

Research Article

The Committee for Reviewing Competitors and Contractors' Appeals in Saudi Government Procurement: Legal Organization, Powers, and Procedures

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Submitted: 22 Jan 2026 | Revised: 10 March 2026 | Accepted: 30 March 2026 | Published: 25 April 2026

Abstract: The objective of the present investigation is to explore the mechanism of the Committee for Reviewing Competitors and Contractors Appeals established in accordance with the Saudi Government Tenders and Procurement Regulation and the regulations that have been framed in this regard. The main objective of the present investigation is to assess the legal status and functional role of the committee in such a manner that it may further enhance the transparency of the public procurement processes in the country. Based on the descriptive-analytical methodology, the present investigation has reviewed the relevant statutory regulations, underlying regulatory principles, and relevant case law interpretations in the field. The investigation has revealed that the committee acts as a transitional body that has combined the administrative and quasi-judicial roles in the system, thereby reducing the scope of legal disputes in the public procurement processes in the country. It has also revealed that the decisions taken by the committee are binding in nature on the government entities and are implemented in a swift manner in the system to ensure procedural fairness in the processes. Furthermore, it has also revealed that the role of the committee in the system has a significant impact in restricting the irregularities in the contract implementations, preventing corrupt practices in the system, and promoting the equality of the participants in the processes. Furthermore, the present investigation has also highlighted the mechanisms for the revision of prices in the system in a manner that it may promote the stability in the processes. Based on the present investigation, a set of recommendations has also been put forward in the form of regulations that may further enhance the transparency and fairness of the jurisdiction of the committee and the grievance redressal mechanisms in the system.

Keywords: Saudi Government Tenders, Procurement Regulation, Appeals Committee, Administrative Law, Public Contracts, Transparency, Anti-Corruption.

1. Introduction

The modern tender and procurement system, which was promulgated in 2019, has been established to foster economic development, remove discriminatory practices in public procurement, and protect public interest through promoting integrity and competitive neutrality. Modern procurement theory indicates that effective regulatory frameworks not only improve operational efficiency but also enhance governance qualities. The modern system is based on equal opportunities and aims to ensure equal treatment for all bidders and obtain value for money spent by entering into optimal contractual agreements for works and services in conditions of fair competition.

To achieve this objective, the system has incorporated procedural safeguards to prevent abuses of official authority, conflict of interest, and discretionary favoritism in the allocation of public resources. The procedural safeguards have been incorporated in conformity with the emerging international standards, which recognize procurement systems as tools for integrity and discipline in public finances [1].

Additionally, it has incorporated modern procedures aimed at eliminating administrative complexity and improving supervisory tools. The system has also improved transparency, audit traceability, and compliance tools for protecting public finances and promoting trust in public institutions. The system has also incorporated administrative and judicial review tools for ensuring enforceability and providing effective remedies for any violation of governmental powers. These tools have been incorporated in conformity with modern procurement governance best practices. Under this system, the Saudi Arabian regulatory body has incorporated mandatory conditions and procedures applicable to all public bodies engaging in administrative contracting. These procedures ensure

regulatory consistency in all public bodies [2].

The availability of professional bodies in government contracting and administrative law is a vital factor that contributes to the effective enforcement of the procurement procedure through the formation of specialized committees. In literature related to governance, it is consistently argued that specialized institutions are critical in enhancing the credibility and effectiveness of a regulatory procedure in ensuring compliance [3]. In addition to specialized enforcement institutions, this procurement procedure establishes technical committees to ensure that subject matter specialists are involved in procurement procedures. It is noteworthy that this procedure establishes a formal standstill period between contract evaluation and award. This is a critical procedure that allows dissatisfied bidders and interested stakeholders to express their grievances to a specialized authority or a review committee prior to contract execution. It is widely acknowledged that this is a critical instrument in ensuring that public procurement is conducted in a manner that is procedurally fair and transparent [4].

Such committees are established by a ministerial resolution, which also outlines the requirement for the committee to have no fewer than five members who are experts in law or technical matters. Moreover, the same ministerial resolution outlines the appointment process for the chairperson, vice chairperson, as well as the members, thereby ensuring the accountability of the leadership [5]. The members are issued a three-year term, which is renewable, thereby ensuring the institutional continuity as well as the periodic renewal of the committee members. Additionally, the committee's operations are regulated by ministerial directives regarding the procedures, remuneration, as well as the provision of the administrative support structures, thereby enhancing the institutional clarity in the enforcement framework [6].

The regulatory framework provides clear codes of conduct in the operations of the committee to ensure the effective execution of the mandate in line with the objectives set in the framework. The establishment of the grievance and the review committees is a policy mechanism designed to enhance the efficiency in the administration as well as the acceleration of the resolution process, which in turn minimizes the transaction costs as well as the judicial reviews, thereby enhancing the efficiency in the administration process [7]. The committees are established under clear procedural rules, which outline the jurisdiction as well as the workflow, thereby enhancing the order as well as the procedure in the operations. Importantly, the right of the competitors to challenge the decisions made by the government is preserved by the Committee for Reviewing Grievances and Price Adjustment, which is widely recognized as a safeguard in the procurement systems in the modern era.

