

**LAW OF THE REPUBLIC OF UZBEKISTAN**  
**On public procurement**

**Chapter 1. General provisions**

**Article 1. Purpose and scope of application of this Law**

The purpose of this Law shall be the regulation of relations in the area of public procurement:

The effect of this Law extends to public procurement:

Implementation of state development programs, projects provided for by decrees, resolutions and orders of the President of the Republic of Uzbekistan, decisions of the Government of the Republic of Uzbekistan, as well as in the implementation of economic activities of government customers;

financed from the state budget system proceeds, other public trust funds of the Republic of Uzbekistan, foreign grants under the treaties signed by the President of the Republic of Uzbekistan and Government of Uzbekistan with donor-countries, international governmental and non-governmental organizations and foreign loans under the sovereign guarantee of the Republic of Uzbekistan.

This Law shall not apply to the following public procurement:

carried out within the framework of economic activity by strategic participants of public procurement in accordance with the list approved by the President of the Republic of Uzbekistan, except for public procurement of goods, works, services under the state development programs, projects envisaged by Decrees, Resolutions and Orders of the President of the Republic of Uzbekistan and decisions of the Government of the Republic of Uzbekistan;

to ensure the safety of persons subject to state protection, defense capability, security and maintenance of internal order in the Republic of Uzbekistan, as well as related to state secrets public procurement of goods (works, services) necessary to meet the needs of the Republic of Uzbekistan in cases of emergency situations;

if the procedures of donor countries, relevant international, foreign governmental and non-governmental organizations or the conditions for granting foreign loans under the guarantee of the Republic of Uzbekistan and foreign grants specify a different procedure for the purchase of goods (works, services);

made for preparation and conducting elections of the President of the Republic of Uzbekistan, Oliy Majlis of the Republic of Uzbekistan (the Parliament), regional, district and city Kengashes of Parliament Members as well as referendums of the Republic of Uzbekistan;

related to the appointment of a lawyer (representative) to participate in litigations;

goods (works, services) for which fixed prices are established in accordance with the legislation.

**Article 2. Legislation on Public Procurement**

The legislation on public procurement shall include this Law and other legislative acts of the Republic of Uzbekistan.

If an international treaty of the Republic of Uzbekistan stipulates other rules than those provided for by the legislation of the Republic of Uzbekistan on public procurement, the rules of the international treaty shall prevail.

**Article 3. Key Definitions**

This Law shall use the following key definitions:

**State Customer** – a legal entity conducting public procurement;

**Public procurement** - procurement of goods (works, services) by the State Customers;

**Public procurement parties** - State Customer, participant of public procurement, Public Procurement Contractor, Procurement Commission, Operator of a Special Information Portal, and Expert;

**Contract on public procurement** - an agreement between the State Customer and Public Procurement Contractor on establishment, modification or termination the rights and obligations with regards to the public procurement;

**Special Information Portal** - a web-site and special electronic platform of the Operator, which is used for electronic public procurement, posting and viewing electronic announcements on public procurement, information about the results of public procurement, bid proposals and other information provided by legislation, as well as for making electronic public procurement;

**Operator** of the Special Information Portal - a designated legal entity that provides services to public procurement parties related to the public procurement process, posting announcements, bid proposals and other information about public procurement and their results on the Special Information Portal.

**Procurement procedure** - set of actions related to public procurement;

**Expert** – an individual with special set of knowledge for providing conclusions.

**Electronic public procurement** - public procurement methods, such as electronic shop, reverse electronic auction, implemented through information and communication technologies using the software and hardware complex of the Special Information Portal;

**Announcement** - informational message about upcoming public procurement indicating the procurement method, requirements and conditions of public procurement, terms and procedures for submitting bid proposals, posted by the State Customer on the Special Information Portal;

#### **Article 4. Key Public Procurement Principles**

The key principles of public procurement are the following:

Professionalism of a State Customer

Reasonability;

Value for money (rationality and cost efficiency)

Transparency and openness;

Competition and objectivity;

Adequacy;

Unity and integrity of public procurement system:

Impermissibility of corruption.

Key principles of public procurement shall be applied at all stages of public procurement process.

#### **ARTICLE 5. STATE CUSTOMER PROFESSIONALISM PRINCIPLE**

Professionalism of the State Customer shall be ensured by establishing requirements for employees of relevant departments to have special education, development of regular skills and phased practical experience.

The State Customer shall designate a person to be responsible for arranging and conducting the

procurement procedures.

In the event of a conflict of interest, responsible for public procurement person, shall be subjected to suspension from performed functions.

#### **Article 6. Fit for Purpose Principle**

The public procurement shall be carried out taking into account the expediency and necessity of the public procurement, validity of selecting of goods (works, services), consumer properties (a description), quality parameters and cost to ensure the most efficient way of meeting the real needs and requirements of the State Customer, for achieving results on set objectives.

#### **Article 7. Value for Money Principle, rationality and cost efficiency**

Public procurement shall be carried out in the most rational and cost-efficient way that:

Considers the expenditures of the State Customer on carrying out the public procurement and the price of goods (works, services);

Ensures the most efficient use of funds allocated for the public procurement, including optimal correlation between the benefits from the procured goods (works, services) their quality and price (including their life cycle costs);

Carries out the public procurement operations within the optimal timeframe.

#### **Article 8. Transparency and Openness Principle**

Transparency and openness of the public procurement shall be ensured by:

Posting the information about public procurement on a Special Information Portal with the provision of full, timely, free access at no charge, established under legislation, to the authorized state bodies and public procurement parties and general public, with the exception of the cases stipulated by legislation;

Creating and maintaining documented evidences and reports on public procurement procedures.

#### **Article 9. Competition and Objectivity Principle**

Competitiveness in public procurement shall be maintained by applying mechanisms of competition between bidders, impartiality and transparency in the process of evaluating the proposals and selection of the most optimal option based on the objective and justified criteria.

Objectivity of public procurement provides impartiality in evaluating the bid proposals of procurement participants and selection of the most optimal variant.

The objectivity shall be based on the following:

Provision of equal opportunities for bidders;

Creation of the conditions ensuring competition and impartiality to the public procurement parties;

Open, transparent and competitive mechanisms for handling complaints, review of procurement related disputes and disagreements, and appropriate measures on their recourse.

#### **Article 10. Adequacy (Proportionality) Principle**

The adequacy in public procurement shall be ensured through the following:  
Public procurement method adequate to risk, cost, nature and complexity of goods (works, services);  
Requirements to the bidders' qualification, criteria and methods for bids evaluation adequate to nature and volume of goods (works, services);  
Conformity of rights, obligations and responsibility of public procurement parties to their functions.

#### **Article 11. Unity and Integrity Principle of Public Procurement**

The public procurement shall be based on the unity of goals, principles and approaches, integrity and correlation of all public procurement process stages and interaction of all public procurement parties.

The unity and integrity of public procurement shall be ensured by:

Single and integral regulatory and legal framework governing public procurement and their uniform application;

Availability of unified and integrated public procurement information system that provides collection, processing and analysis of all information related to public procurement and provision of access to it for all interested parties;

Unification of public procurement mechanisms, procedures and methods;

Unification of public procurement documents;

Introduction of a single National Classifier of Goods (works, services);

Availability of a single infrastructure for organization of planning and conducting of public procurement, signing and execution of public procurement contracts (hereinafter – Contracts), monitoring and control, appealing and recourse of disputes and disagreements, capacity building and accountability of public procurement parties.

#### **Article 12. Corruption impermissibility Principle**

The requirements and process of public procurement shall not allow corruption offenses in public procurement. The priority shall be given to the measures preventing corruption in public procurement.

### **Chapter 2. State regulation of public procurement**

#### **Article 13. The main objectives of state regulation in Public Procurement**

The objective of the state regulation in public procurement is to ensure conducive environment for public procurement parties; and to prevent corruption and other offenses in public procurement for:

Achievement of the national strategic goals and objectives;

Implementation of national development programs;

Fulfillment of national social obligations;

Delivery of public services;

Satisfying the needs for goods (works, services) of budget organizations- and recipients of budget funds.

