



STATE PROCUREMENT AGENCY

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სახელმწიფო შესყიდვების სააგენტო
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INTRODUCTION

Public Procurement plays particular role in the development of country economy. It is worth mentioning, that net value of public procurement exceeded to 3.2 billion GEL in 2015. It is also noteworthy, that the economy of the State Budget from the moment of launching of the Unified Electronic System of State Procurement - eProcurement, until the end of 2015, exceeded on billion GEL. At the same time, the number of e-tenders conducted within the System was continuously increasing, exceeding 35 thousand. The number of registered users also unprecedentedly increased and amounted to 29,815 by the end of 2015.

Like past years the main goal of the State Procurement Agency (SPA) in 2015 was abiding by high transparency standards in public procurement procedures, development of the new electronic services and promotion of competition with a view to ensuring state expenditures in equitable environment. SPA priorities also included the promotion of involvement of SMEs in public procurement, what, in its turn provides for the economic development of our country and increase of employment rate.

For the realization of set targets a number of legislative reforms were implemented with due consideration of the internationally recognised best practices, the legal base was further improved, and also, the new electronic modules were embedded into the Unified Electronic System of State Procurement.

The SPA developed the electronic module of agreement of Simplified Procurement (Direct Procurement) and put it into operation on November 1, 2015. This module is public enabling any interested person to control the state resources, expended through Simplified Procurement Procedure. Furthermore, the introduction of this module made it considerably easier for procuring entities to agree upon Simplified Procurement (Direct Procurement) in urgent cases, as they are no more obliged to obtain a consent of a superior authority with this regard, what was associated with time-consuming procedures before the introduction of this novelty. When using this module of agreement of simplified procurement the procuring entities get the response from the SPA within a period of maximum three business days.

It should as well be stressed, that the SPA carried out major reforms in the fields of design contests, still conducted using the so-called “hard-copy technologies”, and grant contests. Two electronic modules



were introduced for these types of contests, what ensured the sizable improvement of the level of transparency, equitability, impartiality and competition.

In 2015 the Consolidated Tenders were announced within the Unified Electronic System for different types of fuels, personal and portable computers, A4 printing paper and cellular network services. Additionally, the first consolidated tenders for tires were announced in 2015. The resources saved only in 2015 owing to Consolidated Tenders amounted approximately to 40 million GEL.

The brand new Consolidated Tender Management Electronic System has been also introduced, which will equally promote the correct planning of the Consolidated Tenders, need analysis, and timely updating data of procuring entities and substantial improvement of the quality of services provided thereto by the SPA.

Retraining of public procurement specialists of public entities and development of their professional staff is still one of the priority directions. The SPA Training Centre is intensively proceeding with retraining of public procurement specialists employed in public procurement field and business sector. Overall, 549 attendees were retrained in 2015.

With a view to approximation of Georgian public procurement legislation with the EU acquis, as provided by the Agreement on Deep and Comprehensive Free Trade Areas (AA/DCFTA), the complex roadmap and action plan-schedule were developed in 2015. The implementation of legislative, institutional and other reforms, envisaged by the Action Plan developed under the assistance of the United Nations Development Program (UNDP), Swedish International Development Cooperation Agency (SIDA) and active involvement of the SPA, will result mutual opening of procurement markets of the EU Georgia what will provide higher export potential for Georgian companies.

All above mentioned successful reforms would not have been implemented without the assistance of the Government and Parliament of Georgia. Several major projects and activities were implemented within the framework of cooperation with international organizations, financial institutions and the SPA,



of which special mention must be made of the following:

Under the aegis of the World Bank the SPA hosted 11th Public Procurement Knowledge Exchange International Forum in Batumi, with more than 100 participants from 25 countries.

The Official delegations of several countries, international and non-governmental organizations also displayed major interest towards successful reforms in Georgian Public Procurement sector. The SPA hosted delegations from Uganda, Ethiopia, Afghanistan, Uzbekistan, Kirghizstan, Tajikistan, Albania, Japan, Malaysia and Zambia with a view to sharing the experience of our country.

The SPA is still adhered to the course of reforms. It is planned to develop the new procurement types and integrate them into the Unified Electronic System in 2016. This will make it considerably easier for procuring entities to identify the economically most advantageous tender, offered by bidders.



SIMPLIFIED PROCUREMENT REFORM

In 2015, the rules and procedures of conducting Simplified Procurements by procuring entities were considerably amended. The main purpose of these amendments was the reduction of the number of Simplified Procurements in the country, on the one part and provision for better transparency, on the other, in order to minimize the share of procurements, conducted bypassing Open Competitive Procedures. On July 24, 2015 the Parliament of Georgia adopted the amendment to the Law of Georgia on State Procurement, which amendment provided for the basic principles of simplified procurements, that are subject to mandatory agreement with the SPA. Based on this amendment the Simplified Procurement Criteria and Simplified Procurement Conducting Procedure were approved by Order N13 of the Chairman of the State Procurement Agency on August 17, 2015, under which Procedure, starting from November 1, 2015, the procuring entities are required to publicly justify their decisions on awarding public procurement contracts through the Simplified Procurement Procedure before making a procurement and then agree it with the SPA through filing an application in the SMP¹ module for agreement of Simplified Procurements, which is newly integrated in the Unified Electronic System. Not earlier than two and not later than three business days following the submission of the application by a procuring entity the SPA will make a decision on granting or non-granting of the consent.

Subjects to the agreement with the SPA are Simplified procurements, the conduct of which is conditions by four main reasons:

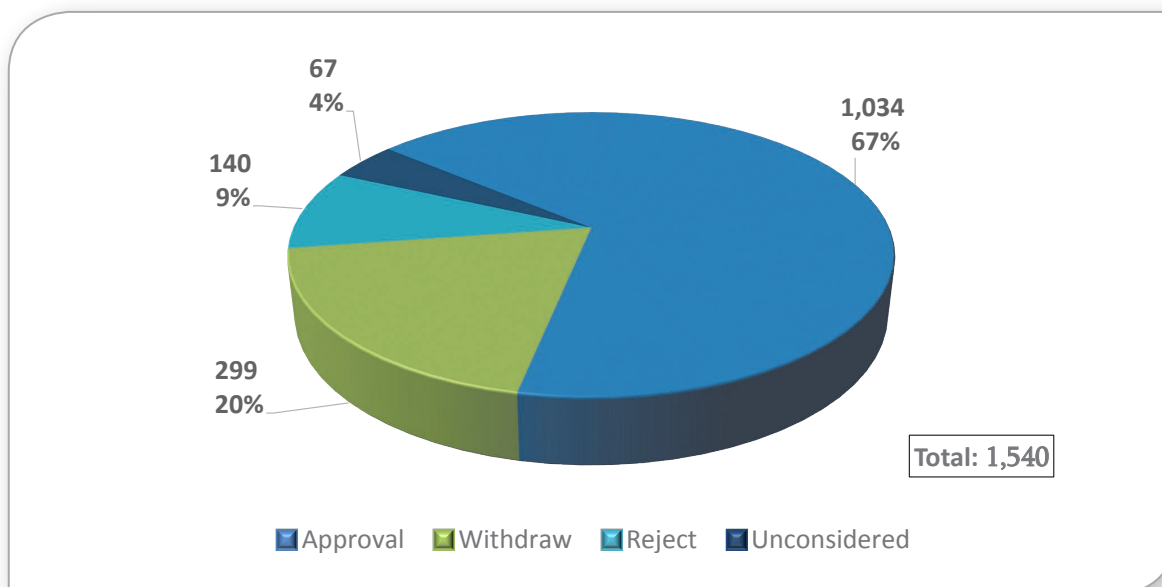
1. Supply of the object of procurement is an exclusive right of a natural person;
2. There is some urgent necessity;
3. With a view to prevention of deterioration of the quality of the object of procurement, procured from a supplier or provision for further exploitation thereof it is necessary for the procurement to be effected from the same supplier or a sub-contractor envisaged by the contract executed with the same supplier.
4. Very tight timelines are set for an activity of state or public importance to be hold smoothly.

¹ SMP-Simplified Module of Procurement



Total 1,540 requests of procuring entities for the SPA consent on Simplified Procurement were registered in the SMP module between November 1- December 31, 2015, inclusive. The SPA approved only 1,034 applications, respectively 506 applications were withdrawn, rejected or Unconsidered (see Diagram 1).

DIAGRAM N1: Statistics of Applications Filed with Simplified Module of Procurement according to Their Statuses



It should be mentioned, that based on the principle of transparency in Public Procurement Procedures, the applications filed by procuring entities with the SPA (familiarization with them) for obtaining a consent for the conduct of simplified procurement, became available for any interested person. Furthermore, the interested persons are able to provide their opinion regarding the applications of procuring entities, using 'Comment' function of the Module, before the SPA decision is made. The foregoing considerably simplifies the monitoring of Simplified Procurement Procedures on the part of both the SPA and the society. The trends of the end of 2015 and beginning of 2016 evidence the roll back in the volume of unlawful and ill-justified Simplified Procurements, what, overall, was the target of the Government.



REFORMATION OF DESIGN CONTEST CONDUCTING PROCEDURE

A design contest is an alternative Public Procurement Procedure, which enables a procuring entity to procure design or/and cost calculation services, amongst them designing, planning, architectural and engineering plans or designs.

Until July 2015, the Design Contests were held according to the so-called “paper based” mechanism, meaning the submission of bids to procuring entities in envelopes. The absence of specific rules of conducting design contests and standardized methods of bidder evaluation provided for differentiated approaches on the part of procuring entities, feeling of ambiguity in suppliers and, quite often, for reasonable grounds to believe, that evaluation was “biased”. As of to date the elaborated rules and the new electronic module developed on the basis thereof ensure not only the uniformity of standards but also the electronic publication of invitations for bids and documents. It is worth mentioning that the relevant documents are archived in the Electronic System enabling any interested person to monitor the conducted Design Contests. The SPA developed and introduced uniform, universal algorithm for the evaluation of bidders, according to which algorithm the best quality/price bidder is easily identified using pre-determined quality criteria by a procuring entity, best bid price and priority factor of specific criteria. The application of the bid ranging automated system significantly simplified the management of the evaluation of bids, submitted by participants, by procuring entities on the one part and on the other - eliminated the feeling of ambiguity in suppliers. The SPA developed several practical guidelines to raise awareness of the users about the aforementioned innovations, which guidelines are published on the SPA official web-page under the heading “Guidelines for design Contest Module”².

It should be mentioned that like tenders, the design contest procedures are also subject to appealing with Dispute Resolution Board, enabling any interested person to protect its rights.

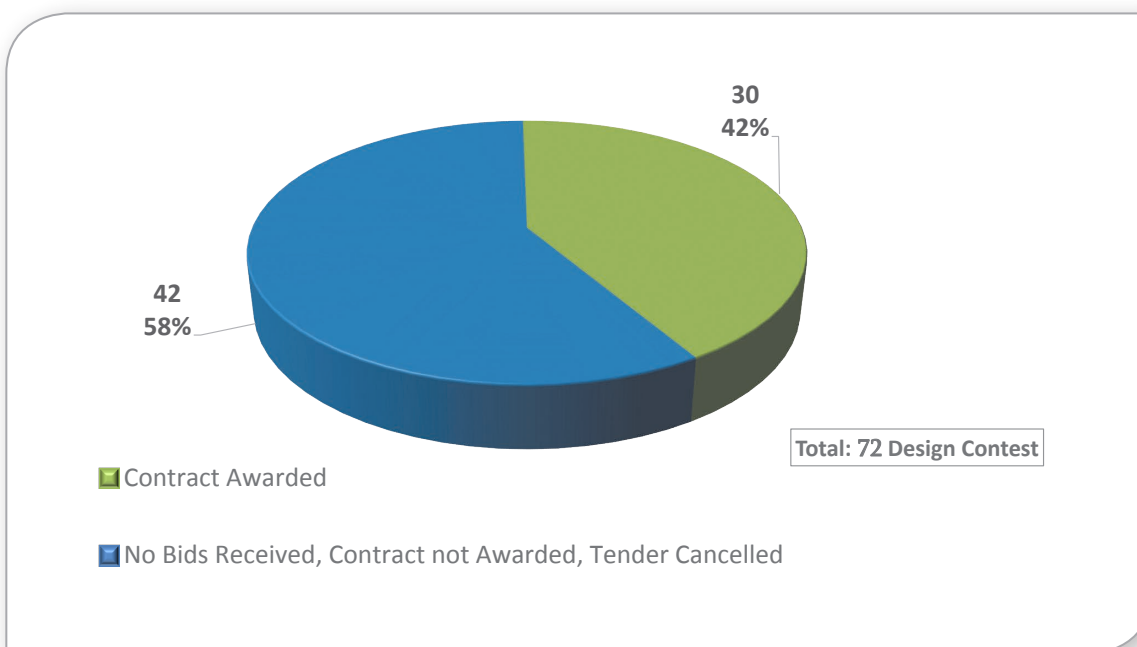
During the period from the start-up of the Design Contest module until January 1, 2016, total 87 contests were announced electronically, of which 72 were granted with final status by the end of the year. 30 contests with final statuses have the status “Contract awarded” and their estimated value amounts

² <http://www.procurement.gov.ge/konkursebi.aspx>



to GEL 3,539,591 (see Diagram N2). It is worth mentioning, that by the end of 2015, within just a few months following the introduction of the novelty, the interest of bidders in Design Contest, as well as the percentage of successfully accomplished Design Contests has significantly increased.

