

The role of the rapporteur of the municipal public procurement commission in the governance of its decisions

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Abstract:

A committee for contracts is established in each municipality, tasked with external oversight of public procurement. These committees perform their duties according to regulations through members from various departments specified by the regulatory text concerning public contracts, and the committee chairs appoint rapporteurs from among their members for each file in order to study it and present it to the committee members to make the appropriate decision. The rapporteur bears significant responsibility in contributing to the governance of the committee's decision, which is a challenge we tried to analyze in this research, where we reached the importance of taking into account the competence and specialization of the rapporteur responsible for the prior study of the file, in order to govern the committee's decision when convened.

Keywords: public procurement . municipal committee . rapporteur . oversight □

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الملخص

تعتبر لجان البلدية للصفقات العمومية أحد أهم الآليات الرقابية على صفقات البلدية. وتمارس هذه اللجان مهامها عن طريق أعضاء معينين لمدة ثلاثة سنوات، وتابعين لعدة مصالح محددة حصرا بموجب التنظيم الخاص بالصفقات العمومية، وتتم عملية الرقابة عن طريق مقررين يعينهم رؤساء اللجان مسبقا من بين الأعضاء، بغرض دراسة الملف المعني بالرقابة وعرضه أمام أعضاء اللجنة لاتخاذ القرار المناسب. ويتمتع المقرر بصلاحيات ومسؤوليات كبيرة من شأنها الاسهام في حوكمة قرار اللجنة، وهو الرهان الذي حاولنا تحليله في بحثنا هذا، حيث توصلنا الى أهمية مراعاة كفاءة وتخصص المقرر المعني بالدراسة المسبقة للملف، وذلك بغرض حوكمة قرار اللجنة عند الانعقاد

الكلمات المفتاحية : صفقات عمومية – لجنة بلدية – مقرر – رقابة

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I. INTRODUCTION

The State aims to impose a strict policy of control over the funds of territorial collectivities in general, and municipal funds in particular, due to poor management within these entities. This issue is exacerbated by the varying levels of competency among elected officials from one municipality to another. Control mechanisms are in place, notably through the public procurement commissions established in 1,541 municipalities. These commissions exercise their functions of overseeing municipal markets according to the legislation and regulations in force. They are characterized by the independence of their decisions and the collective nature of their members. The commissions perform their control functions periodically within the limits of their competencies and are not subject to any external influence or pressure in their decision-making, which is conducted through deliberation and voting.

The Municipal Public Procurement Commission (MPPC) carries out its tasks within an internal system prepared and approved from the moment the commission is formed. This system's provisions derive from current regulatory texts, with the head of the commission, represented by the president of the Municipal People's Assembly, overseeing the commission's management, setting the dates for its sessions, and appointing rapporteurs. Each file must be studied, analyzed, and an opinion expressed in a detailed report that concludes with observations and suggestions. These are read before the committee members for deliberation on the day of the session.

The task of the rapporteur is neither easy nor simple; it is a responsibility that requires conducting a thorough, analytical, and detailed study of both the substantive and procedural aspects of each file presented by the commission president. Therefore, during the session, commission members have the opportunity to discuss certain issues recorded in the rapporteur's report. The responsibility for the details of the file rests solely with the rapporteur. This responsibility has led us to discuss in detail the role of the rapporteur within the municipal public procurement commission due to its significant impact on decision-making.

Based on the above, we pose the following problem: "What is the importance of the role of the rapporteur within the municipal public procurement commission?"

To address this issue comprehensively, we structured our study around three main axes, using both descriptive and analytical methods. First, we describe the variables under examination, then we analyze relevant texts and practical procedures concerning the role of the rapporteur.

To answer this question, we have attempted to divide our study into three main axes: the first focuses on the Municipal Public Procurement Commission in terms of its legal nature, composition, and competencies. The second axis addresses the tasks of the rapporteur and the key points covered in their study and analysis of the files presented to them by the commission president. Finally, in the third axis, we discuss the rapporteur's report and the outcomes it contains

1. The Legal Nature of the MPPC

Presidential Decree No. 15-247 of 16/09/2015, related to public procurement and public service delegation, establishes several types of PPC (Public Procurement Commissions) for external control missions of public markets. These commissions complement internal control, whether state-specific or dealing with public markets and their institutions, decentralized state departments, or municipal committees involved in municipal transactions and public institutions established according to applicable legislation, in addition to commissions of administrative public institutions (bahri, 2009).