The public procurement shall consider priorities of the socio-economic policy including establishment of high-tech and innovative industries, and preservation of a favorable ecological situation.

#### **Article 14. Authorized Public Procurement Agency**

The National Project Management Agency under the President of the Republic of Uzbekistan shall

be the Authorized Agency in the sphere of public procurement (hereinafter – Authorized Agency).

The Authorized Agency shall exercise state regulation in the area of public procurement.

The Authorized Agency shall:

Implement public policies in the area of public procurement;

take actions to improve efficiency and transparency of development and implementation of government programs in the area of improving organization and conducting public procurement;

define the Operator of the Special Information Portal and define the rules of its activity in relation to organization and conducting of public procurement;

define the methods and criteria for evaluation and comparison of offers, as well as public procurement methods and procedures;

define the procedure of applying the evaluation method to select the most cost-efficient bid (non-price evaluation criteria);

define the procedure and volumes of posting, disclosure and access to information about public procurement, as well as additional requirements for the announcement depending on good (work, service) and method of public procurement;

approve templates of the announcement, procurement notifications, procurement documentation, participants offer, Minutes of reviewing and evaluating the bid proposals;

define the contractors black listing procedure;

define the procedures for review of disputes and disagreements on performance of contractual obligations in public procurement, and complaints by the Procurement Grievance Redress Commission.

The authorized body may exercise other powers in accordance with the legislation.

### **Article 15. Authority of the Cabinet of Ministers of the Republic of Uzbekistan**

The Cabinet of Ministers of the Republic of Uzbekistan shall:

take measures to ensure rational use of budgetary funds of the budget system in the area of public procurement;

coordinate the preparation of proposals for improving and expanding application of procurement methods, providing for the active participation of small businesses;

coordinate and direct in collaboration with the Authorized Agency the activity of state and economic management bodies in the area of public procurement, ensures control over their activities.

The Cabinet of Ministers of the Republic of Uzbekistan may have other authorities in accordance with the legislation.

## **CHAPTER 3. PUBLIC PROCUREMENT PARTIES**

### **Article 16. State Customers**

For the purposes of this Law, the State Customers shall mean:

1) Budget customers:

Government agencies;

budgetary organizations;

Recipients of budgetary funds allocated for the procurement procedures;

State Trust Funds;

2) Corporate customers:

State owned enterprises;

Legal entities with a state share in the charter fund (equity capital) of 50 percent or more;

Legal entities with 50 percent in the charter fund (equity capital) or more belonging to the legal entity with a state share of 50 percent or more.

The State Customer shall be entitled to:

define independently or with involvement of a special organization the starting price of the goods (works, services), except for the cases established by the legislation;

post an announcement of procurement on its official web-site or that of its parent agency, and other means of mass media;

extend the deadline for the submission of bid proposals that shall apply to all participants of procurement procedures;

contact the participants of procurement procedures with a proposal to extend validity of their offers for a certain period, in cases stipulated by the legislation;

enter into negotiations with the winning bidder on price reduction by the end of second stage of procurement in case the procurement is done through tender.

The State Customer may have other rights as provided by the legislation and signed contracts.

The State Customer shall:

select the procurement method in accordance with this Law;

conduct public procurement as provided for in the legislation;

publish information on the Special Information Portal about public procurement in the manner and within the timeframe provided for by the legislation;

provide clarifications to participants of procurement procedures in response to their requests in relation to the goods (works, services) and procurement procedures as provided for by the legislation;

enter into contracts with the winning bidders and ensure their performance;

post an announcement about the upcoming public procurement on the Special Information Portal and other means of mass media only once the source and volume of financing is confirmed;

The State Customer shall have other responsibilities as provided for in the legislation and signed contracts.

### **Article 17. Participants of procurement procedures**

The participants of the procurement procedures (hereinafter - the Bidders) may be the residents and non-residents of the Republic of Uzbekistan participating in the procurement procedure as candidates for execution of public procurement according to the procedure established by the legislation of the Republic of Uzbekistan

The Bidder shall be entitled to:

have access to information about public procurement to the extent provided for by the legislation;

request clarifications and receive explanations regarding procedures and conditions of specific public procurement;

participate in bid opening carried out by the Procurement Commission as per the established procedure;  
duly appeal against the results of the public procurement in case of violation of the procurement procedures;  
amend or revoke their bid proposals as determined by the public procurement procedure and legislation;

The Bidder shall:

adhere to the requirements of the public procurement legislation;  
submit proposal and documents, consistent with the requirements of the public procurement documentation, and bear responsibility for credibility of the information provided;  
if selected as the winner, sign contract with the State Customer in the manner and within the timeframe provided for by the legislation.

The Bidder may have other rights and responsibilities in accordance with the legislation.

#### **Article 18. Contractor**

The Contractor in public procurement (hereafter – Contractor) is the Bidder selected as the winner based on the results of the procurement procedures with whom a contract is signed.

The Contractor shall be entitled to:

request clarifications from the State Consumer in the process of implementing the contract signed thereby;  
receive payment for the supplied goods (works, services);  
terminate the contract in accordance with provisions thereof and/or in the cases provided for by the legislation.

The Contractor shall:

adhere to the requirements of the public procurement legislation;  
perform contract in accordance with provisions thereof;  
provide the State Customer or authorized public agency with explanations and details as per their request when performing the contract signed.

The Contractor may have other responsibilities in accordance with the legislation.

#### **Article 19. Procurement Commission**

The Procurement Commission is a collegial body authorized to make decision on selection of the winner.

The key objective of Procurement Commission shall be an unbiased assessment and ranking of bid proposals in accordance with the degree of their responsiveness and selection of the winner(s) under competitive methods of public procurement.

The Procurement Commission shall be a permanent body under the State Customer and shall be established and disbanded by the relevant decision of the State Customer.

The Procurement Commission shall consist of an odd number of members; its composition and number of members shall depend on procurement method and may vary depending on the nature of procured goods (works, services).

The Procurement Commission members shall be objective and have no personal interest in selection of the winner following the procurement procedure.

Activity of the Procurement Commission shall be supervised by the chairperson, who convenes and conducts its meetings, announces the votes and decisions made by the Procurement Commission,

and signs the Minutes of the Procurement Commission meetings. In the absence of the Procurement Commission chairperson, his/her deputy shall be in charge to perform his/her functions.

The operational activity of the Procurement Commission shall be organized by its executive secretary.

Each member of the Procurement Commission may vote "pro", "con" or abstain from voting. The Procurement Commission chairperson has no right to abstain from voting.

Meetings of the Procurement Commission may take place either with physical presence or distantly (by questioning, without joint attendance). The meetings with physical presence may be held in the format of conferences (videoconferencing, etc.).

Decisions of the Procurement Commission regarding public procurement of goods (works, services) amounting less than five thousand times the minimum wage, as of the date of the meeting per one procurement, may be made distantly, and over five thousand times the minimum wage shall only be made at the meeting of the Procurement Commission with physical presence of its members.

For public procurement amounting over five thousand times the minimum wage, the Procurement Commission, in addition to representatives of the State Customer, shall include representatives of the State Investment Committee of the Republic of Uzbekistan and the "UzEngineering" Design Institute under the Cabinet of Ministers of the Republic of Uzbekistan.

The Authorized Agency has the right to send its representative to the meeting of the Procurement Commission to participate as an observer.

More than half of the total members of the Procurement Commission shall be physically present at the Procurement Commission meeting.

The decisions of the Procurement Commission shall be taken by a majority vote of the members present.

In the event when Procurement Commission members have relations affiliated with the bidders to be considered at the meeting, such member shall declare self-disqualification that shall be recorded in the Minutes and shall not participate in the voting on this matter.

If the Procurement Commission finds out affiliation of any of its members before the decision on respective matter is taken, and if that member did not declare self-disqualification, he/she shall be excluded from voting on the subject matter.

If the Procurement Commission finds out affiliation of its member who voted on respective procurement once the decision is taken, the vote of that member shall be disqualified from voting on the subject matter.

