

# Decree on public procurement

**Reference:** Decree No. 2-22-431 of 8 March 2023 on public procurement, replacing Decree No. 2-12-349 of 20 March 2013

**Practice areas:** Administrative law, Business law

The public procurement decree sets out the conditions and procedures for awarding works, supplies and services contracts by the State, local authorities and public institutions. It enshrines free access, equal treatment and transparency, and organises e-procurement and the complaint procedures available to competing bidders.

## Award

- The open call for tenders is the standard procedure; restricted calls for tenders, design contests and the negotiated procedure are regulated and must be justified.
- Documents are submitted electronically on the public procurement portal.
- Tenders are examined by a committee that checks the bidders' capacity and then evaluates the technical and financial offers.
- Measures promote access for small and medium-sized enterprises and a preference for national companies.

## Performance and remedies

- The specifications set out time limits, late-performance penalties, and acceptance and payment arrangements.
- The contracting authority may terminate the contract in the cases provided for, subject to rights to compensation.
- An unsuccessful bidder may complain to the contracting authority and then to the National Public Procurement Commission, before bringing an action before the Administrative Court.

## Points to watch

- Time limits for complaints to the National Commission are short and run from publication of the result.
- A tender rejected on a ground not provided for in the tender regulations may be challenged.
- Service orders and site meeting minutes are the decisive documents in any dispute over contract performance.

General information document and unofficial English translation. Only the version published in the Official Bulletin of the Kingdom of Morocco is authoritative; the articles cited may have been amended since this sheet was written. Last updated : 13 October 2026.