DIAGRAM N2: Distribution of Design Contests, Registered with Design Contest Module, according to Their Final Statuses

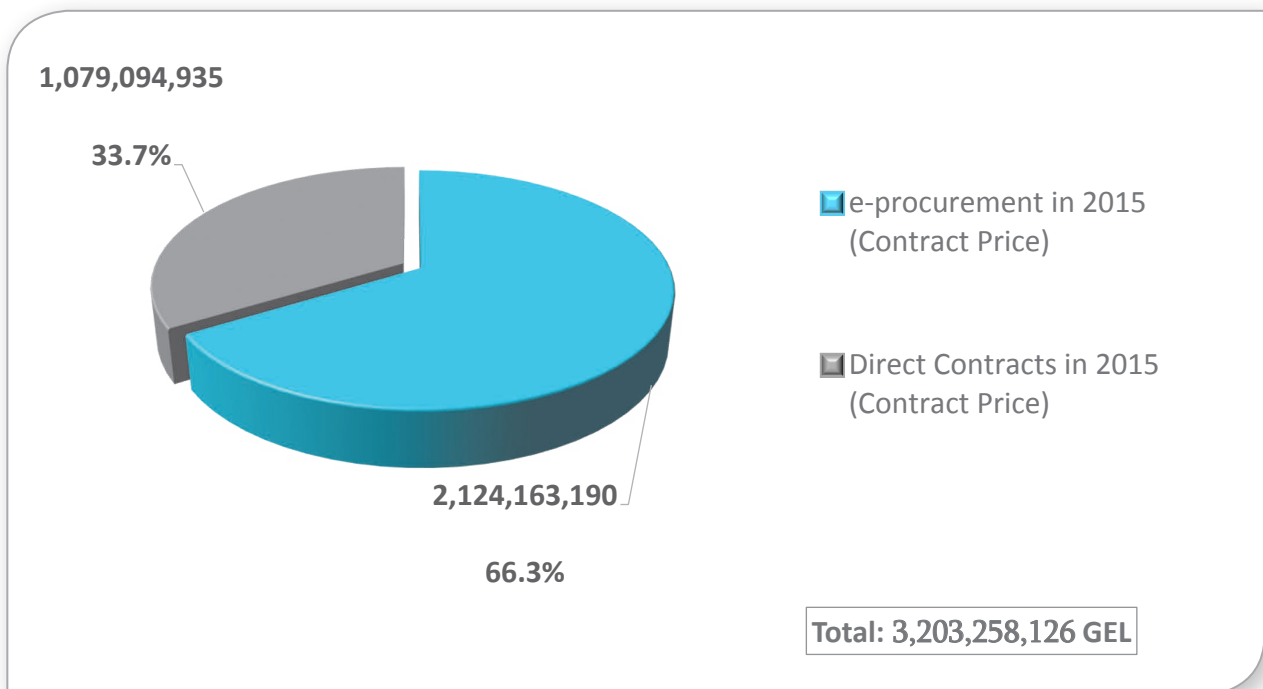




ANALYSIS OF BASIC PARAMETERS

In 2015 the net value of public procurement contracts amounted to GEL 3,203,258,126. Of them the procurements worth of GEL 2,124,163,190 were carried out through electronic procedures³ whilst the value of contracts executed through simplified procurement procedure amounted to GEL 1,079,094,935 (see Diagram N3).

DIAGRAM N3: Net Value of Public Procurement Contracts

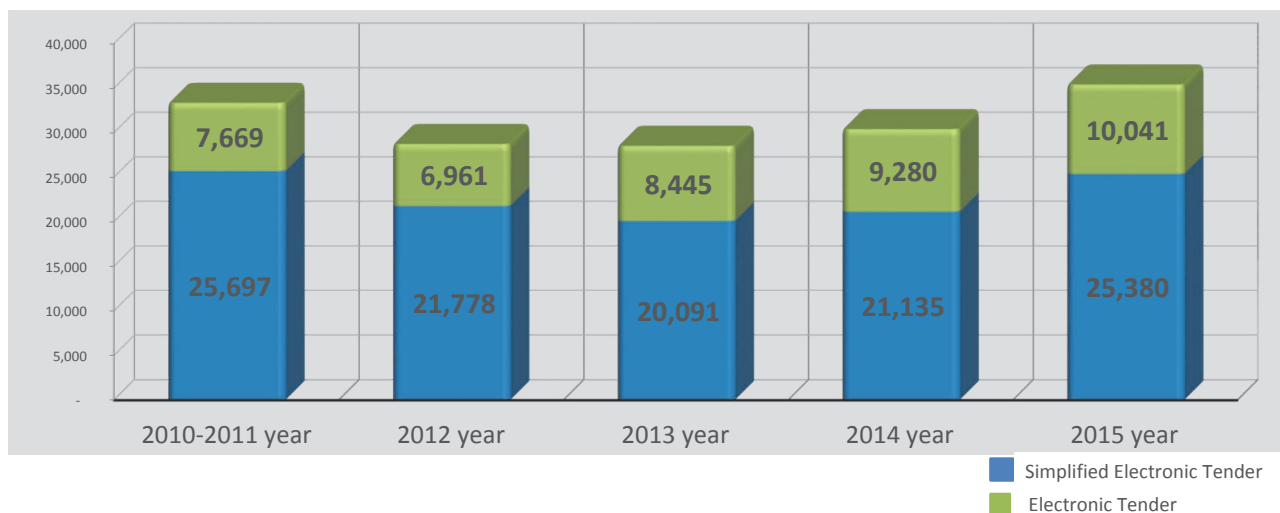


³ Electronic Procedures include Consolidated Tenders, Simplified Electronic and Electronic Tenders.



The number of tenders announced in 2015, amounted to 35,421, exceeding the same showing for the past year by 16%. Of mentioned eTenders 25,380 were conducted as Simplified Electronic Tenders and 10,041 as Electronic Tenders, which figures, in the case of Simplified Electronic Tenders, exceed the showings for 2014 by 20%, and in the case of Electronic Tenders - by 8% (see Diagram N4). At the same time, during the year the final status was awarded to 35,972⁴ tenders, of which 24,950 have the status - "Contract Awarded" (see Diagram N5). The net estimated value of tenders carried out in 2015 amounted to GEL 2,292,647,193 and contract value - to GEL 1,992,942,977. Respectively, the savings realized throughout the year only through the Simplified Electronic and Electronic Tenders conducted via the Unified Electronic System of State Procurement amounts to GEL 299,704,216, and this makes approximately 13% of net estimated value.

DIAGRAM N4: Number of Electronic and Simplified Electronic Tenders Announced in 2010-2015

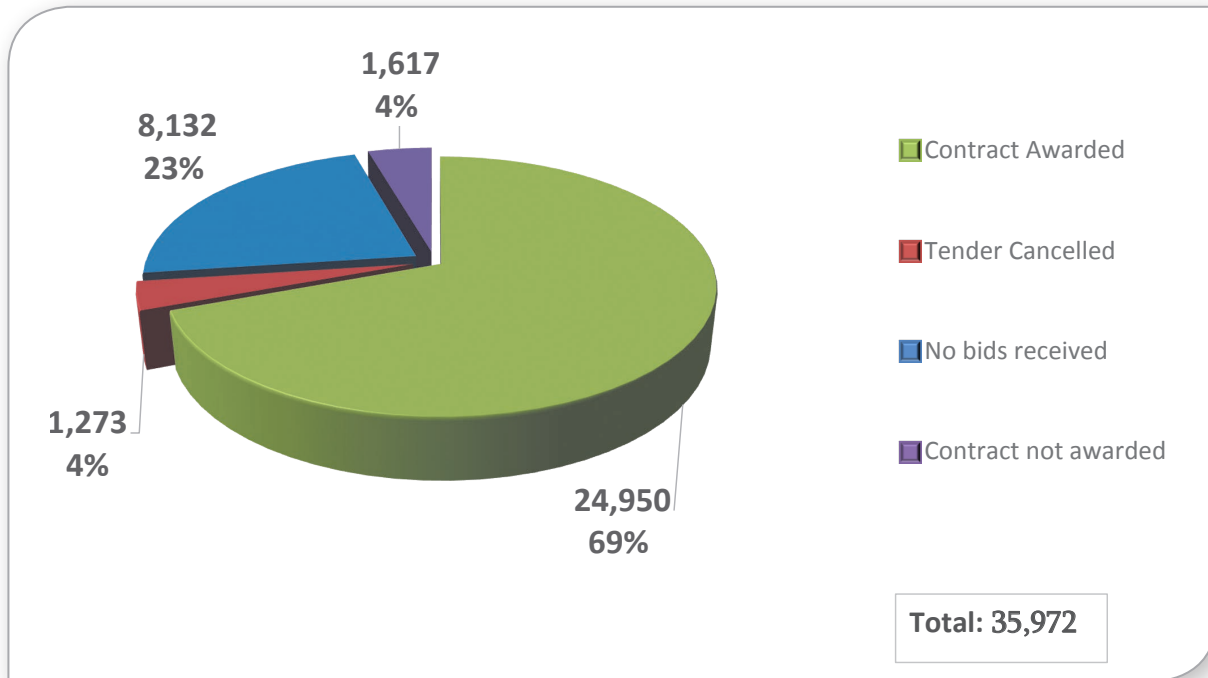


The data cover only simplified electronic tenders and electronic tenders. The data do not cover "trading with pricelists".

⁴ These data include also the tenders, which were announced in 2014, but the final status was awarded only during 2015.



DIAGRAM N5: Distribution of Final Statuses Awarded to Tenders in 2015

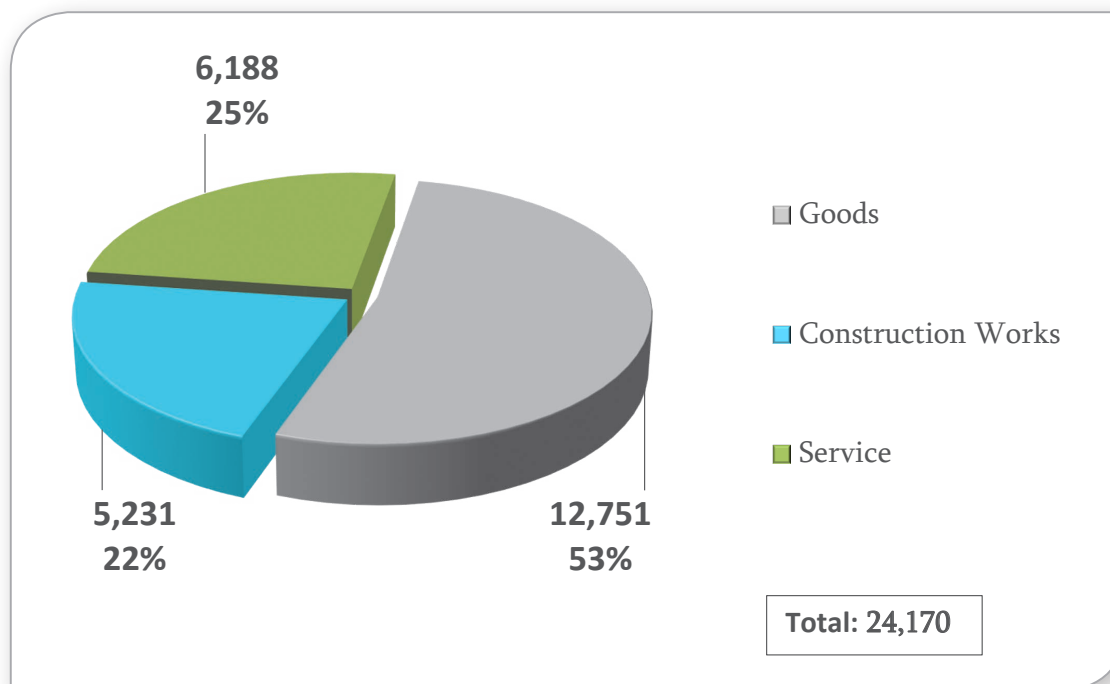


The data are calculated only with regard to Simplified Electronic and Electronic Tenders. The data cover tenders "trading with pricelists".

The distribution of the number and contractual values of carried out Electronic and Simplified Electronic Tenders according to procurement objects is presented on diagrams N6 and N7.



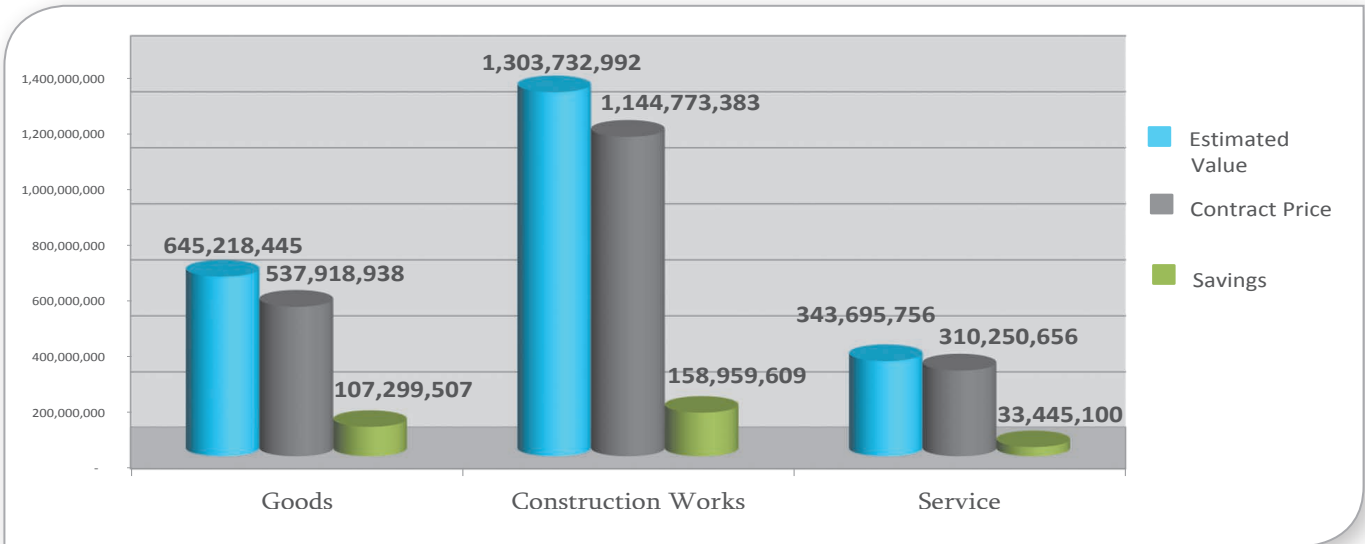
DIAGRAM N6: Distribution of the Number of Tenders held in 2015 According to the Procurement Objects



The data do not cover "trading with pricelists".