The committee is authorized to investigate complaints regarding award decisions and pre-contractual procedures conducted by contracting authorities. It is also authorized to examine objections raised by contractors regarding evaluation of their performance, in addition to determining objections regarding price adjustments in accordance with regulations.

In this manner, a high degree of consistency is guaranteed in the oversight role in procurement matters, and all aspects related to the management of disputes in the course of formation and execution of contracts are comprehensively managed. As far as its design is concerned, it is a hybrid body that includes elements related to administrative and quasi-judicial features in its design as an oversight body. This body's role extends beyond the management of disputes related to administrative authorities and contractors because it is also empowered to oversee procedural compliance in administrative actions in the early stages related to the formation of contracts. In this manner, it is more than an administrative body because it is also empowered to review, verify, and regulate in accordance with regulations. However, it is evident that there is a strong element related to quasi-judicial features in its procedural design because it is required to intervene in instances where contractors claim inaction, delay, or suspension in administrative actions related to their position in a contract or in a competition. In this context, it is more related to a review body that is required to apply standards and timelines in accordance with regulations [8].

In its constitutional and administrative context, it is evident that this committee does not have full judicial powers and is not engaged in the processes related to judicial adjudication in any manner whatsoever. However, it operates at a pre-litigation level where it considers grievances in an investigative manner and provides a framework related to the escalation of grievances to administrative courts in due course. Such sequential review mechanisms are well accepted in modern administrative frameworks as a means to enhance procedural fairness, minimize the cost of litigation, and promote accountability [9]. Of particular interest in the appeal mechanisms is the ability to escalate grievances even in the absence of actual disputes, a function of the preventive and supervisory role of the committee. Procedural rules dictate that grievances must be filed with the concerned administrative authority at specified periods before the option of escalation to the administrative court, which may be in the case of refusal, inaction, or inability by the authority [10].

Consequently, it is evident that the jurisdiction of this committee includes all issues that involve administrative authorities, competitors, and all other government agencies that are engaged in procurement activities. Despite this, it is evident that this body has quasi-judicial elements, especially in that it has timelines that are activated in instances where there is a refusal or failure of action by the administration. These elements are widely regarded as crucial in a procurement system. The role of this committee in ensuring that there is legality in all actions of the administration is evident in that it ensures that all actions of the government are within the limits of the law before a hearing. Therefore, it is evident that this body acts as a preventive body that ensures that there is no abuse of discretionary powers by the administration. According to research on governance, this body, being intermediary in nature, ensures that there is effectiveness in regulations, thus reducing litigation and enhancing consistency in administration [11].

Its organisational and legal activities are conducted in strict conformity with statutory provisions, thus allowing for independent and specialised review of complaints, in addition to conventional civil contractual litigation. The committee has authority over issues that transcend conventional

private contractual relationships, thus further reinforcing its public law character. Its decisions are binding on governmental entities, thus creating a structured oversight on dismissed claims and further reinforcing regulatory control within the procurement system. These structures are all part of a larger systemic framework that aims to advance justice, transparency, and equality in the creation and implementation of public contracts. This committee enhances integrity in procurement by ensuring equality before the law for all competitors and by actively overseeing all administrative actions. Its activities can be considered an embodiment of legality, especially within the context of administrative law, where all activities are carried out with strict compliance with the provisions of the regulations prior to the intervention of the courts. Legally-informed decisions allow the committee to effectively address issues touching on allegations of abuse of authority. This is achieved through the application of legality-informed approaches to the review of the complaints lodged. Legality is reviewed by direct review of the complaints within the administrative sphere, excluding conventional private contracts. The legally binding nature of the decisions made by the committee is meant to further entrench its role, thereby confirming its position as a key regulator within the procurement system.

The authority of the Committee for Reviewing Grievances can be considered to have been derived from the binding nature of its decisions. This is according to the procurement regulations, which assert that the decisions made by the committee are considered to be of a mandatory nature, with no room for discretionary non-compliance by the government. Such decisions are expected to be implemented with immediate effect, thereby ensuring timely implementation. This has resulted in an environment that is considered to be restrictive with regard to the level of discretion allowed within the government entities, where all activities are expected to strictly comply with the provisions outlined within the regulations. The grievance review mechanism can be viewed as a reflection of the fact that there is a centralized authoritative body for decision-making in the procurement regulation framework. The legal framework has outlined procedures for the review of grievances in a structured manner.

The procedures outlined are as follows:

1. Thorough evaluation of all grievances from all relevant angles.
2. Ensuring that the contractor has submitted a financial guarantee equivalent to half the initial bid guarantee, subject to refund in the eventuality of the grievance being upheld.
3. Full participation of committee members in the review process, with substitute members also being appointed where necessary.