The Procurement Commission shall:

- endorse bidding (tender) documentations;
- define deadline for submission of bid proposals;
- define bid opening procedures;
- define evaluation criteria for bid proposals;
- define procedure of submission, amount and form of bid security;
- open bid proposals;
- conduct pre-qualification of bidders if required by the bidding (tender) documentation;
- conduct bidding procedures as stipulated in the legislation; and



identify the Contactor and a back-up Contractor of the complete procurement procedure or declare the bidding failed.

The Procurement Commission shall be responsible for compliance of the Contractor's selection procedures with the public procurement legislation, objectivity and impartiality of the decisions made.

The Procurement Commission shall not be responsible for actions undertaken by other public procurement parties.

The decisions made by the Procurement Commission within its competence shall be binding upon for all bidders.

For the procurement procedures within the framework of:

business economic operations, the Procurement Commission shall be composed of the State Customer's representatives, with the involvement of experts having the right to vote, if required;

project activity, the Procurement Commission functions shall be performed by the project implementation unit established in due course, which shall make appropriate decisions on the results of the procurement procedures.

#### **Article 20. Operator of Special Information Portal**

The Operator of the Special Information Portal shall:

ensure trouble-free operation of the Special Information Portal, safety and integrity of its information, its compatibility with web-sites and information systems of respective public agencies;

store the electronic information, including electronic documents and electronic messages according to the legislation;

arrange for sharing of information between public agencies within the special information portal;

set up the Special Information Portal on the servers located in the Republic of Uzbekistan;

interact with Authorized Agency, State Investment Committee of the Republic of Uzbekistan, Uzengineering Design Institute under the Cabinet of Ministers of the Republic of Uzbekistan.

The Operator of the Special Information Portal can perform other functions in accordance with the legislation.

The Operator of the Special Information Portal has no right to:

participate in public procurement as a bidder, Contractor or be their affiliated entity;

interfere the public procurement process and price estimating, limit freedom of the public procurement parties in selection of Contractors and signing of contracts or otherwise limit rights of the public procurement parties, except for the cases envisaged by the legislation;

control or verify reliability of transmitted, received and stored electronic documents, and electronic messages, as well as their compliance with the legislation, unless otherwise is provided for by the legislation or contract;

modify the content of electronic documents and electronic messages uploaded by the public procurement parties.

The Operator of the Special Information Portal shall not be responsible for legal implications related to the content of shared electronic documents and electronic messages of the public procurement parties, including notification of upcoming public procurement posted on the Special Information Portal.

## **Chapter 4. General Requirements for Public Procurement Process**

### **Article 21. Public Procurement Process**

The public procurement process shall include the following stages:

- Public procurement planning;
- Implementation of public procurement procedure;
- Contract signing and performance;
- Monitoring of public procurement.

### **Article 22. Public Procurement Planning**

The public procurement planning is done by the State Customer and is a process of systematization of procurement, which aligns public procurement planning and planning of the budget and investment processes.

### **Article 23. Public Procurement Methods**

The public procurement methods include the following:

- Electronic store;
- Reverse auction;
- Competitive bidding;
- Tender;

Single supplier public procurement.

Public procurement may be conducted in electronic form.

The organization and conducting procedures of public procurement methods shall be defined by the Authorized Agency.

### **Article 24. Information on Public Procurement**

The information about public procurement shall include:

- Public procurement legislation;
- Public Procurement Plans;
- Public procurement announcements;
- Templates of documents;
- Templates of contracts required to participate in the procedures;
- Public procurement results;
- Unified Blacklist of Contractors;
- Decisions of Grievance Redress Commission for Public Procurement;
- Public procurement statistics.

The information about public procurement shall be published on Special Information Portal.

Information regarding the public procurement shall be complete, objective and reliable.

### **ARTICLE 25. RULES CONCERNING EVALUATION CRITERIA AND PROCEDURES**

THE EVALUATION CRITERIA PERTAINING TO THE PUBLIC PROCUREMENT OF GOODS (WORKS, SERVICES) INVOLVE:

- price;
- delivery location;

- delivery terms;
- specifications and quality parameters;
- payment terms and warranties;
- cost of use, operation and maintenance for the specific period of time.

Public Procurement terms set by the State Customer shall include:

- all evaluation criteria established in part 1 of this Article.
- relative weight of all evaluation criteria.
- procedure for applying evaluation criteria in the evaluation process.

While evaluating a proposal and selecting the winner, the State Customer shall use only those criteria and procedures, which have been specified in the bidding documentation and apply those criteria and procedures in the manner set forth in this documentation.

**ARTICLE 26. RULES FOR ASSESSING THE COST OF PUBLIC PROCUREMENT**

The State Customer shall use data from open sources to compare estimated cost of public procurement to market prices.

**ARTICLE 27. RULES RELATING TO THE DESCRIPTION OF PUBLIC PROCUREMENT OF GOODS  
(WORKS, SERVICES) AND THE TERMS OF THE CONTRACT**

Description of goods (works, services) subject to public procurement shall be unbiased, functional and general. It shall indicate relevant technical, quality and performance characteristics of goods (works, services) to be procured under public procurement.

Description of goods (works, services) subject to public procurement may include specifications, layouts, drawings, sketches, requirements and information about testing and testing methods, packing, labeling or certification of conformity, symbols and terminology.

No claims or references shall be included with respect to the particular trademark or brand name, patent, design or model, particular source of origin or manufacturer, unless there is no other sufficiently precise or clear way to describe the characteristics of goods (works, services) subject to public procurement, and under the condition that such words as “or equivalent” are used.

The description of goods (works, services) subject to public procurement shall include:

- quantity of goods;
- works (services) to be performed (provided);
- destination where the goods are to be delivered, or works to be performed, or services to be provided;
- desirable or required timeframe, if any, for supply of goods, performance of works or provision of services.

The documentation related to public procurement of goods (works, services) shall contain characteristics that allow determining the compliance of goods (works, services) to be procured with the requirements established by the State Customer. It shall specify the maximum and (or) minimum values of such characteristics, as well as unchangeable (fixed) characteristics.

If necessary, the State Customer shall establish the requirements to the warranty period of goods (works, services) and (or) the scope of guarantees of their quality, warranty service of goods, operation costs, requirements to installation and commissioning of goods, and training of staff to be engaged in operation and maintenance of the goods.

In the case of selecting a vendor of machinery and equipment, the State Customer shall specify in the public procurement bidding documentation the requirements for the warranty period of the goods and (or) the volume of quality assurance, warranty service of the goods, maintenance costs during the warranty period, and installation and commissioning requirements for the goods, if it is indicated in the technical documentation of the goods.

In the case of selecting a vendor of new machinery and equipment, the State Customer shall additionally specify in the public procurement documentation the requirements for the manufacturer's and (or) vendor's warranty and validity of such a warranty. This warranty shall be provided together with the goods.

The delivered goods shall be new, unless otherwise provided for in the description the public procurement of goods.

The documentation related to the public procurement of goods (works, services) shall not include requirements to the manufacturer of goods, and to the bidder, including qualification requirements to the bidder (e.g. in the form of quality assurance requirements, technical specifications of the goods, works or services, requirements to the functional characteristics (consumer properties) of the goods).

#### **ARTICLE 28. LANGUAGE OF PUBLIC PROCUREMENT**

The information about public procurement shall be published and distributed in the state language and in the other languages upon the State Customer's discretion.

#### **ARTICLE 29. REQUIREMENTS TO BIDDERS**

The Bidders shall meet the following criteria:

- have adequate technical, financial, human and other resources to perform the contract;
- be eligible to enter into a contract;
- have no overdue tax arrears and other mandatory payment liabilities;
- are not under the bankruptcy procedure;
- are not in the blacklist of contractors.

#### **ARTICLE 30. PUBLIC PROCUREMENT WITH ADDITIONAL REQUIREMENTS TO BIDDERS**

The State Customer shall have the right to establish additional requirements to Bidders based on specific properties or features of the goods (works, services).

The additional requirements to Bidders shall not contradict the principles established in this Law.

The additional requirements shall be specified in the detailed information about procurement at the time of its announcement.

The Bidders shall undergo accreditation to take part in public procurement with additional requirements to Bidders.

The Authorized Agency shall define bidder accreditation procedure.

