The Administrative Responsibility Rising from the Negotiations of the Administrative Contracts

A Thesis Submitted in Partial Fulfillment of the Requirements for the (Master) Degree in
(Administrative Law)

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Thesis Summary (Abstract)

The Negotiations in the administrative contracts considered one of the stages of the administrative contract, which is an essential stage in the contracting process; therefore the contractual balance of the administrative contract to be lumpy conclusion depends on the good conduct of the negotiations. The pre-contract stage is of huge importance from both, legal and practical sides. As financial transactions are currently witnessing a huge boom focused on giant projects fraught with serious economic risks to the parties.

As the negotiations stage is the first steps of the administrative contract in order to discuss the details of the contract to be concluded and in order to select the best bids or offers to be submitted. Hence the importance of studying the stage of negotiations in the administrative contracts and to clarify the administrative responsibility which arise at that stage.

Especially in the absence of legal regulation of this stage, in terms of its concept and legal nature in both private and public law, which required us to refer to the traditional rules in the theory of commitment to apply at this stage to reach to a legal construction of administrative responsibility in stage of the of negotiations prior to the contract.

This study came to shed light on this important subject in the present day, especially in light of the development to the theory of the administrative contract, which led to the emergence of new types of administrative contracts, which by nature require negotiations between the administrative body and the investor who wants to contract with the administration bodies.

Such contracts include, for example, the public-private partnership, which focuses on the infrastructure projects and utilities, as well as contracts for international contracts for the transfer of technology and other modern administrative contracts, which constitute an important nerve especially for developing countries, through which the developing countries can reduce the gap between them and the developed countries in terms of achieving development rates that enable them to achieve prosperity and prosperity for their citizens.

The study has emerged number of finding and recommendations been installed at the conclusion of the study, and the most important: To established integral a legal system for the negotiation phase of the administrative contracts, whereas the legal system should be flexible, and comply with the provisions and legal nature of the Administrative contract.