1.1 Definition of the MPPC

The MPPC (Municipal Public Procurement Commission) is considered an external and deliberative control body that verifies the compliance of the contracting authority's procedures with applicable laws and regulations (Bouamrane, 2018). It meets periodically at the initiative of its president to carry out its competent missions related to the contracting interests it is administratively affiliated with, in accordance with its internal regulations developed and approved by it. This is in line with the internal regime model approved by Executive Decree No. 11-118 of 03/13/2011. Generally, there is a single contracting authority, namely the municipality itself, responsible for the public procurement commission unless the municipality

is affiliated with public institutions it has created under applicable legislation and regulations (Ziad, 2019).

The commission makes decisions to grant or reject the visa with justification or to accept or reject the appeal by a majority vote of the members present after the quorum is met. In case of a tie, the president's vote prevails. (decret, approval of the standard internal regulations of the public procurement commission, 11-118)

1.2 Composition of the MPPC

The MPPC, regardless of its population density, area, or geographical location (whether at the state headquarters, district capital, or outside the district capital), is composed of:

A. The PMPC or its representative as President: The Municipal Public Procurement Commission is chaired in principle by the President of the Municipal People's Assembly (PMPC), who can be represented in case of absence. The organization does not specify whether the president is an employee, elected, or contractual, leaving this a matter concerning the president's powers. (decret, 15-247)

B. Representative of the contracting service: Unlike the WMPC (Wilaya Public Procurement Commission), responsible for studying the markets of many contracting services, the MPPC handles the municipality's own markets, except when public institutions are created by the municipality. The representative is usually either the general secretary of the municipality or the head of the Public Procurement Service for their knowledge of all administrative procedures:

C. Two (02) elected members of the MPC: In addition to the president or their representative and the contracting service representative, the commission includes two elected members. The text does not specify the status of these elected members regarding their mandate, i.e., it does not require them to be vice-presidents, committee heads, or municipal delegates.

D. Representatives of the Minister of Finance (Budget - Accounting): Representatives of the Minister of Finance include the budget controller (formerly CF) of the municipality, who peacefully falls under the General Budget Directorate, and the public accountant of the municipality (Tc), who peacefully falls under the General Directorate of Treasury and Financial Operations Management of the State at the Ministry of Finance. These two members are considered the committee's heart due to their expertise and high training in finance and accounting and the Ministry of Finance's oversight of public transactions (Bodiat, 2017).

E. Representative of the technical service: The MPPC includes a member representing the technical service according to the session's agenda, with participation from a representative of the Public Works Directorate (municipal subdivision head) if there is an agenda item related to public works such as roads, public lighting, etc. A representative of the Public Equipment Directorate (municipal subdivision head) may also be present if there is an agenda item related to construction and restoration. Additionally, a representative of the Irrigation or Construction Directorate may attend based on the agenda, which does not preclude the presence of all technical service representatives if the commission's agenda includes several items in different fields.

After thoroughly examining the MPPC composition, we note that the regulatory text emphasizes the presence of a contracting service representative, who participates with a consultative voice and not a deliberative one. In the aforementioned composition, we see that the contracting interest, the municipality, is represented by the committee president (PMPC), in addition to the two elected members, all participating with a deliberative voice and not a consultative one.

Thus, the contracting service is essentially represented by four members, as the contracting service representative, the PMPC, and the two elected members will inevitably defend their municipality's project contracts.

We also observe that mathematically adopting the process clearly shows that the MPPC consists of six (06) members, including three (03) members, all elected and affiliated with the MPC (the president and the two elected members), and three (03) appointed members representing the Ministry of Finance and the Technical Directorate. In case of a tie, the president's vote prevails, raising the question: Are the votes of the elected members superior to those of the appointed members? Furthermore, the MPPC's visa involves both the CB and the CP within the framework of contract engagement and payment. (decret, 15-247)

1.2.2 Nomination of MPPC members:

The MPPC members and their successors are appointed by the decision of the Commission President, i.e., the President of the Municipal People's Assembly, upon the proposal of their originating administration. This appointment is for a duration of three (03) years.

