

Digitalisation of public procurement in Algeria

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Received: 15August, 2023 Accepted: 10January, 2024 Published: 15February, 2024

Abstract:

The Algerian legislator has adopted a policy of digitalization of public facilities through the implementation of various modern technologies and tools, in order to keep up with technological advances in all fields. The legislator has strongly emphasized the generalization and implementation of digitalization in various forms within public institutions to achieve the modernisation of public institutions. The digitalisation of public procurement is considered one of the most important applications of digitalisation in daily administrative activities.

Tob Regul Sci.™ 2024;10(1): 604 - 622

DOI: doi.org/10.18001/TRS.10.1.40

Introduction:

Recently, the world has witnessed several technological developments and the emergence of information networks that have contributed to the development and achievement of economic efficiency. Following the example of other countries, the Algerian legislator has sought to modernise and digitise the public administration, moving from traditional management to electronic management, particularly in the field of public procurement. Public procurement is the main means of managing public funds and a strategic tool for managing and organising public institutions¹.

The public procurement digitalisation project is part of the government's e-government programme, which aims to reform public services, improve the use of public funds and promote rules that encourage competition, while combating all practices related to fraud and corruption.

The beginning of the digitalisation of public procurement was marked by the introduction of electronic transactions and the elimination of their physical nature by the Algerian legislator.

¹- Mustafa Makhachaf, "The Impact of Electronic Media on Information Exchange in the Field of Public Procurement," Algerian and Comparative Public Law Journal, Volume 07, Issue 02, 2021, p. 96.

This is evidenced by the electronic communication and exchange of information through the electronic public procurement portal¹.

This chapter is divided into two sections: The first section will define the concept of digitisation of public procurement and explain its characteristics. The second section will highlight the aspects that demonstrate the commitment to the digitisation of public procurement, focusing on the creation of the electronic public procurement portal.

Section One: The Digitalisation of Public Procurement Concept

Due to the rapid development of technology, digital transformation has become an urgent necessity in the field of public procurement, as it is the most important channel for disbursing public funds, implementing development plans and meeting public demands.

Digitising public procurement is a positive step towards reforming and improving public services. It involves the introduction of electronic transactions into public procurement processes and procedures, transforming them from traditional methods to a new approach based on modern communication tools and various digital means².

Based on this, in the first part we will discuss the definition of the digitalisation of public procurement and its meaning.

Part One: Defining the digitisation of public procurement and its importance

Public procurement is one of the most important areas requiring digitalisation in terms of contracting, administration and monitoring. Digitalisation of public procurement refers to the transition from traditional working methods to modern methods based on digital technologies³.

Digitalisation of public procurement serves as a legal guarantee to achieve the principles of competition, integrity and equality between competing contractors. It also ensures the effectiveness of public requests and the proper use of public funds, rationalises public spending and combats corruption in this area.

¹- Nadia Tiab, "Towards Digitizing Public Facilities in Public Procurement," a published intervention on the website: <http://dspace-univ.masila.dz> Accessed on 01/05/2023 at 13:00, 2019, p. 04. dspace-univ.masila.dz Omar Qadi, Noura Boualaqa, "Removing Materiality from Public Procurements in Light of Activating the Electronic Portal for Public Procurements: A Comparative Study with the Countries of the Arab Maghreb," Volume 08, Issue 01, 202, p. 202.

²- Fayza Marahi, Walid Kahoul, "Challenges of digitising public administration to protect competition in public procurement", Journal of Research in Contracts and Business Law, Volume 07, Issue 04, 2022, p. 312.

³- Bakhta Amhadi, Rabah Merwani, "The Role of Digitisation in Improving the Performance of Public Facilities for Local Authorities", Master's thesis, Mohammed Bouadiaf University, Msila, Algeria, Faculty of Economic and Commercial Sciences and Management, 2021, p. 09.

Therefore, in the following subsections we will look at the definition of digitalisation in public procurement and its importance.

Subsection One: Definition of Public Procurement Digitisation

Digitalisation of public procurement is a procedural process by which electronic transactions are introduced into its procedures and means of contracting, removing their material nature by transforming them into a virtual world through information systems¹.

