

Public Facilities and the City in Algeria: The Problem of Dialog between Public Deals and the Urban Project - The Situation of the City of M'Sila

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Abstract

Following on from the dialog between public facilities and public Deals and their impact on the urban project, this paper looks at the practices of public-private integrated project teams, and their legal and financial links to public Deals.

On the basis of the specific regulatory frameworks for public deals in Algeria, we aim to detect current practices and economic analysis of the public sector. The call for tenders for the organization of the construction and urban development sector in the city of M'sila as a case study, finally, this paper proposes, on the basis of a set of recognized legal loopholes and realistic difficulties on the part of the research samples representative of the approved working team in the state, the means of detecting and preventing collusion and the courses of action to be implemented in the context of public deals.

Keywords: *the city, public facilities, public deals, QGIS, pollution, M'sila in Algeria.*

Introduction

Public facilities are the main structure of the city, which reflects the degree of development of the latter, qualifies the public space and gives a new integration to its location. Their social and urban impact is important in terms of dynamics and their consideration, consideration must not escape the analysis, project and decision process essential to the coherence of actions in the city and the territory (Makdour. A, 2021, p10).

The facilities no longer have the dimensions that gave them a neighborhood or city vocation, therefore there is the need to measure the right scale of territory to take into consideration when developing a public facility project. , for a majority of the population corresponding essentially to the "active", distances no longer have the same values, time having taken precedence over distances, other phenomena intervene and develop through major changes that cities face in terms of functioning, movement, sprawl (Olivier.D,2000, p43).

The term public facilities has long been associated with public financing which was implemented, the public administration is invested with a mission of general interest for the satisfaction of which it is authorized to conclude public deals contracts in numerous areas. These contracts play an extremely important role in the economic and social life of each State, both at the national and local levels and represent, at the same time, a certain decline in the unilateralism of public administration (Montchrestien 2006, p. 263), for a long time, public administrations decided, essentially, through unilateral acts. This

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process, it is said, is inherent to the state form itself and to the power of command which is consubstantial with it: to decide unilaterally and impose decisions on the administrators or authorize them to act according to the requirements of the general interest. , Today, this restriction no longer makes sense to the extent that the recreational and public welcoming vocation of a certain number of private facilities (ludo-sport, cultural-commercial, etc.) gives them complete legitimacy to be taken into consideration by political and technical managers of urban or territorial space, in the same way as facilities financed by public funds (Laffont, J.-J, 2000, p125).

And in the name of what the doctrine calls “contractualism” (RICHER.L, 2012, p.52.), these administrations are part of a logic of renewing the use of their power which should, to be legitimate, negotiate the obligations they impose. As a result, many legal operations are only carried out after several discussions. It is in this logic that the contract fits, synonymous with modernity and democratization of administrative action “Contracting as a technique for managing public affairs” (Richer.L, AJDA 2003, p. 973)

These financial and spatial dimensions are the exclusive and determining elements of the production of neighborhoods, the city and the territories (pierre-Henri .M, 2002), , All these precepts show the complexity of public facilities project management, from which no partner, city and development actor can escape today (INSEE,2001,52) , By projecting this problem into a case study, we ask the main question for this study :

✓ So, how can we improve the performance of public deal legislation to carry out the public facilities programs in Algerian cities ?

Methods and Materials

1 Study-Area

The city of M'sila is of the inner Algerian cities and is line the north-south link, located On the northwestern shore of the Hodna basin and geographical coordinates east of Greenwich Between two viewing circles (‘35.48°, ‘35.67°) north of the equator. Between linear length (4.57°, ‘4.48°) is the seat of the state.

The city of M'sila is the main urban agglomeration of the municipality and state of M'Sila, Estimated Area (4169.69 H) operated by (207.219) inhabitants, this is equivalent to 2.8 of the state's population, according to the municipal Bureau of Statistics2022.

