

Order No 9 of the Chairman of the State Procurement Agency
April 7, 2011
on Approving the Rules for Conducting Simplified Procurement, Simplified
Electronic Tender and Electronic Tender

Pursuant to Article 5(1) (a) and Article 24(10) (b) of the Law of Georgia on State Procurement, I hereby order:

1. The following shall be approved:

a) The Rules for Conducting Simplified Procurement, Simplified Electronic Tender and Electronic Tender;

b) (Has been removed- 21.05.15 №6);

c) The Affidavit Form (Appendix No 2).

d) letter of reference to register in the White List (Annex N 3);

e) CPV codes of the services that may be procured based on a price list. Order N 9 of August 29, 2012 of the Chair of the Competition and State Procurement Agency, Website, 29.08.2012 CSPA Chair Order N 15 of August 21, 2013 – Website, 22.08.2013

2. The Chairman of the State Procurement Agency Order No 1 dated January 3, 2006 on Approving the Regulations for the Rules of Implementation of State Procurement shall be declared annulled.

3. The Order, with the exception of Article 3(2) (a.a) and (a.b), Article 6 and Article 8(12) of the Rules approved under the Order shall become effective from May 1, 2011.

4. Article 6 of the Rules approved under the Order shall become effective from June 1, 2011.

5. Article 3(2) (a.a) and (a.b) and Article 8(12) of the Rules approved under the Order shall enter into effect once the Law of Georgia on Entering Modifications and Additions to the Law of Georgia on State Procurement becomes effective.

T.

Urjumelashvili

The Rules for Conducting Simplified Procurement, Simplified Electronic Tender and

Electronic Tender

Article 1. General Provisions

1. The Rules for Conducting Simplified Procurement, Simplified Electronic Tender and Electronic Tender (hereinafter - the Rules) have been developed pursuant to Article 3(1)(h), (l), (p)-(r), (w), (z), Article 5(1)(a), Article 8(2), Article 9(1¹), Articles 12¹, 15¹, 16¹, 19¹, 21 and Article 24(10)(b) of the Law of Georgia on State Procurement.
2. The purpose of the Rules is the regulation, coordination and monitoring of the activities related to state procurement.
3. The scope of the Rules apply to state procurement conducted through simplified procurement, simplified electronic tender and electronic tender.
4. The norms set forth under the Law of Georgia on State Procurement (hereinafter - the Law) and these Rules shall be applicable in relation to simplified electronic tender unless stipulated otherwise under the Law and/or the Rules.
5. In case there is a discrepancy between the procedures set forth under these Rules and the procedures in the Unified Electronic System of State Procurement the priority will be given to the procedures in the System. Within no later than seven days after such discrepancy arises the State Procurement Agency (hereinafter - the SPA) must ensure the development of relevant modifications and/or additions to the Rules and the commencement of the procedures set forth under the legislation in order to enter modifications and/or additions in the Rules.
6. The use of the Unified Electronic System shall be mandatory for the conduction of state procurement through electronic means.

Article 2. Definition of terms

1. For the purposes of the Rules, the terms used thereof shall have the following meaning:
 - a) Unified Electronic System of State Procurement - state procurement portal located on the official website www.procurement.gov.ge of the SPA that ensures the conducting of state procurement through a simplified electronic tender or an electronic tender in an open, transparent and competitive environment (hereinafter – the System);

b) electronic state procurement – state procurement conducted via simplified electronic tender and electronic tender via the System;

c) (Has been removed - 21.05.15 №6);

d) (Has been removed - 21.05.15 №6);

e) registered user of the System- a procuring entity or supplier, registered in the System according to the established rules;

e) supplier – an entity that is willing to participate in procurement procedures or that has awarded a contract on state procurement with a procuring entity;

f) tender notice – announcement about conducting simplified electronic tender or an electronic tender

posted in the System by an authorized representative of a procuring entity;

h) conduct a tender – a complex of the activities of authorized representative/representatives of a procuring entity with the purpose of effecting state procurement through simplified electronic tender and/or electronic tender (hereinafter – tender);

i) tender status – the status stipulated under Sub-paragraphs (j)-(s) of this Paragraph assigned to a tender via a system as a result of an action of a registered user reflecting a specific stage of the tender process (hereinafter – Status);

i¹) contract status – status stipulated under sub-paragraphs (p¹)-(p³) of this Paragraph assigned to a state procurement contract (hereinafter – a Contract) as a result of an action of a registered user/automatically by a system, reflecting a specific stage in the process of a contract (hereinafter – contract status);

j) tender announced – the status that comprises the tendering process stage from posting a tender notice the System until the commencement of accepting bids. Only at the mentioned stage a procuring entity is authorized to enter modification in a tender notice (with the exception of the type of tender and the procurement object) and modify tender documentation by cancelling the tender documentation already uploaded in the System and by uploading modified/added documentation in the System;

k) bidding commenced – the status that comprises the stage of the tender process during which a supplier

is authorized to submit its bid and participate in electronic reverse auction. The status envisaged under this Sub-paragraph may not be assigned to the tender in case the tender has not been assigned the status envisaged under Sub-paragraph (j) of this Paragraph under the established rule;

l) bidding completed – the status that comprises the stage of the tender process from the closing of additional rounds of electronic reverse auction until the assignment of selection /evaluation status to the tender. The status stipulated under this Sub-paragraph may not be assigned to the tender unless the statuses envisaged under Sub-paragraphs (j) and (k) of this Paragraph have been assigned to the tender under the established rule in the sequence provided in the same Paragraph;