### **ARTICLE 31. JOINT PUBLIC PROCUREMENT**

Joint public procurement of goods (works, services) shall be conducted according to the public procurement plans of two or more State Customers.

Joint public procurement of goods (works, services) shall be done by State Customers involved in one state program or portfolio.

### **ARTICLE 32. BID SECURITY**

The State Customer shall have the right to impose a requirement to the procurement procedure to provide a bid security by the Bidders, in form of deposit, bank guarantee, pledge deposit, or other forms provided for in the legislation.

The requirement to provide bid security shall apply to all Bidders and shall be specified in terms and conditions of public procurement.

If the State Customer requests a bid security, the bidder may ask to confirm acceptability of the proposed bid security prior to submitting the bid. The State Customer shall promptly respond to such a request.

The State Customer shall not require payment of the bid security amount and shall immediately return the bid security or ensure its return after occurrence of one of the following events:

- bid security has expired;
- entry into force of the public procurement contract and provision of the contract performance security, if such security is required by the terms of public procurement;
- cancellation of the public procurement;
- withdrawal of the bid proposal before the proposal's submission deadline, unless such a withdrawal is prohibited.

### **ARTICLE 33. PROHIBITION OF NEGOTIATIONS**

Negotiations between the State Customer and Operator of the Special Information Portal and between the Operator of the State Information Portal and Bidder during procurement process are prohibited.

### **ARTICLE 34. DISQUALIFICATION OF BIDDERS FROM PROCUREMENT**

The State Customer or Operator of the Special Information Portal shall disqualify a Bidder from participation in a procurement in the following instances:

The Bidder, directly or indirectly, offers, gives or agrees to give any remuneration in any form to the current or former official or employee of the State Customer or other state authority, offers to hire or any other valuable thing or service with the aim to prompt any action, decision or application of any specific procurement procedure by the State Customer in the public procurement process;

The Bidder has an unfair competitive advantage or conflict of interests violating the legislation.

The decision of the State Customer or Operator of the Special Information Portal regarding

disqualification of Bidder from procurement and its reasons shall be appropriately recorded in the procurement report and the respective Bidder shall be immediately notified about them.

#### **ARTICLE 35. BID AWARD AND GROUNDING FOR BID AWARD**

The State Customer shall make a decision on bid award in one day based on results of the procurement.

Bid shall be awarded if:

- Public Procurement was not cancelled;
- Bidder, who has submitted the winning bid was not disqualified;
- Absence of procurement procedure violations.

#### **ARTICLE 36. PUBLIC PROCUREMENT CANCELLATION**

The State Customer shall have the right to cancel the public procurement, at any time, before awarding the bid.

In the event of public procurement cancellation, the State Customer shall post justified reasons for such decision in the Special Information Portal.

The State Customer shall not be responsible for the cancellation of public procurement, except for the cases when the procurement was cancelled due to illegal action or inaction of the State Customer.

#### **ARTICLE 37. CONFIDENTIALITY**

While communicating with the Contractors or any other person, the employee of the State Customer or Operator of the Special Information Portal shall not disclose any information, if the non-disclosure of such information is required to protect the state security interests or if the disclosure of such information will be contrary to the legislation, impede enforcement of the legislation, damage the legitimate commercial interests of the Contractors or impede fair competition, and unless the Authorized Agency issues a decision to disclose such information, so in this case the provisions of such decision shall be adhered.

By participating in the procurement procedure, the Bidder agrees with the disclosure of all the details specified by him in the bid after the bid submission deadline.

#### **ARTICLE 38. RULES OF ETHICAL CONDUCT**

Before conducting public procurement, the State Customers and Operator of the Special Information Portal shall adopt the Rules of Ethical Conduct that envisages:

- measures to prevent conflict of interest;
- verification procedures and requirements to the professionalism.

The uniform principles and rules of ethical conduct during official duties and non-official activities, and requirements for professionalism shall define the rules of ethical conduct for employees of the State Customers, Operator of the Special Information Portal, and members of the Procurement Commission.

Officials of the State Customer, Operator of the Special Information Portal, members of the Procurement Commission are not allowed to accept tangible and intangible benefits from the Bidders and Contractor.

The Rules of Ethical Conduct shall be published on the websites of the State Customers or its parent organization.

### **ARTICLE 39. CONFLICT OF INTERESTS**

Officials and employees of the State Customers, Operator of the Special Information Portal, and members of Procurement Commission shall not have any right to pursue directly or indirectly any personal interest that would be the result of public procurement transaction involving them.

The persons mentioned in the first part of this Article shall guarantee:

- absence of personal interest, as well as the interest of members of their families, in which there is or may arise a contradiction between personal interest and the rights and legitimate interests of other participants;
- disclosure of any potential, alleged or existing conflict of interest.

Persons mentioned in the first part of this Article who became aware on the existing or alleged conflict of interests, are obliged to report this to their manager simultaneously informing the Authorized Agency.

The manager who received information about a conflict of interest shall immediately take measures to prevent or resolve it.

### **Article 40. Prohibitions in Public Procurement Process**

The followings shall be prohibited in the public procurement:

- Discrimination of bidders, providing preferences to some bidders in the prejudice of the other bidders;
- Conflict of interest;
- Unlawful selection of non-competitive public procurement methods, coercion of public procurement parties, disclosure of information about participation of bidders in the public procurement, unjustified limitation of the number of bidders, setting higher qualification requirements, other forms of prevention, limitation or elimination of competition, unless the cases provided for in the legislation;
- Collusion of bidders to distort prices or selection of winners;
- Provision or dissemination of false or misleading information, and unjustified limitation of access to public procurement information;
- Splitting the public procurement into smaller lots to avoid application of competitive public procurement methods;
- Submitting bid proposals with artificially underestimated prices and further refusal of signing a contract or unduly contract performance;
- Inclusion in public procurement of goods (works, services) that are technologically or functionally inconsistent;
- Fraud, falsification, and corruption;
- Conducting public procurement without confirmed sources and amounts of funding or exceeding the amount of the allocated resources.

### **Article 41. Registry of Contracts Signed by State Customers**

The Operator of the Special Information Portal shall maintain a registry of contracts signed by the State Customers (hereinafter - the Registry of Contracts) using the Special Information Portal.

The following documents and information shall be included in the Registry of Contracts:

- name of the State Customer;
- source of financing;
- method of selecting the Contractor;
- date of finalizing the results of the procurement procedure and details of the document confirming the basis for signing the contract;
- date of contract signing;
- goods (works, services), contract amount and its execution term, unit price of goods (works, services), the name of the country of origin and information about the manufacturer of the goods with respect to the executed contract;
- name, brand name (if any), location (for legal entity), surname, name, patronymic (if any), place of residence (for an individual), taxpayer identification number of the Contractor or an equivalent of the taxpayer identification number of the Contractor for a foreign person, in accordance with the legislation of the relevant foreign country, except for information about the individual-supplier of cultural values, including museum items and museum collections, as well as rare and valuable editions, manuscripts, archival documents (including copies thereof) having historical, artistic or other cultural significance and intended to enrich the collection of state museum, library, archival funds, film, photo funds or similar funds;
- information about amendment to the contract indicating the contract terms, which have been revisited;
- information about contract performance, including information on the contract payment, accrued penalties (fines, penalty fees) in connection with improper performance of the contract obligations provided for by the contract;
- information on contract termination indicating the reasons and grounding for such termination.

Information contained in the Registry of Contracts shall be available for review free of charge. The procedure for maintaining the Registry of Contracts shall be defined by the Authorized Agency.

No payment shall be allowed under the contracts, information about which is not included in the Registry of Contracts.

#### **Article 42. Blacklist of Contractors**

The Blacklist of contractors is a list compiled by the Authorized Agency that include the following information:

Winners of the procurement procedures, who have refused or evaded from signing contracts with the State Customer under the terms determined by the end of the procurement procedures and public procurement process;

Contractors found, in accordance with the established procedure, to be guilty of default or improper performance of their obligations, except for cases of non-performance (improper performance) of the obligations due to force majeure; and

Contractors found, by the court decision, to be involved in corruption, falsification or fraud.