The need to comply with the decisions made by the committee was established in response to the concerns expressed by governmental entities. According to the relevant legal framework, grievances have to be lodged with the relevant state authority within five working days. This has created a more efficient environment in terms of administration, with less cases being lodged with the Board of Grievances, with a greater emphasis on the use of non-judicial procedures. The enhanced binding nature of the committee decisions also plays a role in creating a more coherent legal environment.

The procedural implications of grievance submission are:

1. The government entity shall hold in abeyance the contract procedures until the standstill period lapses or the grievance filed is addressed. If the grievance filed is upheld, the necessary steps shall be taken where feasible; otherwise, the tender shall be canceled. Where the procedures have been altered, the earlier excluded tenderers shall be given a fair opportunity to file grievances on the same procedures as before.
2. Where a grievance has been filed, the government entity may continue with the contract procedures where no final committee decision has been rendered within the stipulated period:
 - a. Three calendar days after the entity notifies the complainant of the rejection in writing; or
 - b. Fifteen working days after the grievance was filed, without the filing of an appeal in the matter.
1. An appeal may be filed against the decisions of the committee in accordance with the regulations in place.
2. An appeal against the committee decisions shall be filed within fifteen working days after the date the grievance was filed, despite the issuance or non-issuance of a decision or the grant of extension.
3. In the case of price adjustments, economic changes that take place during the contract's execution may disturb the economic equilibrium, and in such cases, the government may have to step in to ensure the balance in the contract so that the public service continues to be

delivered effectively.

Price adjustments in the contract or in the framework agreement may be permitted in the following situations:

1. There may be fluctuations in the prices of essential commodities or services included in the contract.
2. There may be changes in customs duties, fees, and taxation systems.
3. There may be unforeseen and continuing situations arising during the implementation of the contract, which could not have been foreseen during the tendering process.

Thus, there should not be any alteration in the price in the contract either by increase or decrease except in the above situations.

To make these provisions more operative in practice, a specific set of procedural requirements has been framed by the regulatory framework, which includes:

1. Application procedures specifying requirements related to documentation and submission of requests related to price adjustments.
2. Criteria for assessing substantial hardship/impact in making price adjustments.
3. Verification procedures for assessing the legitimacy and appropriateness of price adjustments.
4. Procedures related to evaluating price adjustments.
5. Procedures related to resolving disputes in case of conflicts in price adjustments.

The above elements are crucial in the process of ensuring the implementation of price adjustment mechanisms in a structured way, thus enhancing the process of compliance with the law.

1.1 Study Significance

The new and improved structure of the regulatory environment has incorporated specialised technical committees, a factor that was lacking in the previous structure, in addition to the mandatory standstill period that requires the bid evaluation process not to begin until fifteen days following the submission of the bid. This period is aimed at allowing the parties involved in the contract to raise any issues or concerns they may have with the process before the contract is signed. An interesting development in the structure of the government tenders and procurement regulation is the formation of the Committee for Examining Competitor and Contractor Grievances. This is a significant improvement in the structure of the regulation environment and is likely to have a major impact on the process of decision-making in the context of the government tenders and procurement regulation. This is because of the legally binding power of the committee. A comprehensive analysis of the working of the Committee for Examining Competitor and Contractor Grievances is necessary and would include the structure of the committee and the legal and technical guidelines as outlined in the government tenders and procurement regulation. This would include the legal and technical aspects of the process of handling grievances in the context of the regulation environment. This would likely improve the level of credibility in the decision-making process in the context of the government tenders and procurement regulation and would likely enhance the level of confidence in the government tenders and procurement regulation structure as a way of achieving the desired goals and objectives.

1.2 Statement of the Problem

The major research question that the present study seeks to address emanates from the lack of academic investigation into the committees formed in the framework of the government tenders and procurement regulation regime. Indeed, the regime presents a complex framework in which a number of committees operate with different legal characteristics, leading to the need to develop a conceptual and functional distinction of the Committee for Examining Competitor and Contractor Grievances. Such a distinction calls for a thorough understanding of the committee as a legal entity in the administrative framework, which constitutes a primary basis for the resolution of disputes between contractors and administrative bodies. In order to provide valuable guidelines to competitors and enhance the resolution of disputes between administrative bodies and contractors, a thorough and detailed assessment of the committee's role is necessary. Indeed, the importance of the committee's role is highlighted by the ability of the committee to reach definitive decisions in disputes, as well as the legal and technical guidance it provides in the resolution of disputes in a

manner consistent with the public interest. To achieve this objective, a research methodology is proposed in this study by conducting a critical analysis of the legal and administrative role of the committee, its structure, and how it handles disputes.