m) selection/evaluation – the status that comprises the stage in the tender process during which technical documentation is assessed and tender committee of a procuring organization (hereinafter – tender committee) session minutes and relevant documents (if applicable) are uploaded in the system, that has to be effected immediately upon the minutes are drawn up according to the established rule, no later than the same day. A status stipulated under this sub -paragraph may not be assigned to a tender in case all statuses stipulated under sub-paragraphs (k)-(l) of this Paragraph have not been assigned to the tender pursuant to established rule, in the sequence provided in the same Paragraph;

n) winner identified – the status that is assigned to a tender by an authorized representative of a procuring entity after the minutes of the tender committee and relevant documentation if applicable) is

uploaded in the System according the established rule and only in case the technical proposal posted by the supplier in the System is in conformity with the requirements stipulated in the tender notice and tender documentation. The status stipulated under this sub-paragraph may not be assigned to a tender in case not a single supplier has participated in the tender and unless all statuses stipulated under sub- paragraphs (j)-(m) of this Paragraph have been assigned to the tender according to the established rule in the order stipulated in the same paragraph;

o) finalization of contract – the status that is assigned to a tender by an authorized representative of a procuring entity after the minutes of a relevant sitting of the tender committee that evidences that supplier qualification documents submitted by a bidder with the lowest bid price in compliance with the provisions of these Rules are in conformity with the requirements of the tender notice and those stipulated in tender documentation and the supplier qualification documents submitted by a supplier in compliance with the provisions of these Rules are uploaded in the System. The status envisaged under this Sub-paragraph may not be assigned to a tender in case not a single supplier has participated in the tender and unless all statuses stipulated under sub-paragraphs of (j)-(n) have been assigned to the tender according to the established rule in the order stipulated in the same paragraph;

p) contract awarded – the status that is assigned to a tender once an authorized representative of a procuring organization uploads in the system a contract awarded to a supplier in accordance with the established rule and the name of the mentioned supplier is indicated in the relevant field of the system. The status stipulated in this sub-paragraph may not be assigned to a tender in case not a single supplier has participated in the tender and all statuses stipulated under sub-paragraphs (j)-(o) of this Paragraph have not been assigned to the tender according to the established rule, according to the sequence provided in the same Paragraph;

p¹) ongoing contract – the status of a contract that reflects the process of the performance of a contract. This status is assigned to a contract automatically via a system once a status —contract has been awarded|| is assigned to the tender;

p²) performed contract – status of a contract that is assigned to the contract once an authorized representative of a procuring organization uploads in the relevant field of the system documents evidencing the performance of the contract. This status may be assigned to a contract only after relevant documents are uploaded and information about final settlement is reflected in a relevant field of the system;

p³) unfulfilled contract – status of a contract assigned to it after an authorized representative of a procuring organization uploads documents evidencing the non-fulfillment of a contract in a relevant field of the system. This status may be assigned to a contract only following uploading relevant documentation in a relevant field in the system and reflecting actually paid amounts (if applicable);

q) contract not awarded – the status that is assigned to a tender after an authorized representative of a procuring entity uploads in the system the minutes of a relevant sitting of the tender committee and other documentation (if applicable) that evidence that one or several bidders with the lowest price bid were disqualified. The status envisaged under this Sub-paragraph may not be assigned to a tender in case not a single supplier took part in the tender;

r) no bids received - the status that can be assigned by an authorized representative of a procuring entity

to the tender only after the tender has been assigned the status envisaged under sub-paragraph (l) of this Paragraph and only in case not a single supplier took part in the mentioned tender; this status can be assigned only after uploading relevant minutes of the tender committee sitting that evidences that not a single supplier took part in the mentioned tender;

s) tender cancelled – the status that can be assigned to the tender by an authorized representative of a procuring entity only after he/she uploads relevant minutes of the tender committee sitting in which the grounds for cancelling the tender will be specified. The mentioned status can be assigned at any stage of the tender process with the exception of the case when the status envisaged under Sub-paragraph (p) of this Paragraph is assigned to the tender;

t) an authorized representative – an individual registered and acting in the system with the name of a registered user according to the established rule. An authorized individual of a procuring organization operates in the system on behalf of a tender committee;

u) CPV code – 8 digit code of the classification stipulated under the Order No 7, September 20, 2010 of

the Chairman of the SPA on Approving the Rules for the Identification of the Procurement Objects and the Determination of Homogeneity thereof;

v) object of procurement – one or several homogeneous objects of procurement for the procurement of which specific simplified e-tender or e-tender is held;

w) a classification unit – classification unit stipulated in the Chair of the SPA Order N 7 of September 20, 2010, on Approving the Rule for Identification of and Determining Homogeneity of Objects of Procurement;

x) tender documentation – documents annexed to a tender proposal with the purpose of describing an object of procurement and qualification requirements toward the bidders that has to comprise the details stipulated under Article 12¹(5) of the Law and have to be drawn up in compliance with Article 12¹(6) and (7) of the Law and the requirements of these Rules;

y) tender proposal price reduction step – the amount indicated by a procuring organization in tender announcement in the amount of 0.4 to 2 percent of estimated value of an object of procurement (hereinafter – step);

z) tender proposal – technical documentation submitted by bidders in compliance with the provisions of these Rules, via a system and the price of a tender proposal indicated in a relevant field of the system (hereinafter – Proposal);

z¹) technical proposal – information about a procurement object and a bidder uploaded by a bidder in the System that is required under the tender notice and the tender documentation with the exception of the information stipulated under sub-paragraph (z⁶) of this Paragraph;

z²) electronic reverse auction – the procedure of the reduction of bid price by a supplier that comprises the general time of electronic reverse auction and additional rounds of electronic reverse auction. Electronic reverse auction is conducted at the stage of the tender stipulated under Sub-paragraph (k) of this Paragraph;