DIAGRAM N7: Distribution of Tenders Held in 2015 According to Their Value and Savings According to the Procurements Objects



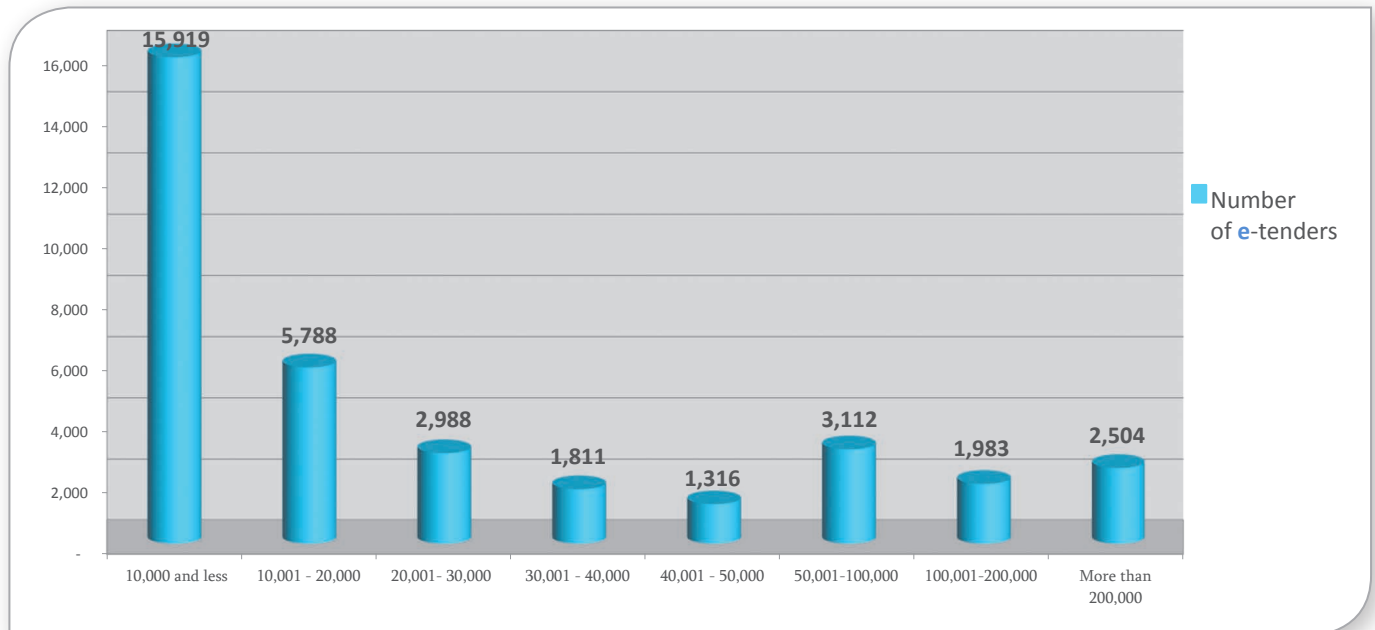
	ESTIMATED VALUE	CONTRACT PRICE	SAVINGS
Goods	645,218,445 (28%)	537,918,938 (27%)	107,299,507 (36%)
Construction Works	1,303,732,992 (57%)	1,144,773,383 (57%)	158,959,609 (53%)
Service	343,695,756 (15%)	310,250,656 (16%)	33,445,100 (11%)
Subtotal	2,292,647,193	1,992,942,977	299,704,216

As evidenced by Diagram N6 the majority of held tenders - 53% - account for the procurement of goods, and the remaining 25% and 23% - for the procurement of services and works, respectively. However, the situation with the distribution of tenders according to contract values is radically different (see Diagram N7). If in the case of quantitative distribution the construction works accounted for the least share of procurements - 22%, their volume in the light of contract value is the largest and amounts to GEL 1,144,773,383 (57%), whilst the contract values of goods and services amount to GEL 537,918,938 (27%) and GEL 310,250,656 (16%) respectively.



The estimated value of approximately 79% of 35,421 simplified electronic and electronic tenders, announced within the Electronic System during 2015 amounts to GEL 50,000 or less (see Diagram N8). The foregoing proves that similar to previous years the participation in Public Procurement is still largely accessible for SMEs.

DIAGRAM N8: Distribution of Tenders Announced in 2015 According to the Estimated Value

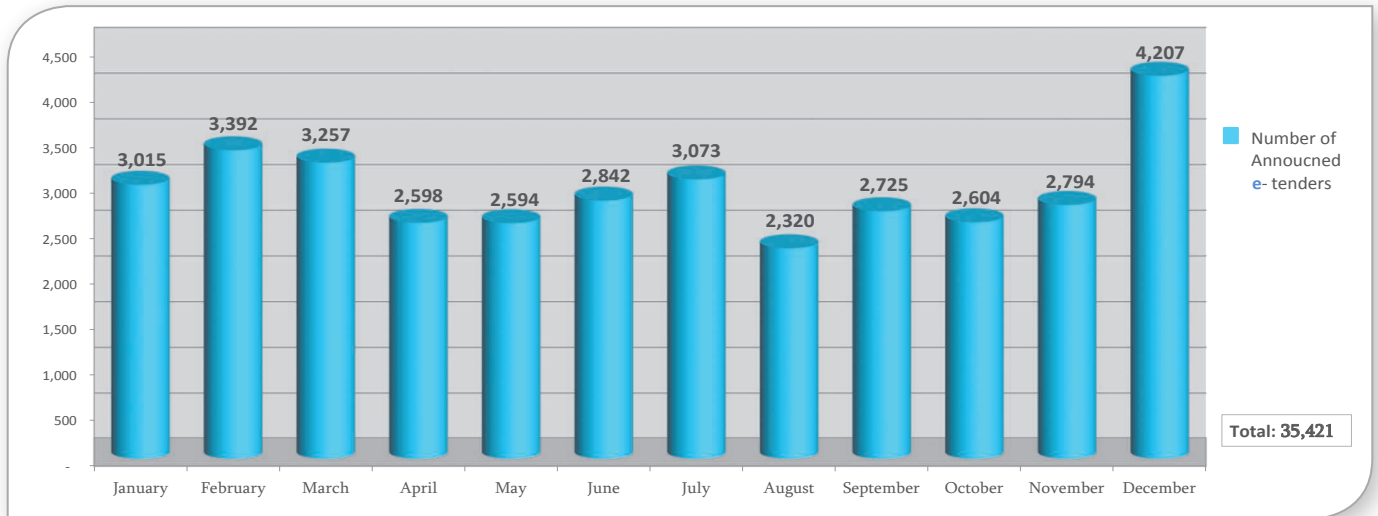


The data do not cover "trading with pricelists".

Diagram N9 shows the distribution of the aforementioned announced tenders for each month of the year. The number of announced tenders is higher in December. It is perhaps down to the fact that procuring entities submit their annual procurement plans for the next year to the SPA before 20 November of the current year and following that, it can be said, that procuring entities take measures and announce tenders for a certain part of procurements of the next year in December, what causes the apparent increase of tenders for the given period.

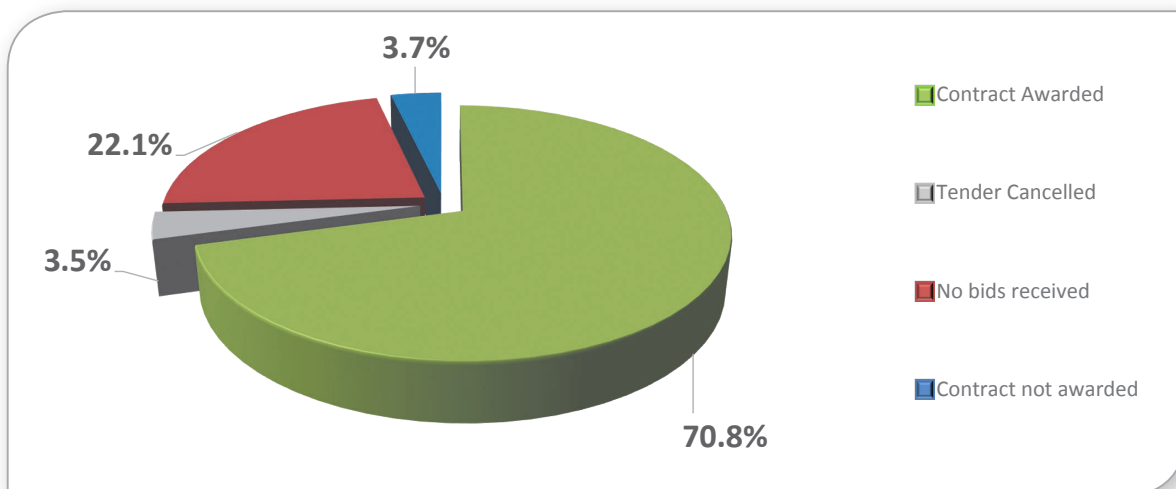


DIAGRAM N9: Distribution of Tenders Announced in 2015 for each Month



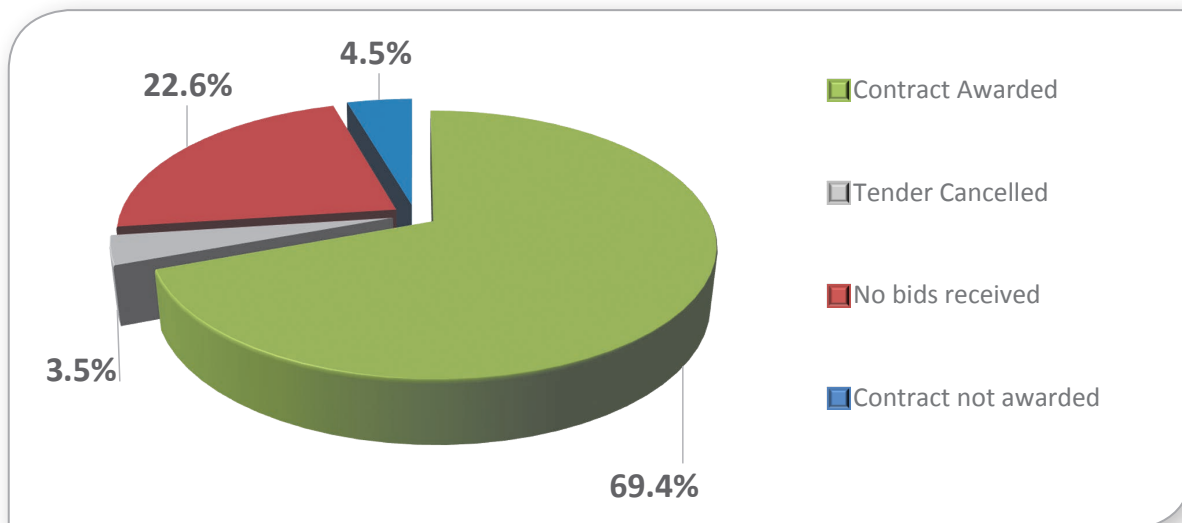
The number of tenders with the statuses: “Contract not Awarded”, “No bids Received” and “Tender Cancelled” is still pressing in 2015 (Diagram N10). Their share in total number of tenders amounts to 31% and exceeds the same showing for the past year by 2 percentage points.

Diagram N10: Distribution of Tenders According to Final Statuses, 2014-2015
2014





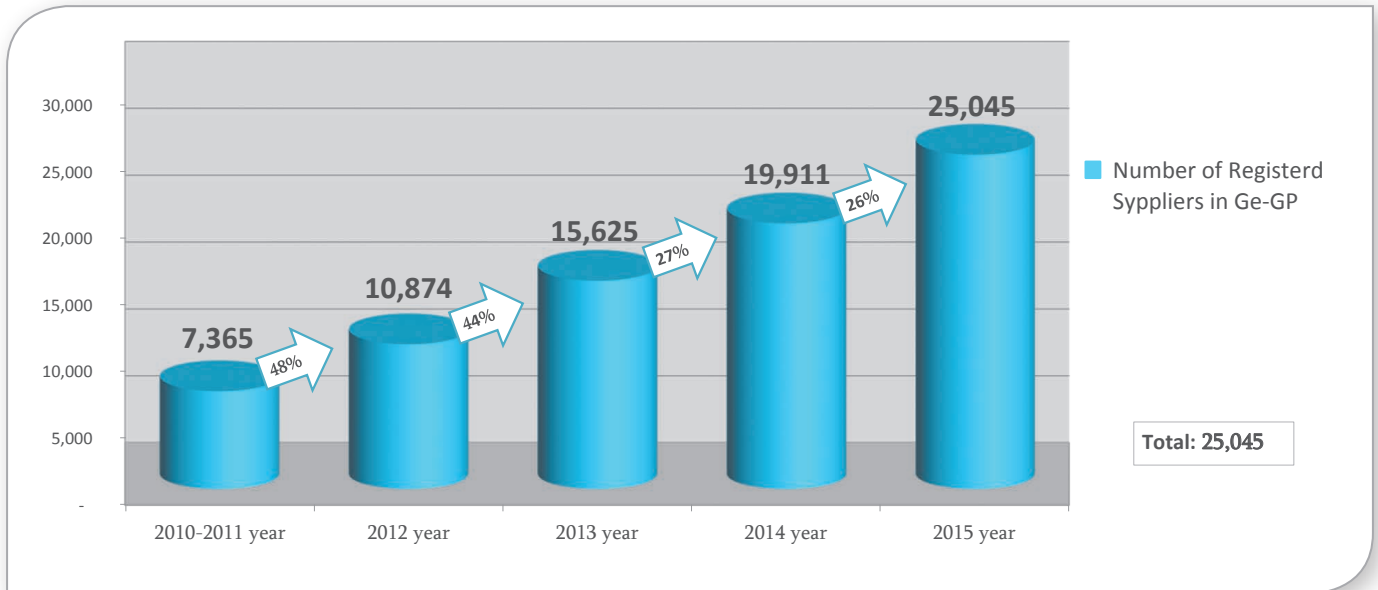
2015



As observed by the SPA the increased number of tenders with statuses: “Contract not Awarded”, “No bids Received” and “cancelled” was to a certain extent conditioned by the fluctuation of the national currency exchange rate.



DIAGRAM N11: Distribution of Registered Suppliers in 2010-2015



Private sector was still intensely active in 2015 in Public Procurement field. Total 5,134 new suppliers were registered during the year. As a result, the number of registered suppliers amounted to 25,045 by the end of 2015 (Diagram N11). According to data of the National Statistics Office of Georgia approximately 160,000 active economic operators were recorded in Georgia in 2015, and around 15.6% of them participate in public procurement.

The majority of suppliers registered within the System are limited liability companies, sole entrepreneurs and natural persons.