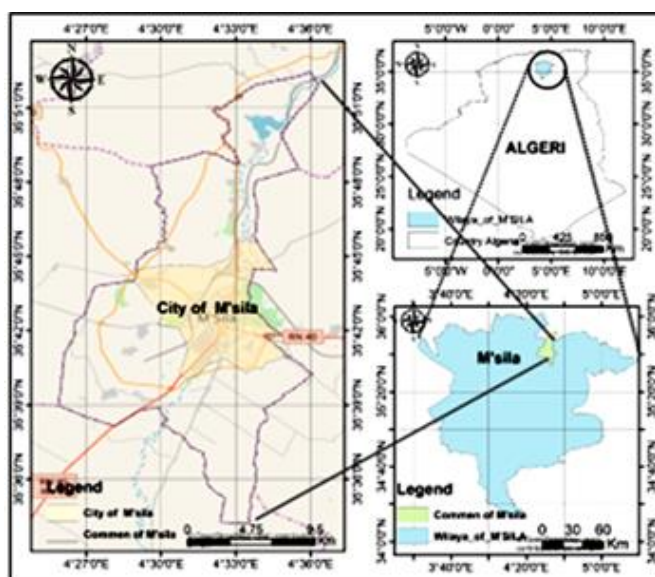


Fig 1: location of city the M'sila en algeria, Source : Master Plan for Development And Reconstruction(MPDR).

Due to the great diversity of public facilities in the city of M'sila, our geographical study will be limited to high schools, in order to have more control over the study.

Methods

Spatial analysis is considered one of the most prominent statistical techniques used in geographical and urban studies to study and understand the spread of a particular phenomenon. Among these techniques we used : Nearest Neighbors, Loners curve, Gini coefficient, elliptic direction of expansion, average center, and density ; After collecting the geographical data we translated it graphically using the open source programme Q GIS 3.14 (Shokati, B. & FeizizadeH, B. 2019 pp. 517–533).

Through a survey directed to the research community (It contains three samples), which selected in a non-parametric method that prove its effectiveness in the field of public deals and urban planning.

RESULTS

It is not easy to define public facilities, and the difficulty of doing so lies in the fact that the term public facilities is ambiguous, and has an organic concept and an objective concept, where the first concept means institutions and facilities built for the common use of the population (Makdour. A, 2021, p62), It can also be defined as the organization that works to satisfy public needs, while the second concept means the activity issued by its management with the aim of satisfying public needs, which is subject to the organization, supervision and control of the state (Bushikhi. A, 2020, p8), and does not take public facilities One image, but of many types depending on the nature of the approach through which public facilities is viewed (Saouchi.S, 2013, pp78-74) :

- The nature of use : Public facilities is taken from the perspective of the nature of the service provided, and through this approach its uses are divided into educational, health, religious, sports, administrative, recreational, etc.
- The nature of the scope of its activity : From this angle, it is concerned with the geographical area to which the public supply service is directed, which has been divided into three sections. The first section is the national facilities whose activity expands to include the entire territory of the country, and the second section is the public facilities whose activity is related to providing services to a specific area or region. From the regions of the country, the third section is urban facilities whose service scope includes the city or part of the city.
- The mandatory establishment : It is subject to the management of the discretionary authority of a state in choosing the time and place of establishing a public facility, the type of service or activity it carries out, and the method of its management. From this perspective, there are public facilities that are optional and necessary.
- The legal nature : In this aspect, the matter relates to the legal formula for establishing this public facilities and the internal law for its management. This division focuses on the area of financial and administrative independence and in the area of responsibility. There are public facilities that have a legal personality and public facilities that do not have a legal personality.

The process of completing public facilities in Algeria is through identifying the needs of society and registering these projects in municipal or sectoral programs (Lhomme F. and Orange M.2003, p145), so that their financial appropriations are financed from the public treasury of the state. This is after preparing the book of conditions for each project, and its implementation is by concluding a contract to select a contracting agent charged with implementation in accordance with the laws. Public contracts (Newspaper Officialdom, 2015), and the process of conclusion, implementation and receipt is under internal and

external control, and this is for the good conduct of the deal to rationalize and protect public money, and the good completion of the project according to the agreed upon terms and deadlines (Compte.O, and Lambert-Mogiliansky. A, 2000, p201).

Public deals procedures in Algeria since independence 1962 have been subject to seven pieces of legislation regulating in the country. Their contents and provisions varied from one stage to another, as a response to the political and economic conditions that characterized each stage. The beginning was with the presidential decree in 1967 and the last of them was Law No. 23-12 dated August 5, 2023. This is due to :

- To give greater normative legal force to regulate public deals transactions, which is a political trend before it is a legal trend to give public deals greater importance.
- The desire to combat corruption and enhance control over the spending of public funds.
- Strengthening the standard regulating public deals and reducing the complexity of its procedures.
- Drawing a new vision for the new state in the field of public deals, by transferring some non-sovereign tasks belonging to the public authorities for a specific period to the delegate, who is a public or private legal personality subject to Algerian law according to a delegation agreement.