z³) general time of electronic reverse auction – the stage of the tender stipulated under sub-paragraph (k) of this Paragraph that commences upon the completion of the stage stipulated under sub-paragraph (j) of this Paragraph and

continues until the completion of the acceptance of the bids indicated in the tender notice (hereinafter – general time);

z⁴) additional rounds of electronic reverse auction – additional three rounds of electronic reverse auction (hereinafter – additional rounds) that commence upon the completion of the general time envisaged under sub-

paragraph (z³) of this Paragraph and continues until the commencement of the stage envisaged under sub-paragraph (l) of this Paragraph. A two-minute break is made prior to the commencement of each round. In each round a bidder is authorized to reduce the bid price only once, for which each bidder is given two minutes;

z⁵) tender type – simplified electronic tender or electronic tender;

z⁶) supplier qualification documents– the documents to be submitted from administrative bodies for proving the requirements of tender documentation by a bidder at the request of a procuring entity following successfully passing the stage envisaged under sub-paragraph (n) of this Paragraph;

z⁷) electronic guarantee – a guarantee mechanism in the amount of 1 (one) percent of estimated value of a procurement object submitted through the System to the SPA by a supplier to secure the bid. For each specific tender the submission of an electronic guarantee to the SPA can be performed in the method different from the one specified in this sub-paragraph only in case envisaged under Article 16(5) of these Rules;

z⁸) the registry of unqualified suppliers participating in procurement – the registry stipulated under

z⁸) conditions for using the System – the agreement between the SPA and a registered user/guest on the conditions for using the System;

z⁹) technical maintenance of a motor vehicle – services to be provided towards ensuring working order and safe operation of a motor vehicle, with the exception of the washing services of a motor vehicle;

z¹⁰) estimated value of a price list – estimated total price of the units of the services to be provided in case of state procurement of services;

Z14. The registry of e-guarantees – the database of e-guarantees issued by a banking institution and/or an insurance organization for securing tender proposal

2. Other terms used in the Rules shall have the same meaning as those in the Law.

3. A procuring organization shall start counting the term of established timeframes considering minimum thresholds provided in these Rules on the day following the day when a procuring organization uploads relevant document into the system.

SPA Chair Order N 13, June 1, 2011 – Website, 03.06.2011

SPA Chair July 8, 2011 Order N 16—Website, 11.07.2011

Competition and State Procurement Agency Chair January 29, 2013 Order N 5 – Website, 29.01.2013

Competition and State Procurement Agency Chair January 31, 2013 Order N 6 – Website, 01.02.2013

Competition and State Procurement Agency Chair May 16, 2013 Order N 11 – Website, 17.05.2013

Competition and State Procurement Agency Chair June 20, 2013 Order N 12 – Website, 21.06.2013

Competition and State Procurement Chair August 21, 2013 Order N 15—Website, 22.08.2013

SPA Chair Order N 13, June 1, 2011 – Website, 03.06.2011

SPA Chair July 8, 2011 Order N 16—Website, 11.07.2011

Competition and State Procurement Agency Chair January 29, 2013 Order N 5 – Website, 29.01.2013

Competition and State Procurement Agency Chair January 31, 2013 Order N 6 – Website, 01.02.2013

Competition and State Procurement Agency Chair May 16, 2013 Order N 11 – Website, 17.05.2013

Competition and State Procurement Agency Chair June 20, 2013 Order N 12 – Website, 21.06.2013

Competition and State Procurement Chair August 21, 2013 Order N 15—Website, 22.08.2013

Article 3. Simplified procurement

1. Simplified procurement, with the exception of the cases stipulated under Paragraph 2 of this Article shall be conducted:

a) in case of state procurement of homogenous procurement objects with up to GEL 5,000 value;

b) in case of state procurement of homogenous procurement objects with up to GEL 50,000 value by Georgia's diplomatic mission abroad;

c) in case of state procurement of homogeneous procurement objects with up to GEL 20,000 value related to defence, security and the maintenance of public order by procurement entities under the Ministry of Internal Affairs and the Ministry of Defence of Georgia and by the Special State Protection Service.

2. Simplified procurement can be conducted also in case:

a) supply of goods, performance of works, or the rendering of services is an exclusive right of only one entity and there is no reasonable alternative to substitute a procurement object. The following shall not be treated as an exclusive right:

a.a) if estimated value of the goods or services subject to procurement is over GEL 2,000,000 and is over GEL 4,000,000 in case of the works and within reasonable territorial boundaries outside the country another entity is able to perform the supply of the same goods, rendering of the same services, the performance of the same works;

a.b) if estimated value of goods or services subject to procurement is not higher than GEL 2,000,000 and it is under GEL 4,000,000 in case of works and within the country another entity can effect the supply of the same goods, the provision of the same services, performance of the same works;