DIAGRAM N12: Distribution of Resident Suppliers Registered within the System according to their Organizational and Legal Form

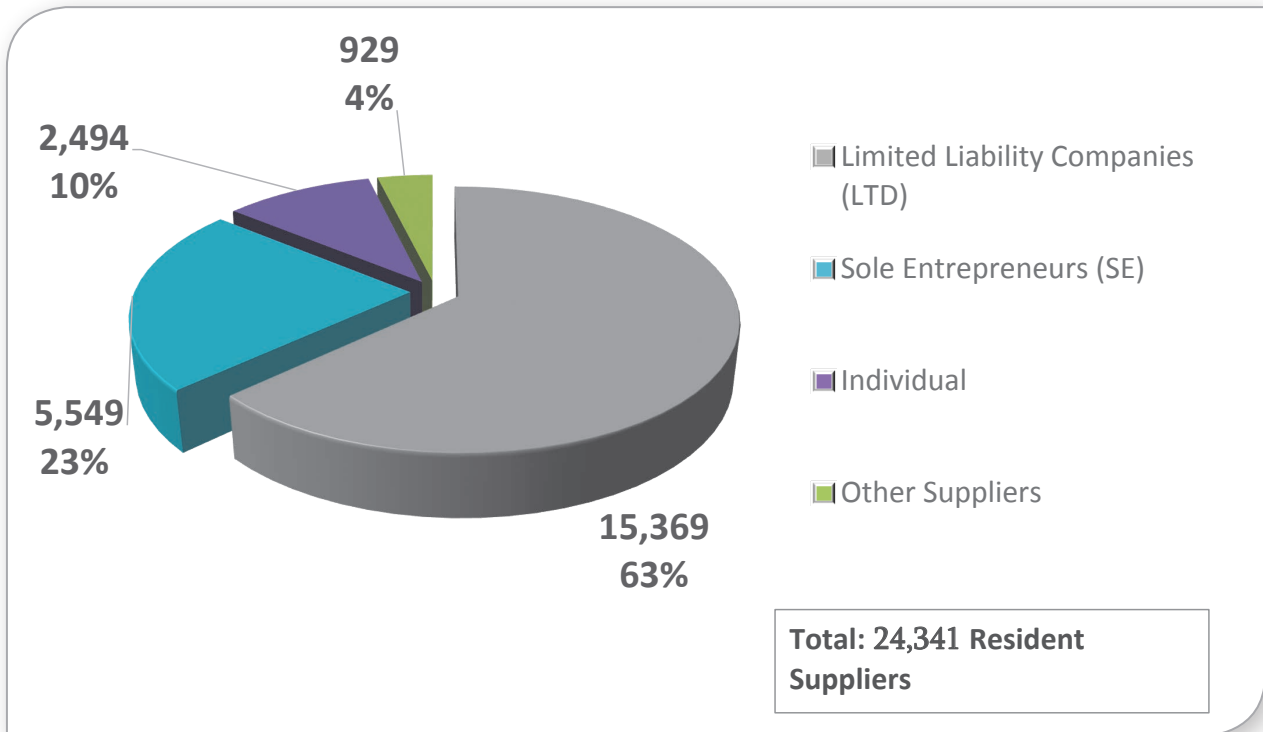
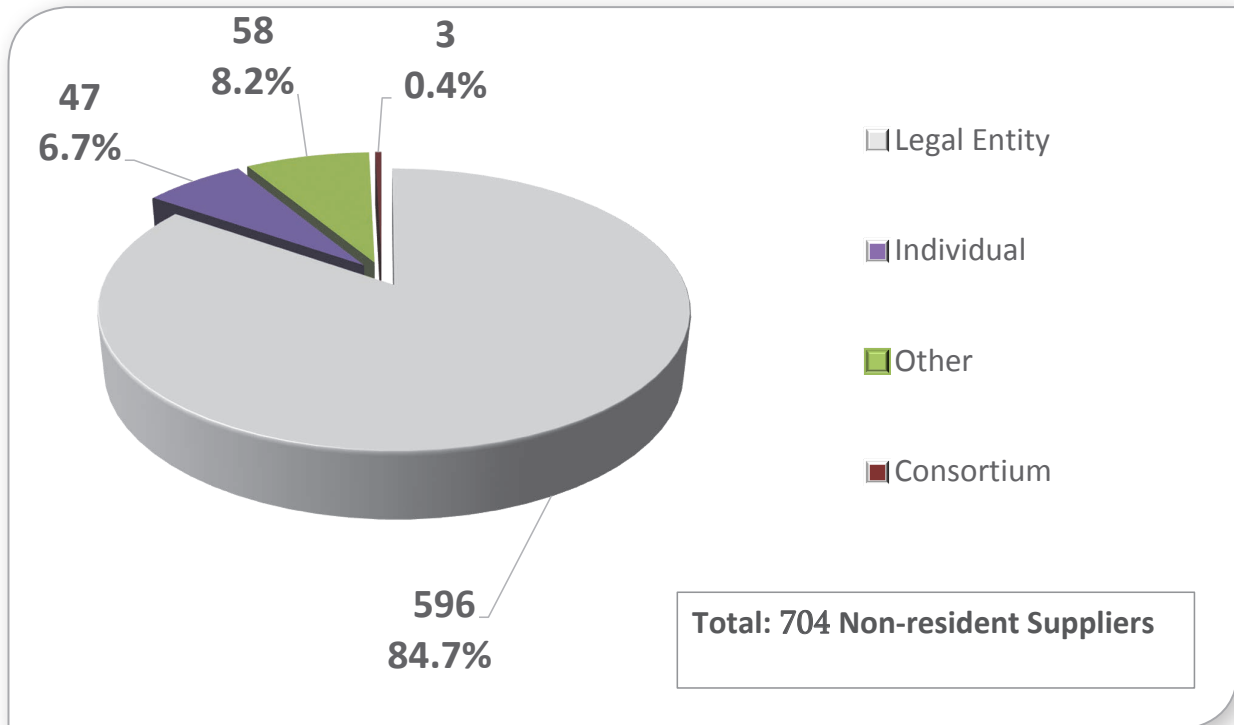




DIAGRAM N13: Distribution of Non-Resident Suppliers Registered within the System according to their Organizational and Legal Form



As of 2015 the number of non-resident suppliers amounted to 704 within the System, exceeding the same showing for 2014 year by 222 (46%). During 2015 total 56 contracts were awarded to non-resident suppliers with regard to tenders announced via the system, the net value of which contracts amounted to GEL 58,101,005 (Diagram N14).



DIAGRAM N14: Value of Contracts of Resident and Non-resident Suppliers in 2015

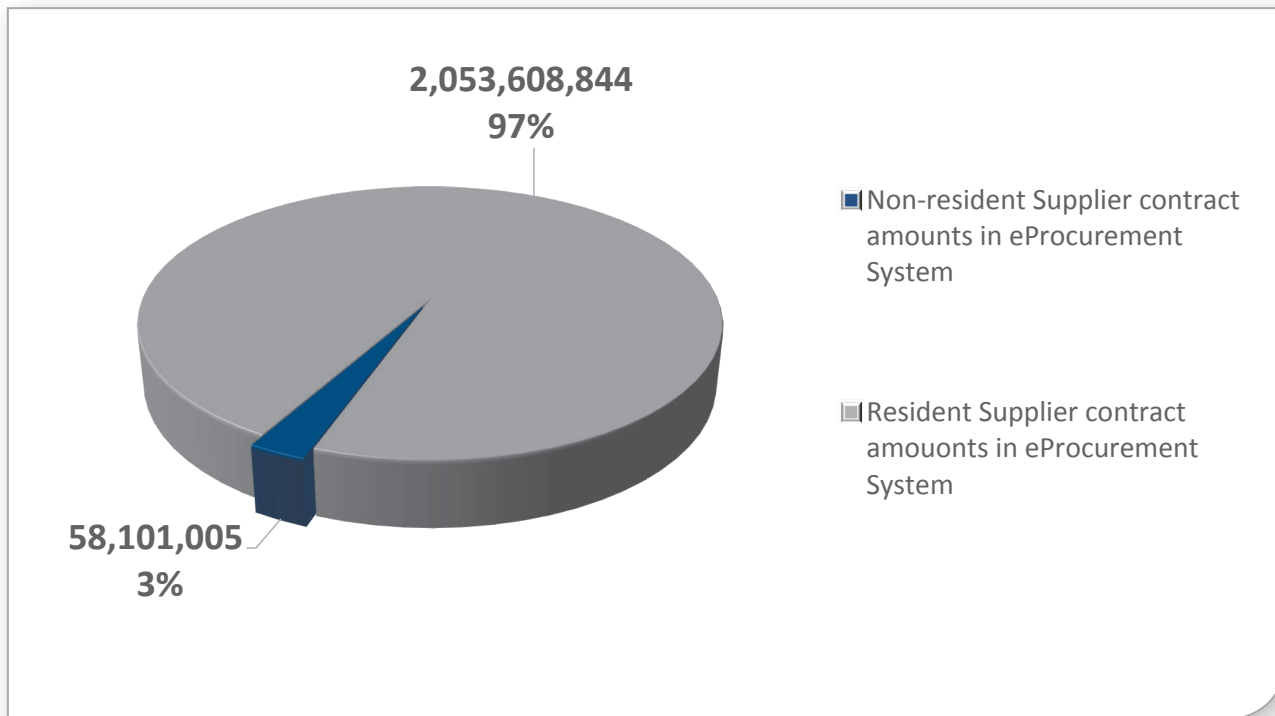
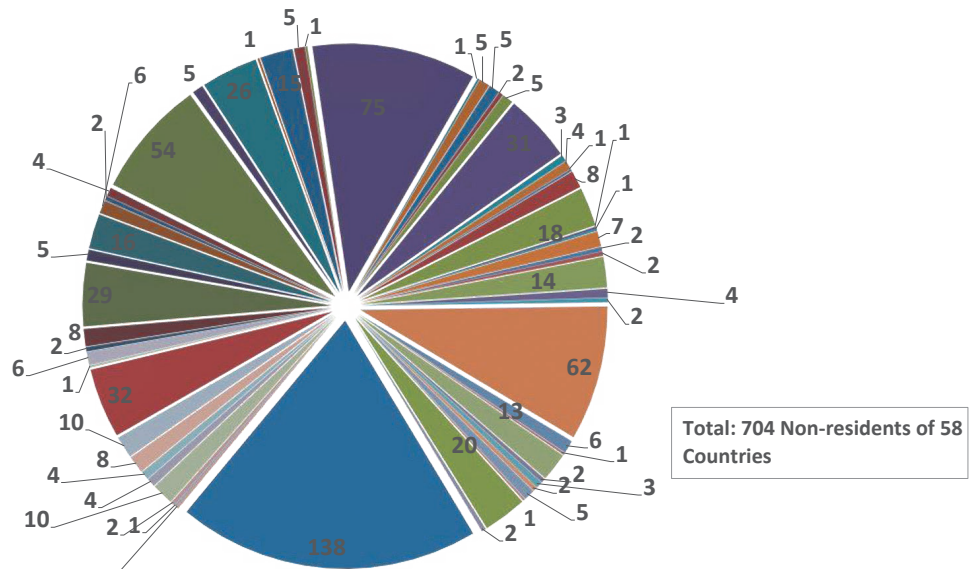




DIAGRAM N15: Non-resident Suppliers Registered within the System, According to Countries



- Australia 2
- United Arab Emirates 5
- Belgium 2
- Denmark 5
- Spain 15
- Turkey 75
- Iran 5
- Italy 31
- Republic of Korea 1
- Moldova 1
- Norway 2
- Portugal 4
- Greece 6
- Serbia 2
- Slovakia 5
- United Republic of Tanzania 2
- Philippines 1
- Kyrgyzstan 4
- Czech Republic 10
- Hong-Kong 6

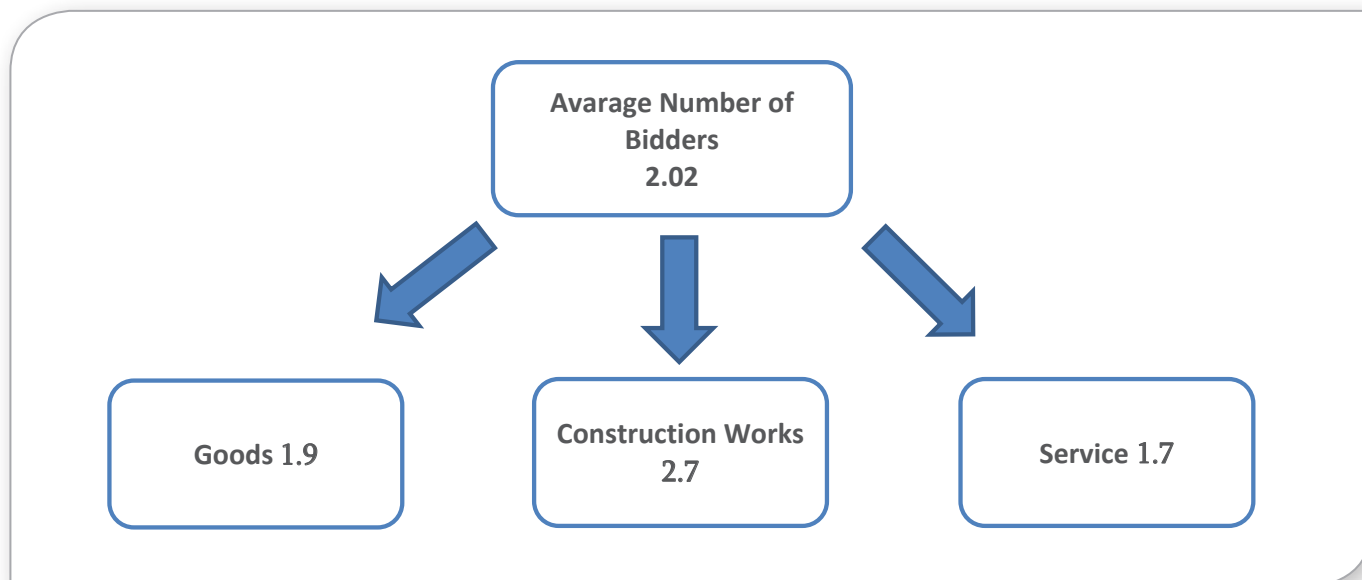
- Austria 8
- USA 16
- Bulgaria 4
- Great Britain 26
- Estonia 5
- Japan 1
- Ireland 2
- Canada 3
- Latvia 8
- Monaco 1
- Pakistan 2
- Romania 2
- South Africa 1
- Swaziland 3
- Slovenia 1
- Ukraine 138
- Finland 2
- Sweden 4
- China 32

- Azerbaijan 29
- Belarus 6
- Germany 54
- Egypt 1
- Vrigin Islands 1
- India 5
- Israel 5
- Cyprus 4
- Lithuania 18
- Netherlands 7
- Poland 14
- Russia 62
- France 13
- Singapore 2
- Armenia 20
- Hungary 1
- Kazakhstan 10
- Switzerland 8
- Croatia 1



In 2015 the average number of bidders in tenders amounted to 2.02. The number of bidders according to supply of goods, construction works and services is distributed as follows:

DIAGRAM N16: Average Number of Bidders



In 2015 the “Top 10” procurement categories according to average number of bidders were as follows: (see Table N1).



TABLE N1: “Top 10” Procurement Categories according to Average Number of Bidders

	CPV CODE	NUMBER OF E-TENDERS	NUMBER OF SUPPLIERS	AVERAGE NUMBER OF BIDDERS	SAVINGS
1	18300000-Garments	43	136	3.16	298,948
2	45400000-Building completion work	1437	4188	2.91	22,618,947
3	92100000-Motion picture and video services	40	110	2.75	665,647
4	45200000-works for complete or part construction and civil engineering work	2991	7964	2.66	121,659,155
5	90900000-Cleaning and sanitation services	240	627	2.61	2,603,502
6	18100000-Occupational clothing, special workwear and accessories	71	184	2.59	419,064
7	45300000-Building installation work	589	1521	2.58	6,598,016
8	45100000-Site preparation work	214	531	2.48	3,378,181
9	18200000-Outerwear	90	220	2.44	1,181,034
10	79800000-Printing and related services	513	1225	2.39	1,016,042



TABLE N2: “Top 10” Procuring Entities in 2015 according to Number of Announced Tenders

	PROCURING ENTITIES	NUMBER OF ANNOUNCED E-TENDERS	ESTIMATED VALUE
1	JSC “Georgian Railway”	694	159,377,976
2	Tbilisi City Hall	681	189,974,367
3	The Ministry of Defence of Georgia	622	44,021,305
4	Tbilisi State Medical University	563	27,298,508
5	LTD “The Joint Water Supply Company of Georgia”	511	20,774,008
6	Revenue Service	462	40,716,888
7	JSC “Georgian State Electric System”	444	26,591,354
8	Ivane Javakhishvili Tbilisi State University	427	14,195,022
9	The Ministry of Internal Affairs of Georgia	426	68,930,103
10	Centre on the Special and Emergency Actions of MIA	425	30,274,635

If in 2014 the first three of “Top 10” procuring entities according to the number of announced tenders were the Revenue Service, Ministry of Internal Affairs of Georgia and the Ministry of Defence of Georgia⁵, these showings changed in 2015 as follows: JSC “Georgian Railways”, Tbilisi City Hall and the Ministry of Defence of Georgia.