It should be noted that the MPPC does not include members by their position, except for the president, who must be the PMPC due to their position. (decret, 11-118)

1.3 Competencies of the MPPC

The MPPC is responsible for studying:

- Progress of specifications
- Market projects and regular contracts with amounts ranging between:
 - Six million (6,000,000) DZD and fifty million (50,000,000 DZD) for services
 - Six million (6,000,000 DZD) and less than twenty million (20,000,000) DZD for studies
 - Twelve million (12,000,000) DZD and two hundred million (200,000,000) DZD for works and supplies.
- Amendments related to contracts within its competence
- Review of appeals related to the conclusion (decret, 11-118)
- Approval of internal statutes and their modifications

2. The Necessity of Designating a Rapporteur to Study Market Projects or Specifications before the Commission Meeting:

All files presented for commission study must be preliminarily reviewed by a rapporteur appointed by the president to carefully examine the file under study. This is a practice observed in MPPCs during their control functions, allowing the organization to specify the rapporteur's tasks and powers. We will address these points in the following sections:

2.1 Appointment of the Rapporteur

2.1.1 How to Appoint:

The rapporteur is appointed among the MPPC members by the commission president, i.e., the PMPC or their deputy. The selection criteria for the rapporteur are at the president's discretion, as they can appoint one of the elected members, the CB, the treasurer, or the technical service representative, the branch head, or the concerned service. However, field practices show that the president often appoints the CB or the treasurer due to their deep knowledge of laws and regulations related to public procurement procedures and daily practice in their control and accounting tasks.

2.1.2 Members Prohibited from Being Appointed as Rapporteur:

A. The president and their deputy: The president of the public procurement commission or their deputy cannot be rapporteurs to preserve neutrality and independence principles and avoid conflicts of interest. The president or deputy, representing the contracting service, which is the municipality itself, must also focus on managing and organizing the session, not reporting (decret, 15-247).

B. Representative of the contracting service: The contracting service representative cannot be appointed rapporteur for their authority's files to also preserve neutrality and independence principles. This representative participates in MPPC sessions with a consultative voice and not a deliberative one. Their role is to provide the committee with necessary information and clarifications during the study of their service's files, avoiding being both a party and an arbitrator in their interest files.

2.2 Notification of Files under Review:

The commission secretary must transmit a copy of the file under report to the rapporteur at least eight (08) days (decret, 11-118) before the commission meeting. This period can be reduced in urgent cases but not less than two (02) days before the committee meeting.

An eight-day period is considered sufficient for the rapporteur to fully examine and carefully study the project under report, allowing time to coordinate with the committee office regarding missing or unclear documents, which can then coordinate with the contracting authority as necessary. (bejaoui, 2012)

2.3 Documents to be Transmitted to the Rapporteur

The documents that the commission services must transmit to the rapporteur vary depending on the project under review:

2.3.1 For Spécification Projects:

- A detailed opération report
- General administrative clauses
- Common technical instructions
- Special instructions
- Technical offer and evaluation méthode

2.3.2 For Market Projects:

- Operation/program registration
- Advertising, attribution, and infeasibility procedures, if applicable, in national newspapers and written consultations, considering cases of simple direct agreement specified under Article 49 of the aforementioned Presidential Decree 15-247.

- COEO minutes
- Documents proving legitimate monopoly, if necessary
- Analytical Project sheet
- Report of the contracting authority service
- Market project
- Winning candidate's application file

2.3.3 For Amendment Project:

- Initial market
- Increase/decrease in the amendment project
- Orders of service and stop if necessary
- Justification report of the contracting service
- Report of the Study

2.3.4 Concerning Regular Markets:

- **Decision or operation registration program:**
 - This includes the emergency decision issued by the President of the MPA
- **The regular market:**
 - Price negotiation minutes.
 - Service orders and stoppages.
 - General final statement of services or works.

2.3.5 Concerning Appeals:

The rapporteur receives the appeal registered by one of the participants in the call for tenders during the preparatory phase of the market. This appeal must be submitted within the legal period of ten (10) days (Nyouwa, 2019) and must be accompanied by all the documents that help to examine and propose an opinion on the appeal, including: (boudiaf, 2013)

- **Specifications:**
 - Opening and evaluation minutes (preparatory appeals).
 - Any document related to the appeal.
- **The market and its amendments (executive phase appeals):**
 - Service start and stop orders.

3. The Prerogatives of the Rapporteur in Studying and Controlling Submitted Files

The rapporteur must ensure that the contracting service respects principles guaranteeing the effectiveness of public procurement and the proper use of public funds, particularly the equal treatment of candidates and the transparency and validity of procedures to maintain the spirit of competition. (Atoui, 2019) To achieve these principles, the rapporteur addresses the formal procedures and the substance of the file during their control (Hamamda, 2022).