b) in case of urgent necessity prescribed under the Article 3(1) (k) and Article 10¹(3) (b) of the Law. In such case the volume of a procurement object must not be higher than the timeframes necessary for resolving the problems caused by urgent necessity. A procuring entity must try its best to avoid the delay of the conducting of procurement in order to not create artificially the need for urgent conducting of the procurement. If the necessity for urgent procurement is caused by the assignment of the status “has been removed”, “no bids received”, “tender cancelled”, in such case a Contract can be executed via simplified procurement only with the provider who meets the requirements for the tender documentation according Art. 3. In case of urgent necessity a decision concerning the conducting of simplified procurement has to be made by a head of a procuring entity and must be agreed in written form with an entity supervising a procuring entity or an administrative body/official performing state control or a founder of a procuring entity and/or the holder of significant share or the owner of the 100 % share (if applicable). For conducting simplified procurement of urgent necessity the head of the executive body of the municipality agrees the decision in written form to the representative body of the municipality - either to the representative body of the municipality or to the head of the representative body of the municipality. The procuring entity shall be obligated to immediately inform the SPA about the taken decision and submit the certifying document envisaged by the paragraph of this agreement. State procurement in case of urgent necessity must be conducted within reasonable timeframe from the taking of a decision stipulated under this Paragraph and from obtaining an approval of an entity supervising a procuring entity or an administrative body/official performing state control or a founder of a procuring entity and/or the holder of significant share or/and or the owner of the 100 % share of the state property (if applicable) and as in case of executive body of the municipality - after the consent in reasonable timeframe from representative body of the municipality – representative body of the municipality or head of the representative body of the municipality.

c) at the decision of a procuring entity in order to prevent the deterioration of the quality of an object procured from the supplier and/or to ensure further operation thereof it is necessary to conduct procurement from the same

supplier or from a sub-contractor stipulated under a Contract awarded with the same supplier with the exception of the case when estimated value of the procurement object of the scheduled procurement is higher than the value an object procured originally;

d) the conducting of procurement was prescribed under the President of Georgia and/or the Government of Georgia legal act in order to implement an event of state and public importance without hindrance within the restricted timeframes;

e) one or more motor vehicle, computer equipment, as well as electric installation set forth under a relevant normative act is replaced with one or more motor vehicle, computer equipment and/or electric

installation that is new, has the same or improved features; in such case part of the value of a new motor vehicle, computer equipment and/or electric installation shall be reimbursed by returning a motor vehicle, computer equipment and/or electric installation subject to replacement to the provider or by way of handover to another natural or legal entity that performs the sale of similar products (goods);

f) state procurement related to business expenses is conducted;

g) state procurement is conducted by way of the payment of the charges set forth under a normative act of Georgia;

h) state procurement of maintenance services and/or spare and/or grease and lubricants necessary for the maintenance of a motor vehicle that has a guarantee for the period and/or the conditions set forth under the decree of the government of Georgia.

i) a non-commercial legal entity founded by the state – higher educational institution and a higher educational institution development fund carries out procurement of literature (printed, recorded on electronic or audio-video medium);

j) non-commercial legal entity carrying out higher educational activity founded by the state and a higher educational institution development fund carries out state procurement with the consent of the board of regents. In such case, the consent of the board of regents is issued based on a justified request of a procuring organization.

3. In case the necessity of urgent procurement is due to the granting of a status to a tender stipulated under Article 2(1)(q)-(s) of this Rule, then a contract may be awarded following simplified procurement only with the supplier that meets the requirements of tender documentation envisaged in the tender, following the principles listed below:

a) in case of simplified procurement unit price may not be higher than the unit price set forth in tender documentation;

b) during simplified procurement a supplier's experience and other personal details (annual turnover, number of employees, etc.) may not be inferior to/lower than the analogous details set forth in tender documentation;

c) in case of simplified procurement the qualitative, or other details of an object of procurement may not be inferior to/lower than analogous details set forth in tender documentation;

4. In case the principles stipulated under Paragraph 3 of this Article are not followed such non-following should be based on objective circumstances, which have to be justified by a procuring organization and appended to a contract.

SPA Chair July 8, 2011 Order N 16 – Website, 11.07.2011

SPA Chair December 29, 2011 Order N 22 – Website, 03.01.2012

Article 4. Joint conducting of state procurement

1. Subject to the agreement of procuring entities state procurement can be conducted jointly, via tender.

2. Managers or duly authorized individuals thereof, in case of joint procurement by procuring organizations that are part of the same system is awarded in writing, decision about joint procurement is taken based on an individual administrative-legal act of a higher official or a duly authorized individual thereof. Agreement or an individual administrative-legal act stipulated under this Paragraph shall be uploaded to the system along with tender documentation.

3. Agreement stipulated of this Article or an individual administrative-legal act under Paragraph 2 shall contain:

a) requirements stipulated in legislation for tender announcement and tender documentation;

b) reference to a procuring organization authorized to announce tender;

c) conditions of settlement with a supplier;

d) the rule of supply of an object of procurement.

4. The conditions stipulated under Paragraph 3(c) and (d) of this Article shall also be reflected in tender

documentation for joint procurement.

5. Agreement of procuring organizations about joint procurement, except for the requirements set forth under Paragraph 3 of this Article, may also comprise other conditions agreed on by procuring organizations.

Article 5. (Has been removed)

Article 6. The right of a registered user to receive clarification

1. From assigning to the tender the status stipulated under Article 2(1) (j) of these Rules until assigning the status envisaged under Article 2(1) (l) a supplier shall be authorized via the System to require the procuring entity to specify the issues related to the tender notice and tender documentation. The procuring entity shall be obligated to make relevant specification/clarification through the System within reasonable timeframe that can be used as guidance by any interested person.

2. If there is a request from a supplier with the lowest price proposal, a procuring organization has the obligation to provide relevant clarification/explanation set forth under Paragraph 1 of this Article also from the assignment of a status envisaged under Article 2(1) (m) until the assignment of a status envisaged under sub-paragraph (p) of the same Paragraph of these Rules. In case stipulated under this Paragraph the procuring organization shall provide relevant clarification/explanation within the reasonable timeframes.

CSPA Chairman October 22, order # 12 – website, 23

Article 7. Alternative procurement

1. Pursuant to Article 3(1) (w) of the Law, when procuring communication services subject to a justified decision of a procuring entity alternative procurement to the procured communication services can be conducted from a different supplier.