Within the framework of the Algerian state's policy and the available executive programs and mechanisms, public facilities in the city of M'Sila have achieved a degree of effectiveness and efficiency since its classification as the seat of the state in 1974. We classified the city's public facilities on the basis of the type of service they provide in the following table :

Facilities classification	the number	percentage
Administrative	86	24.43
Health	16	4.55
Educational	112	31.82
Religious	71	20.17
Tourist	6	1.70
Sports	9	2.56
Financial and insurance	23	6.53
Cultural	13	3.69
the wish	14	3.98
Main transportation stations	2	0.57
the total	352	100.00

Table 1: Shows public facilities in the city of M'sila, Source : Bureau of Statistics for the city of M'sila, 2023

According to the urban development plan, the city was divided into eleven sectors, including seven sectors occupied by building, three in the process of build development, and one sector for future urban expansion, The various facilities were distributed according to residential density, with the exception of administrative facilities, which are located in the second sector (Administrative District 01-02).

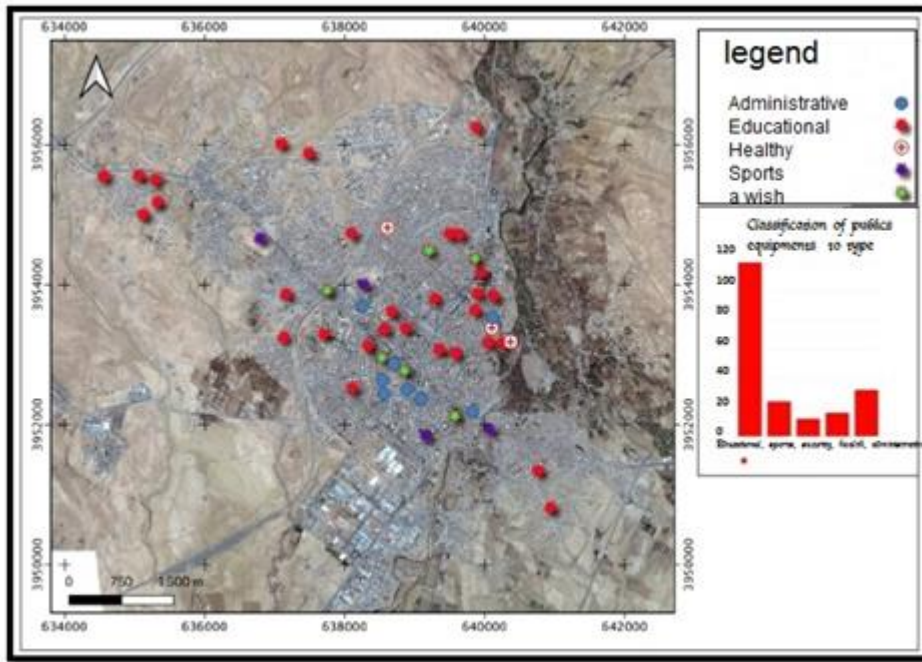


Fig 2: Classification of public facilities in the city of M'Sila, Source : Researcher using Qgis,3.14.

Educational facilities received the greatest attention, followed by administratives, religious, and security facilities, because they are considered obligatory facilities, not optional, in programming. We also find that the density of educational facilities is high in sector 02-03-08, then decreases in sectors 01-05-06-09 and is completely absent in sector 10, as shown in the following figure :