3.1 Ensuring Formal Procedures

Once the rapporteur designated to study a file listed on the commission's agenda is informed, which includes the points to be studied and the designated rapporteurs for each file, the rapporteur ensures the following:

3.1.1 Notification of the Decision within Legal Deadlines:

The commission secretary is required to respect the eight-day deadline in normal cases and two days in justified urgent cases. If the commission secretary does not respect these deadlines, the rapporteur may request the postponement of the file's study due to the failure to respect the legal deadlines and the inability to thoroughly study the file. However, this does not prevent the rapporteur from studying the file even if the deadlines are not met, leaving this matter to their discretion.

3.1.2 Operation Registration and Its Financial Source:

A. Operational Markets: For management service affairs, the rapporteur ensures the availability of financial approvals and the registration of the process under review in the municipality's management budget, prior deliberations, or special authorizations, which may not be included in the initial or supplementary budget. The issue is the same for regular or application deals. This ensures that the Municipal Public Procurement Commission has jurisdiction over this type of transaction. If the rapporteur finds that the elements in question in the transaction are under-approved or exceed the amounts within the commission's competence, they will inevitably propose rejecting the agreement due to lack of competence.

B. Equipment and Investment Markets: Similarly, for purchases by the procurement service, the rapporteur ensures the program's registration in the municipality's transformation service, prior deliberations, or special authorizations, which may not be included in the initial or supplementary transformation budget. The program must include a number, year, and title corresponding to the transaction project or the annex under review. If the rapporteur clearly sees that the program approval is not within the commission's competence, they may suggest rejecting it as a form of incompetence.

C. Municipal Development Plans: Unlike operational and communal equipment markets, which are registered in the municipality's budget, municipal development plans are recorded following a decision issued by the wali and monitored by the director of programming and budget monitoring. The decision confirms that the procedure is registered with a decision bearing the number and title of the operation as well as the fixed amount, confirming whether the committee is competent or not, as mentioned earlier (decret, 98-227)

3.1.3 Ensuring Compliance with the Principle of Transparency:

Pursuant to Article 05 of Presidential Decree 15-247, concerning the organization of public procurement and public service delegations, the principle of transparency is regarded as one of the most crucial principles of administrative contracts and an essential mechanism for combating financial corruption. According to the United Nations definition, transparency means the "free flow of information in its broadest sense, i.e., the provision of information and working openly to allow stakeholders to obtain the necessary information to protect their interests, make appropriate decisions, and detect errors." This obligation requires the decision-maker to ensure that the contracting entity adheres to this principle (Hadji, 2012).

A. General Announcement of the Call, Attributions, Infeasibility, or Cancellation:

The rapporteur checks the procedures followed by the contracting service, including the announcement, call for competition, provisional attribution, the infeasibility of the procedure, or its cancellation through newspapers and announcements in both Arabic and a foreign language, usually French, due to the lack of other newspapers in Algeria. The concerned municipality has the right to advertise in the local press in the case of: (decret, 15-247)

- Supply and work markets with a value below 100,000,000 DZD.
- Service and study contracts with a value below 50,000,000 DZD.

In this case, the municipality, i.e., the contracting service, is required, in addition to advertising in local newspapers, to post the announcement at:

- The State headquarters (districts).
- All municipalities of the state.
- Chambers of Commerce, Industry, Traditional Industry, and Agriculture.
- The headquarters of the competent technical directorate (public works/public equipment/construction, etc.).

These steps are confirmed by copies of announcements bearing the date and arrival stamp of the concerned services.

B. Respecting the Right to Appeal: The decision will ensure that the contractor respects the right to appeal, especially the period provided for this right, estimated at ten (10) days, from the date of the first publication of the provisional attribution announcement in newspapers or the date of written notification of infeasibility or cancellation.

C. The Quality of the Procedure Responsible: No official or elected official can undertake public procurement procedures other than the PMPC, as the principal authorizing officer or their legally authorized delegate as the delegated authorizing officer. (law, 11-10)

3.1.4 The Market Contains Mandatory and Additional Mentions

The project must include the following mandatory and complementary mentions:

A/ Mandatory Mentions

- Precise definition of the contracting parties
- Identity and status of the legally qualified persons to sign the contract or the amendment
- The subject of the contract is clearly and precisely described
- Detailed amount in figures and words / excluding and including tax
- Payment methods (invoicing)
- Deadline for the implementation of the contract
- Bank domiciliation
- Termination conditions
- Date and place of signature

B/ Complementary Mentions on Articles:

