

DIGITAL PREQUALIFICATION OF CONTRACTORS IN PUBLIC PROCUREMENT LAW: A CONTEMPORARY MODEL FOR BOOSTING EFFICIENCY AND TRANSPARENCY

Alaa Abouahmed^{*}, Mohamed Abdelsalam^{**}, Aliaa Zakaria^{***},
Moustafa Elmetwaly Kandeel^{****}, Gehad Mohamed AbdelAziz^{*****},
Ahmed Khalil^{*****}, Adham Hashish^{*****}

^{*} Corresponding author, College of Law, United Arab Emirates University, Al Ain, UAE;
Contact details: College of Law, United Arab Emirates University, P. O. Box 15551, Al Ain, UAE
^{**} College of Law, Applied Science University, Al Ekir, Bahrain
^{***} College of Law, Tanta University, Tanta, Egypt
^{****} College of Law, Al Ain University, Al Ain, UAE
^{*****} College of Law, United Arab Emirates University, Al Ain, UAE
^{*****} Institute of Public Administration, Riyadh, Saudi Arabia



Abstract

How to cite this paper: Abouahmed, A., Abdelsalam, M., Zakaria, A., Kandeel, M. E., AbdelAziz, G. M., Khalil, A., & Hashish, A. (2026). Digital prequalification of contractors in public procurement law: A contemporary model for boosting efficiency and transparency. *Corporate Law & Governance Review*, 8(1), 169–177.
<https://doi.org/10.22495/clgrv8i1p15>

Copyright © 2026 The Authors

This work is licensed under a Creative Commons Attribution 4.0 International License (CC BY 4.0).
<https://creativecommons.org/licenses/by/4.0/>

ISSN Online: 2664-1542
ISSN Print: 2707-1111

Received: 21.09.2025
Revised: 17.12.2025; 09.01.2026; 02.02.2026
Accepted: 16.02.2026

JEL Classification: H83, K2, K10, K19, O10
DOI: 10.22495/clgrv8i1p15

The prequalification of contractors and suppliers of public administration is crucial for enhancing efficiency and transparency in public procurement law (Ayobami et al., 2024). It reduces processing time, minimizes human errors, and ensures objective evaluations. The UAE has developed an advanced digital model for supplier prequalification. According to the Government of the United Arab Emirates, Ministry of Finance (2024), an integrated platform allows suppliers to register and submit documents electronically, reducing paperwork, expediting evaluations, and ensuring competitive selection. The UAE platform utilizes artificial intelligence (AI) to analyze documents, assess financial solvency, and evaluate technical capabilities per official standards. Prequalification announcements are published digitally and in major newspapers to ensure broad accessibility (Aboelazm & Ramadan, 2023). This system enhances efficiency, ensures document accuracy, and improves transparency in supplier selection. Despite these advantages, the research addresses a key concern: balancing digital prequalification with supplier rights and procedural fairness. It examines whether AI-driven evaluations maintain fair competition and prevent unjust exclusions. By analyzing these aspects, this study provides legal insights to refine digital prequalification for efficiency and fairness. This study also provides legal insights to refine digital prequalification in the UAE, emphasizing the need for clear safeguards regulating AI-based evaluations. Accordingly, the paper proceeds through literature review, methodology, analysis, and conclusions.

Keywords: Prequalification, Public Procurement Law, Efficiency and Transparency, Digital Technology, Digital Platform, Procurement Procedures Manual, Suppliers, Objective Evaluation, Public Administration, Digital Transformation

Authors' individual contribution: Conceptualization — A.A.; Methodology — M.A.; Writing — Original Draft — A.A.; Writing — Review & Editing — A.A. and A.Z.; Supervision — M.E.K. and G.M.A.; Project Administration — A.K.; Validation — A.H.

Declaration of conflicting interests: The Authors declare that there is no conflict of interest.

1. INTRODUCTION

Supplier and investor prequalification is considered one of the most important administrative tools that contribute to achieving the elements of efficiency and transparency in administrative contracts, especially during the execution of large and significant projects. In light of the ongoing development of legal and administrative systems, the process of prequalification has become an integral part of concluding administrative contracts. Indeed, it is a highly effective means that is commonly used to evaluate the capacities and potentials of all nominated suppliers and investors before they participate in public tenders (Ayobami et al., 2024; Kamar et al., 2025; Al Dossari, 2025).

On this basis, the primary purpose of prequalification is to ensure the selection of qualified suppliers with the technical, administrative, and financial capacities required for the competent and efficient execution of contracts concluded with the public administration. In addition, the prequalification process shall ensure transparency and equal opportunities for all competitors and reduce the risks arising during contract execution from the selection of unqualified suppliers (Nokhaili & Ait Lemqeddem, 2025).

Therefore, with the recent spread of digital platforms (e.g., the UAE government procurement platform), the process of prequalification has witnessed further development in order to be faster and more efficient. In other words, through “digitization”, the process of prequalification is now more dependent on advanced electronic systems that guarantee the accurate management of data, as well as providing all suppliers and investors with transparent and easy accessibility to the tenders launched by the State; hence contributing significantly to the enhancement of competitiveness, as well as the attainment of strategic goals of the concerned administrative agencies, i.e. opening new horizons for efficiency, transparency and equal opportunities (Haenlein & Kaplan, 2019; Mustofa et al., 2025; Palmieri, 2025; Rieg & Ulrich, 2024; Al Frijat & Al-Hajaia, 2025; Dahiyat, 2025).

