

**EXECUTIVE DECREE No 02-66 1422 of the 23 Dhou EL Kaada
corresponding to 06 February 2002 defining**

**The procedures for awarding mining titles following a Request for
Bids**

The Head of the Government, Following the report of the Minister of Energy and Mining,

Given the Constitution, notably Articles 85-4° and 125 (paragraph 2);

Given Law No. 90-08 dated 7 April 1990, concerning the commune;

Given Law No. 90-09 dated 7 April 1990, concerning the Wilaya;

Given Law No. 01-10 dated 11 Rabie Ethani 1422 corresponding to 3 July 2001, the Mining Law;

Given Presidential Decree No. 2000-256 dated 26 Joumada El Oula corresponding to 26th August 2000, appointing the Head of the Government

Given Presidential Decree No. 01-139 dated 8 Rabie El Aouel corresponding to 31 May 2001 concerning nomination of members of the Government;

Given Executive Decree No. 96-214 dated 28 Moharram 1417 corresponding to 15 June 1996 fixing the responsibilities of the Minister of Energy and Mining;

Given Executive Decree No. 98-339 13 Rajab 1419 dated 3 November 1998 corresponding to 3rd November 1998 defining the regulations applicable to classified installations and their nomenclature;

Hereby decrees:

Article 01: In application of Law No. 01-10 of 11 Rabie Ethani 1422 corresponding to 3 July 2001, the mining law, notably Articles 119 and 124, this Decree is intended to define procedures for the request for bids and selection of Parties awarded mining titles for the exercise of mining,

On the basis showings or deposits proposed to Tender.

Article 02: Award of the mining titles as per Article 1 below, concerns:

- Indexes or deposits discovered and/or opened following works financed by public funds and located in non-attributed perimeters;
- The perimeters already attributed and restored to the status of open surface for the research or exploitation of mineral substances following the renunciation or abandonment of exercise of such activity by the holder of a mining title, or following withdrawal of the mining title in conformity to the law.

The Agence Nationale de la Géologie et du Contrôle Minier will prepare an exhaustive inventory of the indexes and deposits opened following works financed by public funds and eligible for tendering to mining companies.

Article 03: Prior to constitution of the request for bids dossiers for the indexes and deposits to propos to tender, the Agence Nationale du Patrimoine Minier, after an inspection of the site and study of the possibilities for carrying out the proposed mining activity, will prepare the technical dossiers and submit them to a preliminary inquiry in the wilayas in whose territory the said indexes and/or deposits are found. Each dossier will include:

1. for indexes:

- A map on a scale of 1/ 25 000 or 1/50 000 with delineation of the perimeter of the search zone for the indexes;
- Information on the legal nature of the land and identity of the owners or custodian;

2. for deposits;

- A map of the scale of 1/25 000 or 1/50 000 locating the perimeter of the deposit and the surface area necessary for the mining activity;
- A report describing the site with indication of any possible impact of the proposed activity on the environment;
- A summary description of the nature and type of mining activity which may be performed;
- Information on the legal nature of the land and identity of its owners or custodians.

Article 04: After obtaining the decision of the local services concerned, the Wali with territorial jurisdiction will send to the Agence Nationale du Patrimoine Minier, within a period not exceeding one (1) month from the date of receipt of the dossier, its decision on award of the mining rights, the subject of the Inquiry.

Any rejected dossier must be accompanied by documentary justification issued by the Department issuing such rejection.

Article 05: Following obtaining of the Inquiry results, the Agence Nationale du Patrimoine Minier will prepare the request for bid dossiers for the indexes and/or deposits the subject of a favourable response, and will issue the Request for Bids.

Article 06: In the case of an index, the Request For Bids will incorporate:

- The specification of which the model is defined by the Minister of Mining;
- A map on the scale of 1/ 25 000 or 1/50 000 concerning the delineation of the perimeter of the prospecting/exploration zone where the indices are located;
- An identification sheet with a brief description of the works performed and their results;
- Information on the legal nature of the land and the identity of its owners or custodians;
- The minimum threshold for the Bid.