The blacklisted Contractor shall not participate in the public procurement for three years. Upon expiry of this period, the disqualified Contractor is deemed to be excluded from the Blacklist. The Contractor shall have right to file an appeal in a court against a decision on his inclusion in the Blacklist.

## **CHAPTER 5. ELECTRONIC STORE**

### **Article 43. Definition of electronic store**

Electronic store is special platform in the Special Information Portal for public procurement of consumer and other goods (works, services), which do not require specific characteristics.

The electronic store shall be used for public procurement of:

goods to the amount that would not exceed two hundred fifty times the minimum wage per contract (twenty-five times the minimum wage for budgetary customers), equaling to the amount that would not exceed two thousand five hundred times the minimum wage per annum for one State Customer; works, services to the amount that would not exceed twenty-five times the minimum wage per State Contractor.

### **Article 44. Electronic store Procedure**

The electronic store shall be formed out of the offers submitted by Bidders. The offer posted on the electronic store shall be considered as a public offer addressed to the State Customers.

In his/her offer, posted on the electronic store, a bidder shall indicate the following details:

Name of the proposed goods;

Selling price;

Maximum and minimum batch of goods;

Brand name and technical specifications of the goods (on the basis of a technical passport or other document);

Photo of the goods;

Goods delivery (work performance, service provision) region;

Information about the manufacturer of goods and country of origin;

Information about the warranty terms and validity;

Production date of goods;

Shelf life of goods;

Timeframe for performance of works, provision of services;

Details about availability of the license, permit or certificate, if required.

The State Customer shall review the offers of the Bidders on the electronic store, select the required goods (works, services), after selecting the goods (works, services) use a request for quotation mechanism.

The Special Information Portal shall automatically distribute to all bidders offering similar goods (works, services) on the electronic store the invitations to participate in the procurement procedure through request for quotation mechanism.

The Bidders shall have the right to submit their proposals within forty-eight hours from the moment the Special Information Portal has sent out the call for quotation.

The request for quotation sent to the Bidders shall include a reference to the Bidders' offer selected by the State Customer.

A Bidder who has received a request for quotation shall have the right to propose a price lower than the one indicated in the offer selected by the State Customer.

A comparison of quotations submitted by the Bidders shall be carried out by the Special Information Portal in automatic mode.

The Special Information Portal shall register the transaction between the State Customer and Contractor, who has offered the lowest price.

No data about Bidders shall be made available to the State Customer or Bidders until the results are summed up. The name of the Contractor shall be displayed in the Special Information Portal at the moment of selecting the winner.

The Special Information Portal shall draft a contract in accordance with the terms set out in the offer of the Bidder selected by the State Customer, and the lowest price offered by the Bidders.

In the event if none of the Bidders registered in the Special Information Portal offered a price lower than the original offer, the Special Information Portal registers a transaction between the State Customer and the Contractor.

In case if based on the results of the procurement procedure, the contract is not concluded due to the absence of goods (works, services) in the electronic store, the State Customer has the right to make a direct purchase by concluding a contract with an independently selected supplier. In this case, monetary thresholds of public procurement, established in Article 43 of this Law, shall apply. The contract concluded as a result of direct purchase shall be posted on the Special Information Portal not later than three days from the date of the conclusion. The State Customer is responsible for direct purchase.

## **CHAPTER 6. REVERSE AUCTION**

### **Article 45. Definition of the Reverse Auction**

A reverse auction (hereinafter – auction) means a competitive method of public procurement where the only criterion for selecting a bidder is the price. However, this method does not abate a requirement for the supply of goods in accordance with the established quality standards.

The winner of the auction shall be a bidder who has offered delivery of goods at the lowest price according to terms set forth in the announcement.

### **Article 46. Auction Criteria**

A public procurement shall be implemented using the auction in the event of simultaneous occurrence of the following conditions:

- goods have standard properties;
- there is no need to evaluate and compare technical, operational and other characteristics of the goods;
- services and works are not the public procurement subject;
- the cost of the goods is less than five thousand times the minimum wage per contract. For budgetary customers the cost of public procurement though the auction should not exceed two thousand five hundred times the minimum wage per contract.

### **Article 47. Announcement of Auction**

The auction shall be conducted in an electronic form exclusively.

To participate in the auction, the State Customer shall post an announcement on a Special Information Portal.

The announcement of the auction shall be posted not less than 10 days before the date of auction.

The announcement of the auction shall contain the following details:

- Name and address of the State Customer;
- The first and last day of the auction (an auction period);
- Starting price of the auction's subject matter;
- Characteristics of the auction's subject matter (specification of the auction's subject matter);
- Breakdown of the auction's subject matter by lot and the size of each lot;
- Terms and conditions of the goods delivery;
- Location (address) of the goods delivery;
- Details about availability of the license, permit or certificate (if required);
- Special conditions characterizing individual parameters of the goods.

The text of the State Customer's announcement shall not include the requirements irrelevant to the auction's subject matter and restricting competition among the Bidders.

The announcement posted on the Special Information Portal shall be automatically converted into the State Customer's application.

#### **Article 48. Auction Procedure**

The auction shall be conducted in the Special Information Portal by means of step-by-step reduction of the starting price.

The auction, admission to the auction under each lot in accordance with the amount of the submitted bid security, selection of the auction's winners, registration of the transaction and drafting the contract shall be carried out in the Special Information Portal in the automatic mode.

During the auction, its participants shall have the right to submit price offers an unlimited number of times during the entire period from the date of posting the advertisement on auction and until the end of its validity.

The name and contact details of the participants shall not be displayed in the Special Information Portal until the winner is selected.

During the auction process, the Special Information Portal shall automatically select the lowest-priced bid proposal from among the submitted bids, which shall be displayed in the Special Information Portal and become available to all participants – the State Customers and Contractors. When the time of the auction comes to its end, the Special Information Portal shall automatically select the lowest-priced bid proposal submitted during the auction. The bidder who has submitted the lowest-priced bid proposal shall be selected by the Special Information Portal as the winner of the auction. The name of the Contractor shall be displayed on the Special Information Portal, which in automatic mode fixes the transaction and drafts a contract in accordance with the terms set forth in the State Customer's application in procedure.

If only one bidder took part in the auction, the auction is considered to be invalid and the winner is not determined, the State Customer prolongs the auction for five days. The auction shall be prolonged by the State Customer within three days from the end of the previous auction.

In the case if based on results of the procurement procedure the auction is declared invalid, the State Customer has the right not to prolong the auction, but to hold a competitive bidding according to procedures provided for in Articles 52-57 of this Law, taking into account the following:

the monetary thresholds of public procurement established by Article 46 of this Law shall apply;

the announcement of the competitive bidding is posted by the State Customer on the Special Information Portal at least 10 days prior to the deadline for submission of bid proposals from

bidders;

for the implementation of public procurement, a Procurement Commission consisting of not less than five people is formed.

## **CHAPTER 7. COMPETITIVE BIDDING**

### **Article 49. Definition of Competitive Bidding**

The competitive bidding shall mean the procurement method assuming that the winner shall be a bidder, who has offered the best terms and conditions for the contract performance.

The State Customer shall communicate the information about the public procurement to an unlimited number of persons by posting an announcement on the Special Information Portal about such a bidding and its bidding documentation.

### **Article 50. Competitive Bidding Criteria**

The public procurement shall be implemented in the form of the competitive bidding in the event of the simultaneous occurrence of the following conditions:

it is possible to formulate a detailed and accurate description of goods (works, services);

criteria for selecting the winner have not only a monetary value, but also a quantitative and qualitative evaluation of the goods (works, services);

cost of goods shall be in the range from five thousand times the minimum wage up to twenty five thousand times the minimum wage per contract;

cost of works, services shall be in the range from twenty five times the minimum wage up to twenty five thousand times the minimum wage per contract;

Public procurement through competitive bidding for budget customers:

cost of goods shall be in the range from two thousand five hundred times the minimum wage up to six thousand times the minimum wage per contract;

cost of works, services shall be in the range from twenty five times the minimum wage up to six thousand times the minimum wage per contract.

In case when Decrees, Resolutions and Orders of the President of the Republic of Uzbekistan for investment projects, authorizes the State Customers to enter into contracts with suppliers of goods (works, services) without conducting tenders, the procurement is carried out through competitive bidding regardless of the value of public procurement.