Within the framework of the digitalisation of public procurement, all electronic means and regulations are used to carry out the procurement electronically, transforming the sources of information from their traditional form into a digital form².

"In the context of e-procurement, public contracts are not concluded in the usual way with the physical presence of the parties and a traditional contracting body. Instead, they are concluded with the presence of an electronic intermediary for both parties involved in e-procurement, where the parties do not meet in person but conduct their transactions remotely. Information and agreements are exchanged via the information network³.

Secondly, the digitisation of public procurement plays an important role in the implementation of the principles underlying public procurement. This is evident in the freedom of access to public demand, the freedom of competition between candidates and the transparency of procedures. It is also important in terms of reducing costs for contracting authorities, attracting a larger number of economic operators and encouraging entry into the competitive market.

Firstly, it achieves and embodies the principle of transparency:

1- Freedom of access to public demand: This guarantees free access to competition and gives everyone who meets the published conditions⁴ of the procurement procedures the opportunity to compete for the benefit of their implementation.

2- Freedom of competition between candidates: This principle guarantees the right of all bidders to submit their bids for contracts as long as they meet the legal requirements, without

¹- Mohamed Ben Al-Akhdar, Lamine Harraoush, "Public Procurement and Electronic Transactions in Algerian Legislation", Journal of Humanities Sciences, Volume 20, Issue 02, 2020, p. 59.

²- Nacira Rabie, "The Inevitability of Digitisation as a Mechanism for Implementing E-Government in Algeria", Journal of the Professor Researcher for Legal and Political Studies, Volume 06, Issue 02, 2021, p. 1034.

³- Hossam Sayit, Hisham Redwan, "The Legal System of Electronic Public Procurement", Master's thesis, University of Abdelhamid Ibn Badis, Bejaia, Algeria, Faculty of Law and Political Science, 2018, p. 18.

⁴- Hajira Tumi, Mariam Meskem, "The electronic portal as a mechanism to enhance transparency and simplify procedures for public procurement", Masaadiya Journal, Volume 04, Issue 01, 2022, p. 92.

discrimination or granting exemptions to some competitors or requiring additional procedures for certain contractors over others¹.

3- Ensure transparency of procedures: This principle is one of the most important as it ensures equality between contractors and leads to equal opportunities between them. It treats candidates equally in terms of procedures and deadlines. On the other hand, it requires them to submit their tenders in sealed envelopes, the contents of which remain unknown until the date on which they are opened by the competent committee, in order to prevent any fraud, price manipulation or exclusion of a candidate without any legal basis, thus achieving the public interest².

Second, to reinvigorate the relationship with the contractor:

1- Reducing costs for the contracting authority

The digitalisation of public procurement uses the method of electronic publication, which saves costs for the contracting authority. It allows them to publish the notice on their website throughout the tendering period without any financial cost. Electronic publication is therefore considered to be the best alternative to publishing and reprinting tenders in printed journals, which involves significant financial costs³.

2- Attracting a larger number of economic operators: Electronic publication of public contracts allows the contracting authority to reach the largest possible number of economic operators. This gives the contracting authority a wider range of options from which to choose the best offers. It also makes it possible to receive several tenders within a short period of time⁴.

3- Encourage competitive market entry: Digitisation of public procurement contributes to competitive market entry by providing information on markets worldwide and enabling price comparisons for goods and services within and outside the country. This increases competition between product manufacturers and service providers⁵.

The second requirement: Characteristics of the digitalisation of public procurement:

The digital transformation of public procurement gives it a number of characteristics that distinguish it from traditional public procurement. These include the transition from paper-based administration to digital administration and the removal of the physical aspect of public

¹- Hossam Sayit, Hisham Redwan, aforementioned dissertation, p. 18.

²- Belkacem Sefiane Bouakazi, Fatima Mesili, "The Electronic Portal under Algerian Public Procurement Law", Master's thesis, Mohamed Boudiaf University, M'sila, Algeria, Faculty of Law and Political Science, p. 49.

³- Mohamed Ben Lakhder, Lamine Haroush, aforementioned article, p. 61.