In light of the above, this current research aims to address the concept and importance of “prequalification”, including the role of this process in enhancing the elements of efficiency and transparency. In this sense, this research will review exceptional experiences in implementing prequalification, particularly in light of the recent digital transformation widely witnessed in many countries around the world.

From a conceptual standpoint, this research is grounded in an analytical and doctrinal legal framework that examines prequalification as a procedural mechanism governed by the principles of efficiency, transparency, and equal treatment in public procurement. The significance of this study lies in addressing the growing reliance on digital prequalification platforms and the legal challenges arising from automated and data-driven decision-making in supplier selection, an area that remains relatively underexplored in existing legal scholarship.

Methodologically, the research adopts an analytical legal approach, supported by a comparative examination of selected regulatory frameworks and practical experience in

implementing prequalification systems, particularly in the context of digital transformation.

The study shows that the UAE has developed an integrated digital prequalification system that enhances efficiency and transparency in public procurement. It also confirms that digital platforms facilitate standardized evaluation of suppliers while preserving procedural safeguards, including the right to appeal, thereby strengthening legal certainty and fair competition.

The rest of the paper is structured as follows. Section 2 reviews the relevant literature. Section 3 analyses the methodology used to conduct the research. Section 4 explains the results of this research. Section 5 discusses the various aspects of prequalification and the procurement process, the management of the procurement platform, and the procedures leading to a final decision. Section 6 presents the conclusion.

2. LITERATURE REVIEW

In recent years, there has been an increasing focus on creating government contracting systems by incorporating technology and artificial intelligence (AI) at different phases of public procurement. In this context, Ayobami et al. (2024) presented a pioneering study that focused on the essential shift in public procurement systems, leveraging AI, data analytics, blockchain, and intelligent automation to improve transparency, efficiency, and ethical compliance.

The research highlighted that traditional procurement systems face ongoing issues such as sluggish performance, insufficient accountability, and widespread corruption, whereas Digital Procurement 4.0 systems enable the resolution of these challenges.

Although the Digital Procurement 4.0 framework provides essential perspectives on global public procurement reforms, our study focuses on Emirati administrative contracts. It examines how digital tools can be adapted to the UAE’s legal and administrative framework.

Nokhaili and Ait Lemqeddem (2025), in their research, examined how e-procurement is transforming the management of public funds in Morocco. The authors noted that digitalization helps reduce corruption, enhances information accessibility, and speeds up and improves the efficiency of public contracts.

Similarly, and moving beyond traditional e-procurement systems, Spreitzerbarth et al. (2024) argue that AI-based procurement relies on algorithmic data processing to support supplier evaluation. Yet, it also raises concerns regarding transparency and hidden bias in exclusion decisions. Unlike these broader international assessments, the present study focuses on the UAE’s emerging digital prequalification model and its legal safeguards that seek to protect suppliers’ procedural rights within a fully digitized procurement framework.

The findings of Kasmono et al. (2025) are consistent with the broader body of recent literature that emphasizes the role of electronic procurement systems in enhancing efficiency, transparency, and accountability in public procurement. Similar to other studies reviewed, their research confirms that

digital procurement platforms contribute to improved governance outcomes by standardizing procedures and increasing accessibility. However, while much of the existing literature focuses on the operational, technological, and sustainability dimensions of e-procurement, fewer studies address the legal and procedural implications of digital prequalification mechanisms. In this context, the present research builds upon previous studies by shifting the focus toward the legal framework governing digital prequalification, particularly the procedural guarantees, exclusion decisions, and appeal mechanisms within digital procurement platforms, with specific reference to the UAE experience.

In the UAE, all federal agencies have paid close attention to developing methods for selecting contractors, relying on a digital platform as a major means for the conclusion of administrative contracts (Aljahoori, 2025). In this regard, the first step is always supplier prequalification; a major step taken to ensure selecting the most efficient and qualified suppliers, subject to the highest levels of efficiency and transparency throughout all stages of selection and evaluation (Aboelazm & Ramadan, 2023).

Interestingly, the concept of “prequalification” has actually been mentioned in several laws, including the Egyptian Law which has defined “prequalification” as follows: it is an action that is taken and announced by the competent administrative authority to make sure of fulfilling the required potentials and capacities (e.g., technical, financial, administrative, human, etc.) by the nominated suppliers, contractors, service providers or consultants, hence ensuring the efficient execution of a contract before submitting their bids; and that is pursuant to the stated standards and requirements of evaluation, and in accordance with the required documents of prequalification (Batikh, 2011).

In this regard, the legal provisions concerning the regulation of prequalification as a permissible action have been stated in Article 21 of the Egyptian Law No. 182 of 2018 on regulating contracts concluded by public entities, as well as Articles 38, 39, 40, and 41 of its Executive Regulation. It is permissible for the competent administrative authority to announce a request for prequalification, regarding some transactions whose nature requires ensuring the fulfillment of specific technical, financial, administrative and human capacities and potentials by the qualification applicants (i.e. suppliers, contractors, service providers or consultants); and that is to make sure of their ability to execute the required contract efficiently, before inviting them to make their bids for the announced tender; i.e. subject to the requirements and criteria stated for their evaluation pursuant to the submitted prequalification documents (Soliman & El-Barkouky, 2020).