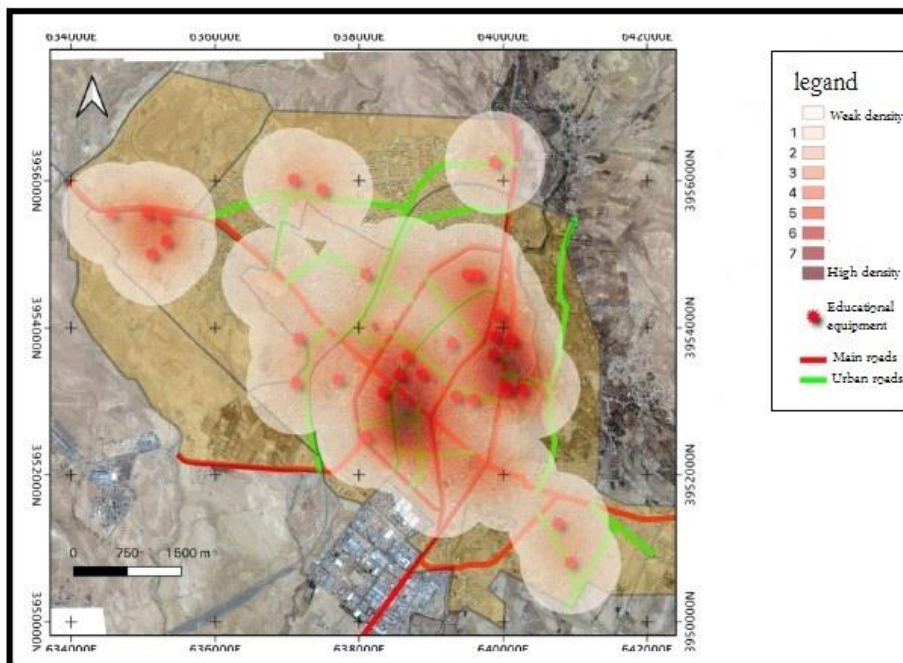


Fig 3: Distribution and scope of impact of educational facilities in the city of M'Sila, Source : Researcher using Qgis,3.14

The completion of public facilities in the city was 100% borne by the state budget, and cumulatively over different stages of time, and the population growth estimated at 2.21 was not the only control over the number and type of public facilities programmes, also, Public deals played a big role in the pace of urban development in the city (shortage financial failure, faltering grant procedures, failure to respect implementation deadlines), as a support program was launched to revive urban development during the years between 2001 and 2004 to complete delayed projects of public facilities in various sectors, and an urgent plan to revive several projects in the health sector in M'sila during the fiscal year 2023, and this What the following table shows:

fiscal year	2019	2020	2021	2022
Finance appropriations	726.444	7490.100	8234.300	7532.000
Financial consumption	395.674	6951.474	8008.497	5964.131
Consumption ratio	54.46%	92,8%	97%	79%

Table2: faltering grant procedures of of public facilities in the city M'Sila, Source : Directorate of Public Equipment in M'sila, December 2022.

Note : The large deficit in implementing public contracts for public equipment in the city of M'sila in year 2019, is due to the "Corona pandemic", which has affected the world as a whole (Nadjat. B, Soufiane. L, 2021,p86).

DISCUSSION

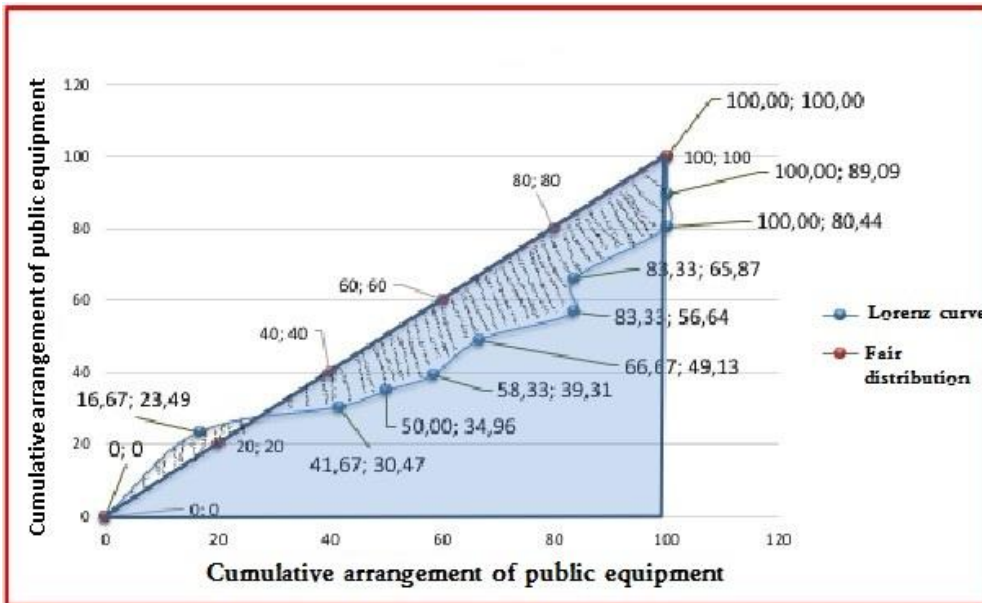
By measuring the extent of achieving the goals declared by the Algerian state, and matching them with the direct and indirect public impact in the long or short term with the reality of the case studied, and based on the programming network approved by the Algerian Ministry of the Planning theoretical grid for facilities, the city of M'sila belongs to the category of cities with 200,000 people, whose population is limited to between 150,000 and 250,000 people, and to the third category with an urbanization rate of 2.9%, where the areas are distributed as follows :

Function	Total Area (H)	
	Theoretically	M'sila city
Living	540.8	416.79
Public facilities	268.26	214.69
Roads	85.92	214.69
Green spaces and public squares	270	269.86

Table 3: Comparing the use of spaces between the theoretical planning network in Algeria and its application in the city of M'sila, Source : Researcher.