2. The volume of communication services received via alternative procurement must be proportionate to the communication services which alternative the services represent.

3. Alternative procurement can be effected from several alternative suppliers.

4. Upon taking the decision envisaged under Paragraph 1 of this Article the procuring entity shall be obligated to

notify about the above-mentioned the supplier with which Contract on the procurement of communication services has been awarded which alternative services are.

Article 8. Tender notice

1. The completion of a tender notice and posting thereof shall be performed via the System. The counting of the time of the bidding commenced and that for the bidding completed shall commence from the posting of the tender notice in the System.

2. In case of a simplified electronic tender the timeframe for the familiarization with the tender notice and tender documentation shall be at least one day from the instance of posting of the tender notice and tender documentation in the System. Within two days from the expiration of this term a bidder can submit a bid through the System and modify the price of the submitted bid based on the principle of reduction and considering the bid reduction step via electronic reverse auction. If the bid submission deadline for the announced simplified electronic tender coincides with weekend or holiday, the bid submission term will be terminated next business day. In case if term for familiarization of tender notification and tender documentation is more than a day, the reduction of the term is forbidden.

3. In case of an electronic tender the timeframe for the familiarization with the tender notice and tender documentation must be at least fifteen days from the instance of posting the tender notice and tender documentation in the System. Within five days from the expiration of this term a bidder can submit a bid through the System and modify the submitted bid price based on the principle of reduction and considering the bid reduction step via electronic reverse auction. If the bid submission deadline for the announced electronic tender coincides with weekend or holiday, the bid submission term will be terminated next business day. In case if term for familiarization of tender notification and tender documentation is more than 15 days, the reduction of the term is forbidden.

4. If the bid submission deadline for the announced electronic tender coincides with weekend or holiday, the bid submission term will be terminated next business day. In case if term for familiarization of tender notification and tender documentation is more than 15 days, the reduction of the term is forbidden.

3¹. has been removed

4. The following information must be indicated in the tender notice:

- a) tender type;
- b) number of the tender notice;
- c) name of a procuring entity;
- d) date of the announcement of the tender, by indicating exact time;

- e) date of bidding commenced and bidding completed by indicating exact time;
- f) estimated value of a procurement object;
- g) an indication whether a bid must be submitted inclusive of the value added tax (hereinafter - the VAT) or exclusive of the VAT;
- h) CPV division and its relevant CPV code;
- i) a specific possibly the most detailed procurement object and its relevant CPV code;
- j) quantity or volume of a procurement object;
- k) timeframe for the supply of a procurement object or the fulfilment thereof;
- i) bid reduction step;

- m) amount of an electronic guarantee;
- n) name and last name of an authorized representative of a procuring entity that posted the tender notice in the system, date and exact time of posting;
- o) minimum term of validity of an electronic guarantee;
- p) indication about an estimated value of a price list (if applicable).
- q) in case of service procurement a reasonable guarantee timeframe of the conducted service

5. Estimated value of a procurement object stipulated under Paragraph 4(f) of this Article may not be higher than the total value of relevant homogenous procurement objects stipulated under the annual state procurement plan;

6. On the basis of a relevant reference in the tender notice the bid price submitted by the bidders will be inclusive of VAT or exclusive thereof;

7. Estimated value of a procurement object in a tender notice and the bid reduction step can be indicated only in GEL.

8. A tender notice has an additional data field that can be used by an authorized representative of a procuring entity in order to provide additional description of a procurement object.

9. The information stipulated under Paragraph 4(a),(e)-(g), (i)-(l), (o) and (p) of this Article shall be included in the tender notice by an authorized representative of a procuring entity, and the information stipulated under paragraph 4(b)-(d), (h), (m) and (n) of this Article is generated automatically by the System in a tender notice.

10. For posting a tender notice in the System it is necessary to upload tender documentation in the System.

11. A tender committee of a procuring entity shall be authorized to at the stage envisaged under Article

2(1) (j) of these Rules enter modification in the data indicated in the tender notice, with the exception of the modification of the type of a tender and a procurement object.

12. Subject to a procuring entity decision a tender notice can be posted in English in an additional field envisaged under Paragraph 8 of this Article. And if estimated value of goods or services subject to procurement is over GEL 2,000,000, and if estimated value of works is over GEL 4,000,000 it shall be obligatory to post the information in every field of the tender notice in an additional field stipulated under Paragraph 8 of this Article in English.

13. Has been removed (01.01.2014)

SPA Chair July 8, 2011 Order N 16 – Website, 11.07.2011 CSPA

Chair June 6, 2012 Order N 5 – Website, 07.06.2012 CSPA Chair

June 20, 2013 Order N 12 – Website, 21.06.2013

CSPA Chair December 30, 2013 Order N 18 -- Website, 31.12.2013

Article 9. Posting tender documentation in the System and entry of modifications in the documentation

1. Tender documents must be comprised of:

a) the qualification requirements a bidder must meet;

b) quantity of goods, volume of works or services, timeframe, place and type of the supply of goods, performance of works or rendering of services subject to procurement;

c) full description of technical and qualitative characteristics of a procurement object including technical specifications relevant, plans, drawings and sketches;

d) those necessary terms and conditions of a Contract that the procuring entity is aware of in advance as

well the reference to the Contract type and the Contract performance guarantee (if applicable);

e) the methods that must be used to estimate the value of a bid, by indicating whether it must also be comprised of the costs (transportation, insurance, taxes, etc) other than the value of goods, works or services;

f) Ways and procedure of requesting additional information and clarifications about tender documentation;

g) the name and contact details of a member of the tender committee secretariat that is authorized to give out information and provide clarifications about procurement procedures;

h) indication about alternative procurement of communication services (if applicable);

i) indication on object sample or / and expert conclusion (if such request exists) according to Article 12, paragraph 12, (do not apply to the tenders before February 15, 2015).

i¹) (Has been removed 02.07.2015, # 11)

j) If the bid submission deadline for the announced electronic tender coincides with weekend or holiday, the bid submission term will be terminated next business day. In case if term for familiarization of tender notification and tender documentation is more than 15 days, the reduction of the term is forbidden.

k) Indication of the justification obligation of pricing adequacy.