In this context, in the UAE, the legislator has been keen to associate the concept of “prequalification” with the digital platform to facilitate the performance of this process. Hence, pursuant to Cabinet Resolution No. 122 of 2024 on Executive Regulation of Federal Law No. 11 of 2023 on Procurement in the Federal Government, “prequalification” is defined as follows: it is an administrative action that is taken to verify

the suppliers’ ability to meet the contract’s requirements according to the specified standards and criteria via the digital platform. All stages of this process are completed electronically, hence saving much time and effort for both the competent administrative agency and the suppliers. In addition, the method may involve field visits or demonstrations (when necessary), as well as ensuring compliance with the stated health and safety requirements (Abouahmed et al., 2023).

On this basis, the competent federal agency can ensure that each supplier evaluation process complies with all standards and requirements set for the supplier’s qualification to participate in tenders launched by those federal agencies. The process shall include a verification of the supplier’s technical potential and their conformity to the work requirements, as well as verifying the quality of the provided products or services. Hence, it is safe to say that a major purpose of prequalification is to create a comprehensive database including all qualified suppliers who fulfill the required capacities and potentials as deemed necessary for meeting the needs of those federal agencies efficiently and effectively (Mahmoud & Anani, 2024).

Therefore, pursuant to Cabinet Resolution No. 122 of 2024, the purpose of this process is to ensure the selection of suppliers who meet the required financial solvency, technical experience, and high efficiency, by reviewing submitted documents and information (e.g., financial records, prior experience, resumes, and other stated requirements). Hence, only the suppliers who have successfully passed this process are considered eligible to submit bids for the limited tenders related to those procurements (Cabinet Resolution No. 122 of 2024, Article 1).

Similarly, pursuant to the Egyptian Law, “prequalification” is a procedure that is announced and conducted by the competent administrative authority, to make sure of fulfilling the required potentials and capacities (e.g., technical, financial, administrative, human, etc.) by the nominated suppliers, contractors, service providers or consultants, hence ensuring the efficient execution of a contract before submitting their bids; and that is pursuant to the stated standards and requirements of evaluation, and in accordance with the required documents of prequalification (Soliman & El-Barkouky, 2020).

3. RESEARCH METHODOLOGY

This research is based primarily on two methodological approaches: the analytical legal approach and the comparative legal approach. The analytical approach is applied to examine the regulatory framework governing digital prequalification in the UAE, particularly procedural safeguards related to transparency, supplier rights, and mechanisms for exclusion and appeal. In parallel, the comparative approach is used to contrast the UAE experience with relevant legal practices in Egypt, highlighting similarities, differences, and potential areas for legislative improvement. This combination allows the study to analyze legal provisions accurately while assessing how different jurisdictions regulate digital systems in public procurement.

Although an empirical or economic analysis of law could provide quantitative evidence on the impact of digital prequalification — such as measuring exclusion rates or cost efficiencies — this approach was not adopted due to the unavailability of public data and because the core of this research concerns normative legal safeguards rather than statistical outcomes.

In addition to the adopted analytical and comparative legal approaches, alternative methodological options could have been considered for examining digital prequalification systems. For instance, an empirical socio-legal method, based on interviews with procurement officials or suppliers, could provide practical insights into the operation of digital platforms and users' perceptions of fairness and accessibility. Likewise, a quantitative economic analysis of law could be employed to assess efficiency indicators, such as procurement timelines, cost reductions, or exclusion rates resulting from digital prequalification mechanisms. However, these alternative methods were not pursued in the present study due to limitations in data availability and access, as well as because the primary objective of the research is to assess the legal and normative dimensions of digital prequalification, particularly procedural safeguards, rather than to measure empirical or economic outcomes.

4. RESULTS

The UAE Federal Government has established a comprehensive electronic system for the prequalification process through the Government of the United Arab Emirates, Ministry of Finance (2024), thus streamlining the qualification and evaluation processes for companies seeking government contracts.

The federal electronic prequalification platform has contributed to accelerating procurement procedures and enhancing transparency in the selection of contractors. It achieves this by digitizing data, unifying evaluation standards, and providing a centralized platform that offers accurate information on qualified companies competing for government contracts.

The administration can disqualify a candidate who fails to fulfil the prequalification criteria, and the candidate has the right to appeal according to the stated legal procedures.

The analysis indicates that the digital platform enables a unified electronic examination of companies' technical and financial documents, as well as verification of their previous experience. This facilitates the issuance of a decision to include the company in the list of qualified suppliers or to exclude it, based on the degree to which it meets the prescribed requirements. The platform also allows suppliers to submit appeals through regulated legal procedures, thereby ensuring the accuracy of the prequalification process and its implementation within a clear and well-defined methodological framework.

5. DISCUSSION

This section discusses the key findings related to the prequalification stage and the broader procurement process, with particular attention to the management of the procurement platform and

the procedural steps leading to the final award decision. Building on the preceding analysis, it examines how legal, technical, and administrative requirements interact throughout the procurement cycle and assesses their implications for transparency, competition, and procedural fairness. The discussion further evaluates the effectiveness of existing governance mechanisms in ensuring accountability and equal treatment of bidders, while identifying areas where procedural design and platform management may influence decision-making outcomes.

5.1. Announcement of prequalification and the role of digitization

The prequalification announcement is considered an essential step in the qualification process to ensure transparency and equal opportunities for all nominated suppliers. Therefore, subject to the UAE Law, pursuant to the provision of Article 7 of Cabinet Resolution No. 4 of 2019 concerning the Procurement and Warehouse Management Regulations in the Federal Government, it is imperative to announce all tenders and practices via the electronic procurement portal, as this announcement shall include the use of websites specialized in e-procurement, or the use of any other means deemed as suitable by the competent federal agency, pursuant to the applicable provisions and procedures.