⁵ See State Procurement Agency Report 2014.



TABLE N3: “Top 10” Procuring Entities in 2015 according to Estimated Value of Announced Tenders 2015

	PROCURING ENTITIES	NUMBER OF ANNOUNCED E-TENDERS	TOTAL ESTIMATED VALUE
1	Ministry of Regional Development and Infrastructure of Georgia, Department of Roads of Georgia	262	333,653,332
2	Tbilisi City Hall	681	189,974,367
3	JSC "Georgian Railway"	694	159,377,976
4	Educational and Scientific infrastructure Development Agency	373	141,362,750
5	Batumi City Hall	264	108,698,572
6	Georgia Municipal Development Fund	93	76,281,817
7	Centre on the Special and Emergency Actions of MIA	241	74,924,725
8	Ministry of Corrections of Georgia	178	70,925,170
9	The Ministry of Internal Affairs of Georgia	426	68,930,103
10	Agency of the Social Service	236	65,066,285



TABLE N4: "Top 10" Procuring Entities in 2015 according to Net Saving⁶

	PROCURING ENTITY	TOTAL SAVING (GEL)
1	Tbilisi City Hall	21,033,553
2	Educational and Scientific infrastructure Development Agency	18,541,846
3	JSC "Georgian Railway"	17,161,245
4	Ministry of Regional Development and Infrastructure of Georgia, Department of Roads of Georgia	15,189,083
5	JSC "Georgian Oil and Gas Corporation"	14,684,004
6	"SAKAERONAVIGATSIA" Ltd	10,927,059
7	LTD "Georgia Gas Transportation Company"	9,210,615
8	The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia	7,791,366
9	LTD "Georgian United Land Reclamation Systems Company"	6,670,178
10	Ministry of Labour, Health and Social Affairs of Georgia	4,856,926

In 2015 the highest level of savings from trading through tenders was recorded on behalf of Tbilisi City Hall, however this fact can be explained by abundance of announced tenders and their estimated value (see Table N2). Tbilisi City Hall announced total 681 tenders in 2015, the net estimated value of which tenders amounted to GEL 190 million.

⁶ These data are calculated only according to Electronic and Simplified Electronic Tenders.



TABLE N5: “Top 10” Procurement Categories in 2015 according to total Savings

	CPV CODE	ESTIMATED VALUE	CONTRACT VALUE	SAVINGS	%
1	45200000-works for complete or part construction and civil engineering work	1,061,040,643	939,381,488	121,659,155	11.5%
2	45400000-Building completion work	172,942,217	150,323,270	22,618,947	13.1%
3	30200000-Computer equipment and supplies	40,134,645	32,087,678	8,046,967	20.0%
4	45300000-Building installation work	44,647,648	38,049,632	6,598,016	14.8%
5	34100000-Motor vehicles	50,213,552	44,510,898	5,702,654	11.4%
6	71300000-Engineering services	21,756,295	16,140,359	5,615,936	25.8%
7	33100000-Medical Equipment	43,692,335	39,553,282	4,139,053	9.5%
8	39100000-Furniture	27,349,288	23,388,362	3,960,926	14.5%
9	33600000-Pharmaceutical Products	64,349,858	60,544,127	3,805,731	5.9%
10	15100000-Animal products, meat and meat products	30,729,975	27,264,486	3,465,489	11.3%

Worth mentioning are the absolute showings in each procurement category. As evidenced by Table N5, the highest economy in monetary terms, similar to 2013-2014, accounts for full or partial construction works and civil engineering works. The percentage showing of economy is not the highest for this CPV group. Hence, the highest absolute showing of the economy is conditioned not by high competition and price reduction, but rather by the large share of construction works in Public Procurement in general.



ORGANIZING AND CONDUCTING OF CONSOLIDATED TENDERS

Since 2012, for efficient allocation of budgetary resources, the respective Governmental Commission, under the intensive participation of the SPA, has been conducting tenders with regard to certain procurement objects in a centralized manner, through the so-called Consolidated Tenders. This way the state attains considerable economy on a procurement object announced in a consolidated manner, what ensures more efficient and targeted budgetary expenditures.

To conduct procurement in a consolidated manner total 7 consolidated tenders were announced within the System in 2015 for the procurement of various oil products (fuel), 2 Consolidated Tenders for standard PCs and portable computers, 6 Consolidated Tenders (3 times during the year) for A4 printing paper of highest and first grades, and 1 Consolidated Tender for mobile network service.

Additionally, starting from October 2015 the first Consolidated Tenders were announced for the procurement of tires of light-duty trucks for 2015-2016. The efficiency of Consolidated Tenders for tires is evidenced by the fact that average unit price of a tire was reduced by 46% in 2015 owing to Consolidated Tenders and at the same time the number of tires procured through Consolidated Tenders increased by 50%. As of to date approximately GEL 1.7 million of budgetary resources were saved.⁷

Total 32 Consolidated Tenders were held in 2015 for the procurement of tires and the net volume of procurements amounted to 14,464 units of various size. Net initial procurement price was GEL 2,346,760 and unit price of a tire - GEL 162. The final value of procurement after trading totalled GEL 1,947,633 and the unit price was reduced to GEL 134.

Net amount, saved in 2015 through Consolidated Tenders amounted to approximately 40 million GEL (however this amount does not include the saving made through Consolidated Procurement of mobile network service).

⁷ The average unit price of a tire-cover in case of Simplified Procurement was GEL 300, and after introduction of the Consolidated Procurement it amounted to GEL 134.65.



TABLE N6: Net Amount of Goods, Procured through Consolidated Tenders and Savings Figures

PROCUREMENT OBJECT	ANNOUNCED AMOUNT	SAVINGS (GEL)	CONSUMPTION SHARE WITHIN CONSOLIDATED IN RELATION WITH TOTAL MARKET OF 2015 ⁸
Fuel	99,905,345 (liter)	28,264,107	8.4%
Computers (PCs and portable)	24,800 (unit)	9,606,200	≈5%
A4 paper	551,514 (pack)	146,889	19.37%
Tires	14,464 (unit)	1,700,000	

As of to date the Office for Consolidated Tenders is intensively engaged in analytical researches to identify the objects the procurement of which would have been reasonable in a consolidated manner in the context of efficient expenditure of budgetary resource.

It should as well be mentioned with regard to the foregoing, that with a view to planning the Consolidated Tenders, their further monitoring, analysis and keeping relevant statistics, the new computer system CONSYS for the management of Consolidated Tenders was launched, which is located at the following address: <https://ctd.spa.ge>.

Registration within the System is mandatory for every procuring entity for each of them to present any information, requested by Governmental Tender Commission and the SPA with regard to Consolidated Tenders, through the Consolidated Tenders Management System.

With a view to planning the Consolidated Tenders and determination of the net estimated amount of goods, the SPA is conducting the survey of demands of procuring entities on an annual basis. The aforementioned program was launched in November 2015 and with the help of this program the demand for consolidated procurement objects /services was calculated throughout the whole country.

⁸ The share of the whole consumer market within the framework of consolidated tender is counted according to product import showings.



Furthermore, the same system is used for the agreement of the demand to procure fuel from winner supplier without VAAIS⁹ system.

To make the use of the new system easier for procuring entities the User-Manual of Consolidated Tender Management System was developed, providing for detailed directions and operational procedures.

The introduction of the Consolidated Tender Management System further enhanced not only correct and timely planning of Consolidated Tenders, but also keeping statistics and analysis, what is a priority for the SPA and what has greatly promoted the updating of the data of procuring entities and evaluation of the adequacy of their demands.

⁹ VAAIS - Vehicle alignment and automated identification system.



DISPUTE RESOLUTION PROCESS

Total 1,017 complaints were filed with the Board for the resolution of procurement related disputes in 2015, what is approximately twice as much as the number of complaints filed in 2014. This fact clearly reiterates that public confidence in Dispute Resolution Board is high and its reliability is increasingly growing year by year.

DIAGRAM N17: 2011-2015 Statistics of Complaints Filed with Dispute Resolution Board

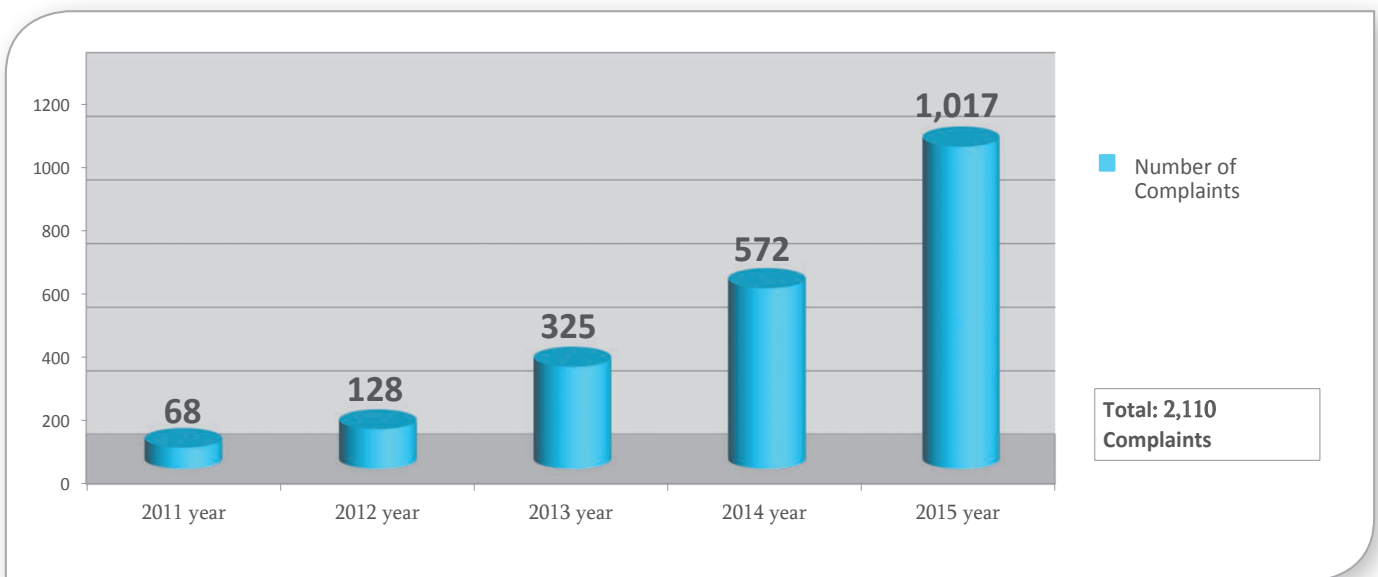
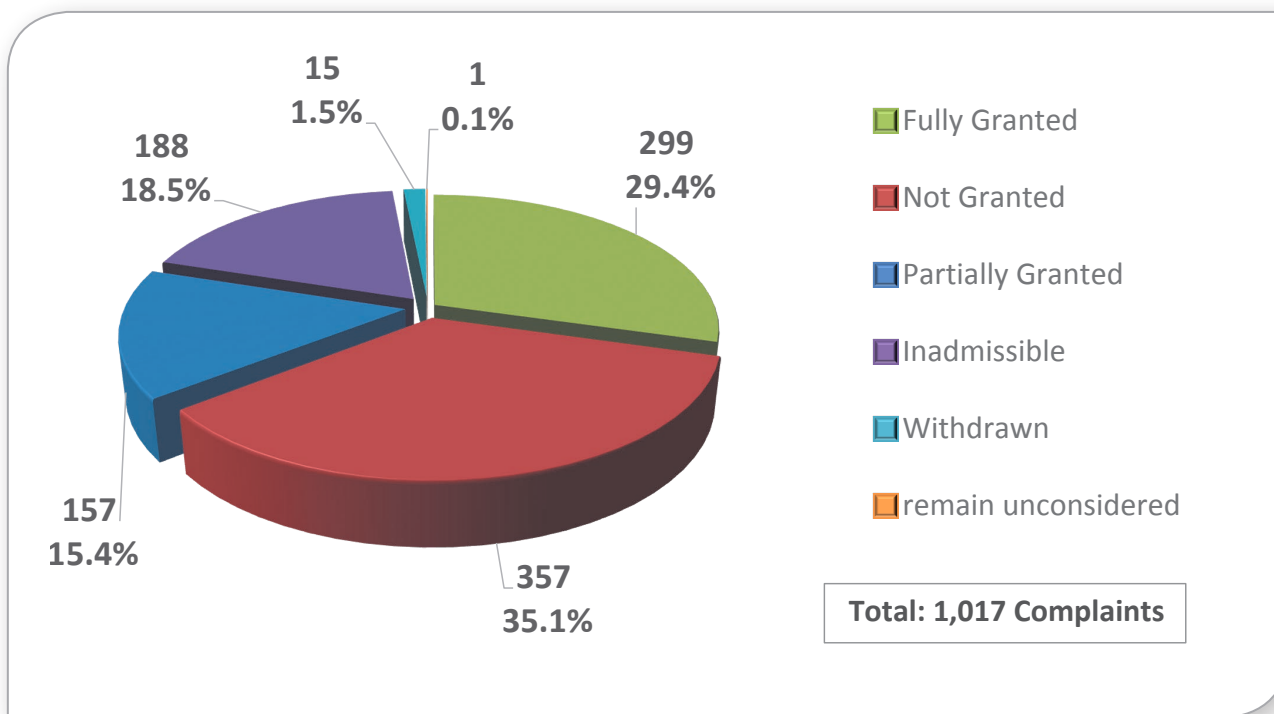




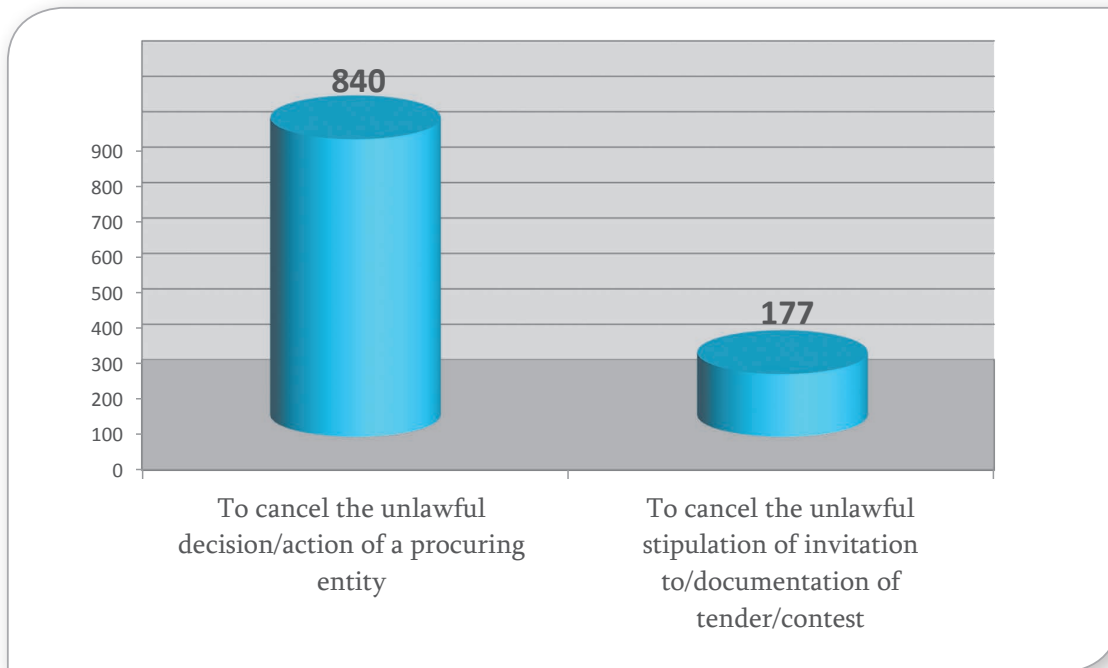
DIAGRAM N18: Distribution of the Statuses of Complaints Filed with Dispute Resolution Board



Among 1,017 complaints filed with the SPA Dispute Resolution Board in 2015 the claims for the cancellation of unlawful decisions/actions of procurement entities are dominating (Diagram N19).