1.3 Objectives

The major aim of this research is to establish a comprehensive understanding of some aspects of the Committee for Examining Competitor and Contractor Grievances and Price Adjustments. In order to achieve the aim of the research and answer the research questions, the research has employed an interpretive analytical approach in the examination of the committee in terms of some of the major aspects of the committee's institutional nature, jurisdictional competencies, operational procedures, legislative standing, and the legal guarantees in the protection of the rights of competitors and contractors who lodge grievances.

2. Methodology

This study is conducted using the descriptive-analytical approach in exploring the Committee for Reviewing Competitors' and Contractors' Appeals in the context of the Saudi Government Tenders and Procurement Regulation and the Executive Regulations thereof. In this study, the analysis is based on the doctrinal approach of the law, using various provisions of the legislation and regulations and judicial decisions to ascertain the legal nature and effectiveness of the committee in enhancing transparency and the rule of law in the conduct of government contracts. This study makes use of various primary sources of information such as legislation and regulations and secondary sources such as articles and publications. This enables the researcher to conduct a comparative analysis of the functions of the committee in the administration of the affairs of the government and the quasi-judicial functions of the committee. Moreover, some cases are cited in the course of the analysis of the decisions of the committee in the conduct of government contracts with the aim of critically analysing the provisions of the legislation in assessing the effectiveness of the provisions in the prevention of corrupt practices in the conduct of government contracts. Therefore, the descriptive-analytical approach is employed in the identification and development of the nature and jurisdiction of the Committee for Examining Competitor and Contractor Grievances and Price Adjustments with the aim of elucidating the provisions of the legislation in the conduct of government contracts.

3. Literature Review

The topic of public procurement has received significant research attention in the realm of academia, especially in the context of the regulatory framework in Saudi Arabia pertaining to tenders and procurement. In this section, a critical analysis of the available research in the realm of public procurement in the context of the regulatory framework in Saudi Arabia will be undertaken to identify the areas of convergence as well as divergence, along with the implications thereof. In the context of the current research in the realm of public procurement [12], which has emphasized the importance of the underlying principles in the context of public procurement, which entails the importance of equal treatment, transparency, as well as the aspect of compliance, as the inconsistencies in the bid evaluation process could lead to a lack of competition as well as the incidence of corrupt practices. Moreover, the lack of enforcement mechanisms in the realm of public procurement could lead to discriminatory practices as well as the misuse of administrative discretion. In this context, [13] have emphasized the importance of the risks pertaining to the incidence of collusion as well as bid-rigging in the context of public procurement in the context of the regulatory framework in Saudi Arabia, especially in the context of jurisdictions where the monitoring mechanisms are not robust. Although the research studies have divergent views in the context of the underlying analysis, the convergence in the context of the research studies lies in the fact that the underlying legal framework is the primary contributor to unethical practices in the realm of public procurement. Recent studies further emphasize the relationship between technological innovations, legislation, and economic accountability in procurement systems. In this context, [14] discuss the possibilities of using

blockchain technology in the improvement of electronic tendering systems. In this respect, it is argued that the use of this technology could provide transparency in transactions by ensuring the security of the records. This approach is different from the conventional approach to legislation, which only relies on the provisions of the law without considering the role of technology in the process. However, it is argued by [15] that despite the potential of the use of this technology in the procurement process, it is not yet widely implemented, neither strongly supported by empirical evidence.

From the legal-economic perspective, discusses the analysis of procurement systems in the context of the risks of anti-competitive practices, which is in line with the arguments presented by [16] regarding the role of economic accountability in the context of legal reform. Although the arguments presented by both studies emphasize the importance of economic accountability in the procurement process, the details regarding the process are not provided. In the context of Saudi Arabia, [17] discuss the judicial redress available in administrative contracting in the context of procurement law.

3.1 Key Themes and Findings Across Studies

One of the dominant themes in procurement literature is the identification of regulatory shortcomings and legal inadequacies. In this regard, [18] argue that shortcomings in legal frameworks, especially in regard to the application of the Equal Treatment Principle and provisions for discriminatory evaluation, have an adverse impact on fair competition. Similarly, [19] demonstrated how environments with weak legal frameworks are vulnerable to collusive behavior and tender fraud. The further analysis from an economic and administrative law perspective suggests that, in spite of legal provisions being in place, they tend to be implemented in an inconsistent and ineffective manner [20]. The various studies undertaken in this regard suggest an overarching failure in effective enforcement and highlight the critical importance of legal frameworks in addressing anti-competitive behavior. In spite of differences in scope, from regulatory functions to enforcement mechanisms, one dominant feature is the identification of shortcomings in legal frameworks as major impediments in achieving transparency, equity, and accountability in procurement [21]. Another dominant theme in procurement is the interrelationship between technological advancement and legal reform. In this regard, [22] identified blockchain technology as an innovative tool for addressing issues such as favoritism, fraud, and data manipulation. The identification of such tools represents a paradigm shift from conventional regulatory approaches, where technology is being used as an alternative to legal regulation. In spite of the fact that technological tools have proven effective in ensuring traceability, security, and transparency, there is an overarching issue in integrating these tools in the current legal framework. This issue remains unsolved in terms of the possibility of harmonizing these systems effectively, an issue that requires more research [23].