On the other hand, subject to Egyptian legislation, the requirement for prequalification was introduced by Law No. 182 of 2018 and its Executive Regulation, and the concerned Prequalification Committee shall announce prequalification after inviting the suppliers. In other words, this procedure shall be duly announced in both Arabic and English in the widely circulated daily newspapers, via the public procurement electronic portal, and in foreign newspapers and publications outside the Arab Republic of Egypt. In addition, the announcement may also be published via the official websites of the concerned administrative authorities, government units, and public organizations. Naturally, this procedure is intended to enable the relevant public administration to verify the contractor's financial and technical eligibility.

In this regard, the legal provisions concerning the regulation of prequalification has been stated in Article 21 of Law No. 182 of 2018, as well as Articles 38, 39, 40, and 41 of its Executive Regulations of 2019; and that is through the following procedures: a) setting specific rules for the process of prequalification and its announcement; b) forming a specialized committee for the prequalification; c) setting specific criteria and controls for prequalification; e) examining the submitted prequalification requests to make sure of the company's ability to execute the required specifications, terms and conditions.

Usually, the announcement shall include a brief statement about the project in question, including the following data: the nature of the project, the term of the project, mailing address, email address, and the deadline for submitting qualification requests. The announcement shall provide all data and details deemed necessary for suppliers interested in participating in the tenders or submitting bids.

5.2. The role of management of the digital government procurement platform in the prequalification

The UAE has witnessed significant advances in the integration of AI across sectors, including the economy, healthcare, and social services. The country has demonstrated a proactive approach in regulating AI through dedicated legal frameworks and policy initiatives (Al-shawabkeh et al., 2025). Moreover, it has established rules governing civil liability for damages arising from the use of AI through legislation, legal scholarship, and judicial decisions. In light of the recent developments of digital transformation, all relevant legal provisions have been categorized and classified according to specific major fields and specialties; as they have covered the following various aspects: digital community, digital economy, digital management, digital security, digital legalization and governance, electronic achieving, electronic recording, digital documents transcription, crypto-currency, digital platforms, smart contracts, and AI (El-Gheriani & Hashish, 2025; Eldakak et al., 2024). The recent massive development of modern means of communication has resulted in new legal obligations for the State concerning the necessity of providing laws for the regulation of all actions and transactions conducted via modern means of communication (Abdelsalam et al., 2025).

In this sense, digitization is considered an element of the utmost importance, taking into account that it is an essential pillar for this strategic transformation in light of all relevant legal and procedural dimensions; hence, facilitating access to justice remotely, ensuring the security of investment, and securing the transparency of competition, especially in the field of administrative contracts (El-Gheriani & Hashish, 2023).

5.3. The vital tasks of management of the digital government procurement platform

The management of the government procurement platform involves several vital tasks that significantly enhance the process of digitization in procurement:

1) *Setting clear policies and criteria for administrative contracts*: In the prequalification process, the first step is to specify clear policies and criteria for all contracts entered into with the federal agency. This clarity shall significantly facilitate the submission of requests and applications for prequalification by the concerned investors. In addition, the digital platform shall play a pivotal role in this regard by accrediting a distinctive group of suppliers who have duly met certain requirements at the prequalification stage. Consequently, this mechanism shall enhance the overall performance of the supply chain by providing a more efficient resource management and facilitating expenditure control (Abouahmed et al., 2023).

2) *Managing the digital manuals portal*: Through a catalogue of products, services, and procurement, the digital platform shall enable both the government agency and the suppliers to have complete access to a comprehensive manual for all available products and services. In addition, this catalogue could be easily updated, thereby facilitating the regulation of all selection and

contracting processes between suppliers and the various government agencies in a smooth, transparent manner (Saad, 2024).

3) *Developing indicators for the supplier's efficiency*: Digitization, in general, contributes to enhancing the ability to measure work performance accurately. In this sense, by implementing indicators to measure government expenditure and suppliers' performance, it is possible to obtain real-time data on government expenses and suppliers' quality, enabling concerned government agencies to make informed decisions based on accurate, realistic analyses. In this way, those agencies will have the right to exclude some ineligible suppliers at an early stage, especially during the prequalification stage (Badour, 2022).

4) *Managing the digital platform*: The digital platform offers several benefits, especially during the prequalification stage. For instance, it allows access to all essential data regarding suppliers interested in applying for qualification, thereby facilitating the following tasks: verifying the validity of all submitted data, accepting and approving it, and ensuring its conformity with the required specifications and qualifications. That is to say, thanks to digitization, all those tasks and processes have been significantly facilitated, not to mention the advantage of reducing all costs associated with manual and paperwork procedures; hence, enabling the execution of all qualification processes and the swift, efficient approval of qualified suppliers. (Abouahmed et al., 2023).

5.4. The benefits of digitization in the government procurement platform

The benefits of digitalization in the government procurement platform are as follows:

1) *Improving efficiency*: Through automation, the conclusion of administrative contracts shall be faster and more regulated, hence contributing to the improvement of productivity.

2) *Enhancing transparency*: The digital platform provides a unified system that enables all concerned parties (i.e., government agencies and suppliers) to have access to all information concerning qualification and procurement, hence enhancing trust in this system (Mahmoud & Anani, 2024).

3) *Minimizing costs*: Thanks to digitization, all costs related to the paperwork procedures could be reduced significantly, hence accelerating all processes and benefiting the public budget.

4) *Improving the interaction with suppliers*: The digital platform enables the suppliers to submit documents and information digitally, hence facilitating the communication and interaction between the concerned government agencies and the suppliers efficiently.