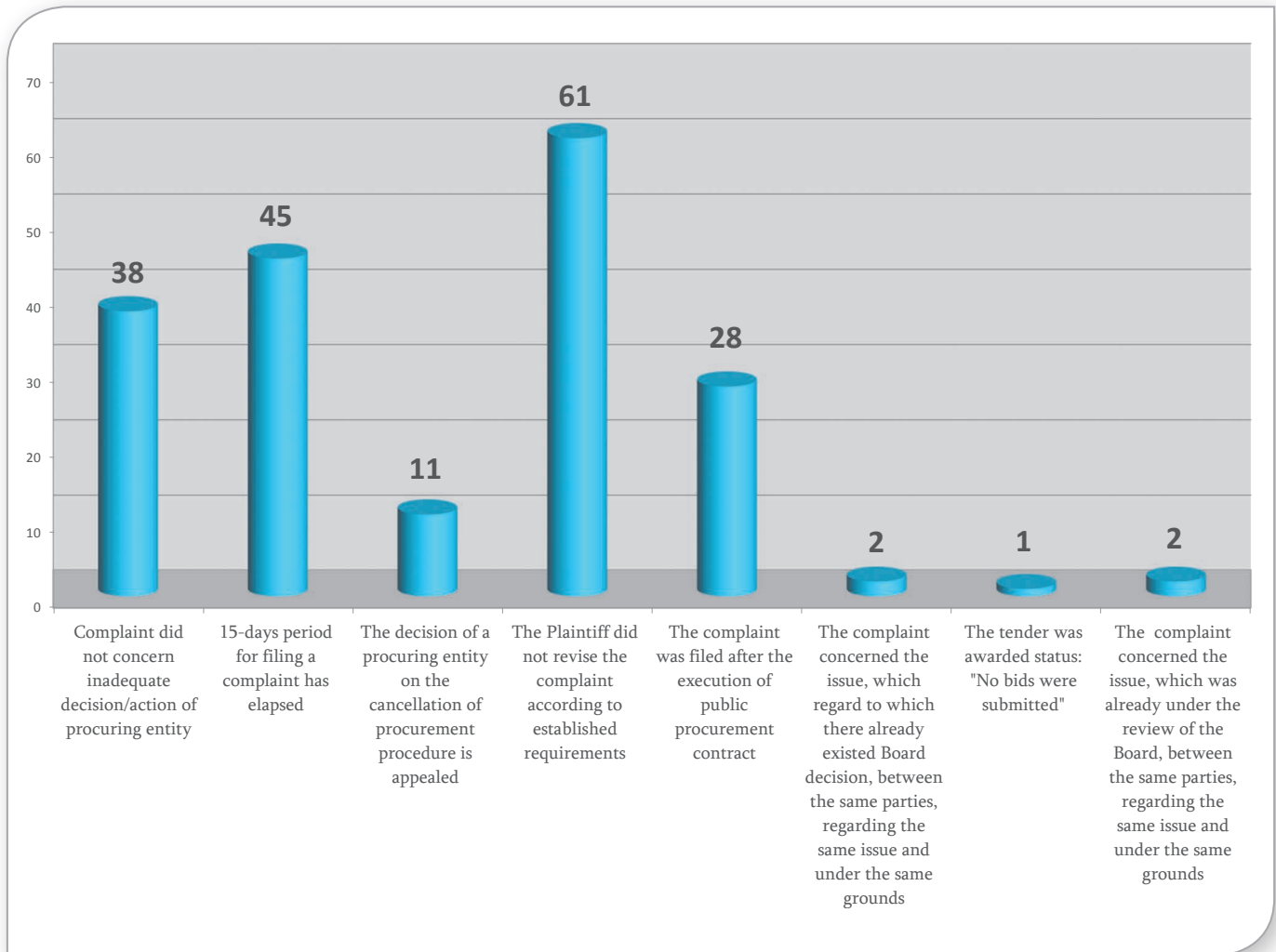
DIAGRAM N19: Claims Filed with the Dispute Resolution Board



Among total complaints, filed in 2015 the Office of Dispute Resolution Board regarded 188 as inadmissible under following grounds (see Diagram N20):



DIAGRAM N20: Distribution of Claims, Filed with the Dispute Resolution Board, as Inadmissible and the Grounds Thereof



It should as well be mentioned that among the Board decisions having the state “Satisfied” (299) and “Partially Satisfied” (157) only 30 were appealed to the court. In 19 cases the court ruled in favour of the SPA and 11 cases have the status “Pending Trial”. This fact is another proof of the efficiency and impartiality of the Dispute Resolution Board.



The mention should be made of the composition of the Dispute Resolution Board and selection principle. The Board consists of 6 (six) members, of which 3 (three) members are nominated by the SPA and 3 members are selected from amongst the representatives of civil society. On November 30, the elections were held for the election of 3 (three) members of the Dispute Resolution Board, where amongst the invitees were the representatives of the organizations, who nominated the candidates, as well as the other non-governmental organizations. The Office of Dispute Resolution Board ensures the involvement of non-governmental sector representative Board members in the review of complaints. Additionally it should as well be mentioned, that a “Dispute review calendar” is published on the official webpage of the SPA, where any interested person can view the parties involved in the trial, as well as the date of the trial. This calendar further enhances transparency and awareness of the interested parties.

Along with the aforementioned activities worth mentioning are total 2,135 letters sent by the Office of Dispute Resolution Board to the parties (Plaintiff Entity, Procuring Entity and Interested Person). Furthermore, if requested by a plaintiff, procuring and interested person, the Board Office makes relevant explanations with regard to the content of the Board Resolution. Statistically the consultations were rendered with regard to approximately 60% of the resolutions.

REACTION TO ADMINISTRATIVE OFFENCES

The SPA is authorized to draw up reports with regard to revealed administrative offences and forward them to the court for further proceedings. 101 offences, revealed as a result of the SPA monitoring activities were referred to the court, of which in 97 cases the position of the SPA was lawful and persons concerned were qualified as offenders by the court, and in 4 (four) remaining cases the case proceedings were dismissed (see Diagram N21 and N22).



DIAGRAM N21: Number of Administrative Offence Reports Referred to the Courts by SPA in 2015 according to their statuses

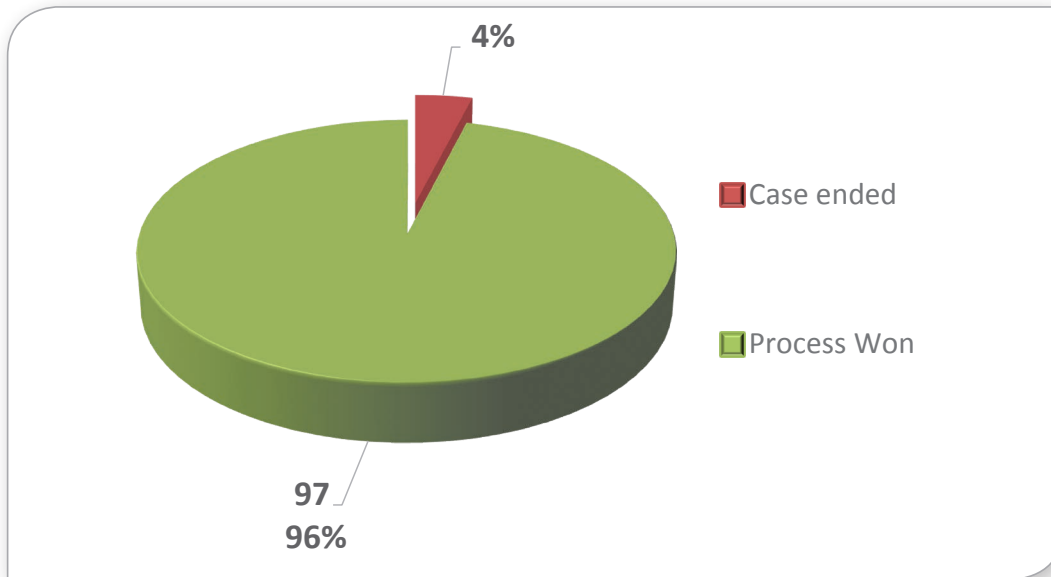
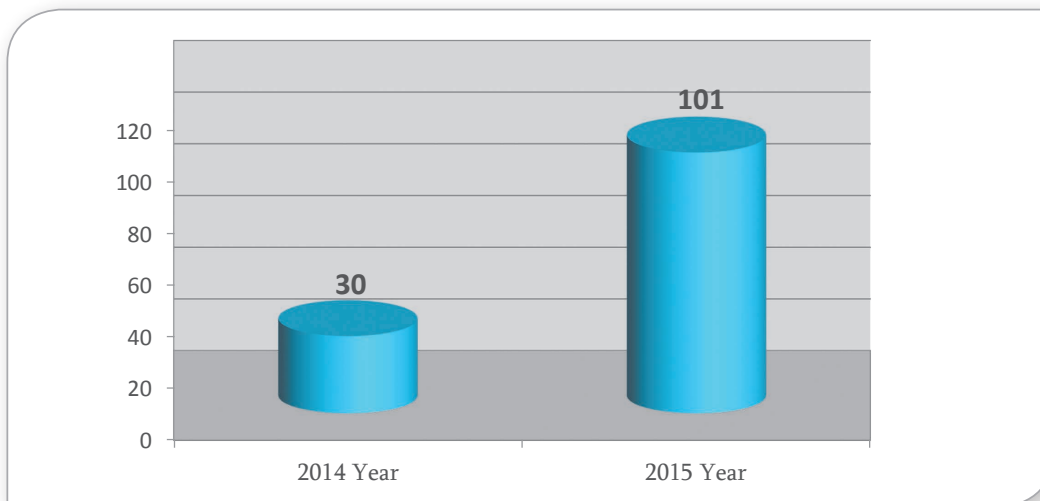


DIAGRAM N22: Administrative Offences Revealed by the SPA



The number of offences revealed by the SPA in 2015 substantially exceeds the same showing for 2014.



THE BLACK AND WHITE LISTS

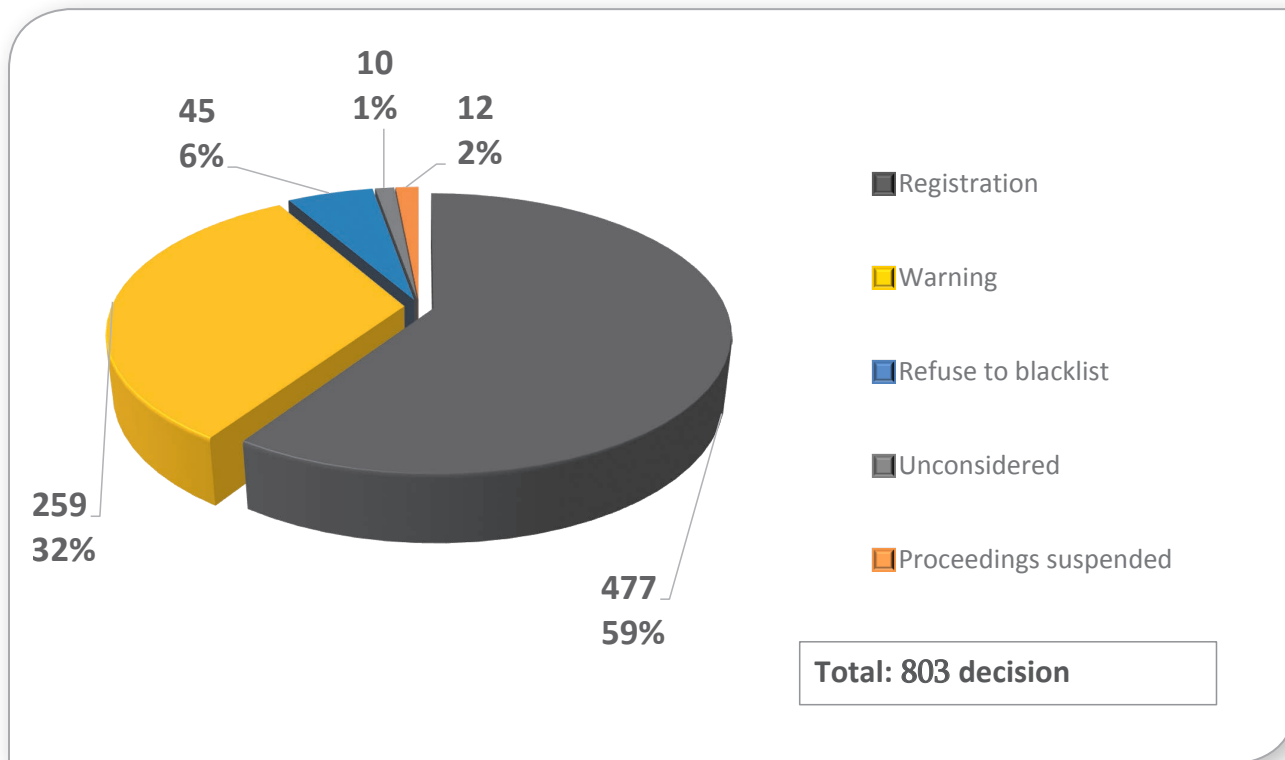
The Black List

One of the key duties of the State Procurement Agency is the maintenance of the Black and White Lists. Certain amendments were introduced into the procedure of maintenance of the Black List by Order N 19, dated 29 October 2015. Specifically:

1. The form of written application for entry of a bidder/supplier into the Black List was approved (non-abidance by this form is the ground for abandonment of the written notification);
2. A decision on warning or entry of a bidder/supplier into the Black List is no more sent to the parties, it is published on the webpage of the SPA, what is regarded as its official notification (Paragraph 1 of Article 8 of the Order);
3. The commitment of a bad faith action by a bidder/supplier with a view to obtaining the right to execute a contract, is subject to entry of the bidder/ supplier concerned into the Black List and no warning is applicable;
4. The circumstances to be taken into consideration upon making a decision on entry into the Black List or warning were expanded;
5. Only the duly-justified written application of an interested party is not enough anymore for the suspension of administrative proceedings related to the entry into the Black List.