3.2 Points of Agreement and Disagreement

From an overview of all the literature, it is evident that there is an agreement concerning the need to emphasize the importance of improving transparency and regulatory practices in procurement systems. Both academic and professional arguments have recognized the negative impacts of practices such as bid rigging and favoritism in procurement systems. There is also an agreement concerning the possibility of improving procurement processes by the use of emerging technologies, particularly in sensitive procurement processes such as healthcare. However, there is divergence in the ways of improving procurement processes. [24] argue that legislative reforms are essential in improving procurement processes, whereas other authors emphasize the importance of adopting emerging technologies such as blockchain in improving procurement governance. There is also a debate concerning the application of procurement regulations in both national and international environments, which is an indication of the complexity in harmonizing procurement standards in an increasingly interconnected procurement system [25].

3.3 Research Gap Assessment

In spite of this significant body of international research on legal reform and technological innovation in public procurement, there is a significant void in terms of developing an integrated model that combines legal reform and advanced information technologies, including blockchain technologies. One significant avenue that this research could explore in the future is developing and testing models that integrate legal reform and advanced information technologies and explore their potential for viability in terms of application in a range of different legal systems. This would be an important avenue of research in terms of developing a cohesive international and regional framework in terms of procurement law that balances legal strength and technological advancement.

4. Results

4.1 The First Section: Definition and Responsibilities of the Review Committee under Saudi Tenders Regulation

The distribution of contracts among various governmental departments and bodies through the process of tendering and the application of procurement regulations is an essential mechanism in the protection of the process of contracting from any form of malpractice. This process is subject to the application of various principles and standards that all the parties involved in the process are required to follow in order to ensure the sustainability of the process and the provision of equal opportunities. Detailed legislation is established with the aim of ensuring the effective application of the principles in the process of procurement. In addition, the application of such legislation provides the necessary guidelines for the various administrative bodies and the contractors involved in the process. Despite the application of such provisions in the process of contracting, the existence of an effective monitoring system is considered essential in ensuring the application of the necessary requirements. In the context of the Saudi Government Tenders and Procurement Regulation, there are various provisions established in the regulation with the aim of governing the process of executing the various contracts and the application of the necessary sanctions. This process is subject to the application of various objectives and the detailed justification of any exceptions in order to avoid any form of malpractice. In this context, the process of review is considered an essential tool in the maintenance of the necessary compliance with the principles of the regulation.

To this end, specialised technical and legal committees have been established with the aim of improving the quality of the procurement process and reinforcing the implementation of the regulations. These committees act as intermediaries between the competitors and the administration. They use standardised and neutral criteria in the process of evaluating the tenders. Their members are selected based on merit and the technical qualifications needed for the position. Continuous supervision of the procedures involved in the contract is also conducted through the performance evaluation systems. In the Government Tenders and Procurement Regulation, there has been significant reform in accordance with the Vision 2030 strategy in Saudi Arabia. This has been done with the aim of reinforcing the principles of proportionality, efficiency, and transparency in the contractual process. One of the significant reforms is the mandatory introduction of a 'standstill period' prior to the award of the contract. This ensures the application of procedural fairness and the adequate consideration of all the tenders presented [26]. This is a significant development in the process of simplifying the structure of the regulations while enhancing the overall efficiency of the process. In this process, the Review Committee for Competitor and Contractor Complaints has the power of supervision and has the requisite statutory power to investigate and adjudicate cases of procurement [27]. It evaluates the price adjustments in accordance with the conditions of the regulations and makes decisions on the cases presented. This process ensures the equal treatment of the parties involved and provides the necessary guarantees for the contractors and the government. It is through the process of standardisation and review that the committee ensures the overall predictability and effectiveness of the process [28].

4.1.1 First Requirement: Definition and Establishment of the Committee

The framework also outlines the formation of committees with the responsibility to resolve complaints lodged by contractors or competitors, as well as reviewing requests pertaining to price adjustments. The committees are empowered to perform these roles in governmental entities in accordance with the provisions outlined in paragraph two of the regulation. The complainant is required to provide a financial guarantee equivalent to 50% of the initial refundable deposit in good-faith complaints lodged to the committees. The decisions are required to be made in fifteen working days, with the possibility of an extension for an equivalent period. Procedural rules are also outlined to ensure uniformity in the handling of complaints. The Reviewing Complaints Committee was also established, and its roles were aligned to those of the General Secretariat. The other amendments were made for the improvement of the efficiency of the operation. This shows that the regulatory framework had already been more developed. All the changes have been effective for the performance of the institutions. The committee, as a mandatory committee of the Saudi Government Tender and Procurement Regulation, has the responsibility of addressing grievances relating to procurement as well as those relating to the adjustment of prices. The grievances include those relating to the selection of the tender, award of contract, as well as the procedures before the contract. The decision is made as provided for in the regulation. The requests for the variation of the prices are also considered as provided for under the regulations.