5.5. Procedures of prequalification

Pursuant to Egyptian Law, a committee shall be formed by a decree issued by the competent authority; the committee shall include legal, technical, and financial members, as well as a member from the Public Contracts Department. In addition, the committee may also consult with any experts specialized in the subject matter in question, and the committee shall complete all works within the dates specified by virtue of law (Executive Regulations of Law No. 182 of 2018

regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019), Article 39).

In this context, the tasks and works of the Prequalification Committee could be specified as follows:

- to prepare the prequalification documents, to specify the prequalification criteria, and to state all required documents in this regard;
- to answer the questions of qualification applicants, and to provide the content of their responses to all applicants;
- to examine all submitted prequalification requests, after making sure of fulfilling all of the stated requirements; to determine the eligible requests pursuant to the stated objective criteria of qualification; and to exclude the ineligible requests.

Furthermore, without prejudice to the principle of equal opportunities, the Prequalification Committee may demand further documents and clarifications as deemed necessary for examining the submitted qualification requests; in which case, the committee's request for further information shall include a deadline for response. Moreover, the committee may consult with the competent administrative authority on any matters that need further interpretation.

Therefore, the Egyptian legislator has stipulated that the competent administrative authority shall provide specific dates for demanding explanations and receiving responses in the tender specifications, taking into consideration the dates specified for making bids, as well as providing the opportunity for any necessary field visits (if required). On the other hand, the bidder also may submit any further questions or demand explanations before the bid's opening session; as the Prequalification Committee shall answer those questions and provide any clarifications during the maximum period of three days as of the date of receiving such demands (Executive Regulations of Law No. 182 of 2018 regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019), Article 39).

5.6. The final decision on accepting nominees eligible for prequalification

In the UAE, the management of the government procurement platform represents the competent authority concerned with examining the submitted qualification documents and making a reasoned decision on the matter, i.e., to accept and approve the supplier as eligible, in case of fulfilling all terms and conditions and submitting all required documents. Hence, the platform's management is responsible for entering and updating qualification results into the procurement system. However, in case of failing to fulfill the stated terms and conditions, the management shall make a reasoned decision of the nominee's ineligibility as a potential supplier for the public administration; in which case, the management of the government procurement platform shall inform the supplier of their failure to fulfill the qualification criteria, with full explanation of all relevant reasons (Executive Regulations of Law No. 182 of 2018 regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019), Article 39).

On the other hand, pursuant to the Egyptian legal system, the competent administrative authority

shall notify the qualification applicants of the list of all qualified investors, either by registered letter with acknowledgement of receipt or by email. In addition, this list shall be announced on the official website of the administrative authority concerned.

5.6.1. The requirement of technical efficiency

In the UAE, the competent agency shall verify the supplier's "technical efficiency" to ensure their ability to perform the required works under administrative contracts. In this regard, this technical efficiency is verified according to the required technical qualifications and practical experience as deemed necessary by the public administration. Interestingly, pursuant to the Egyptian Law No. 182 of 2018 on the regulation of contracts of public authorities, the same approach is stipulated in Egypt, where the legislator has paid much attention to the requirement of technical efficiency. Therefore, the priority is not merely given to bids with lower prices; however, the applicant's technical efficiency shall be duly verified to ensure the quality of the offered services, whose performance shall be subject to the required technical specifications, hence avoiding any waste of time or public funds. In this regard, Article 32 of Law No. 182 of 2018 has stated the following: in all dealings and transactions, the competent administrative authority shall verify fulfilling the requirements of technical efficiency, financial solvency, good reputation and other objective standards as specified by the administrative authority in the tender specifications; and that is pursuant to all legal provisions stated in this law and its Executive Regulation. Similarly, Article 43 of Executive Regulations of Law No. 182 of 2018 regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019), has stated the following: in this sense, the prequalification request shall be issued pursuant to the form prepared in this regard by the General Authority for Government Services; as the Prequalification Committee shall take all necessary actions to specify all criteria required for executing the transaction in question, including technical efficiency, financial solvency, as well as other technical, financial, administrative and human requirements.

In this sense, the Egyptian legislator has stressed that after completing the prequalification, a short list shall be prepared containing all eligible applicants who have been deemed as capable of performing the required tasks pursuant to the qualification requirements; as those eligible suppliers shall be invited to the tender. In other words, by virtue of the provision of Article 85 of the Egyptian Law No. 182 of 2018, each government authority shall keep a record that includes a classification for all interested contractors according to their technical abilities; as this data shall be subject to a periodical update, at least one month before the beginning of the fiscal year. Hence, we recommend that those records be transformed into digital logs supported by AI, which could provide essential indicators to assist the administrative authority in selecting contractors.

On the other hand, with French Legislation, pursuant to the provision of Article 48 of French Decree No. 2016-360 of 25 March 2016 relating to

public procurement, the nominated contractor must submit all necessary documents and information as required by the contracting authority; as this authority shall be duly enabled to review and examine the contractor's actual efficiency and field experience, hence qualifying him as eligible to practice the activities stated in the proposed contract. In addition, besides the technical and professional efficiency, the concerned authority shall also be enabled to review and examine the contractor's economic and financial efficiency. On this basis, Article 44 of the exact resolution has specified the required documents and information that shall be submitted by each contractor interested in entering into a contract with the administrative authority; as those documents and information shall be considered as evidence for the nominee's fulfillment of the required economic, financial, technical and professional efficiency; an action which is known as quality assurance (Badour, 2022).