DIAGRAM N23: Decisions Made with Regard to Black List in 2015 and Their Distribution according to Statuses



YEAR	DECISION	OF WHICH	REGISTRATION	WARNING	REFUSE TO BLACKLIST	UNCONSIDERED	PROCEEDINGS SUSPENDED
2015	803	→	477	259	45	10	12



Apart from the Black List the SPA is maintaining the Register of Warned Suppliers, according to which total 259 suppliers were warned, this figure being 35% lower than the showing for the past year (according to the Report for 2014, total 395 suppliers were warned).

Total 214 suppliers were registered into the Black List in 2014, whilst in 2015 this showing totalled 477, i.e. the number of suppliers, registered in the Black List almost doubled.

Based on the foregoing the increasing number of suppliers entered into the Black List and decreasing number of warned suppliers can be accounted both for the increased number of written notices on the entry into the Black List and the decreasing possibility of warning the suppliers. Specifically, as a result of amendments, made in 2014, a supplier can be warned only once, instead of twice.

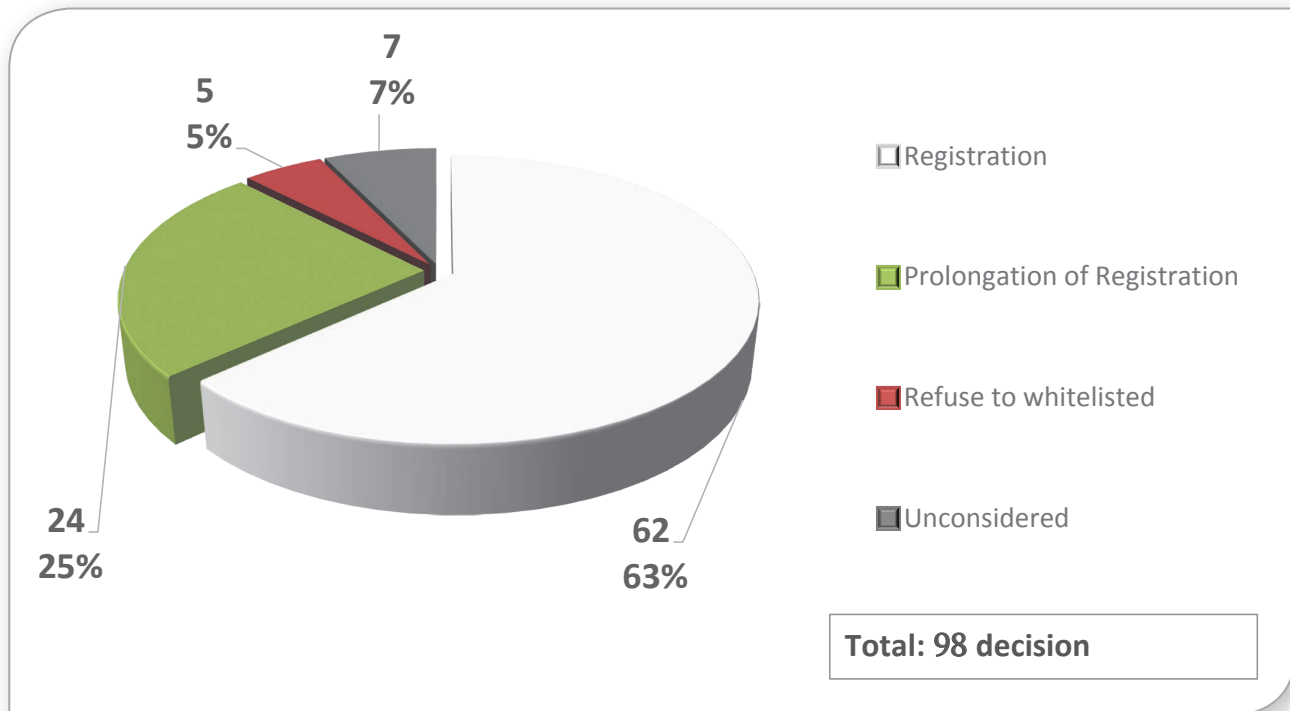
In 2015 total 55 decisions on the entry into the Black List were appealed to the courts. At the same time 35 private complaints were filed during the year concerning the Black List, temporary suspension of the SPA acts. In most cases the court satisfied the private complaints and returned cases to the first instance for consideration. For the time being 7 private complaints are pending trial, which were not yet discussed by the Appeals Court.



The White List

Apart from the Black List the SPA is also maintaining the White List. The statistics of maintenance of the White List is presented in Diagram N24. It should as well be mentioned, that a new rule regarding the new criteria for entry into the White List was employed in 2015. This rule will, presumably, promote the registration of SMEs in this Register, what will further ensure non-discriminatory, equal treatment and will encourage bona fide suppliers irrespective of the size of their businesses.

DIAGRAM N24: The White List Statistic Data for 2015



YEAR	DECISION	OF WHICH	REGISTRATION	PROLONGATION OF REGISTRATION	REFUSE TO WHITELISTED	UNCONSIDERED
2015	98	→	62	24	5	7



MONITORING OF PUBLIC PROCUREMENT PROCEDURES

One of the key duties and tasks of the SPA is the monitoring of tenders and design contests announced within the Unified Electronic System, public procurement contracts uploaded in CMR and ePLAN modules, and annual Public Procurement plans.

During the period between January 1, 2015 and January 1, 2016, inclusive, 14,600 tenders with “Contract Awarded” status, filtered according to various risk-factors and criteria through System automated notifications, were subject to comprehensive monitoring.

Also 1,290 tenders were processed having the statuses: “Tender cancelled”, “Contract not awarded” and “No bids Received”.

As aforesaid, 5,752 tenders were monitored with a view to establishing the adequacy of disqualification of bidders within the System.

Furthermore, 560 reports were prepared both with regard to changes in tender statuses and disqualification of bidders, also with regard to changes of final statuses awarded to contracts (both in the SPA and CMR modules). Respective statuses were awarded on the basis of the foregoing.

Total 156,566 Public Procurement contracts awarded through Simplified Procurement, Design Contest and Consolidated Tenders, covering 2,700 procuring entities, were filtered according to various risk-factors and criteria with regard to artificial division of Public Procurement and other unlawful actions with regard to Public Procurement.

It should be mentioned that during the reporting period the Public Procurement contracts, awarded starting from November 1, 2015, through Simplified Procurement procedure, were monitored with a view to establishing their compliance with SMP module.

Up to 2,200 written notices were circulated with regard to violations, revealed as a result of the aforementioned monitoring, with regard to which notices, the SPA limited itself mainly to recommendations.

It should as well be mentioned, that within the framework of the National Counter-corruption Strategy of Georgia and 2015-2016 Action Plan for the Implementation of the National Counter-corruption Strategy



of Georgia, approved by Resolution N170 of the Government of Georgia, dated April 20, 2015, the SPA has undertaken to intensively participate in the provision for transparency and reduction of corruption risks in the field of public finances and public procurement.

With regard to the foregoing, based on Paragraph 8², Subparagraph “e” of Paragraph 10 of Article 24 of the Law of Georgia on State Procurement and Resolution N306 of the Government of Georgia, dated April 23, 2014, the methodology for the disclosure of artificial splitting of public procurements was approved by Order N27 of the December 25, 2014, which methodology promotes the disclosure of the cases of artificial splitting and violation of monetary thresholds in the course of procurement and ensures efficient and targeted operation of the respective staff of the SPA.

To improve the efficiency of combating corruption, the methodology of disclosure of public procurement related certain unlawful actions was approved by Decree N1784 of December 25, 2015 and special workgroup was set up for the research of potential risks in the field of public procurement and development of adequate proposals for their removal. The main field of activity of this group is the focused analyses of the current situation in the field of public procurement, disclosure of potential corruption risks and the reasons causing them, development of relevant proposals for the removal of corruption risks and reasons causing them and submission of recommendations.



HUMAN RESOURCES DEVELOPMENT

In October 2014 an independent structural unit - Training Centre was established with a view to retraining the procurement specialists of public sector agencies/organizations and business sector. It is planned to realize Centre goals through certification training-programs and workshops.



On October 6, 2015 under the initiative of the Training Centre, the Memorandum on Mutual Cooperation was executed between Tbilisi Municipality City Hall and the SPA, on the basis of which Memorandum the joint projects were implemented. It should be mentioned that several trainings, seminars and discussion meetings were arranged with state envoys-governors, procurement specialists of their administrations and local self-governance personnel together with the Administration of the Government of Georgia, based on preliminary research and analysis of the need of personnel retraining.



The first training in the history of the SPA Training Centre was held in May for the representatives of business organizations (suppliers). The training organized by SPA Training Centre and the World Bank, under the assistance of Chamber of Commerce of Georgia for the representatives of business organizations proved to be successful and overall 38 representatives of business organizations were retrained. Owing to best possible outcomes this activity will be further pursued in future as well.

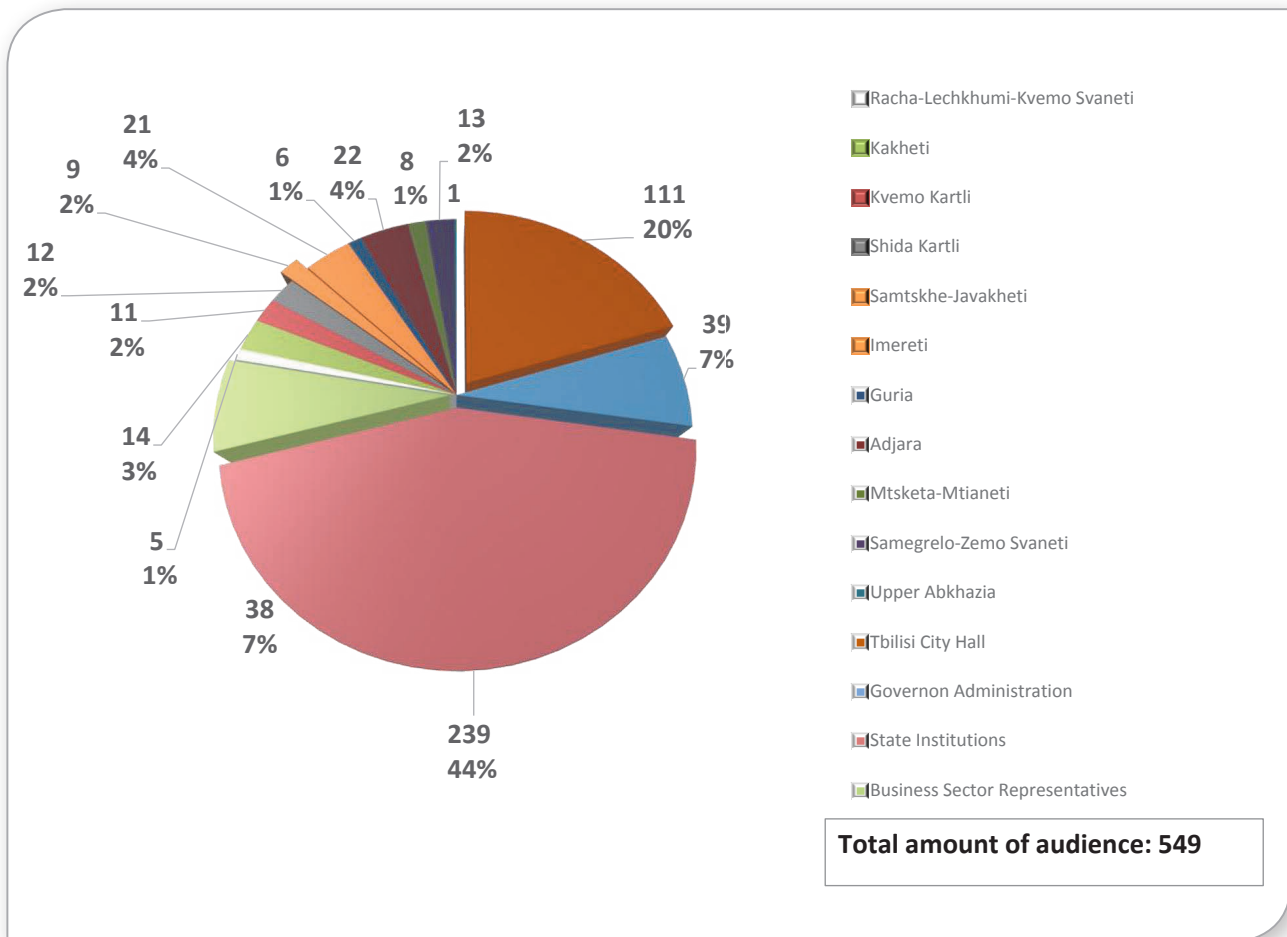




Held Trainings and Seminars:

Nine series of trainings and four series of seminars were arranged in the Centre in 2015 under the participation of the trainees from all the regions of Georgia. The procurement specialists from 71 municipalities and City Halls and Boards of self-governing cities formed 31 workgroups. Overall, 549 trainees were retrained in 2015: specialists employed in state agencies, local self-government and business-sector.

DIAGRAM N25: Distribution of Specialist Retrained at State Procurement Agency Training Centre in 2015 according to Regions and Agencies





In 2015 IT Department of the SPA developed special unique software for the Training Centre for online registration of trainees, statistic analysis, pre- and post-testing. This software allows for impartial assessment of the knowledge of the trainees both before and after the training courses, before the issuance of a certificate.

At the very first day of a training course the trainees undergo a pre-test for the determination of their knowledge for that very moment.

It should as well be mentioned, that during the year the Training Centre kept analyzing the forms of anonymous polling of the trainees on a regular basis. On the bases of the outcomes of these polls both the training program and trainers' approaches are continuously improved. Total 405 questionnaires were filled in during the trainings held in 2015. 248 trainees believe, that the module was "very successful", according to 157 it was "successful" and none of them considers, that the course was a "failure".