Parties wishing to submit bids, corporate entities, must prior to preparing the offer, proceed with all investigations and/or inspections and analyses deemed opportune to verify under its sole liability, the reliability of the information contained in the dossier.

Article 07: In the case of a deposit, the Request For Bids dossier will incorporate:

- A specification of which a model will be prepared by the Ministry of Mining;
- A map of the scale 1/25 000 or 1/50 000 on the precise geographical location with precise co-ordinates of the perimeter and the surface area of the zone where the mining will be carried out;
- A report with a brief description of the deposit and/or usable mineral substances;
- Information on the legal nature of the land and identity of its owner or custodian;

The minimum threshold of the bid.

Parties wishing to submit bids, corporate entities, must prior to preparing the offer, proceed with all investigations and/or inspections and analyses deemed opportune to verify under its sole liability, the reliability of the information contained in the dossier.

Article 08: The submission of bids in conformity to a previously fixed timetable, the opening of bids and selection of contractors will be performed in public on the same day in the presence, except in the case of Act of God, of the parties submitting bids or of their representatives.

At the end of the period allowed for submission of bids, the Directors of the Agence Nationale du Patrimoine Minier, will set up an adjudication Bureau, which will then open the envelopes publicly, with instantaneous display of the assessment of the bids in conformity to the previously defined selection criteria.

At the end of the operation for opening the bids, the names of the parties submitting bids will be displayed and that of the Contractor selected will be highlighted. In the case of equality between bids, the Contractor will be selected by drawing lots.

The Minutes of the Contract Award process, prepared during the Meeting for each index or deposit, will be signed by the Adjudication Bureau members and the successful Contractor the operation for opening the bid envelopes must occur at the latest one hundred and twenty (120) days after issue of the Request for Bids.

Article 09: The Contractor selected will receive, during the session, in return for a certified cheque for the amount of its bid, the Minutes signed by the President of the Adjudication Bureau.

A maximum of three (3) months from the date of award will be extended to the successful Contractor to prepare and submit to the Agence Nationale du Patrimoine Minier, the application dossier for a mining permit, for the administrative Inquiry, in conformity to the regulatory provisions to this effect.

The administrative Inquiry provided for in the previous sub-paragraph, when completed, will result in the issue to the selected Contractor of a mining title within a period of less than two (2) months from the date of submission of the dossier, after signature of the specification provided for by the above-mentioned Mining Law and in return for presentation of an acknowledgement receipt of payment of the stamp duty for the document and the surface tax; the title issued will be:

- A mining title in the case of an index
- A small to medium-scale mining or artisan scale permit in the case of deposit.

Article 10: The Agence Nationale du Patrimoine Minier is responsible for awarding titles for indexes and deposits listed in Article 2 above.

Dossiers concerning these indexes and/or deposits which are not attributed after three (3) successive presentations in the Request for Bids procedure will be incorporated in the National Geological Data Bank of the National Geological Service and open to the public.

Article 11: During the transitional period provided for in the above-mentioned Mining Law, contract awarding operations for indexe and/or deposits will be conducted by the Central Mining Authority. An Ad-hoc commission is established for this purpose as part of the Adjudication Bureau to supervise, on behalf of the Board of Directors of the Agence Nationale du Patrimoine Minier, the public receipt and opening of bids, selection of successful Contractors, preparing the Adjudication Minutes and their signature.

The composition of this commission will be decided by the Minister of Mining.

Article 12: The Minutes of Meetings to be submitted to successful Contractors will be signed by the President of the said Commission.

This Decree will be published in the Official Journal of the Algerian Democratic and Popular Republic.

**Issued in Algiers, 23rd Dhou El Kaada 1422 corresponding to 06 February 2002.
M. Ali BENFLI**