

Royal Decree No. 9/2014 ¹
Establishing the Omani Authority of Partnership for Development and
Promulgating its Internal Regulations

We Qaboos bin Said Sultan of Oman

After perusal of the State Basic Law promulgated by Royal Decree No. 101/96; and

Royal Decree No.48/76 on the Signing of External and Internal Financial Transactions;
and

Public Authorities and Establishments System promulgated by Royal Decree No.
116/91; and

The System for Collection of Taxes, Charges and other Amounts due to the State
Administrative Units Apparatus issued by Royal Decree 32/94; and

The Telecommunications Regulatory Law promulgated by Royal Decree No 30/2002;
and

The Unified GCC Customs Law and Royal Decree No. 67/2002 issuing its application;
and

Based on public interest,

Have decreed the following

Article (1):

A public authority named “the Omani Authority for Partnership for Development”
(**OAPFD**) shall be established and shall, report to the Ministry of Commerce and
Industry.

¹ *OAPFD provided the English translation of the Royal Decree for information purpose only and the Royal Decree in Arabic shall always take precedence. Although OAPFD believes that the English translation of the Royal Decree contained herein is accurate, it reflects some paraphrasing and word changes that may give a different interpretation on the Royal Decree. Moreover, unintended errors may occur. Accordingly, OAPFD shall not be liable for any direct, indirect, incidental, special, or consequential damages resulting from the usage or user’s reliance upon the English translation of the Royal Decree contained herein.*

Article (2):

OAPFD shall have juristic personality and shall have financial and administrative independence, and shall be competent to own fixed and moveable funds and dispose thereof in accordance with the applicable laws in the Sultanate. And it shall be dealt with as per the attached regulations.

Article (3):

OAPFD headquarters shall be in the Governorate of Muscat and it may establish branches or offices inside the Sultanate or abroad by a decision of its Board of Trustees.

Article (4):

The units of the State Administrative Apparatus (civil, military and security) and the companies in which the Government share is more than 50% shall be committed to include in the contracts for executing infrastructure projects and contracts for the supply of weapons and military and security equipment the value of which exceed RO5,000,000 (Five Million Omani Rials) to which it is a party, a clause providing that the parties are committed by the advantage of dealing with the program for Partnership for Development subject to the rules and standards referred to in Clause (6) of Article (6) of the attached regulations.

Article (5):

The agreements concluded by the OAPFD with contractors and suppliers within the framework of implementing the partnership for development program, shall be exempted from the provisions of Royal Decree No. 48/ 76 on Signing External and Internal Financial Transaction.

Article (6):

The Chairman of the Board of Trustees of OAPFD shall issue the regulations and decisions required to implement this Decree and the attached regulations after being approved by the Board of Trustees. Until such regulations and decisions have been issued the regulations and rules applied to the Units of the State Administrative Apparatus shall apply on OAPFD to the extent that does not breach this Decree and the attached regulations.

Article (7):

This Decree shall be published in the Official Gazette and shall come into force as from the date of its issuance.

Issued on: 3rd February 2014
Qaboos bin Said
Sultan of Oman

Internal Regulations of Omani Authority for Partnership for Development

Chapter I Definitions

Article (1):

In the application of the provisions of these Regulations the following words and expressions shall have the meaning assigned to them unless the context otherwise requires:

1. The Authority:

Omani Authority of Partnership for Development (**OAPFD**)

2. Board

Board of Trustees of OAPFD

3. Chairman

Chairman of Board of Trustees

4. Chief Executive Officer (CEO)

CEO of OAPFD

5. Partnership for Development Programs (PDP):

A cooperative method based on rewarding of expected achievements, to be applied between the parties within the scope of Government contracts in connection with construction and supplies (civil, military and security) and infrastructure projects according to the standards set out by the Board.

Chapter II

Objects of the Authority

Article (2):

The Authority aims at training and qualifying Omani cadres, supporting small and medium enterprises, strengthening the private sector, enhancing technology in government and private sectors, integrating modern technology in them, enhancing military and security capabilities of the Sultanate at all levels, facilitating investment, diversifying sources of national income and creating efficient and sustainable economy by applying the program of partnership for development.

Chapter III

Responsibilities of the Authority

Article (3):

The Authority shall be responsible of the following:

1. Supporting personal initiatives for facilitating investment and enhancing technology development.
2. Work on transferring skills, expertise and best international practices in all fields (civil, military and security) to the Units of the State Administrative Apparatus and other public juristic persons, companies and individuals.
3. Encouraging existing competitive companies and supporting establishment of new competing companies on national and international levels.
4. Supporting the ability of military and security entities to produce, enhancing their knowledge and transfer new technology to them.
5. Supporting economic sectors to be determined by the Board as strategic sectors through integration of modern technology in them and modifying the technologies used by them.
6. Supporting projects of social and economic dimensions, even if they are nonprofit projects and particularly those engage in enhancing education, training and scientific research.
7. Supporting and encouraging training and qualification of Omani cadre in all civil, military and security sectors.
8. Conducting research and studies and laying down the required rules for implementing partnership for development program.
9. Organizing conferences, seminars, courses, workshops and meetings with contractors and suppliers to create awareness of all that relates to partnership for development and taking all necessary measures to assist them in this regard.
10. Coordinating with the Units of the State Administrative Apparatus (civil, military and security), and other public juristic persons in all that relates to the implementation of the partnership for development.
11. Managing the negotiations pertaining to the implementation of partnership for development with the contractors and suppliers independently from the negotiations relating to the terms and technical specifications, and the prices which shall be left to the concerned entities (civil, military and security) in coordination with such entities.