⁴- Mohamed Ben Lakhder, Lamine Haroush, article cited above, p. 62.

⁵- Mohammed Boukamash, Khaloud Klach, "The Electronic Portal for Public Procurement within the Legal Texts", Journal of Law and Political Science, Volume 06, Issue 02, 2019, p. 27.

contracts by introducing electronic means. This is reflected in the provisions of Chapter 2 of Law 23/12 on the General Rules for Public Contracts¹.

In this requirement, we will highlight two important features of the digitisation of public procurement: dealing with electronic management (part 1) and removing the material aspect from public procurement (part 2).

Part 1: Managing electronic administration:

One of the most important characteristics of the digitisation of public procurement is the management of electronic administration, also known as digital administration. It is based on the digitalisation of most administrative tasks and their electronic processing by means of information and communication technologies².

E-government is the provision of electronic services to individuals and institutions, enabling them to benefit from these services via the Internet. It is defined as an integrated electronic system aimed at transforming traditional administrative work into computerised work based on information systems and the Internet. The interaction with e-government is evident in the communication with the electronic public procurement portal³.

The second aspect: Eliminating the physical aspect of public contracts

The digitisation of public procurement ensures better access to public tenders by removing the physical aspect. This can be seen in the following aspects:

First, in terms of contracting:

The conclusion of public contracts in the context of digitisation takes place electronically. The contracting parties do not meet physically for a real contract meeting, but for a virtual one. Information is exchanged electronically⁴.

Second, implementation:

Although public contracts are concluded electronically, their execution still requires physical implementation. There are exceptions, however, where certain contracts relating to studies can be

¹- Law No. 23/12 of 5 August 2023, establishing the general rules for public procurement, Official Gazette of 6 August 2023, issue 51.

²- Bouabdellah Waddane, Mohamed El Beshir Merkan, "The Electronic Portal for Public Procurement: Towards Improving Public Service for the Benefit of the Public in the Context of Electronic Administration", Journal of Finance and Markets, Volume 02, Issue 02, 2015, p. 102.

³- Amin Ben Said, Nadia Abdel Rahim, "E-Governance and Its Contribution to Combating Corruption in Public Procurement", Algerian Journal of Social and Human Sciences, Volume 02, Issue 04, 2015, p. 67.

⁴- Article 107 of Law No. 23/12, mentioned above.

executed entirely electronically. This helps to reduce financial costs and fees for the parties involved in the public contract¹.

Thirdly, with regard to evidence and performance:

In the past, traditional public contracts were evidenced by paper documents. In the context of digitalisation, however, they are evidenced by electronic documents. Electronic writing and electronic signatures have become the reference for proof. In addition, fulfilment is facilitated by electronic payment methods, which have replaced traditional payment methods².

The second section:

Aspects of institutionalising the digitalisation of public procurement

In order to institutionalise the digitalisation of public procurement, the Algerian legislator introduced the electronic public procurement portal. This portal serves as a mechanism to achieve transparency, bring the administration closer to the citizens, ensure the provision of public services and improve their quality. It also helps to save time and reduce corruption³.

Through this study, we will clarify the legal establishment of the electronic public procurement portal (first requirement) and the means and procedures for concluding public contracts through this portal (second requirement).

First requirement: Establishment of the electronic public procurement portal:

The Algerian legislator provides for the creation of the electronic public procurement portal in order to allow the publication of information and the exchange of documents by electronic means⁴.

If we refer to the decision of the Minister of Finance of 17 November 2013, which defines the content of the electronic portal for public contracts, its management procedures and the methods of electronic exchange of information, we find that it specifies its content and management procedures.

¹- Mohamed Ben Lakhder, Lamine Haroush, previously mentioned article, p. 60

²- Mohamed Ben Lakhder, Lamine Haroush, same article, p. 61.

³- Mohamed Zakaria Rqraqi, "Separating the material contract from the procedures for public procurement in Algeria", *Voice of Law Journal*, Volume 17, Issue 01, 2020, p. 09.

⁴- Fatiha Meloudi, Fatima Zaazoua, "Digitisation as a mechanism for implementing the principle of transparency in the field of public procurement", *Algerian Journal of Public and Comparative Law*, Volume 07, Issue 02, 2021, p. 467.