The committee has a preventive legal role through the determination of grievances relating to procurement as well as the assessment of procedural fairness. The committee makes a determination relating to various administrative actions, including the award of contract as well as the evaluation of the performance. This is done as provided for under the procedures established. The comprehensive examination of all the issues is undertaken. In the process, the request for the variation of the prices is made as provided for under the executive directives as well as the conditions provided for under the regulations. This includes the variation of the cost of materials, taxation, and other factors. This is done as provided for under the law. The process is also aimed at ensuring the maintenance of balance. One of the benefits of the process is the protection of the rights of the stakeholders as well as the enhancement of accountability through the standardized process of evaluation. The regulation provides that the complaint is made within a specified period of between five and ten working days after the decision relating to the award. This period is subject to a standstill period. Within the same period of fifteen working days, the decision is made.

Second Requirement: Committee Formation

The composition and operation of the committee are subject to specific regulations as outlined in the regulations guiding the procurement process. This ensures that the composition of the committee is at least five in number, consisting of a chairperson and a vice chairperson. The regulations also cover the appointment of substitute members and the renewal of the composition of the committee for a period of three years. The ministerial regulations also cover the operational standards and the remuneration policy, which ensures compliance with sound organizational standards. The procedural regulations for the grievance review committees are quite clear in the legislation, which promotes transparency and consistency in the procedure.

The ministerial resolutions cover the establishment of a committee composed of at least five experts in different fields related to the procurement process. The ministerial resolutions also cover the leadership of the committee, which includes the appointment of chairpersons and the appointment of alternate members, promoting the legitimacy of the committee. The composition of the committee is aimed at acquiring the necessary expertise, promoting the operational efficiency of the committee. The composition of the committee is also renewable regularly to ensure the relevance of the composition.

Ministerial determination also provides provisions regarding the composition and functioning of the grievance review committee, which deals with the resolution of disputes in the procurement process and the adjustment of prices. These procedures are established in a structured framework that ensures their compliance with the regulations.

1. Formation of Committee: The grievance review committees are formed in a formal manner by government decisions and comprise

experts in different fields related to the procurement process.

2. Membership Structure: The membership structure of the grievance review committee must have at least five members, including the chairperson, vice chairperson, and alternate members. However, it must have the flexibility to include more than the minimum number of members.
3. Renewal Mechanism: The leadership must be appointed by the minister in a three-year renewal mechanism to retain the expertise.
4. Operational Procedure: The rules of procedure should be established by ministerial orders, including the submission of grievances, the process for reviewing the grievances, the criteria for evaluating the grievances, the time required to respond to the grievances, and the mechanisms for making decisions.
5. Compensation: The remuneration mechanisms should be established to ensure the commitment and efficiency of the members of the committee as well as the staff members.

The regulatory framework provides the overall framework in which the committee will operate. In this framework, the minister in charge of finance, or the representative, is in charge of the establishment of the committee.

The organizational structure of the committee is based on the following principles: the committee will have five members, including the chairperson, vice chairperson, and two alternate members. All the members will be appointed by the minister. The minister will have the power to add more members to the committee as well as the power to dissolve the committee in the public interest.

1. The operational structure has been formed in a manner that the grievances are addressed in a timely manner. The members serve for a period of three years, and then the positions are renewed.
2. The minister in charge has the power to reorganize the committee periodically. This ensures that there is an integration of knowledge and experience to improve the quality of decisions made by the committee. The chairperson is in charge of the operations of the committee.
3. The vice chairperson takes charge in the absence of the chairperson. The submission of the grievances should include the essential information, which is required.

4.1.2 Third Requirement: Committee Jurisdiction, Operating Procedures, and Implications of Appeals

The Committee for Reviewing Complaints from Competitors and Contractors is vested with considerable jurisdiction and includes pre-award complaints, complaints concerning contracts and awards, performance evaluations, and adjustment of contract prices.

4.1.2.1 First Branch: Committee Jurisdiction

The Committee for Handling Complaints by Competitors and Contractors and Price Adjustment Requests is a body that is legally formed and has been empowered by the state. Its main role is to ensure that there is procedural fairness and equality in public procurement. It acts as a preventive body that reduces the probability of any issues being taken to litigation.

1. Review of Competitors' Appeals against Award Decisions or Any Pre-Award Governmental Entity Actions or Procedures
The committee is independent and has powers over governmental entities. It ensures fairness through thorough review procedures. It handles complaints such as:

1. Complaints relating to awards.
2. Performance evaluation appeals.
3. Price adjustment requests.

The procedures involve declaring a standstill period via the Etimad portal. This period is between five and ten working days. It also involves a series of steps that are to be followed when dealing with complaints. These steps include:

1. Preliminary submission to the relevant authority.
2. Fifteen-day review period.
3. Three-day appeal period after rejection or expiry.