¹. As defined by the Article 9 (1) "k", in special cases the procuring entity shall be entitled not to put the obligation of pricing adequacy justification into the tender documentation. Such decision must be justified.

2. Modification can be entered in tender documentation only at the stage stipulated under Article 2(1) (j) of these Rules by cancelling the tender documentation uploaded in the System and by uploading modified/added documentation in the System. Tender type and procurement object may not be modified.

Article 10. Submission of a bid

1. To participate in a tender a bidder can submit a bid at the stage stipulated under Article 2(1) (k) of these Rules. The bid submitted by a bidder shall be effective until the stage envisaged under Article 2(1) (p), (q) or (s) comes.

2. Prior to the submission of a bid any registered user shall be entitled to familiarize oneself with a tender notice and tender documentation.

3. A bid can be submitted only after accepting affidavit terms, submission of an electronic guarantee and the payment of the fee via the System, in the sequence stipulated under this Paragraph.

4. When submitting a bid a bidder must in the first place upload technical proposal in the System that must contain technical and qualitative description of the submitted procurement object. Next, in a relevant field of the System the bidder must specify the bid price (in national currency) that must not be higher than the value of the procurement object or must be at least bid reduction step lower than the estimated value of a procurement object. Following uploading the technical proposal and specifying the bid price it shall be inadmissible to modify, add, cancel or delete

uploaded technical proposal.

5. In case the tender notice stipulates the submission of a bid price exclusive of VAT a bidder shall not include the VAT in the bid price, regardless of whether it is a VAT taxpayer under the Georgian legislation. In such case the selection/evaluation is performed according to the submitted bid prices. A procuring entity shall be obligated to include in the Contract the VAT amount relevant to the bid price in case as of the execution of the Contract a bidder is a VAT taxpayer in accordance with the provisions of the legislation of Georgia.

6. Upon submission of the bid a bidder is able to participate in electronic reverse auction via the System. During the general time it is possible to modify the bid price according to the principle of reduction. Each following reduction in bid price must be made in relation to the price offered previously by a bidder, not to be less than the bid reduction step.

7. Only those bidders shall be entitled to participate in additional rounds that have submitted a bid within the general time according to the established rule. The sequence on the submission of a bid price by a bidder in the first round is determined according to the bid price submitted during general time, namely, in the first round the first offer is done by the bidder who specified the highest bid price during the general time and in each following round

– by the bidder who specified the highest bid price in a previous round. In case of equal bid prices the first offer in a round is made by a bidder that was last to state such price. It shall not be mandatory to participate in additional rounds.

8. At the stage envisaged under Article 2(1)(k) of these Rules the System ensures the anonymity of the

bidders and keeping hidden technical proposal uploaded thereof, at this stage only the bid price specified by a bidder is accessible.

9. At the stage envisaged under Article 2(1) (l) of these Rules the identity of bidder/bidders (if applicable) and the technical proposal uploaded thereof become accessible to a guest and a registered user.

Article 11. Technical and qualification requirements towards bidders and the rule of describing a procurement object

1. The requirements that a procurement object must meet and technical and qualification details of bidders are determined by a procuring entity for a specific procurement. a procuring entity is entitled to define requirement for all the specific case that the object to be procured has to comply: technical documentation of bidder and qualification certifying documentation envisaged by this article paragraph 4.

2. Technical specifications can be established in relation to professional skills, financial resources, experience and reputation, technical facilities and other aspects of bidders.

2¹. If the obligation of the pricing adequacy justification in the tender documents exists, the procuring entity requires bidders to explain pricing, if the bid price of the lowest bidder in the system is less than 20% or more of the estimated cost of procurement object. Pricing adequacy, in each case, may be justified by expert opinion, provision of a procurement contract signed by the candidate, invoices or/and other documents confirming the candidate can fulfill his contractual obligations at a fixed lowest price. A procuring entity must in advance clearly define what kind of documentation a candidate can use to justify the pricing adequacy. To pricing adequacy justification is applicable Article 12 (11) and (14) of this rule.

3. Has been removed

4. Requirements for the submission of qualification data can be related to the legal situation/activity of bidders (registration data, legal restrictions, financial and other liabilities, etc.). In case of an electronic tender, in special cases the tender documentation may not include the requirement on qualification documents. In case of a simplified electronic tender the requirement on qualification documents is only possible in special cases and must be justified in tender documents. The number of such documents must be as little as possible with due regard to character of certain procurement.

5. At the decision of a procuring entity technical and supplier qualification documents can be submitted in Georgian as well as in foreign languages. In case the documents are submitted in a foreign language they must be supported by Georgian translations performed under the rule established under the legislation of Georgia. When resolving disputable issues related to the documentation the procuring entity takes a decision with regard to the assigning priority to a foreign language document or a Georgian translation thereof.

6. A procuring entity shall be obligated to bring into conformity textual materials, technical specifications, designs, drawings, sketches and other materials used for describing technical and qualitative specifications of a procurement object with the standards, technical indicators, terms and the notations recognized in Georgian and international practice. A procuring entity shall be obligated to make a reference to the relevant used standard (if applicable).