5.6.2. The requirement of financial solvency

The administrative authority shall always verify the applicant's fulfillment of the stated requirement for financial solvency, a requirement deemed important and necessary, as the above requirement, and hence it could be verified during the prequalification stage as well. In addition, it is required to provide a classification for all interested contractors according to their financial solvency. Moreover, pursuant to Article 34 of Executive Regulations of Law No. 182 of 2018 regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019), the Public Contracts Department shall specify certain criteria for the verification of financial solvency in the tender specifications; an action that shall be duly completed by the competent committee pursuant to the provisions of Article 34. In this way, the concerned authority may verify whether the bidder has the financial ability and liquidity required to execute the contract by examining the bidder's budget, financial position, and cash flows, in accordance with the nature of the contract and all other relevant issues (Nasser, 2015).

On this basis, it is permissible to ask the applicant to provide certificates and statements verifying his financial efficiency. These documents can be examined to verify their accuracy, and any falsification will result in criminal charges under the UAE Penal Code (Hashish, 2024). In addition, the terms and conditions of an administrative contract may stipulate the payment of a temporary or permanent deposit; thus, in direct agreement contracts, the temporary deposit serves as a guarantee of the applicant's seriousness. On the other hand, the permanent deposit serves as a warranty for the contract's execution; it is held until the contract is fully executed, including the warranty period specified by the contract's terms and conditions. Thus, meeting the required deposits can be regarded as evidence of financial solvency. Therefore, an applicant who fails to pay the required deposit shall be excluded, as an applicant who cannot pay the required deposit cannot be trusted to perform the necessary works duly (Abouahmed et al., 2023).

In this regard, it is worth noting that the requirement of financial efficiency shall be

considered both an initial and a continuing requirement; it is not sufficient to meet this requirement only at the beginning of the contract; it shall be maintained throughout the execution of the contract. Therefore, in the event of the contractor's bankruptcy or insolvency, the contract shall be considered terminated, pursuant to Article 50/3 of Law No. 182 of 2018.

5.6.3. Announcement of the final decision

After completing their work, the Prequalification Committee publishes the final results of their examination of submitted prequalification requests via the public contracts portal, including a statement of all potential participants interested in entering into the transaction in question. The committee's final decision shall include the acceptance and approval of eligible tender participants who have successfully passed the prequalification stage, as well as the exclusion of qualification requests that have failed to meet the stated qualification criteria (Executive Regulations of Law No. 182 of 2018 regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019), Article 41).

In this regard, the Prequalification Committee shall provide a reasoned decision for all excluded qualification requests that have failed to meet the objective qualification standards. In addition, after approving the decision issued by the competent authority, the administrative agency shall inform the excluded applicants of this decision, either by registered letters with acknowledgement of receipt, email messages, or any other means of communication that guarantees their notification of the matter. Then, any excluded investor shall be entitled to appeal against the issued decision of his exclusion from the list of qualified investors (Batikh, 2011).

In this sense, according to jurisprudence, the nominee's eligibility for contracting shall be proved and verified by fulfilling the following terms and conditions: a) the nominee shall be specialized in the contract's field of work; b) the nominee's prior expertise and competencies (as per the submitted documents) shall fulfill all requirements stated by the administrative agency; c) all required documents and certificates concerning the nominee's technical efficiency and financial solvency shall be duly submitted by the nominee (Badour, 2022).

6. CONCLUSION

Through the UAE Digital Procurement Procedures Manual of 2024, the UAE Federal Government has established a comprehensive electronic mechanism for the prequalification process, thereby facilitating qualification and evaluation for companies applying for government contracts.

The digital mechanism for prequalification aims to ensure complete transparency in the supplier selection process by providing a set of predefined criteria for evaluating all nominated companies. In this sense, those criteria cover all relevant technical and financial aspects that all interested companies shall duly fulfil, thereby ensuring their ability to execute the required projects with high quality and efficiency.

All documents submitted by the concerned companies via the digital platform are duly reviewed

and examined to verify their eligibility, including their technical and financial capacities. In addition, any prior expertise is duly evaluated to verify the company's ability to accomplish similar work. In this sense, this process of assessment and evaluation helps ensure the absence of any contradictions or inefficiencies among the nominated companies; hence, enhancing transparency and guaranteeing that the selected companies can execute the required projects at the highest levels of quality and efficiency.

The supplier is accepted and approved, in case of fulfilling all stated technical and financial criteria as required by the administrative authority; as such fulfillment is mainly concerned with verifying the following factors: a) the company's prior expertise; b) the company's technical efficiency and financial solvency; c) all other submitted documents concerning the company's ability to execute the required project efficiently. Consequently, upon the supplier's approval, he shall be registered in the list of qualified suppliers, so that he may apply for any future public offers or tenders.

In case the supplier fails to fulfill the required criteria or the lack of any required documents, the supplier shall be excluded from the list of qualified suppliers; this exclusion may include cases such as failure to submit any documents that support their financial and technical capacities, or the lack of prior expertise necessary to accomplish the project in question. Consequently, if the excluded supplier believes that the exclusion decision is unjustified, he may submit a grievance in this regard, pursuant to the stated legal procedures.

Despite these contributions, this research is subject to certain limitations. The study adopts a doctrinal and comparative legal approach and does not rely on empirical data or quantitative analysis, which could offer additional insights into the practical impact of digital prequalification systems. Moreover, the comparative analysis is limited to selected jurisdictions and does not cover all regulatory models. Future research could address these limitations by incorporating empirical methods or expanding the comparative scope to include additional legal systems.