With a simple comparison between the allocation of spaces in the theoretical network and the applied one in the city, it becomes clear that the actual achievement of the theoretical goals has been achieved to a large extent. However, there is no justice in distribution, and this is confirmed to us by the "Lozens" curve, where we notice an increase in service in the first and second sectors, and starting from the third sector, the deterioration in Distribution of public services, where we notice that there are more than 23% of the population benefiting from only 16% of public facilities services, and the deterioration continues to become more apparent in the sixth sector, where 83.33% of the population benefits from 56.64% of public services, but this deterioration It is not large, according to "the Gini" coefficient of 22%. Thus, the matter can be remedied and the number of public

facilities in the fourth, fifth and sixth sectors can be increased to keep pace with the future population growth of the city.



Curve 1: Lorenz curve for the classification of public facilities In the city of M’sila, Source : Researcher.

The scope of influence is considered one of the most important elements of spatial analysis. The extent of coverage of the studied area with public facilities services can be determined, according to the public facilities network in force in Algeria. It became clear to us that 73% of the city is covered by the service, while 23% is not subject to the theoretical scope of service, meaning that the population They travel a greater distance than the theoretical distance to obtain the services of various public facilities, but the presence of most and the most important public facilities in the city of M’sila is on located the most important axis of the city’s structured roads, This partial deficit is the result of previous accumulations and overlap between public deals procedures and general plans aimed at improving growth rates and development indicators in the city.

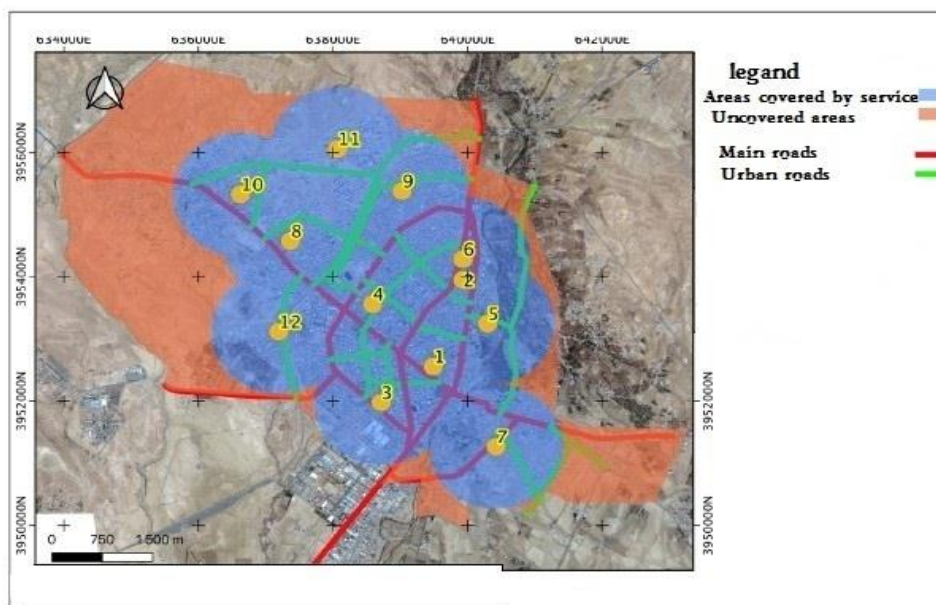
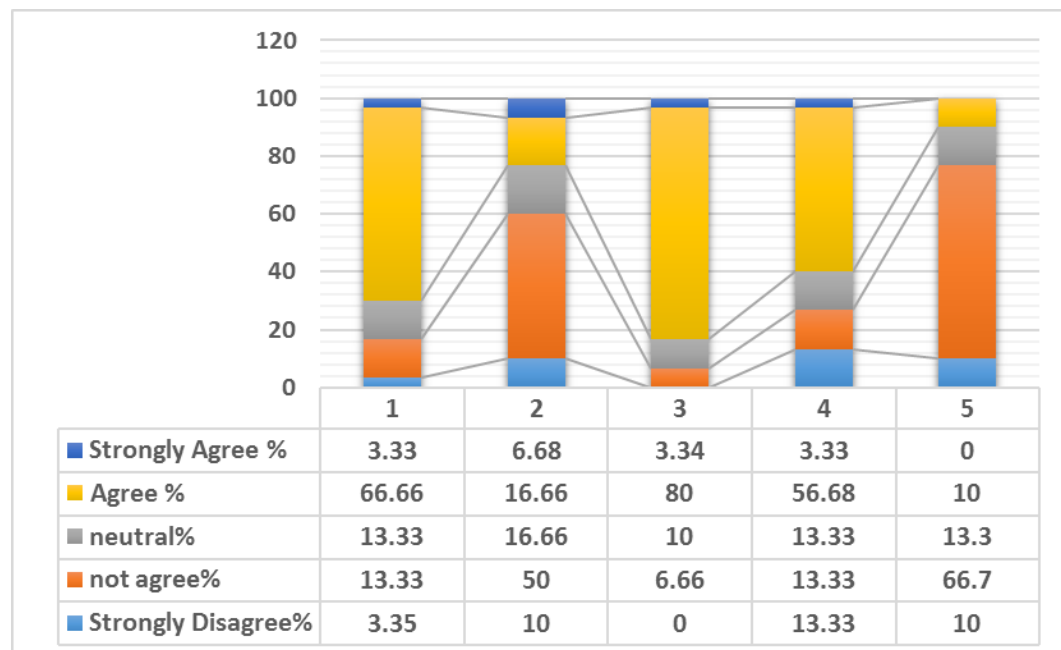