In addition, Law 23/12, in its second chapter, specifically in its second section, addresses the issue of communication and exchange of information by electronic means¹.

Through this requirement, we will define the concept of the electronic portal for public contracts (branch 1) and the impact of the electronic portal on the conclusion of public contracts (branch 2).

Line 1: The concept of the electronic public procurement portal

The e-portal is a manifestation of the adoption of the digitalisation approach in the field of public procurement. It is an electronic website specialised in the collection of information related to public contracts and provides services to contracting authorities and economic operators through their registration and invitation to compete electronically².

In order to clarify the concept of the e-portal, we will firstly discuss its definition, secondly its functions and thirdly its objectives.

First: Definition of the electronic public procurement portal

The Algerian legislator, through Law 23/12 on the General Rules for Public Contracts, did not provide a definition of the e-portal. It only focused on the process of communication and exchange of information.

Similarly, the decision of the Minister of Finance only mentions its content and management procedures. However, on the basis of the functions it offers, it can be defined as a specialised electronic site for the collection of information related to public contracts. Algeria adopted it with the aim of developing public services, modernising administrations and institutions and enabling contracting authorities to meet their needs in terms of transparency and efficiency³.

The electronic public procurement portal allows the electronic exchange of information between contracting authorities and economic operators, the publication and exchange of documents between them and the electronic conclusion of public contracts⁴.

Second: Functions of the electronic public procurement portal

¹- Articles 105, 106 and 107 of Law No. 23/12, cited above.

²- Hichem Messaoudi, "An analysis of the laws regulating the guarantees of the Algerian electronic portal for public procurement", *Journal of Comparative Legal Studies*, Volume 07, Issue 02, 2021, p. 275.

³- Samain Boughazi, "The Algerian Electronic Public Procurement Portal: Between the Variables of the Present and the Prospects of the Future", *African Journal of Legal and Political Studies*, Volume 05, Issue 01, 2021, p. 167.

⁴- Mounia Jaleel, "Management of the Electronic Portal for Public Procurement and Prospects for Improving Public Service", *Algerian Yearbook*, Volume 36, Issue 01, 2022, p. 65.

1. Electronic publication, which involves the digital storage, electronic dissemination and display of information via communication networks¹:

Electronic publication through the electronic portal for public contracts is carried out by making available legislative and regulatory texts relating to public contracts, as well as lists of prohibited and excluded economic operators and any other document that can be received and read electronically².

The electronic public procurement portal ensures the publication of the following³:

- * Publication of legislative and regulatory texts relating to public contracts.
- * Publication of the list of economic operators banned and excluded from participation.
- * Publication of legal advice on public contracts.
- * Publication of reports by contracting authorities on the implementation of public contracts.
- * Publication of reference prices.

2- How to register

The electronic public procurement portal provides both contracting authorities and economic operators with an electronic account to carry out their transactions. This is done by registering on the portal, which involves filling in and signing the registration form and sending it to the administrator of the electronic portal⁴.

3- Search

The ideal mechanism for providing information access services is the specification of certain keywords and terms that speed up and facilitate the search for content, without the hassle of searching through web pages. It also provides document encoding, electronic signature of documents, interactive guides for portal users and any other function necessary for the smooth operation of the portal⁵.

¹- Fatiha Meloudi, Fatima Zaazoua, aforementioned article, p. 466.

²- Hichem Messaoudi, article mentioned above, p. 281.

³- Article 03 of the ministerial decision issued by the Minister of Finance on 17 November 2013 defining the content of the electronic portal for public procurement and the methods of its management and electronic exchange of information, Official Gazette of the Algerian Republic, published on 09 April 2014, issue 21.

⁴- Murad Imrani, Adel Qarana, "The Legal System of the Electronic Portal for Public Procurement", Journal of Legal and Political Studies, Volume 06, Issue 01, 2021, p. 672.

⁵- Belkacem Sefiane Bouakazi, Fatima Mesili, aforementioned thesis, p. 33.