The framework ensures transparency and the mandatory suspension period.

4. Review of Contractors' Appeals against Performance Evaluation Decisions

The performance evaluation is conducted via a formalized system that is standardized. This ensures that there is no bias. This also ensures that the evaluation is conducted in a standardized way that is in conformity with contractual requirements [29].

1. Continuous monitoring with final evaluation upon completion.
2. Evaluation following delivery in supply contracts.
3. Assessment of framework agreements per order and overall performance.

The contractors are also notified via the Etimad portal. This ensures fairness and that there is no biased evaluation [30].

4. Review of Price Adjustment Requests

The price adjustment is allowed under certain conditions. These include fluctuations in material costs, charges imposed by the government, and unexpected implementation problems.

4.1.2.2 Second Branch: Operating Procedures of the Committee for Reviewing Competitors' and Contractors' Appeals and Price Adjustment Requests

The committee works under established procedures aimed at ensuring efficiency and effectiveness. The procedures include clear roles, responsibilities, and procedure guidelines for all stakeholders.

1. The procedures provide guidelines on how to operate in conformity with existing legal provisions.
2. The procedures are applicable to all stakeholders.
3. To examine all necessary documents and information.
4. To seek expert consultants where necessary.

The application has to meet certain documentary requirements before it is registered. The documentary requirements include identification information, contact information, detailed claims, evidence, and proof of previous engagement with the concerned authority.

The secretariat has administrative roles, which are geared towards ensuring procedural compliance and decision-making within a specified time frame.

The roles include record-keeping, communication, and coordination.

The committee operates under certain principles in conformity with judicial review principles, which allow for representation by legal professionals.

The committee cannot deal with issues already determined in other places.

The guidelines include:

1. Reviewing documents and submitting them to the committee.
2. Seeking further evidence where necessary.
3. Forwarding criminal matters to appropriate authorities.
4. Restricting duplicate proceedings.
5. Allowing written and oral presentations.

The decision is implemented through notification systems.

The committee notifies through electronic means.

The notification takes legal effect upon issuance.

4.1.2.3 Third Branch: Implications of Appeals to the Committee

The framework also provides a set of conditions for the continuation or suspension of contracting processes. In cases where no complaints are filed, the procurement continues. Complaints that are valid require action to be taken, and in cases where this is not possible, cancellation of the tender is a requirement.

The procedural timelines are of great importance in defining the outcomes. Failure to act on a complaint within a set timeframe provides an opportunity for the continuation of procurement processes. However, a requirement exists for authorities to act on valid complaints and follow committee decisions.

The standstill period acts as a suspension of procurement procedures.

4.2 Second Section: Legal Nature of the Committee for Reviewing Competitors' and Contractors' Appeals and Price Adjustments

The legal nature of the committee has been a subject of scholarly debate and different legal understandings have classified it as having administrative, judicial, and hybrid natures.

4.2.1 First Requirement: Nature of the Committee as an Independent Administrative Body

It is composed in accordance with ministerial authority and is

composed of at least five experts. It has been classified as an administrative body due to its composition. However, there is a possibility that its composition has led to a lack of consideration of its functional and decision-making activities.

4.2.2 Second Requirement: Nature of the Committee as a Judicial Authority

It has been classified as a judicial authority due to its adjudicative activities, particularly in issuing binding decisions. However, there is a possibility that it has not completely satisfied the requirements of a judicial body.

4.2.3 Third Requirement: Nature of the Committee as a Hybrid Authority

It is classified as a hybrid body due to a combination of administrative structure and judicial authority.

1. Independent Administrative Entity: It operates independently and ensures independent decision-making.
2. Judicial Authority: It has binding decision-making powers and refers to legal principles.

4.3 Third Section: Established Legal Safeguards for Protecting Competitors' and Contractors' Rights

The regulations offer protection for the rights of participants while ensuring public interest is served.

4.3.1.1 First Requirement: Legal Safeguards for Litigation and Justice Assurance

The regulatory framework ensures access to grievance mechanisms and guarantees fair hearing procedures.

4.3.2 Requirement Two: The Role of the Committee in Combating Corruption

The regulation aims to prevent conflicts of interest, eliminate corruption, and promote integrity and transparency.

4.3.2.1 Factors Affecting Administrative Integrity in Procurement Processes

a1. Ethical Considerations: Conflicts between public duties and private interests may undermine integrity.

Anti-corruption measures include annulment of competitions in cases of fraud and reimbursement of costs to compliant participants. The committee plays a supervisory role and refers suspected violations to appropriate authorities.

4.3.2.2 Requirement Three: The Challenges Facing the Committee's Work

Despite the procedural mechanisms being in place, challenges are being faced. The main challenges are financial barriers to filing a complaint. The requirement for a refundable guarantee may act as a disincentive for access to justice and may also be a matter of debate regarding its legal nature.

However, these have to be considered in the context of constitutional provisions regarding access to justice and protection of rights provided by relevant laws.