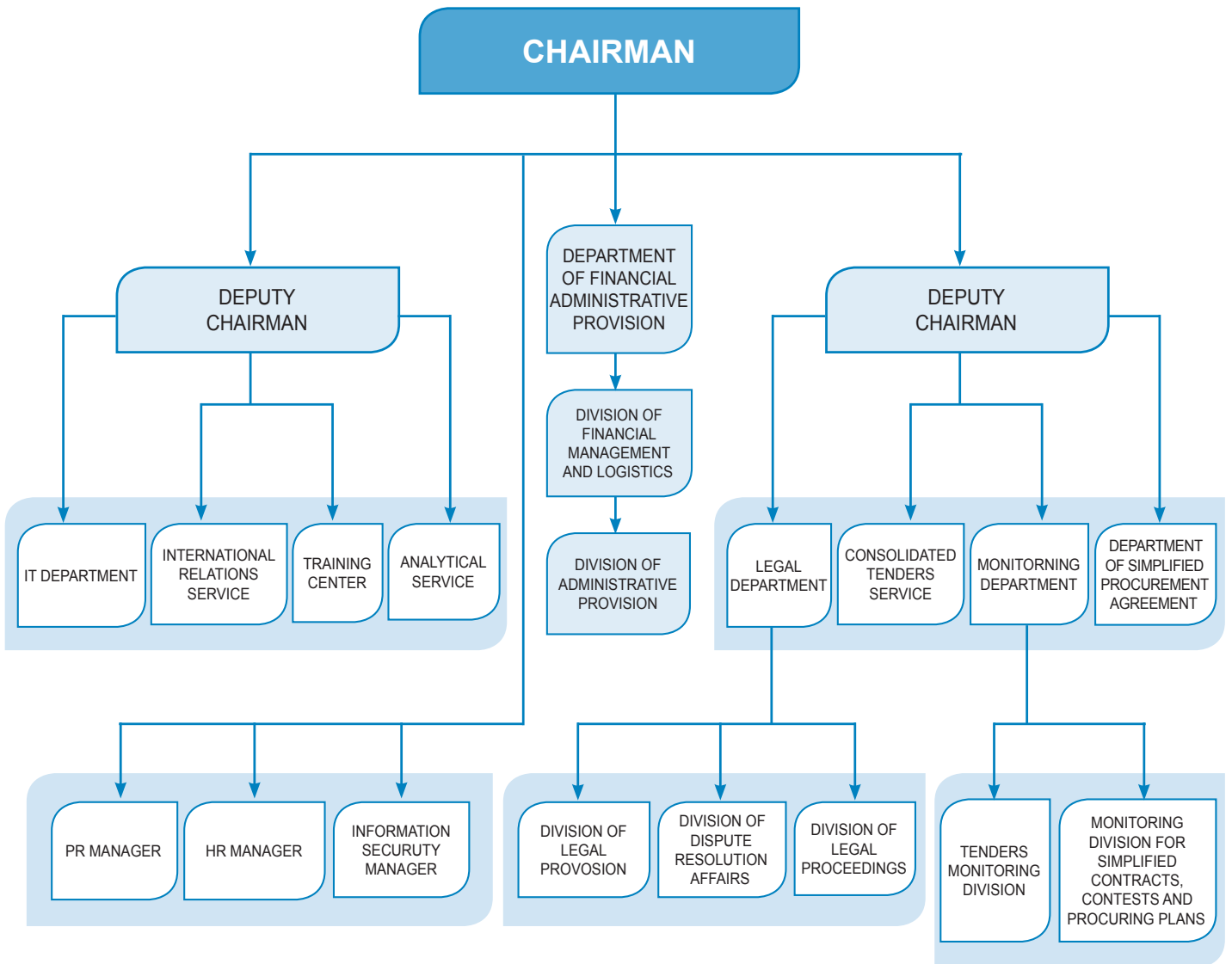
15 series of trainings are planned for 2016 for 840 trainees and 5 workshops for other 100 persons interested in public procurement procedures (business organizations and other employed persons).

SPA Human Resources

After adoption of the Resolution N554 of the Government of Georgia, dated October 28, 2015 On the Reorganization of the Legal Entity of Public Law - State Procurement Agency and Approval of the Regulations and Structure of the Legal Entity of Public Law - State Procurement Agency, an amendment was introduced into the Resolution N306 of the Government of Georgia, dated April 23, 2014. As a result, the new structure and personnel arrangement of the LEPL State Procurement Agency was developed (see Chart 1). The new structural subdivisions ensure the efficient fulfilment of goals and tasks of the SPA.



CHART N:1





PUBLICATIONS

With a view to raising awareness of the users of public procurement system and improvement of the qualification of respective specialists of procuring entities several manuals and guidelines were developed and published by SPA under co-funding of International Donors:

- Public Procurement Guidelines;¹⁰
- State Procurement Unified Electronic System User Manual;¹¹
- 250 Most Frequently Asked Questions about Public Procurement, with Answers;¹²
- State Procurement Agency Annual Report, 2014;¹³
- Consolidated Tender Management System Manual;¹⁴
- Simplified Module of Procurement (SMP) User Manual;¹⁵

¹⁰ http://www.procurement.gov.ge/getattachment/ELibrary/Manuals/saxelmwifo-shesyidvebis-gzamkvlevi_25-11-2015.pdf.aspx

¹¹ http://www.procurement.gov.ge/getattachment/ELibrary/metod-mititebebi-da-recomendaciebi/SPA_UM.pdf.aspx

¹² <http://www.procurement.gov.ge/getattachment/250-FAQ-for-CD.pdf.aspx>

¹³ <http://www.procurement.gov.ge/getattachment/ELibrary/AnalyticalStudiesReports/2014-tslis-angarishi-geo.pdf.aspx>

¹⁴ <http://www.procurement.gov.ge/getattachment/ELibrary/Manuals/CTD-USER-MANUAL-v1-0.pdf.aspx>

¹⁵ http://www.procurement.gov.ge/getattachment/ELibrary/Manuals/SMP-USER-MANUAL-GEL-V1-0_2.pdf.aspx



COMMUNICATION WITH CONSUMERS

In 2015 SPA documents circulation (incoming and outgoing mail) amounted to 17,538 (12,215 in 2014). Also, total 5,728 e-mail letters (4,838 in 2014) were received and further referred by the official e-mail of the SPA (info@procurement.gov.ge) and the number of archived letters amounted to 3,937 (2016 in 2014).

Furthermore, the SPA is operating the citizen service centre, providing every interested person with competent and exhaustive information with regard to the SPA activities. Total 17,927 calls (9,613 in 2014) were received and answered in 2015.

It should be mentioned also that the SPA is constantly working on the development of the new services and modules for the provision of information to persons interested in public procurement; to what end they receive system messages and short text messages (SMS) from time to time. Overall number of system messages sent out in 2015 is over 26 million and that of shot text messages - up to 228 thousand.



COOPERATION WITH INTERNATIONAL INSTITUTIONS, PARTNERSHIP WITH CIVIL AND PUBLIC SECTOR

The interest towards successful reformation of public procurement field, development of the e-Procurement electronic system and future plans was rather high in Georgia in 2015. The SPA hosted official delegations of several countries and non-governmental organizations with a view to sharing experience in the field of public procurement. The meetings were also held in various regions of the country to communicate information and share the experience.

The representatives of the SPA intensively participated in major forums and symposiums held in Europe and Asia that aimed at sharing the best practice and experience.

11th Public Procurement Knowledge Exchange International Forum in Batumi

In June 2015 the SPA, in cooperation with the World Bank, hosted 11th Public Procurement Knowledge Exchange International Forum in Batumi. The forum is held annually in various countries of the world. Over 100 representatives of 25 countries participated in Batumi forum.

The forum was organized by the World Bank (WB), Asian Development Bank (ADB), European Bank for Reconstruction and Development (EBRD), the Islamic Development Bank (IsDB), also the European Investment Bank (EIB), SIGMA Support for Improvement of Governance and Management (joint initiative of the European Union (EU) and Organization for Economic Cooperation and Development (OECD)). Amongst the invitees to the Conference were the major donor organizations: United States Agency for International Development (USAID), United Nations Development Program (UNDP), German Corporation for International Cooperation (GIZ), EU delegation, and others.





Visits of Governmental and Non-governmental Delegations to the SPA

In 2015 the SPA hosted various foreign governmental and non-governmental organizations. Amongst them were the delegations from Albania, Uganda, Ethiopia, Afghanistan, Uzbekistan, Kirgizstan, Tajikistan, Malaysia and Zambia, which got familiarized with the normative base of Georgian public procurement and electronic system services with a view to sharing experience.





Business meetings in various regions of Georgia with the representatives of private and public sectors

Under the assistance of German Corporation for International Cooperation (GIZ) and Georgian Chamber of Commerce the joint information meetings of the SPA and Enterprise Georgia with the representatives of SMEs of Imereti and Adjara regions were held in Kutaisi and Batumi.

These meetings aimed at the provision of business-society with information about public procurement, presentation of the field innovations and initiatives, popularization of the Unified Electronic System of State Procurement.

Four informative-consultative meetings with the representatives of public authorities were held in Tbilisi and Batumi within the framework of Open Government Partnership (OGP) with regard to the new procedure and terms and conditions of procurement of design contests.

Major International Meetings

- The negotiations with European Free Trade Association (EFTA¹⁶). were launched already in 2015. The first and the second rounds of negotiations were held in September and December 2015, when the parties discussed the issues, covered by Free Trade Agreement, one of the main constituent part of which is public procurement. The third, final round of negotiations was planned for February 2016.
- The negotiations were launched with Asian Development Bank (ADB) aiming at the integration of tenders held in Georgian into the platform of the Unified Electronic System of State Procurement by the ADB. Several video-conferences were held in Batumi and Manila. The ADB has already declared its provisional consent.
- The negotiations with the representatives of the mission negotiating visa liberalization with the EU were held. As per Visa Liberalization Action Plan the amendments were introduced into Georgian legislation, which provides for the reduction of the volume of Simplified Procurements and the change of procedures. According to these amendments a decision on Simplified Procurement should be agreed with the SPA.
- In October 2015 the ADB organized the Asia Pacific Electronic Procurement Network Inaugural e-Government Procurement Conference. The conference aimed at sharing experience of leading

¹⁶ European Free Trade Association (EFTA) is the association of four countries: Switzerland, Iceland, Norway and Lichtenstein.



countries in the field of public procurement and expansion of the e-procurement network between the ADB member states. The SPA made a presentation at the Conference on the reformation of Georgian e-Procurement System. The business meetings were held with the representatives of the leading countries in the field of public procurement.

- In December 2015 the World Bank hosted an e-Procurement forum jointly with EBRD in Vienna. The theme of the Forum was “Using E-Procurement Data to Measure the Transparency and Performance of Public Spending.” The main objective of the Forum was to provide an opportunity to public procurement agencies from participating countries in the Europe and Central Asia region to share their experiences and practices in E-Procurement.
- In September 2015 the SPA representatives participated in the WTO/GPA (WTO Agreement on Government Procurement) Symposium, where the potential of Georgia’s accession to the GPA and the instruments of potential aid on the part of the WTO were discussed.
- Under the initiative of International Anti-corruption Network (The Regional Hub of Civil Service in Astana), organized by Civil Service Bureau of Georgia and funded by UNDP, a two-day conference was held in Batumi on June 30 and July 1, 2015 on anti-corruption problems “Sharing the Experience of the Members of Regional Network of Civil Service”. The conference aimed at the presentation of the leading agencies of Georgia (the SPA, amongst them) in the field of anti-corruption reforms, anti-corruption policy and combating corruption.
- The representatives of the SPA participated in meetings of Public Finance Management (PFM) Reform workgroup. The Public Finance Management Reform Action Plan Performance Report was drafted.
- The representatives of the SPA participated in the fulfilment 2015-2014 National Action Plan for the Implementation of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, on the one part, and Georgia, of the other



part and Association Agenda between the European Union and Georgia. The annual report on the implementation of the Action plan 2015 and Action Plan 2016 were drafted.

- The representatives of the SPA participated in the implementation of Open Government Partnership (OGP) Action Plan of Georgia 2015, within the framework of which Action Plan the design contests and grant contests were driven to electronic portal and they were integrated into the Unified Electronic System of Procurement.
- The representatives of the SPA participated in the preparation of the World Bank Private Sector Competitiveness Development Policy Operation (DPO) and allocation of technical assistance within the framework competitive industries and innovative program, fulfilment of the commitment assumed by Georgia. 2015 Performance Report was drafted.

Drafting of State Procurement Reformation Roadmap and Action Plan

One of the major challenges of 2015 remains to be the working on the commitments under Deep and Comprehensive Free Trade Area Agreement (DCFTA) with the EU, which provides for gradual approximation of public procurement legislation and institutional framework with EU acquis. Article 145 of the Association Agreement (AA) obliges Georgia to develop the roadmap and implement it within timelines, set by AA. Under the financial and technical assistance of Swedish International Development Cooperation Agency (SIDA) and UNDP and intensive participation of the SPA the Action Plan (AP) was developed. The working draft of the AP was revised by the SPA experts and the final version of the AP was forwarded to the Ministry of Economy and Sustainable Development. On November 25, 2015 it was presented to the Parliament of Georgia and on November 29, 2015 - to the Government Administration, Economic Council and other agencies of the executive powers.



The AP covers 8-year period (from the date of entry into force of the basic provisions of the AA, 01.09.2014) and is divided into 5 phases. Each phase provides for legislative and normative changes in accordance with the EU Directives, thus ensuring the approximation with the EU public procurement system.

In the course of legislative approximation and implementation process Georgia will undergo the following phases:

- Phase 1 - 3 years after the entry into force of the AA¹⁷ - Basic standards regulating the award of contracts and institutional background;
- Phase 2 - 5 years after the entry into force of the AA - basic elements of the Public Procurement Directive and the Public Procurement Remedies Directive;
- Phase 3 - 6 years after the entry into force of the Association Agreement - basic elements of the Utilities Procurement Directive and the Utilities Remedies Directive;

¹⁷ The Association Agreement including the Deep and Comprehensive Free Trade Area (DCFTA) was ratified by the Parliament of Georgia on 18 July 2014. On 1 September 2014, provisional application of the Association Agreement started whereby 80% of the Association Agreement came into force, including the relevant provisions of the Agreement concerning public procurement.



- Phase 4 - 7 years after the entry into force of the AA - other (mandatory and non-mandatory) elements of the Public Procurement Directive and the Public Procurement Remedies Directive;
- Phase 5 - 8 years after the entry into force of the AA - other (mandatory and non-mandatory) elements of the Utilities Procurement Directive and the Utilities Remedies Directive.



Based on the foregoing it is apparent, that the planned reform is far more comprehensive than only the approximation with the provisions of the EU Public Procurement Directives. Apart from the harmonization of the national legislation, Georgia has to ensure the adequate introduction and implementation of the new procedures and rules, which are based on the principles of the transparency and non-discrimination. Major reforms will be implemented within the 8-year period of approximation with the EU acquis, the Unified Electronic System of State Procurement will be further improved. The aforementioned changes will promote free trade with the EU countries and increase competition on Georgian public procurement market.



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giz Deutsche Gesellschaft
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ADB Asian Development Bank
FIGHTING POVERTY IN ASIA AND THE PACIFIC



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WORLD TRADE ORGANIZATION



Delegation of the European Union
to Georgia

INSTITUTE FOR DEVELOPMENT OF
FREEDOM OF INFORMATION



TRANSPARENCY INTERNATIONAL
the global coalition against corruption



სახელმწიფო შესყიდვების სააგენტო
STATE PROCUREMENT AGENCY

TBILISI 2016