Third: Objectives of the electronic public procurement portal

The aim of the electronic portal is to modernise the procedures for concluding public contracts and to facilitate relations between economic operators and contracting authorities. It also aims to increase competition and to collect data on public contracts, as well as to exercise control in order to reduce corruption and promote transparency¹.

Article 4 of the Ministerial Decision, which defines the content of the electronic public procurement portal, its management methods and the methods for exchanging information by electronic means, sets out the main objectives of the portal as follows²:

- Registration of contracting authorities through the portal.
- Registration of economic operators.
- Determination of the basic criteria for the conclusion of a public contract and the authorisation of the public entity.
- Saving time, facilitating procedures and providing quick access to information.

The second part: The impact of the electronic portal on the award of public contracts:

The activation of the electronic public procurement portal leads to a series of changes that establish transparency and integrity in public procurement. The most important of these changes are the elimination of bureaucracy and administrative corruption, the elimination of paper-based support and the creation of a digital infrastructure.

First: Elimination of bureaucracy and administrative corruption:

The electronic public procurement portal helps to overcome the problem of bureaucracy and administrative corruption, as it operates without human intervention in the administration, ensuring the smooth running and integrity of public contracts and protecting them from all forms of corruption, including bribery, unjustified privileges and favouritism. It also ensures the neutrality of the administration in the selection of the economic operator to be contracted³.

¹ Nabilah Igujil, "The Role of Electronic Portal for Public Procurement in Combating Corruption Crimes", *Journal of Legal and Political Thought*, Volume 06, Issue 01, 2022, p. 1093.

² Article 04 of the aforementioned Ministerial Decision of 17 November 2013.

³ Hajira Tumi, Mariam Meskem, aforementioned article, p. 99.

Some of its measures to prevent the spread of corruption are as follows: Unifying sources of information, documenting them and making them clear, which allows economic operators to carry out their transactions impartially and securely¹.

Delivering services electronically according to a planned and organised programme ensures the security, confidentiality, archiving and protection of documents against piracy, loss and damage².

Second: Eliminating paper-based support and creating a digital infrastructure

The electronic portal for public contracts ensures the elimination of the physical nature of public contracts and the transition from paper-based supports to the adoption of new technological equipment, which appears through the security of computer equipment, the interconnection of networks and devices, and the security of modern means of communication.

The infrastructure is considered a necessary condition for the activation and success of the digitalisation of public procurement, but it requires the provision of computer equipment and computers, the provision of communication services³, and the training of the human element in the use of electronic administration, thus eliminating the digital illiteracy that hinders the adoption of an information system in administrations.

The second requirement: Means and procedures for concluding public contracts electronically

Contracting through the electronic public procurement portal is a method that offers many advantages, such as accuracy, speed and simplicity. Therefore, the conclusion of public contracts through this portal requires the abandonment of traditional methods of conclusion and the use of electronic means of conclusion, as well as for the procedures of conclusion⁴.

In the light of this requirement, we will explain the means of concluding public contracts electronically (branch 1) and the procedures for concluding public contracts electronically (branch 2).

Branch 1: Means of concluding public contracts electronically

¹- Abdelrahman Ben Grad, Abdelkader Mahdaoui, "Electronic Transactions in the Field of Public Procurement", Comparative Study Ph.D. Thesis, University of Mohamed Boudiaf, Adrar, Algeria, Faculty of Law and Political Science, 2021, p. 247.

²- Nabilah Aqoujil, the previous article, p. 1097.

³-Belkacem Sefiane Bouakazi, Fatima Mesili, the previous article, p. 43.

⁴- Rabah Lakhdar, Iman Bounasser, "The Role of Electronic Administration Technologies in Activating the Principles Governing Public Procurement", paper presented on the website: <http://dspace-univ.masila.dz> Accessed on 05/05/2023 at 14:00, 2019, p. 02.

Public contracts are concluded through the electronic portal using electronic means, which should ensure the security of the information disclosed as well as the confidentiality of the nominations and offers, which should be generally available and accessible at all times¹.

These means include the use of email (branch 1) and the use of the website (branch 2).