### **Article 51. Procurement Commission for Competitive Bidding**

Procurement Commission consisting of at least five members shall be established to conduct public procurement through competitive bidding.

The best terms and conditions of the contract performance shall be determined by the Procurement Commission on the basis of the declared criteria for evaluation of the bid proposals submitted by the bidders.

### **Article 52. Announcement of Competitive Bidding**

The State Customer shall post an announcement of competitive bidding on the Special Information Portal at least thirty days before the deadline for submission of bids.

The announcement of competitive bidding shall contain the following details:

detailed description of the goods (works, services);

address of the competitive bidding venue;

requirements to the participants of the competitive bidding;

name, title and address of one or more officials or employees of the State Customer who will be contact persons for communication with the bidders;  
template of a request for clarifications with regards to the bidding documentation;  
date and time of the deadline for submitting the bid proposals;  
requirements to format of bids.

The announcement of competitive bidding may contain other details that do not contradict to the legislation.

### **Article 53. Bidding Documentation**

The bidding documentation shall be posted by the State Customer on the Special Information Portal at the same time as the announcement of competitive bidding.

The bidding documentation shall contain the following details:

- information specified in the bidding advertisement;
- information about the currency and mode of payment to be used to form the contract price and settle payments with the Contractors;
- the language in which bid proposals for participation in the competitive bidding shall be prepared;
- procedure, dates of the beginning and the end of the period for clarifications to bidders regarding provisions of the bidding documentation;
- if alternative options of goods (works, services) are allowed, a description of the procedure for evaluating alternative proposals on the replacement of the lot shall be attached;
- terms of reference;
- evaluation criteria and review procedure for bid proposals in accordance with this Law.

The State Customer may declare in the bidding documentation that each good (work, service) shall be treated as a separate unit of the procurement procedure. In this case, the State Customer may sign contracts with several bidders for supply of goods (works, services) of different subject matters of the procurement procedure; however, only one winner shall be identified per each subject matter. The winner for supply of each good (work, service) shall be identified individually and according to the terms of the procurement procedure.

A draft contract shall be attached to the bidding documentation and shall be an integral part thereof.

The State Customer shall have the right to make a decision on revising the bidding documentation no later than three days before the deadline for submitting the bid proposals for participation in the bidding. No change of goods (works, services) shall be allowed. In this case, the deadline for submitting the bid proposals shall be prolonged for at least for ten days since the date of revisions in the bidding documentation. At the same time, the revisions shall also be made to announcement of bidding, if any changes have been made to the information specified thereof.

Any bidder shall have the right to request from the State Customer clarification of provisions of the bidding documents in the form specified in the announcement of bidding.

The State Customer shall, within two business days since the date of receiving the request, provide clarifications to the provisions of the bidding documentation, provided that such a request has been received by the State Customer no later than two days before the deadline for submitting the bid proposals. Clarifications to the provisions of the bidding documentation should not affect its essence.

The State Customer may define in the bidding documentation that the bid proposals of the bidders shall include proposals for all goods (works, services) (lots). In this case, only one bidder shall be selected as the winner of the bidding, and the bid proposal shall be considered irresponsible, if it does not include details about all the lots of the bidding.

In case the cost of goods (works, services) exceed five thousand times the minimum wage, the terms of reference of competitive bidding shall be agreed with the Center for Comprehensive Review of Projects and Import Contracts under the National Project Management Agency under the President of Uzbekistan.

#### **Article 54. Bid Proposal Submission Procedure**

The bid proposals for participation in the competitive bidding announced on the Special Information Portal shall be submitted according to the procedure specified in the announcement, in sealed envelopes and to the address specified in the announcement.

The bid proposal may include layout, drawing, photograph, other images, sample, test sample of the goods to be procured.

The bidder shall be responsible for the authenticity and credibility of the information and documents provided.

A bidder shall have the right to submit only one bid proposal.

The receipt of the bid proposals shall be terminated with the approach of the deadline specified in the advertisement posted on the Special Information Portal.

The competitive bidding shall be recognized successful, if at least two responsive bid proposals from the bidders meeting the requirements specified in the bidding documentation are received before the deadline for submission of bid proposals.

The competitive bidding shall be recognized invalid if only one or no bidder participated in bidding. In this case, the State Customer shall repeat the procurement procedure under the same terms and conditions and with the same criteria and requirements to the goods (works, services). If the terms and conditions, evaluation criteria and requirements to goods (works, services) should be changed, the Procurement Commission shall take such decision providing justification thereof.

A bidder shall have the right to revoke or make changes to the submitted bid proposal before the deadline for submitting the bid proposals.

#### **Article 55. Review and Evaluation of Bid Proposals**

The timeframe for review and evaluation of the bid proposals shall not exceed ten days from the deadline for the submission of bid proposals.

A bid proposal shall be deemed appropriate, if it meets the requirements of this Law and the bidding documentation.

The Procurement Commission shall reject a bid proposal, if the bidder does not meet the requirements of the Law, or its bid does not meet the requirements of the bidding documentation.

In case any unreliable information found in the documents submitted by a bidder, the Procurement Commission shall have the right to dismiss such a bidder from participating in the competitive bidding at any stage.

The Procurement Commission shall evaluate the bid proposals, which were not rejected, in order to identify the winner of the competitive bidding according to criteria specified in the bidding documentation.

At the time indicated in the announcement as the time of the competitive bidding, the Procurement Commission shall open envelopes with the bid proposals submitted by bidders. An authorized representative of bidders shall have the right to attend the bid opening procedure.

A bidder, who offered the best terms and conditions for the contract performance on the basis of the criteria specified in the bidding documentation and bid proposal, shall be recognized as the winner of the competitive bidding.

If the bidding documentation stipulates that each good (work, service) shall be treated as a separate unit of the procurement procedure, the Procurement Commission shall identify the winner for each item of the competitive bidding.

The results of review and evaluation of the bid proposals shall be recorded in the Review and Evaluation Minutes.

The Review and Evaluation Minutes shall contain the following details:

- date and time of review and evaluation of the bid proposals;
- list of the Procurement Commission members and authorized representatives of the bidders;
- bidder details, whose bid proposals were reviewed;
- Bidder details, whose bid proposals were rejected with indication of reasons;
- decision about the winner of the competitive bidding;
- Name of company (for legal entity), surnames, names, patronymics (for individuals),
- location (postal address) of the competitive bidding winner.

The Review and Evaluation Minutes shall be signed by all members of the Procurement Commission and excerpts of it shall be posted on the Special Information Portal within three days after signing.

After publishing the Review and Evaluation Minutes, any bidder shall have the right to send a request to the State Customer for clarifications of the competitive bidding results. The State Customer shall send the respective clarifications to the bidder within three business days from the date of receiving such a request.

The State Customer shall not be entitled to discuss the submitted bid proposals until the deadline for the submission of bid proposals.

#### **Article 56. Peculiarities of conducting a competitive bidding instead of tender**

In the cases provided for in part 3 of Article 50, the competitive bidding shall be conducted taking into account the following:

the announcement of the competitive bidding shall be placed by the State Customer on the Special Information Portal at least 10 days prior to the deadline for submission of bid proposals;

a Procurement Commission is established in the manner provided for in Article 60 of this Law to conduct public procurement.

**Article 57. Signing a Contract upon Bidding Results**

Based on the competitive bidding results, a contract shall be signed on terms and conditions specified in the bidding documents and bid proposal submitted by the bidder.

**CHAPTER 8. TENDER**

**Article 58. Definition of Tender**

The tender shall mean the method of selecting the Contractor using a competitive public procurement procedure in two stages, when the bidder who has offered the best terms and conditions for the contract performance shall be recognized as a winner.

The State Customer shall communicate the information about the public procurement to an unlimited number of persons by posting an advertisement on the Special Information Portal about such a tender and its bidding documentation.

The best terms and conditions of the contract performance shall be determined by the Procurement Commission on the basis of the declared criteria for evaluation of the bid proposals submitted by the bidders.