7. It shall be inadmissible in the description of the procurement object:

a) to specify a concrete trademark, patent, model, source of origin or a producer, with the exception of the cases when there is no other possibility to accurately characterize a procurement object. In such cases when describing

procurement object such terms must be used as —similar||, equivalent, etc;

b) to use such specification and terms that are ambiguous and allow for varying interpretation.

Article 12. selection/evaluation

1.A tender committee shall evaluate bidders according to the bid price, technical proposal uploaded in the system thereof and supplier qualification documents in the sequence envisaged under this Paragraph.

2. A bidder's bid price is evaluated upon the completion of the stage after bidding ends.The evaluation of technical proposal is performed at the stage selection/evaluation, and the qualification details are evaluated at the "winner identified" stage.

3. At the stage "bidding completed", the System automatically groups bidders (if applicable) according to the lowest bid price. In case two or more bidders have specified identical price in the System the System automatically assigns priority to the bidder that first specified the mentioned bid price.

4. No later than 5 business days after the stage "bidding completed", the tender committee must discuss whether or not the technical documentation uploaded in the System by a lowest bidder on the stage "bidding starts" confirms with the requirements provided in the tender notice and tender documentation. In case the technical documentation uploaded by a bidder in the System does not conform with the requirements specified in a tender notice and tender documentation, this time limit can be continued for no longer than 5 business day, if the tender committee will made a decision and mention the objective reason and grounds of it.

5. The tender committee shall disqualify a bidder if technical documents uploaded in the System do not meet the requirements of the tender documents. The Article 12 (6) and (7) subparagraph designates the exceptions to this rule.

6. The Tender committee does not disqualify a bidder, if the technical documentation uploaded by a bidder does not contain such kind of non-exact data that can cause relevant changes in the technical documentation or increase a bidding price.

7. If uploaded technical documentation file is damaged (is not readable), the tender committee can ask an bidder to change such kind of document, if it will not cause any essential change in technical documentation or/and increase a bidding price.

8. In cases of Article 12 (6) (7), the tender committee asks an bidder, in the time limit defined by paragraph (4) of this

Article, to clarify the technical documentation. The tender committee gives an bidder an appropriate time limit to do this, but no longer than 3 business day. The tender committee must determinate exactly which part of the technical documentation have to be clarified. If a bidder will not submit the clarified documentation, the tender committee will disqualify a bidder according to Article 13 (2), sub-paragraph (d).

9. The clarification of the technical documentation can be requested only before the tender status "Winner identified" is assigned. To conformity of the technical documentation with the tender notice and tender documentation have to be proved no later than 3 working days after the time limit for the submitting of the clarified technical documentation is expired. Re-clarification of the clarifying technical documents is forbidden.

10. The clarification of the estimate (costing) is allowed:

- a) with request for clarification of the technical documentation, if the technical documentation have to be clarified. In this case, the non-clarification of the estimate will cause a disqualification of the bidder in accordance with Article 13, paragraph 2 of this Rule;
- b) with request of the certified qualification documentation in the same time limit, if after the evaluation of the technical documentation only an estimate needs to be provided and the tender documents prescribe to submit the qualification documents. In this case, the non-clarification of the estimate will cause a disqualification of the bidder in accordance with Article 13, paragraph 2, "e" of this Rule;
- c) with the request of the contract performance guarantee or insurance (if such requirement exists) or/and with the invitation to sign a contract, if after the evaluation of the technical documentation only an estimate needs to be proved and the tender documentation do not prescribe to submit the qualification documents. In this case, the non-clarification of the estimate will cause a disqualification of the bidder in accordance with Article 13, paragraph 2, "f" of this Rule. The time limit for the clarification of the estimate must be no longer than 3 Workdays.

11) Procuring entity shall ask for an object sample or/and expert opinion (if such requirement exists) to the lowest bidder in the time limit defined in the tender documentation. Procuring entity shall ask for a procurement object sample before the tender status: "winner identified".

12) For submitting an object sample or/and expert opinion (if such requirement exists) procuring entity shall be authorized to determine maximum 10 working days. This time limit can be extended for no more than 5 working days, if a decision of the tender commission is based on objective grounds for such extension. The terms of this paragraph shall apply also to the case when the expert opinion is obtained by a procuring entity.

13) Compliance of a procurement object sample or/and expert opinion (if such requirement exists) with the requirements of the tender notice and tender documentation shall be determined no later than 3 working days

after the expiry of the time limit for submitting of an object sample or/and expert opinion. This time limit can be extended to 2 working days, if a decision of the tender commission is based on the objective grounds for such extension. If the procurement object sample or/and expert opinion (if such requirement exists) will not be submitted or do not comply with the tender notice, tender documentation or/and technical documentation submitted through the server by a bidder, the bidder will be disqualified according to Article 13, paragraph 2, "a", except cases according to Article 13, paragraph 2, "z".

14) A procuring object sample or/and expert opinion cannot be clarified. A Procuring objet sample will be returned to the candidate within a reasonable timeframe, except the object sample is easily perishable product. In this case, the sample must be returned immediately.

15) After the tender commission have proved the technical documentation, include clarified documentation and procurement object sample or/and expert opinion (if such requirement exists) submitted by the lowest bidder, with the tender notice and tender documentation, the tender commission asks the bidder for qualification documents and sets a time limit of max. 5 working days. The qualification documents must be issued:

a) in case of a simplified electronic tender – after beginning of the stage according to Article 2 (1) (k) of this Rule, and in case of a non-resident bidder – the qualification documents must be issued not later than thirty days prior to the beginning of the stage according to Article 2 (1) (k) of this Rule;

b) in case of an electronic tender – after beginning of the stage according to Article 2 (1) (l) of this Rule and in case of a non-resident bidder – the qualification documents must be issued not later than thirty days prior to the beginning of the stage according to Article 2 (1) (l) of this Rule.