First: Use of e-mail

The Internet allows users to conclude contracts by obtaining an e-mail address specific to the user who wishes to conclude the contract. The supplier sends an e-mail message to the recipient containing an offer of goods or services, or the recipient can send his acceptance in the same way.

Email is characterised as a simple way to send positive and acceptance messages online in an easy, fast and cost-effective way. It also allows the administration to send and receive correspondence in a standard time frame².

Second: Use of the website

The website is a collection of information material containing text, images or graphics through which products or services are published. The contracting authority can benefit from the site either by publishing calls for tenders or by consulting suppliers' websites³.

The second branch: Procedures for concluding public contracts via the e-portal

The conclusion of public contracts through the electronic portal depends on the compliance by the contracting authority and the economic operators with the procedures laid down in Law 23/12 and the ministerial decision issued by the Minister of Finance.

The first procedure to be followed is registration on the electronic portal:

Both the contracting authorities and the economic operators are registered and provided with a specific e-mail address in order to access their respective functions. This is followed by the procedures for communication and exchange of information.

First: Notification and registration on the electronic public procurement portal

¹- Rabah Lakhdar, Iman Bounasser, the same article, p. 04.

²- Salihah Ben Ouda, "The Importance of Contracting through the Electronic Portal for Public Procurement", *Mediterranean Journal of Law and Economics*, Volume 01, Issue 02, 2016, p. 17.

³- Hamdi Suleiman Al-Qubaylat, "The Legal System for Contracting Electronic Administrative Contracts", *Studies in Sharia and Law Sciences*, Volume 24, Supplement 2007, p. 227.

The first procedure to be followed in order to conclude public contracts via the electronic portal is to establish electronic contact, which ensures that both the contracting authority and the economic operators have access to the portal.

The purpose of the electronic portal is to provide both the contracting authorities and the economic operators with an electronic account to enable them to access their respective functions¹.

To register on the portal, both contracting authorities and economic operators must designate an authorised natural person who will be provided with an e-mail address. They must also complete and sign a form and send it to the Portal Administrator by e-mail, or the forms may be submitted directly to the Portal Administrator².

Second: Introduction of electronic communication and information exchange procedures:

The electronic exchange of information is carried out in accordance with the provisions of Law 23/12, which stipulates that contracting entities must make available the documents relating to the invitation to tender in accordance with a timetable established by decision of the Minister of Finance. Economic operators for public contracts are obliged to respond to the electronic invitation to tender according to the aforementioned timetable³.

The electronic exchange of documents between the contracting authorities and the economic operators is as follows:⁴

A- For the contracting authorities:

- Preparation of the tender conditions
- Subscription forms, letters of commitment, declarations of integrity and investment commitments
- Invitations to tender, invitations to pre-qualify and consultation letters
- Requests for completion and clarification of bids
- Provisional awards of public contracts
- Futility of proceedings

¹ Article 04 of the Ministerial Decision of 17 November 2013, cited above

² Article 10 of the Ministerial Decision of 17 November 2013, same reference.

³ Article 107 of Law 23/12, previous reference.

⁴ Article 9 of the Ministerial Decision of 17 November 2013, cited above.

- Cancellation of procedures or provisional awards of public contracts
- Responses to requests for clarification of tender conditions
- Replies to requests for evaluation results and appeals

In the case of voluminous or confidential documents, contracting entities may send them to economic operators in paper or electronic form¹.

If a contracting authority discovers a virus in documents relating to the administrative file, it shall ask the economic operator to send an alternative copy. If the virus is in documents relating to the tender, the alternative copy, if sent, is discarded and the contracting authority attempts to repair the tender. The evaluation of the tenders will continue if the repair is successful².

B- For traders³:

- Declarations of subscription
- Undertakings- Integrity Declarations
- Investment commitments
- Requests for additional information and clarification of tender conditions
- Collection of tender documents and supporting documentation
- Nominations during the prequalification process
- Technical and financial offers- Revised tenders
- Requests for evaluation results and appeals

Economic operators are allowed to submit a copy of their tender to the contracting authority within the legal deadlines, either in paper or in electronic form, and to indicate that this copy is marked as an alternative copy.