**Article 59. Criteria for conducting Tender**

The public procurement shall be conducted through tender in the event of the simultaneous occurrence of the following conditions:

Criteria for selecting the winner have not only a monetary value, but also a quantitative and qualitative evaluation of goods (works, services);

Cost of goods (works, services) exceeds twenty five times the minimum wage per contract.

For budget organizations, public procurement shall be conducted through tender if its amount exceeds six thousand times the minimum wage per contract.

**Article 60. Procurement Commission for Tender**

The best terms and conditions of the contract performance shall be determined by the Procurement Commission on the basis of the declared criteria for evaluation of the bid proposals submitted by the bidders.

The Procurement Commission for public procurement through tender shall consist of at least seven members with mandatory inclusion of representatives of the State Investment Committee of the Republic of Uzbekistan and “UzEngineering” Design Institute under the Cabinet of Ministers of the Republic of Uzbekistan.

**Article 61. Tender Announcement**

The State Customer shall post announcement of tender on the Special Information Portal at least thirty days and not more than forty-five days before the deadline for submission of bid proposals.

The tender announcement shall contain the following details:

Detailed description and price of the good (work, service);

Address of the tender venue;

Requirements to the bidders;

Name, title and address of one or more officials or employees of the State Customer, who will be contact persons for bidders;

Template of a request for clarifications with regards to the tender documentation;

Date and time of the deadline for submitting the bid proposals;



Requirements to bid format.

The tender announcement may contain other details that do not contradict with existing legislation.

### **Article 62. Tender Documentation**

The State Customer shall post tender documentation on the Special Information Portal at the same time when tender announcement is posted.

The tender documentation shall contain the following details:

Information specified in the tender announcement;

Information about the currency and payment procedure to be used to form the contract price and settle payments with the Contractors;

Language in which bid proposals shall be prepared;

Information about technical and commercial part of a bid proposal, and evaluation procedure;

Procedure, dates of the beginning and the end of providing the bidders with clarifications to the provisions of the bidding documentation;

Terms of reference;

Evaluation criteria and review procedure for bid proposals in accordance with this Law.

The State Customer may indicate in the tender documentation that each good (work, service) shall be treated as a separate unit of the procurement procedure. In this case, the State Customer may sign contracts with several bidders on the supply of different goods (works, services), however, only one winner shall be identified per each good (work, service). The winner per each good (work, service) shall be identified individually and according to the terms of the procurement procedure.

A draft contract shall be attached to the tender documentation and considered as an integral part thereof.

The State Customer shall have the right to make a decision on revising the tender documentation no later than three days before the deadline for submitting the bid proposals for participation in the tender. No changes to goods (works, services) shall be allowed. In this case, the deadline for submitting the bid proposals shall be extended for at least ten days since the date of making revisions in the tender documentation. At the same time, the revisions shall also be made to the tender announcement, if any changes have been made to the information specified thereof.

Any bidder shall have the right to request a clarification from the State Customer in the form specified in the tender announcement. The State Customer shall, within two business days since the date of receiving the abovementioned request, provide clarifications to the provisions of the tender documentation as per established form, provided that such a request has been received by the State Customer no later than two days before the deadline for submitting the bid proposals. The clarifications to the provisions of the tender documentation shall not affect its essence.

The State Customer may indicate in the tender documentation that the bid proposals of the bidders shall include proposals for all subject matters of the procurement. In this case, only one bidder shall be selected as the winner of the tender, and the bid proposal shall be considered irresponsible if it does not include details about all the goods (works, services) of the tender.

Tender documentation shall be reviewed by the Center for Comprehensive Review of Projects and Import Contracts under the National Agency of Project Management under the President of the Republic of Uzbekistan.

### **Article 63. Bid Proposal Submission Procedure**

The bid proposals for participation in the tender announced on the Special Information Portal shall be submitted according to the procedure specified in the announcement, in sealed envelopes and to the address specified in announcement.

The bid proposal may include layout, drawing, photograph, other images, sample, test sample of the goods to be procured.

The bidder shall be responsible for the authenticity and credibility of the information and documents provided.

A bidder shall have the right to submit only one bid proposal.

The receipt of the bid proposals shall be terminated with the approach of the deadline specified in the announcement posted on the Special Information Portal.

The tender is recognized successful if by the deadline for submission of bid proposals the Procurement Commission receives at least two bids that meet the requirements specified in the tender documentation from the bidders.

The tender is recognized unsuccessful, if only one or no bidder has taken part in it. In this case the State Customer shall repeat the procurement procedure under the same terms and conditions and with the same criteria and requirements to goods (works, services). If there is a need to change the conditions, evaluation criteria and requirements to goods (works, services) the Procurement Commission shall take the respective decision substantiating it.

A bidder shall have the right to revoke or make changes to the submitted bid proposal before the deadline for submitting the bid proposals.

### **Article 64. Review and Evaluation of Bid Proposals**

The timeframe for review and evaluation of the bid proposals shall not exceed sixty days from the deadline for the submission of bid proposals.

A bid proposal shall be deemed appropriate, if it meets the requirements of this Law, and the tender documentation.

The Procurement Commission shall reject a bid proposal, if the bidder, who has submitted it, does not meet the requirements set forth in this Law, or such a bid proposal does not meet the requirements specified in the tender documentation.

In case the information in the documents submitted by a bidder is found to be unreliable, the Procurement Commission shall have the right to dismiss such a bidder from participating in the procurement at any stage.

The Procurement Commission shall evaluate the bid proposals, which were not rejected, in order to identify the winner of the tender on the basis of the criteria specified in the tender documentation.

At the time indicated in the announcement as the time of the tender, the Procurement Commission shall open envelopes with the bid proposals submitted by the bidders for their evaluation.

At the first stage, the technical part of the bid proposal shall be evaluated. The decision of the

Procurement Commission on evaluation of the technical part of bid proposal shall be documented in Minutes and the winners of the first tender stage shall be selected. An authorized representative of the bidder may attend the bid opening procedure.

Only winners of the first stage of tender shall be allowed to the second stage.

At the second stage of the tender, commercial part of the bid proposals shall be opened and evaluated. The decision of the Procurement Commission after evaluation of the commercial part of the bid proposal shall be documented in the Minutes and the winner of the second tender stage shall be selected. An authorized representative of the bidder shall have the right to attend the bid opening procedure.

In case if based on the results of the evaluation the Procurement Commission rejects all bids, or only one bid meets the requirements set forth in the bidding documentation, the tender is declared unsuccessful.

A bidder, who offered the best terms and conditions for the contract performance based on the criteria set forth in the tender documentation and bid proposal, shall be selected as the winner of the tender.

If the tender documentation stipulates that each good (work, service) of the tender is treated as a separate unit of the procurement procedure, the Procurement Commission shall identify the winner for each item of the tender.

The results of review and evaluation of the bid proposals shall be recorded in the Review and Evaluation Minutes.

The Review and Evaluation Minutes shall contain the following details:

- Date and time of review and evaluation of the bid proposals;

- List of the Procurement Commission members present and authorized representatives of the bidders;

- Bidder details, whose bid proposals were reviewed;

- Bidder details, whose bid proposals were rejected with indication of reasons;

- Decision about the winner of the tender;

- Name (for legal entity), surname, name, and patronymic (for individual), location (postal address) of the tender winner.

The Review and Evaluation Minutes shall be signed by all members of the Procurement Commission. The excerpts from Minutes shall be published on the Special Information Portal within three days since the date of its signing.

After publishing the Review and Evaluation Minutes, any bidder shall have the right to request from the State Customer clarifications of the tender results. The State Customer shall send the respective clarifications to the bidder within two business days from the date of receiving such a request.

The State Customer shall have no right to discuss the submitted bid proposals until the deadline for the submission of such bid proposals.

#### **Article 65. Signing a Contract upon Tender Results**

Based on the competitive bidding results, a contract shall be signed using the terms and conditions specified in the tender documentation and the bid proposal submitted by the winning bidder.

## CHAPTER 9. SINGLE SUPPLIER PUBLIC PROCUREMENT

### Article 66. Definition of Single Supplier

A single supplier is a natural monopoly entity, entities defined by individual decrees, resolutions and orders of the President of the Republic of Uzbekistan or by decisions of the Cabinet of Ministers of the Republic of Uzbekistan, as well as a supplier of unique goods (works, services), in respect of public procurement, which lack alternatives on the market.

