers to the complexity of the subject matter of the deal that controls it. The estimated period for preparing offers and submitting them to the relevant authorities can be extended the deadlines if circumstances require it, with the necessity of informing contractors by all means, according to what was stated in Article No. 66 of the Presidential Decree No. 15/247 mentioned above.

### **Part Three: Procedures of Candidates' Offers Submission via the Electronic Portal:**

According to Article No. 12 of the portal's decree, after the electronic announcement of the competition, contractors or candidates for public contracts respond by submitting their offers. In addition, they are requested to prepare a copy of the offers on a physical form and place it in a sealed envelope bearing the phrase "alternative copy," which must be delivered within the deadlines to the contracting

authority. The offers will not be opened if carries a virus or do not arrive within the legal deadlines. If the electronic file of the offer is intact and clean of any viruses, the unopened alternative copy will be destroyed.

Article No. 14 of the decree stated that when the contracting authority discovers a virus in documents related to the administrative file, it requests the candidate to send another submission. The latter must respect the provisions of Article No. 122 of the repealed Presidential Decree No. 10/236, which corresponds to Article No. 71 of the current Decree No. 15/247 that stipulates contractors are invited to complete their offers with the missing documents within a maximum period of 10 days. The offers can face a penalty of rejection by the bid evaluation committee if they do not respect the deadline.

This is not compatible with the nature of electronic transactions characterized by the speed in completion, because a period of 10 days does not make any of the parties benefit from the advantages of contracting through the electronic portal for public contracts. (Saliha, 2016, pages 74-75.).

When the contracting authority detects a virus in documents related to the offer, the alternative copy will be opened. However, if the alternative copy was not sent or was sent and it contained a virus, the contracting authority will attempt to repair the offer or alternative copy. It will continue to evaluate the offers if the repair succeeds because, in the event of failure to repair files that contain a virus, they are cancelled or considered incomplete. It maintains the trace of the virus and informs the concerned economic operator about his status.

Part Four: The stage of choosing, evaluating and selecting the best offer by the contracting authority.

By extrapolating the articles of the electronic portal's decree, it has been noted that although it dealt with the modern electronic method for concluding public

contracts, it limited itself to talking about the stage of announcing the competition. Then, it goes to the stage of exchanging documents between the contracting authority and economic operators to submit their bids, without addressing the process of opening and evaluating bids and determining the winner. Such a method is based on the articles of the Public Procurement Law found in the repealed Presidential Decree No. 10/236 and the corresponding articles in the current Presidential Decree No. 15/247.

With regard to the contracting authority's selection of the best offer in deals for the acquisition of supplies and regular services, the aforementioned Presidential Decree No. 15/247 was unique in its Article No. 206, compared to the cancelled Presidential Decree No. 10/236. It indicates that the contracting authority can make the best choice in terms of economic privileges in the case of deals for the acquisition of supplies and the provision of regular services resorting to two procedures:

1/ Resorting to the reverse electronic auction procedure, by allowing bidders to review their prices or other elements of their offers that can be quantified. The reverse electronic auction is one of the widespread tendering processes, to purchase products or perform works and services in which the supplier has information about other offers submitted, with which he enters into competition by constantly modifying his offer without usually knowing the identity of the other suppliers. Bids are submitted electronically through the auction website using the ranking information or the required amount, in order to outperform the offers of other suppliers who can view electronically the progress of the offers during the auction and make amendments to their offers accordingly. Reverse auctions are mostly used for standard products and services in which the price is the sole or at least the primary criterion for awarding the contract (Saliha, 2016, pp. 76-77).

2/ The use of electronic catalogues for contractors within the framework of a permanent acquisition system, in the implementation of a program contract or order

contract. These catalogues may be electronic versions of physical catalogues or include facilities for sending orders electronically so that a purchasing entity can practically use the electronic catalogue arrangement as a means of surveying suppliers in order to obtain price data. (Saliha, 2016, p. 77)

#### **4. CONCLUSION**

The implementation of e-government is a necessary requirement in our current time due to its positive impact on the operation of public facilities and the services available to citizens. It also contributes towards development goals by enabling faster achievement, cost reduction and simplified procedures. It promotes transparency in all administration work, whether it is at the central or local level, and reduces all forms of corruption that may exist within departments and among their employees. Ultimately, e-government facilitates successful, quick, inexpensive and productive legal work.