In conclusion, the study shows that while digital prequalification platforms can substantially increase efficiency and transparency in public procurement, these gains are incomplete without parallel guarantees of fairness. Ensuring the right to challenge exclusion decisions, clarifying the algorithmic basis of evaluation, and enabling effective electronic grievance mechanisms are essential steps toward safeguarding contractors' rights. A balanced digital procurement system, therefore, requires not only technological advancement but also clear legal rules that regulate automated decision-making and extend procedural safeguards to the digital environment.

Future research is therefore encouraged to explore empirical assessments of exclusion decisions, develop quantitative indicators of fairness in AI-based systems, and examine how international best practices can inform legal reforms to strengthen procedural guarantees in digital procurement platforms.

REFERENCES

- Abdelsalam, M., Abouahmed, A., Shatat, A., Hashish, A., & AlQodsi, E. (2025). Blockchain and smart public procurement contracts: A comparative legal analysis of digital transformation in the public sector. *Access to Justice in Eastern Europe*, 8(4), 242-274. <https://doi.org/10.33327/AJEE-18-8.4-a000137>
- Aboelazm, K. S., & Ramadan, S. A. (2023). Transformation to e-public procurement in the United Arab Emirates in the light of Uncitral Model Law. *Journal of Law and Sustainable Development*, 11(8), Article e1499. <https://doi.org/10.55908/sdgs.v11i8.1499>
- Abouahmed, A., Eldakak, A., & Zakaria, A. (2023). Using electronic auctions for contracting in the UAE Federal Government procurements. In B. A. M. Alareeni & I. Elgedawy (Eds.), *Artificial intelligence (AI) and finance* (Vol 488, pp. 884-889). Springer, Cham. https://doi.org/10.1007/978-3-031-39158-3_82
- Abouahmed, A., Kandeel, M. E., & Zakaria, A. (2024). Personal data protection in the United Arab Emirates and the European Union regulations. *Journal of Governance & Regulation*, 13(1), 195-202. <https://doi.org/10.22495/jgrv13i1art17>
- Al Dossari, A. F. (2025). The role of legal enforcement measures in managing financial market risks: A comparative analysis of public and private approaches in Saudi Arabia. *Risk Governance and Control: Financial Markets & Institutions*, 15(4), 76-84. <https://doi.org/10.22495/rgcv15i4p7>
- Al Frijat, Y. S., & Al-Hajaia, E. M. (2025). Auditor's technical, digital, and creativity skills and their role in supporting audit outcomes in light of digital transformation strategy. *Corporate Board: Role, Duties and Composition*, 21(1), 60-70. <https://doi.org/10.22495/cbv21i1art6>
- Ali, M., & Obaid, F. O. (2022). Analysis of factors affecting efficiency of UAE e-government procurement system. *International Journal of Sustainable Construction Engineering and Technology*, 13(2), 195-202. <https://doi.org/10.30880/ijscet.2022.13.02.017>
- Aljahoori, S. A. R. (2025). The legal framework for renewable energy and water management in the UAE: Analysis of challenges and opportunities. In E. Alqodsi & A. Abdallah (Eds.), *Legal frameworks and educational strategies for sustainable development* (pp. 169-184). IGI Global Scientific Publishing. <https://doi.org/10.4018/979-8-3693-2987-0.ch010>
- Al-shawabkeh, I. K., Shouaib, M., Al Qudah, M., & Aldabbas, A. M. (2025). Tax declaration in UAE legislation: Balancing the protection of taxpayers' rights and preserving public funds. *International Journal of Law and Management*. Advance online publication. <https://doi.org/10.1108/IJLMA-01-2025-0013>
- Ayobami, A. T., Mike-Olisa, U., Ogeawuchi, J. C., Abayomi, A. A., & Agboola, O. A. (2024). Digital procurement 4.0: Redesigning government contracting systems with AI-driven ethics, compliance, and performance optimization. *International Journal of Scientific Research in Computer Science, Engineering and Information Technology*, 10(2), 834-865. <https://doi.org/10.32628/CSEIT24102138>
- Badour, A. (2022). The legal protection of keeping up with technology and digital transformation. *International Journal of Scientific Studies Publishing*, 15(3), 318-326. <https://h7.cl/1iJAF>