### Article 67. Single Supplier Procurement

If there is a necessity to procure the goods (works, services) from a Single Supplier, a direct contract shall be signed between the Single Supplier and the State Customer, which shall be subject to registration in the Special Information Portal.

The public procurement from the Single Supplier shall be conducted in the following exceptional cases:

Public procurement of technically complex goods (works, services) that do not have any alternative on the market, and which can only be procured from a Single Supplier;

Procurement of cultural valuables;

Public Procurement on the basis of Decrees, Resolutions and Orders of the President of the Republic of Uzbekistan and Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan;

Public procurement of goods (works, services) from a natural monopoly;

Need for works or services that can be performed or provided only by public authorities and public administration in accordance with their mandate or by their subordinated state institutions and organizations;

Public procurement of goods (works, services) under the tariffs established by the Government of the Republic of Uzbekistan.

The Authorized Agency in collaboration with the Cabinet of Ministers of Republic of Uzbekistan may establish other cases for procurement from the Single Supplier.

### Article 68. Registry of Single Suppliers

A Registry of Single Suppliers is an information resource, which is maintained by the Operator of the Special Information Portal in consultation with the Authorized Agency.

The Registry of Single Suppliers shall contain a list of goods (works, services) authorized for public procurement from the Single Supplier and a list of Single Suppliers.

## CHAPTER 10. MONITORING AND CONTROL OF PROCUREMENT PROCEDURES

### Article 69. Public Procurement Monitoring and Control

The public procurement monitoring is a system to supervise compliance with public procurement legislation, compliance with the goals, principles and prohibitions for the public procurement established by this Law; such monitoring shall be permanently conducted through collection, aggregation, systematization and evaluation of the data on procurement process.

Control in the field of public procurement is a system of activities aimed at preventing, detecting and restraining violations of the requirements of legislation in this area.

Audits through comparison and analysis of statistical data in the manner set forth in the legislation shall be the main form of controlling the public bodies with respect to observance of the public procurement legislation.

Monitoring and control in public procurement is done by respective authorized government

agencies.

No audits and requests for reports, which are not stipulated in the legislation, shall be allowed in the process of public procurement.

#### **ARTICLE 70. STATE CONTROL OF PROCUREMENT PROCEDURES**

The state control over the correct application of this Law and other legislation in the sphere of public procurement shall be carried out by the following agencies within the framework of their mandates:

Chamber of Accounts of the Republic of Uzbekistan;

General Prosecutor Office of the Republic of Uzbekistan;

National Agency of Project Management under the President of the Republic of Uzbekistan;

Ministry of Finance of the Republic of Uzbekistan.

The state control over the correct application of this Law and other legislation in public procurement shall be also carried out by other authorized government agencies within the framework of their mandates in line with the legislation.

#### **Article 71. Public Control of Procurement Procedures**

Public control of procurement procedures shall be carried out in order to facilitate development and improvement of public procurement, prevent and reveal violations of the legislation in public procurement and to inform the State Customers and supervising government agencies about the revealed violations.

Public control of procurement procedures shall be based on principles of openness and transparency.

Citizens of the Republic of Uzbekistan, self-governing authorities, non-governmental, non-commercial organizations and mass media registered in accordance with procedure set forth in legislation, shall have the right to exercise public control over compliance with the public procurement legislation.

Citizens of the Republic of Uzbekistan, self-governing authorities, non-governmental, non-commercial organizations and mass media registered in accordance with procedure set forth in legislation, exercising public control over compliance with the public procurement legislation, are entitled to:

- Prepare proposals on improving the legislation of the Republic of Uzbekistan concerning the public procurement;
- Request information from the State Customers on the procurement process and contract performance progress;
- Carry out independent monitoring of procurement procedures and evaluation of procurement efficiency, including evaluation of the procurement process compliance with the requirements of this Law;
- Request public agencies to carry out audits;
- Contact law enforcement agencies in cases of revealing the offense in the actions (inaction) of the State Customer, Authorized Agency, Procurement Commissions and their members;
- Apply to the court in accordance with the legislation.

Citizens of the Republic of Uzbekistan, self-governing authorities, non-governmental, non-commercial organizations and mass media registered in accordance with procedure set forth in legislation, exercising public control over compliance with the public procurement legislation, may have other rights in line with legislation.

**ARTICLE 72. ANALYSIS OF PUBLIC PROCUREMENT EFFICIENCY AND EFFECTIVENESS  
UNDER THE PROJECTS**

The analysis of efficiency and effectiveness of the public procurement under the projects shall be conducted by the Authorized Agency.

Chief Officer of the State Customer or his/her designated representative shall get acquainted with findings of the analysis against written acknowledgement.

Post-project monitoring of the public procurement efficiency and effectiveness shall be carried out by the Authorized Agency for three years after completion of the public procurement under the project.

**CHAPTER 11. GRIEVANCE REDRESS**

**Article 73. Public Procurement Grievance Redress Commission**

To ensure fair, prompt and efficient review of complaints, the Operator of the Special Information Portal shall establish a permanent Public Procurement Grievance Redress Commission. The Cabinet of Ministers of the Republic of Uzbekistan in agreement with the Authorized Agency shall approve the composition of this Commission.

Any bidder, as well as persons exercising control, shall have the right to appeal to the court or according to the procedure established by this Chapter, to the Public Procurement Grievance Redress Commission against actions (inaction) of the State Customer, Authorized Agency, Procurement Commission, its members, Operator of the Special Information Portal, if such actions (inaction) violate the rights and legitimate interests of the bidder.

**Article 74. Procedure of Filing and Reviewing Complaints**

Public Procurement Grievance Redress Commission shall notify the State Customer of the complaint within three business days from the date of its receipt, and suspend the procurement procedure for the total period of up to ten days.

The Public Procurement Grievance Redress Commission shall review the complaint with participation of the State Customer and bidder. The Public Procurement Grievance Redress Commission shall take its decision within seven business days from the receipt of the complaint, and shall post it on the Special Information Portal.

The decision shall not contain any information, disclosure of which may prejudice legitimate commercial interests of the bidder (Contractor) or hinder fair competition, unless the Public Procurement Grievance Redress Commission decided to disclose such information.

In case the complaint is found reasonable, the Public Procurement Grievance Redress Commission shall take the following actions:

- Veto the illegitimate actions, decisions, or performance of illegitimate procedures by the State Customer;
- Fully or partially cancel the illegitimate decision of the State Customer, including cases when such a decision violates terms and conditions of the bidding documentation;
- Make a decision on termination of the procurement procedures;
- Include the contractor in the Blacklist.

The Public Procurement Grievance Redress Commission may review complaints after the signing a

contract to check its compliance with the requirements of the public procurement legislation. In this case, the Public Procurement Grievance Redress Commission shall suspend such a contract for a period of up to seven business days.

The decisions of the Public Procurement Grievance Redress Commission shall be binding upon for all public procurement parties.

Contractor may appeal the decision of the Public Procurement Grievance Redress Commission in the court.

## **CHAPTER 12. FINAL PROVISIONS**

### **Article 75. Dispute Resolution**

Disputes arising in public procurement shall be resolved according to the legislation.

### **Article 76. Responsibility for Violation of Public Procurement Legislation**

Persons guilty of violating the public procurement legislation shall bear responsibility in accordance with the legislation.

### **Article 77. Ensuring the execution, public awareness, clarification of the essence and the meaning of this Law**

The National Agency of Project Management under the President of the Republic of Uzbekistan, the Ministry of Justice of the Republic of Uzbekistan and other stakeholders shall ensure execution, communication to contractors and clarification of the essence and significance of this Law among the population.

### **Article 78. Harmonization of Legislation with this Law**

The Cabinet of Ministers of the Republic of Uzbekistan shall:

Bring the decisions of the Government in compliance with this Law;

Ensure the review and cancellation by public authorities of their legal documents contradicting this Law.

### **Article 79. Entry into force of this Law**

This Law shall come in force on the date of its official publication.