¹- Article 13 of the Ministerial Decision of 17 November 2013, *supra*.

²- Khaled Bouzidi, "Communication and information exchange electronically as a new measure to promote the principles of transparency and equality in public procurement", *Journal of Human Rights and Public Liberties*, Volume 03, Issue 02, 2018, p. 290.

³- Article 07 of the ministerial decision of 17 November 2013, cited above.

The alternative copy will not be opened if the electronically submitted tender contains a virus, is not received within the legal deadlines, cannot be opened or if the alternative copy is not received. In such cases, the unopened alternative copy will be destroyed¹.

Conclusion:

The development of communication tools and devices has been widespread in all areas, including public procurement. The digitalisation of public procurement is considered the best way to achieve economic efficiency, as it is one of the most important areas that require digitalisation in terms of contracting, management and monitoring. In order to implement digitalisation technologies, an electronic public procurement portal has been adopted, through which procurement can be carried out electronically.

The electronic portal has several functions, including publication, registration and search. It also provides document encryption and electronic signature. The process of carrying out public procurement through the portal depends on registration as a first step, where contracting entities and economic operators register in order to be able to communicate and exchange information electronically, as well as perform their designated functions, using electronic means such as e-mail and the website.

In order to ensure the integrity and transparency of public procurement, the Algerian legislator had to take advantage of the technological advances in communication and information exchange that have swept the contemporary world, and to take into account the effects of the information revolution.

The digitalisation of public procurement is a modern approach that falls within the framework of the implementation of electronic administrative systems, where it is based on the integration of information technology with the communications revolution in order to provide public administrative services in electronic form.

As part of the digitalisation of public procurement, the Algerian legislature has created a dedicated electronic portal for public procurement, which is considered one of the most innovative tools for implementing economic policy in the country. Its scope and operation are defined by a joint decision of the Minister of Finance and the Minister of Information Technology and Communication.

The electronic public procurement portal is a specialised website that allows economic operators to access and keep up to date with all developments. It offers organised and categorised digital

¹- Khaled Bouzidi, "Electronic Communication and Information Exchange as a New Measure to Promote the Principles of Transparency and Equality in Public Procurement", previous article, p. 298.

functions that ensure the publication, exchange of documents and information and the electronic conclusion of public procurement contracts without the need for the physical presence of the parties involved.

The digitisation of public procurement is a positive step towards the reform of public services. However, it still lacks technological and legal mechanisms. Our study has led us to a number of findings, which can be summarised as follows:

- The Algerian legislator did not provide a clear definition of the digitalisation of public procurement, but rather referred to the electronic portal and the notions of electronic communication and information exchange as indicators of the activation of electronic contracting, which falls within the framework of digitalisation.

- The electronic public procurement portal is not really operational. Its creation is limited to some legal texts without any practical activation.

- Compared to Morocco and Tunisia, the electronic portal falls far short of its objectives, particularly in terms of protecting submitted bids against electronic infringements and damages, and the difficulty of proving electronic transactions.

- The technical aspect of digitising public procurement requires a high-speed Internet flow, but the current situation in Algeria is characterised by significant weaknesses and frequent interruptions.- The use of alternative methods for the electronic resolution of public procurement disputes is mainly based on their flexibility and simplicity, which facilitates their implementation and leads to amicable solutions that benefit the public interest. This also reduces the backlog of cases and the pressure on the judicial authorities.

On the basis of the results obtained, we consider it necessary to make the following proposals:

- The need to strengthen and improve the Internet network, as the interruptions it suffers hinder the smooth running of procurement procedures.

- Public officials and economic operators should be trained and empowered to use modern communication technologies and electronic systems.

- Improve control mechanisms to combat corruption in the digital environment.

- The Algerian legislature should reconsider the decision of 17 November 2013 defining the content of the electronic portal with regard to the final announcement of the award of temporary contracts and appeals through the electronic portal, as it does not address these issues.

-Work on the integration of relevant legal texts related to the protection of electronically submitted tenders, the role of tender opening and evaluation committees in electronic format and the provision of the necessary legal guarantees to give evidentiary value to electronic records.

-Accelerate the activation of the electronic public procurement portal.

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