- Method of awarding (open/limited tender/with minimum capacity requirements/competition)
- Reference to specifications
- Handling conditions, if applicable
- Possibility of price revision or updating
- Pledging in case of advances
- Rates and conditions of financial penalties
- Force majeure cases and application
- Conditions for the contract's entry into force
- Conditions for acceptance of the contract
- Texts and conditions applicable to dispute resolution
- Confidentiality, when necessary
- Insurances
- Compliance with labor law
- Environmental protection and sustainable development
- Articles related to the use of local labor

3.1.5: Preliminary Deliberation by the Municipal Council

To strengthen political control in a popular sense, the recent amendment to public procurement regulations requires the Municipal Council to deliberate on public procurement projects and their amendments, especially concerning the significance of the project for the municipality. The rapporteur reviews the deliberations of the Municipal Council approved by the supervisory authority (decret, 15-247).

3.2: Control of Substantive Procedures

After completing the oversight of formal procedures related to the transaction, annex, or specifications, we move on to the substantive procedures that require a high level of concentration and meticulous examination, especially since the municipal administration lacks competent and qualified personnel, unlike other public administrations.

3.2.1: Monitoring of Opening and Evaluation Minutes:

The task of opening and evaluating bids falls under the jurisdiction of the competent internal committee of the contracting service (Bodiaf, 2017), based on the scoring outlined in the specifications during its evaluation. Here, the rapporteur verifies the agreement and evaluation performed by the committee among the concessionaires participating in the operation under study. If an error is discovered in the arrangement, it will be included in the report, and the rapporteur will propose that the provisional award committee correct the error if necessary (bouzid, 2018).

3.2.2: Checking the Financial Offer of the Winning Bidder or Financial Changes in Case of an Addendum:

The rapporteur confirms two very important points in the financial offer, notably:

A/ No material error in the calculation

This is done by comparing the prices indicated in the quantitative and estimated statement with the prices shown in the unit price table, marked in letters and figures, while monitoring the tax rate applicable to the client, whether arbitrary or real.

B/ Verification of Lots and Items:

When studying the project's specifications, the rapporteur ensures that the designations of lots and materials subject to the service correspond to the title of the operation. For example, if materials related to the acquisition of equipment are found without the title of the operation containing the equipment process, it is recorded in the reservations included in the report.

As for the project contracts and amendments, the rapporteur ensures that the same materials, quotas, and quantities included in the contract or amendments comply with those specified in the specifications.

If the amendment provides for a modification of the quantities included in the agreement, the rapporteur ensures that these changes do not affect the financial balance of the agreement and the most important principle, competition, after noting several violations by the contracting service modifying significant percentages of the quantities won by the concerned bidder. This modification could result in another winner of the transaction if seized before the competition announcement.

In the case of an amendment including additional works or services not included in the initial contract and already carried out, the rapporteur ensures that they do not affect the financial balance of the contract or compromise the principle of competition, and that the occupation percentages or additional services are within reasonable limits and justified by the interests of competent study and technology offices. The displayed prices must be subject to reasonable negotiation.

C/ Monitoring the Minutes of Price Negotiations in Annexes and Regular Contracts:

In the case of an amendment including additional works (bouzid, 2018) the rapporteur examines the minutes of price negotiation for the completion of the works, ensuring that the contracting service is obliged to consult competent experts in this regard, such as the representative of the technical service and the study office. The minutes are presented in the form of a table summarizing the estimates of all parties as follows:

- Co-contractor service price
- Study office price
- Technical service price
- Contracting service price
- Final price after negotiation and agreement

This procedure must be given great attention and justification provided by the contracting service due to its violation of the principle of competition (teboune, 2018).

3.3: Rapporteur's Report

First, Report Format:

According to most regulatory texts, there is no specific, exclusive, or nullifying report format, but according to field practices, the report includes the following data:

- Date of report issuance
- Session date
- Status of the rapporteur (CB - Treasurer - Municipal Council Member, etc.)
- Subject of the file (specifications - project contract - amendment - regular contract, etc.)
- Type of program (management/equipment/own development plan)
- Market amount and operation amount
- Rapporteur's observations
- Proposed decision by the rapporteur

Second, Report Purpose:

A/ Rapporteur's Notes:

The report includes: (bejaoui, 2012)

The rapporteur's report contains the most important observations made regarding the studied file, not only highlighting negative aspects or shortcomings but also noting all positive and negative measures recorded during the study of the file subject of the report. (decret, 11-118)

Considering that after distributing copies of the report to the members of the MPPC and reading it in session by the rapporteur, the representative of the contracting service may provide clarifications, documents, or justifications for some ambiguities noted by the rapporteur, which can be raised in the session after being justified by the representative of the contracting service.