Chapter IV

Management of Authority

Article (4):

The Authority shall be managed by a board of directors to be chaired by the Minister of Commerce and Industry and the membership of:

1. The Secretary General at the Ministry of Defence, Vice Chairman;
2. The Undersecretary of the Ministry of Finance;
3. The Representative of the Royal Office with a rank not less than colonel to be nominated by the Royal Office every four years; and
4. The Representative of Royal Oman Police with a rank not less than colonel to be nominated by the Inspector General of Police and Customs every four years.

The constitution of the Board and the members' remuneration shall be determined by a decision from the Council of Ministers on presentation by the Chairman.

Article (5):

The Vice Chairman shall replace the Chairman when the chairman is absent or unable to exercise his powers.

Article (6):

Without prejudice to the responsibilities of the CEO provided for in these Articles the Board shall have all the powers and issue the decisions and recommendations and take the measures required for the exercise its responsibilities and specifically:

1. Designing the general policy which shall be followed by the Authority in practicing its powers and achieving its objectives.
2. Approving the annual plan and sub-plans of the Authority.
3. Approving the Authority`s organizational structure and establishing the administrative divisions and specifying their responsibilities in coordination with the concerned entities.
4. Approving the annual budget and The Authority final accounts and submission of the same to the Ministry of Finance.
5. Laying down standards for the application of the partnership for development and their exemptions. The exceptions shall be issued by a decision from the Board in each case.

6. Approving acceptance of grants, donations and assistance in accordance with the rules set out by the Board in line with the Authority's objects.
7. Approving loan contracts in accordance with the applicable law and regulations in the Sultanate in coordination with the Ministry of Finance.
8. Specifying the fees chargeable by the Authority for the services it provides after approval of the Ministry of Finance.
9. Constituting specialized committees from among the members of the Board or from others and specifying their duties. The recommendations and resolutions of such committees shall not be valid unless approved by the Board.
10. Concluding agreements and memoranda of understanding relating to the duties of the Authority subject to the laws and regulations applicable in the Sultanate.
11. Approving the annual and quarterly reports submitted by the CEO on the activities of the Authority.
12. Submitting an annual report on the activities of the Authority to the Council of Ministers.

Article (7):

The Board shall meet at least four times per annum following an invitation by the Chairman, and it may be called to meet as and when necessary. The notice shall be in writing or electronically provided that it is accompanied by the agenda. The Board meeting shall not be valid unless attended by the majority of the members including the Chairman. The Board resolutions shall be made by the majority of the votes of the members there present. In the event of a tie vote the Chairman side shall have a casting vote.

The Chairman may call to the meeting whoever he deems appropriate from the experts and professionals without having the right to vote.

Article (8):

The Authority shall have a CEO the appointment and remuneration of whom shall be determined by the Board

Article (9):

The CEO shall represent the Authority before courts and third parties.

Article (10):

The CEO shall have all the powers required for the implementation of the Authority`s policies and the Board resolutions specifically:

1. Managing the Authority and supervising its employees.
2. Preparing the organizational structure of the Authority and the administrative divisions, and presenting the same to the Board.
3. Preparing the projections of the Authority annual budget and submitting the same to the Board.
4. Preparing the Authority final accounts and submitting the same to the Board.
5. Implementing the Authority`s policies and the Board resolutions.
6. Preparing the plans and Authority work programs and submitting the same to the Board.
7. Preparing quarterly reports on the activities of the Authority and presenting the same to the Board.
8. Preparing draft agreements and memoranda of understanding and presenting the same to the board.
9. Any other functions assigned by a Board resolution.

Chapter V

Finance of the Authority

Article (11):

The resources of the Authority shall comprise:

1. Funds allocated to the Authority state in the State general budget.
2. Proceeds of the fees the Authority charges in consideration for the services it renders.
3. Proceeds of the Authority investment funds.
4. Donations, aid and grants which the Board decides to accept in accordance with the provisions of these regulations.
5. Loans obtained by the Authority in accordance with the provisions of these regulations.
6. Any other revenues which the Board determines and approved by the Ministry of Finance.

Article (12):

The Authority shall have an independent budget that it submits to the Ministry of Finance. The financial year of the Authority shall commence on 1st January and ends on 31st December each year. The first financial year shall commence on the date these regulation come into force and ends on 31st December in the next year.

Article (13):

The funds of the Authority shall be deposited in a bank account or more in a licensed bank in the Sultanate. The accounts shall be opened by a decision of the CEO after coordination with the Ministry of Finance and the Board shall issue the rules and procedures for disbursement of such funds.

Article (14):

The fixed and moveable funds of Authority and the proceeds of its investments shall be considered as public funds and enjoy the rights and privileges of the public treasury on the funds of debtors. The Authority may collect the funds due according to the procedures provided for in the regulation for collection of taxes and fees and other amounts due to the units of the State administrative apparatus.

Article (15):

Without prejudice to the provisions of the Unified GCC Customs Law and Telecommunication Regulatory Law the Authority shall be exempted from all taxes and duties.

Article (16):

The surplus of the Authority shall devolve to the public treasury after deduction of all current and capital expenses and other expenses in accordance with rules determined by the Board after approval of the Ministry of Finance.

Article (17):

Without prejudice to the State Administrative and Financial Audit Law, the Authority shall have a licensed auditor to be appointed and their fees to be determined by the Board.