The electronic contracting also contributes to ensuring the integrity and transparency of concluding and implementing public contracts, because it reduces all forms of corruption such as favoritism, bribes, influence, and exploiting one's position, as well as procrastination in conducting procedures resulting in delaying the implementation of public contracts and non-compliance to the specifications, conditions and utility needs. Hence, negatively affects the provision of public service by both the municipality and the district.

Algeria, like other countries, has followed the path of implementing e-government, as well as electronic administration, in many vital and developmental fields. However, Algeria has been criticized for not exploiting its possession of information tools, means of communication, and human expertise. Algeria has not exploited these capabilities in the field of public transactions, despite the supporting Presidential Decree No. 10/236 before Articles 173 and 174, and the further confirmation of

Presidential Decree No. 15/247 from the text of Articles 203 to 206, as well as Law No. 23/12 through its Articles 105 to 107.

Algeria has recently made progress towards implementing laws that promote electronic procurement, especially during the epidemic period where it has been seen as a solution for all state facilities, whether central or local. It is important to accelerate the activation of electronic procurement and reform the electronic portal law to make it more comprehensive for all stages of public procurements. The government should work to implement the electronic portal to facilitate, accelerate, and add transparency to the work of local authorities, allowing them to achieve their development goals at all levels.

## 5. Bibliography List:

### 1. Books :

- Al-Mukhtar bin Ahmed Attar. (2010). Electronic contract. Al-Najah New Press, Casablanca.
- Hazem Salah El-Din Abdullah. (2013). Contracting of the management entity via the Internet - a comparative study. New University House, Alexandria.
- RaafatRadwan. (1999). The world of e-commerce. Cairo: Publications of the Arab Organization for Administrative Development.
- Abdel-Sabour Abdel-Qawi Ali Al-Masry. (2010). Cybercrime. Dar Al Ulum for Publishing and Distribution.
- Abdel-FanahBayoumiHegazy. (2006). E-commerce in the Arab Model Law to Combat Computer and Internet Crimes. Dar Al-Fikr University, Alexandria.
- Abdul HadiFawzi Al-Awad. (2005). Legal aspects of email. Dar Al Nahda Al Arabiya, Cairo.
- MajedRagheb Al-Helou. (2009). Administrative contracts. New University House, Alexandria.
- Mounir Muhammad Al-Janabihi, Mamdouh Muhammad Al-Janabihi. (D.S.N). The legal nature of the electronic contract. Dar Al-Fikr University, Alexandria.
- HibetSardouk. (2009). Public tender as a method of administrative contracting. Al-Wafa Legal Library, Alexandria.

## 2. Journal article :

-Amin bin Saeed, Nadia Abdel Rahim. (2015). E-government and its contribution to reducing corruption in public procurement, a case study of the Algerian electronic portal for public procurement. Algerian Journal of Social and Human Sciences, 02 (04).

-Bin OdehSaliha. (September 15, 2016). The importance of contracting through the electronic portal for public procurement. Mediterranean Journal of Law and Economics, University of Tlemcen, 01 (02).

-Dan Bou Abdullah, Markan Muhammad Al-Bashir. (01 09, 2015). The electronic portal for public procurement towards better improvement of public service within the framework of electronic administration. Journal of Finance and Markets, University of Mostaganem, 02 (02).

## 3. Seminar article:

-KheiraMegtaf. (2013). Electronic transactions in the field of public procurements. The role of public procurements law in protecting public money. Faculty of Law: Yahya Fares University of Medea, Algeria.

## 4. Laws:

-Order No. 75/58 (9/26, 1975). Containing the Algerian Civil Code amended and supplemented by Law No. 05/10 of 06/20/2005.

-Presidential Decree No. 10/236 (10/07/2010) Regulating Public procurements, official journal No. 58 dated 10/07/2010.

-Law No. 11/10 (06/22, 2011). Related to the municipality, official journal No. 37 dated 07/03/2011.

-Law No. 12/07 (21 February 2012). Related to the district, official journal No. 12 dated 02/29/2012.

-The decree of (11/17/2013). Specifying the content of the electronic portal for public procurements, its management and the exchange of information electronically, official journal No. 21 dated 04/09/2014.

-Presidential Decree No. 15/247. (September 16, 2015). Relating to the Law of Public Procurements and Public Facility Authorizations, official journal No. 50 dated 09/20/2015.

Law No. 23/12 (08/05/2023) sets out the general rules related to public procurements, official journal No. 51 dated 08/06/2023.