- Batikh, M. (2011). The legal framework for the legitimacy of public-private partnership contracts, and the alternative means for disputes settlement pursuant to the provisions of Law No. (67) of 2010 and its Executive Regulation No. (238) of 2011, issued on the Private Sector's Participation in Infrastructure Projects. *Journal of Helwan Faculty of Law for Legal and Economic Studies*, (26), 308.
- Cabinet Resolution No. 122 of 2024 on the executive regulation of Federal Law No. 11 of 2023 on procurement in the Federal Government. (2024). <https://uaelegislation.gov.ae/en/legislations/2709/download>
- Cabinet Resolution No. 4 of 2019 concerning the Procurement and Warehouse Management Regulations in the Federal Government. (2019). <https://uaelegislation.gov.ae/en/legislations/1086/download>
- Conseil d'Etat, 7/10 SSR, du 6 novembre 1998, 194960, mentionné aux tables du recueil Lebon [Council of State, 7/10 SSR, of November 6, 1998, 194960, mentioned in the tables of the Lebon collection]. (1998). Legifrance. <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000007961404/>
- Dahiyat, E. A. R. (2025). Sustainability and UAE consumer protection law: Renewed questions and expected challenges. *International Journal of Law and Management*. Advance online publication. <https://doi.org/10.1108/IJLMA-03-2025-0122>
- Décret n° 2016-360 du 25 mars 2016 relatif aux marchés publics [Decree No. 2016-360 of 25 March 2016 relating to public procurement]. (2016). Legifrance. <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032295952>
- Eldakak, A., Alremeithi, A., Dahiyat, E., El-Gheriani, M., Mohamed, H., & Abdulla, M. I. A. (2024). Civil liability for the actions of autonomous AI in healthcare: An invitation to further contemplation. *Humanities and Social Sciences Communications*, 11(1), Article 305. <https://doi.org/10.1057/s41599-024-02806-y>
- El-Gheriani, M., & Hashish, A. (2023). Egypt amends its competition law to establish a pre-merger control system. *Journal of European Competition Law and Practice*, 14(2), 106-112. <https://doi.org/10.1093/jeclap/lpad014>
- El-Gheriani, M., & Hashish, A. (2025). Harnessing the crypto-horse. Factors affecting a friendly regulator of the crypto-industry: Dubai as a test case. *Information & Communications Technology Law*, 34(3), 241-261. <https://doi.org/10.1080/13600834.2025.2452718>
- Executive Regulations of Law No. 182 of 2018 regulating contracts concluded by public entities (Ministerial Decree No. 692 of 2019). (2019). Ministry of Finance. <https://h7.cl/liA90>
- Fayed, A., Zakaria, A., & Abouahmed, A. (2025). Innovations of artificial intelligence in light of the applicable copyright law: Realistic solutions and future prospects. A comparative study of UAE, Egyptian, and French laws. *Access to Justice in Eastern Europe*, 8(1), 241-263. <https://doi.org/10.33327/AJEE-18-8.1-a000116>
- Government of the United Arab Emirates, Ministry of Finance. (2024). *Federal Digital Procurement Procedures Manual*. <https://mof.gov.ae/en/public-finance/government-procurement-digital-procurement-platform>
- Haenlein, M., & Kaplan, A. (2019). A brief history of artificial intelligence: On the past, present and future of artificial intelligence. *California Management Review*, 61(4), 5-14. <https://doi.org/10.1177/0008125619864925>
- Hashish, A. (2024). Some observations on the 2021 new penal code of the United Arab Emirates. *International Journal of Public Law and Policy*, 10(2), 145-154. <https://doi.org/10.1504/IJPLAP.2024.137774>
- Kambar, R., Ismailova, R., Aitbayeva, A., Mukhamejanuly, S., & Zharov, Y. (2025). Assessing the implementation of project management in public administration: A PEST analysis approach. *Journal of Governance & Regulation*, 14(4), 212-222. <https://doi.org/10.22495/jgrv14i4art20>
- Kasmono, A., Purwono, R., & Herawati, N. (2025). Electronic procurement to improve sustainability and digital transformation in government procurement. *Journal of Distribution Science*, 23(4), 91-102. <https://doi.org/10.15722/jds.23.04.202504.91>
- Law No. 182 of 2018 on regulating contracts concluded by public entities. (2018). <https://www.shandpartners.com/insights/firm-news/government-procurement-egypt-lexology-2025> <https://h7.cl/1nAhE>
- Mahmoud, S., & Anani, M. (2024). Artificial intelligence and judicial work. *The Legal & Economic Challenges and Horizons of Artificial Intelligence*, 66(3). https://jelc.journals.ekb.eg/article_342127.html
- Mustofa, A., Haryati, E., & Ismail, S. (2025). The impact of digital transformation on public services governance: A quality assessment scale approach in urban municipalities. *Journal of Governance & Regulation*, 14(4), 156-165. <https://doi.org/10.22495/jgrv14i4art15>
- Nassar, G. (2015). *Administrative contracts*. Dar Al Nahda Al Arabia.
- Nokhaili, H., & Ait Lemqeddem, H. (2025). Digitalization of public procurement in Morocco: A lever for transparency and accountability in public markets. *International Journal of Accounting, Finance, Auditing, Management & Economics*, 6(2), 514-535. <https://ijafame.org/index.php/ijafame/article/download/1789/1788/3445>
- Palmieri, E. (2025). Editorial: Corporate governance, sustainability, and digital transformation. *Corporate & Business Strategy Review*, 6(2), 4-5. <https://doi.org/10.22495/cbsrv6i2editorial>
- Rieg, R., & Ulrich, P. (2024). Does digitalization in management accounting and control increase corporate performance? The mediating role of operational planning and budgeting. *Business Performance Review*, 2(2), 35-47. <https://doi.org/10.22495/bprv2i2p3>
- Saad, A. M. H. (2024). E-tendering a review of internet-based procurement processes. *International Journal of Trendy Research in Engineering and Technology*, 9(1). Advance online publication. <https://doi.org/10.2139/ssrn.4997078>
- Soliman, K., & El-Barkouky, N. (2020). An e-government procurement decision support system model for public private partnership projects in Egypt. In J. Moreno-Jiménez, I. Linden, F. Dargam, & U. Jayawickrama (Eds.), *Decision support systems X: Cognitive decision support systems and technologies* (Vol. 384, pp. 112-124). Springer, Cham. https://doi.org/10.1007/978-3-030-46224-6_9
- Spreitzenbarth, J. M., Bode, C., & Stuckenschmidt, H. (2024). Artificial intelligence and machine learning in purchasing and supply management: A mixed-methods review of the state-of-the-art in literature and practice. *Journal of Purchasing and Supply Management*, 30(1), Article 100896. <https://doi.org/10.1016/j.pursup.2024.100896>