B/ Rapporteur's Opinion

The rapporteur's opinion is considered a summary of their conclusions after studying the file and may include:

- Proposing approval without any reservations
- Proposing approval after lifting the suspended reservations when they are related to the subject of the transaction, or proposing approval after lifting non-suspended reservations when they are related to the form of the transaction
- Postponement until the information is complete or due to the short study period
- Rejection, which in most cases is due to:
 - The contracting service violating one of the market principles (competition - equality)
 - Non-compliance with basic procedures
 - An error in the calculation of totals, affecting the ranking of the bidders
 - Amendments and modifications affecting the financial balance of the transaction
 - Materials and quotas not matching the title of the operation
 - Violation of any legislative and/or regulatory text which cannot be remedied

Third: Follow-up on Lifting Reservations

When the rapporteur's report and the MPPC's decision include the granting of approval with suspended reservations that must be lifted by the contracting authority, the rapporteur is responsible for monitoring the lifting of these reservations in communication with the commission office and the contracting authority. Upon lifting these reservations, the rapporteur will submit a summary report including the purpose of issuing an approval decision for the file in question (decret, 14-117).

3.4: Extent to Which the Rapporteur's Report Is Binding on the Commission

After the rapporteur reads their report, which includes their observations and suggestions, the commission members discuss the file concerned by the report, member by member, with interventions organized by the commission president. The report does not obligate the commission members to accept its suggestions; the decision remains based on the voting outcome. However, based on field experiences, the results of the rapporteur's report are taken into account in the vote, especially if the rapporteur is a representative of the Ministry of Finance, namely the CB or the Treasurer.

3.5 Rapporteur's Remuneration

The MPPC rapporteur receives a fixed financial attendance allowance of one thousand four hundred (1,400) DZD. This allowance is supplemented by a 40% rate for the rapporteur's status, or five hundred and sixty (560) DZD. Thus, the rapporteur receives a total gross amount estimated at one thousand nine hundred and sixty (1,960) DZD per session, and the rapporteur status rate does not change with the number of files reported in a session.

II. Conclusion:

Referring to the analyses discussed in this study, we conclude that the tasks assigned to the rapporteur are not easy, but they are surrounded by great responsibility that requires experience, competence, and sufficient knowledge, not only of the legislative and/or regulatory texts in force but also of the instructions, clarifications, and legal opinions issued to the interests of the Ministry of Finance, particularly the Public Procurement Department, the General Directorate of Budget, and the General Directorate of Accounting. In this context, we will attempt to present a set of recommendations derived from our theoretical study and our hearings with field experts on the following points:

1. Compliance with Legal Deadlines:** MPPC presidents must respect the legal deadlines for sending the file on the commission's agenda, whether it is a project contract, an amendment, or specifications, to the rapporteur in charge of studying the file.

2. Providing a Complete File The rapporteur should be provided with a complete file for the study, as the lack of documents forces the rapporteur to propose a postponement to complete the information. This requires another session and results in additional expenses for the session and the rapporteur, as previously mentioned in their amounts, not to mention the disruption of the

public institution's functioning due to postponements caused by a lack of documents, whether due to the commission's secretariat or the contracting service.

3. Reconsidering the Work of MPPCI is proposed to reconsider the work of the MPPC due to the absence of the principle of neutrality caused by the composition of the commission, which in fact includes four representatives of the contracting service and not one representative as provided by the public procurement regulation, given that the president and the two elected members also belong to the contracting service council. Therefore, we believe that the study of contract projects, terms of reference, and amendments for any municipality should be entrusted to another MPPC, to preserve the principle of integrity and neutrality.

4. Competence in Appointing Members:** When appointing the two elected members of the commission, the specialization and competence should be considered to the maximum extent by the commission president, as the level of municipal representatives plays a major role in the commission's control tasks, which aim to preserve the legitimacy of municipal expenses.

5. Reconsidering the Composition of the Municipal Public Procurement Commission:** It is necessary to reconsider the composition of the Municipal Public Procurement Commission in terms of adding a representative of the commercial services due to their major role, especially in supply contracts, as well as a representative of educational interests, particularly in offers for primary schools, for which the municipality is responsible for maintenance and management of their restaurants

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