Fig 4: Distribution and scope of impact of educational facilities in the city of M’Sila, Source : Researcher using Qgis,3.14

As the previous diagrams show, the programming approach for the development of programs and the creation of public facilities in the city is complex when part of partnership systems, To facilitate the understanding of the situations, we engraved the analysis results with the actors, this stage from study falling within the framework of the programming approach relating to the realization of public constructions according to the law Algerian, the analysis of “actors” offers the interest of dissecting situations and analyzing the point of views between the different partners; in fact, this analysis is based in our case on three "blocks" which maintain or must maintain relationships and define the conditions of exchange favoring the construction of a public facilities project.

Through a survey directed to the research community (It contains three samples), which selected in a non-parametric method that prove its effectiveness in the field of public markets and urban planning. The survey distributed among : the sample of official bodies whose number is : are 46 government employees (30 Public Facilities Directorate, 16 Municipality of M’sila), the executive sample of 235 Privates entrepreneurs in the field, we tried to analyze and discuss the questions of the problematic study, that was like the following way :



1. Do you think that the technical and financial terms and conditions books achieve effectiveness and guarantee the completion of the public deal ?

Results of the first question highlight the fundamental trade-off which governs the decision to specify a conditions books : the trade-off between competitive pressure and adequacy with the preferences of the public financial budget. Reducing competitive pressure amounts to favoring certain firms at the expense of others. This discrimination is for the benefit of firms whose project appeals to the public market, but it can be exploited to reduce the technical quality of public facilities projects.

We contrast the (technical) specification with the selection procedure based on criterion (“best value”), to establish that this is selected at a lower cost. It follows from this result that a captured procedure tends to minimize competitive pressure and poses non-standard requirements, one of the reasons is that the management of public deals in Algeria suffered numerous large-scale economic shocks during the period studied.

2. Do you think that the method of monitoring public deals is the ideal method as a mechanism for preserving public money ?:

Preventing collusion requires understanding how collusive agreements work. Once properly understood, the rules that govern the operation of such a cartel also give us the solutions to detect and prevent collusion.

On the basis of the second question, this question sets out the methods recommended by specialists to prevent the appearance of cartels which would distort competition in the context of calls for tender. Although not all public contracts are awarded through calls for tender, this procedure is the most common for public contracts of a certain size. However, if these methods explicitly aim to prevent bid rigging, or concerted bidding, the fact remains that other procedures for awarding public contracts can also benefit from them. What reinforced this situation was that a new text was published to regulate public market in 2002, namely Presidential Decree No. 02/250 of July 24, 2002. Article 154 provided for raising the threshold conclusion of public contracts, to reduce pressure on the National Committee for Public Market and to introduce the principles of free competition in public market.