5. Conclusion

The Competitors & Contractors Appeals Review Committee & Price Adjustment is a legally constituted authority that works under the Saudi Government Tenders and Procurement Regulation. The main responsibility of this committee is to review any objections or complaints raised by contractors or competitors regarding the tender procedures of the Saudi Government. This committee has a total of five principal members and two alternates. The members of this committee are appointed through designation by ministers. The powers of this committee are derived from

regulations that are approved by the Minister of Finance. Its members are appointed for a period of three years, renewable with consideration of any amendments that might be made to allow for smooth running of the committee. This committee mainly handles appeals lodged by competitors against award procedures or pre-award procedures initiated by government departments. It also handles complaints lodged by contractors regarding performance evaluation and requests for re-evaluation of prices in conformity with contractual terms. In this regard, the government is obligated to publish a suspension period via the Ittiman electronic portal. This period is defined as the time between when the preferred bidder is announced and when the award is actually made. This is when any objections are lodged. A decision to award is a formal approval of a bid by the committee. However, this decision is only binding when the suspension period ends. Conflicts may occur at the commencement of this period and when the decision appears final. This is because of emerging issues that make this process complicated. In this context, any amendments to contractual prices and general contracts are allowed under specific circumstances. These include fluctuations in critical input prices, changes in taxation and tariffs, and unexpected disruptions. In this context, it is the role of this committee to review any requests for price evaluation to ensure that they are within statutory regulations.

The legal status of the committee has elicited divergent opinions among various scholars. Some have argued that it is merely administrative in nature, whereas others have argued it is judicially independent. A third perspective argues that the committee is a hybrid. Issues such as corruption and conflicts of interest continue to exist in the relationship between the state and private contractors. In this context, the committee helps to prevent unethical practices, provides contractors with a platform to air their grievances in the event of perceived unfair treatment, protects the interest of the public, and helps to redress the imbalance in the distribution of economic power in the various entities in the government. Additionally, the committee has the express mandate to forward any criminal activity it identifies in the course of the proceedings to the concerned authorities. The legal protection afforded to the interest of the contractors as well as their competitors in the process of procurement and tendering by the state is a crucial aspect in the process. This entails the right to make independent appeals, the right to a hearing, access to documentation, the right to call witnesses, and the right to a defence. The comprehensive rules set by the committee, as well as the various legal frameworks in the procurement process, have established a set of rules that ensures transparency, fairness, and equity in the process.

6. Recommendations

In light of the principal findings, this research has been able to come up with the following recommendations:

1. **Enhancement of Suspension Period Clarity and Efficiency:** There should be a suspension period of ten calendar days, including public holidays. The introduction of electronic submission systems will help in smooth processing even outside regular working hours. This will help in eliminating any unnecessary delays. This enhancement is aimed at improving efficiency since critical administrative procedures, such as document verification, are being expedited. This is aimed at improving maximum efficiency and effectiveness within the framework of existing legislation.
2. **Formal Legalisation of Committee Definition:** It is imperative that immediate legal recognition is given to the Committee for Reviewing Appeals. This will help in improving interpretative clarity regarding whether the committee is acting under an administrative and/or judicial mandate. This will also help in defining the scope of powers vested in the committee to impose penalties and take enforcement action. This legal recognition is vital for the proper functioning of the committee and is aimed at improving transparency within the wider framework that this study is focused on.
3. **Regulatory Alignment and Amendment:** These regulations should be aligned and amended in relation to notification procedures and award announcements. The boundaries of firms are crucial in eliminating any form of abuse that may arise through discretionary leniency. The imposition of stringent time limits is crucial in improving consistency in procedures and ensuring that justice is served equally in all aspects of the law.
4. **Abolition of Appeal Fees to Promote Procedural Equity:** This is highly recommended as it will help in improving procedural equity. The current system involves a financial responsibility on the part of the

appellant. This is against the principles of social equality, which is vital for inclusive governance. This will help in improving transparency and trust within the framework of procurement procedures.

7. Study Implications and Future Directions

This study will contribute to the body of knowledge pertaining to the legal rules and procedural mechanisms that guide public procurement and tendering in Saudi Arabia, with special emphasis on the mechanisms that guide price variability and the assessment of appeals. It also highlights the need to develop formal institutional mechanisms that promote integrity in all aspects of the procurement processes. Such mechanisms, if integrated in the broader governance reform agenda, have the potential to yield significant positive outcomes in promoting accountability and transparency in governance. Further studies could be conducted on the use of sophisticated technology, such as blockchain technology, in enhancing anti-corruption mechanisms in the processes. Qualitative comparative studies on the regulations guiding public procurement in the GCC countries could also be a vital area of study in informing harmonization initiatives geared towards the development of a universal standard in the region.

Acknowledgments

We extend our gratitude to the Deanship of Scientific Research at Prince Sattam Bin Abdulaziz University for its valuable efforts in supporting scientific research and researchers.

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