3. Does the Public Market Law guarantee speed in completing projects ?:

The state adopted a new text to regulate public deals pursuant to Presidential Decree No. 10-236 dated October 7, 2010, which is included in Article 24, regulating public deals, electronic communication and exchange of information, establishing an economic observatory for public demand, and this is what the question and the third proposal stated regarding whether or not to apply the provisions of the Public Deals Law, this is what led to an acceleration of public market deals and relative satisfaction (80%) for public market partners in Algeria.

4. Does the Public Market Law ensure the development of competencies and skills in the performance of employees?:

Explains the relative opinions related to the Public Market Law keen on developing competencies and developing skills in the performance of employees, at the beginning of the nineties, a new text was issued regulating public transactions, which was Executive Decree No. 434-91 dated November 9, 1991. It stated in Article 157, that it canceled some articles from Order 67 and Decree No. 145-82, as an attempt to give a liberal character to the organization of transactions in Algeria, but it was amended. Many times, , it reflects the state of instability that the public institution is experiencing with regard to whether or not the provisions of the Public Deals Law are implemented.

5. Do public deals contribute to creating the investment environment and raising the growth rate of the gross domestic product?

As for the delegation of public facilities, provided for by the legislation on public market in Algeria, it did not make it possible to achieve the desired investment environment between the public and private sectors (Fifth question), although public-private partnerships have a real economic interest in providing services to the community, the fact remains that they potentially carry risks. Therefore, it is appropriate to rely on feedback from foreign practices to derive a set of prescriptions relating to the management of these contracts.

First of all, it is a question of establishing a common vision of the objectives pursued by the project. Indeed, the most frequent cause of failure of partnerships is the misunderstanding by private operators of the objectives pursued by the public authorities. Without this clarification of the administration's expectations, a partnership cannot be initiated.

Suggestions

- Giving importance to the terms and conditions books and more detail regarding them, because they are of great importance in determining Procedural framework for the public request.
- Reconsidering external oversight bodies and grouping them into a state/regional/national oversight body, to ensure neutrality.
- Reconsidering the adapted procedures and restricting them somewhat to ensure greater competitiveness.
- Setting general rules without detail within the Public Market Law and leaving the detail to the organization to ensure stability and guarantee rights and freedoms.
- Separating public contracts from public utility authorization contracts, but in a balanced and harmonious manner.

Conclusions

The main debate and concern for modern or emerging planning systems in the future throughout the world is to find strategies to keep pace with the increasing urban challenges by increasing the size of these human gatherings and developing their levels of urbanization. This is measured by the quality and quantity of public services, and this is what made it a consideration for governments to establish public facilities, which are mainly represented in :

- Social considerations : mainly represented in satisfying public needs and obligatory public service.
- Financial considerations : the inability of private individuals to bear the financial costs of constructing public projects.
- Strategic considerations : related to preserving state authority and protecting citizenship rights.
- Economic considerations : The state intervenes by establishing public projects to achieve national economic goals and provide job opportunities. Achieving economic stability by combating inflation and deflation in the national economy.

In order for the project to acquire the status of a public facility, it must have three basic principles :

- Objective : The purpose of public facilities must be to achieve public benefit and provide public service, and these services may be material or moral. However, the realization of profit by some public facilities does not inevitably mean that they lose their status as public facilities, because their main goal is not to achieve profit, but rather to achieve Public benefit.
- Administration element : The state is responsible for establishing public facilities, and their administrative activity and under its supervision and control. If the administration entrusts a legal entity or a private body according to the requirements of the public interest, this does not mean that it abandons the exercise of its control and supervision for the public interest.
- The existence of privileges : Public facilities Enjoy privileges guaranteed that are compatible with the special nature of the legal system that governs their distinct nature

This requires constantly reconsidering, revising, and evaluating legislation to address emerging challenges. On the other hand, public deals systems must be shaped by the advantages and characteristics of their communities, to be appropriate to the identity,

components, and capabilities of their communities, to create vital cities characterized by economic productive advantages. And social inclusiveness, in addition to the need for coordination at the institutional level in order to ensure effective implementation, through creating precise participatory management mechanisms that define the powers of all actors in the public deals system, and raising technical capabilities to perform tasks in a way that allows achieving goals in a flexible and more precise manner.

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