16) The conformity of the submitted qualification documents with the tender notice and tender documentation must be determined not later than 3 workdays after submitting of the qualification documents.

17) The copies of the certified qualification and clarified technical documentation shall be provided to a procuring entity through the System.

18) According paragraph 17 of this Article, a procuring entity can ask a bidder to submit the qualification documents certified according to the Georgian legislation before signing contract. On this stage, the non-submission of such documentation will not cause a disqualification of a bidder.

19) In case of disqualification of the lowest bidder according to Article 13 of this Rule, a procurement entity have right to contact the next lowest bidder not later than 5 Workdays after disqualification of the first lowest bidder in compliance with paragraph 4 of this Article. If the price of the next lowest bidder is significantly higher than the

procurement object market price because of the changed market circumstances, a procurement entity can cancel a tender.

20) Within the time limits according this Article and Article 15 of this Rule a violation of these time limits by a procurement entity will not reverse a decision of a procurement entity, except if the procurement entity's violation action gives preference to the candidate to whom a decision concern. (Do not apply to the tenders, before February 15, 2015).

Article 13. Disqualification

1. A tender committee shall disqualify a supplier and/or a bidder in accordance with Paragraph 2 of this Article. The minute on disqualification of a bidder shall be uploaded in the System immediately upon signing thereof.

2. A bidder is subject to disqualification in the following cases:

- a) In case if the technical documentation submitted by it pursuant to the Article 12, paragraphs 5 and 7 of this rule is not in compliance with the tender notice or/and tender proposal;
- b) If bidder abandons its bid;
- c) If the supplier qualification documents submitted thereof are not in conformity with the tender notice and/or tender proposal;
- d) If it does not specify technical documentation within the timeframe prescribed under Article 12(8) of these Rules;
- e) If it fails to submit qualification documentation in compliance with the requirements of these Rules;
- f) If it fails to submit contract performance guarantee (if requested), refuses to award contract or/and expresses its refusal in any other way;
- g) If in order to obtain the right to award a contract it conducts a dishonest action (does not apply to tenders announced before 15 February, 2015)

Article 14. Tender committee

1. Tender is conducted by a tender committee that is formed by the head of the procuring entity to be comprised of at least three members.

2. The tender committee is chaired by the head of a procuring entity or a person appointed thereof.

3. Relevant subject matter specialists can be invited as experts and consultants in the committee on the basis of the tender committee decision.

4. To ensure technical and organizational support to tender committee performance at the decision of a head of a procuring entity a secretariat of the tender committee is formed from among the employees of such entity headed by the chairman of the tender committee.

5. The tender committee takes decisions with the majority of the members of the committee on the nominal list. A member of a tender committee that disagrees with the decision of a committee shall be entitled to submit own opinion in writing that must be attached to the decision of a tender committee. In case the votes are distributed equally the vote of the chairman of the tender committee is decisive.

6. Any decision taken by a tender committee must be reflected in a relevant sitting minutes of the tender committee. The decision will be deemed passed after all in attendance tender commission members sign the minutes. All those minutes of the sittings that will be created following the stage envisaged by the Article 2(1) (k) of these Rule must be uploaded in the system upon signing thereof by the members of the tender committee in attendance. Minutes uploaded in the system may be modified just by the abolition of already uploaded minutes and by uploading modified/added minutes in the system. Any kind of correspondence/messaging between procuring entity and supplier is conducted via the relevant module. Conducted correspondence/messaging without the usage of system is not compulsory. Correspondence/messaging shall be deemed accepted upon its uploading thereof.

7. Any decision of a tender committee must be reflected in a relevant sitting minutes of the tender committee. All those minutes of the sittings that are created following the stage envisaged under Article

2(1) (l) of these Rules must be uploaded in the System upon signing thereof by the members of the tender committee in attendance. The decision is regarded taken only after all of the members of the committee in attendance sign the minutes. The minutes uploaded in the System may not be modified. Any kind of correspondence/notification between procuring entity and supplier is sent via the relevant module. The conducted correspondence/notification without the use of system is not obligatory. Submission of correspondence/notification will be accepted from the moment it is uploaded.

Article 15. Awarding a Contract as a result of conducting a tender and uploading thereof in the System

1. (Removed - 20.06.13 #12)

2. As soon as the tender commission ascertains conformity of bidder qualification data certifying documents with tender notice and tender proposal, but in case if tender proposal does included the requirement of submission of bidder qualification data - upon the ascertainment of conformity between bid, tender notice and tender proposal by the tender commission, procuring entity defines timeframe for the submission of contract performance

guarantee or insurance, and not more than 10 business days for awarding a contract. If contract performance guarantee or insurance is not requested, contract award timeframe from procuring entity amounts not more than 5 business days. Mentioned timeframe is possible to be extended for not more than 5 business days, based on the justified minutes of tender commission, that specifies objective reasons, that prevented from contract awarding in determined timeframe. (does not cover the tenders announced before the 15th of February, 2015).

2¹. When tender is assigned “contract finalization” status you are not permitted to awarding contract within the following three business days.

3. Procuring entity must upload a contract in the system no later than 10 days after awarding.

Article 16. Electronic guarantee and fee

1. A beneficiary/recipient of electronic guarantee is the SPA. Submission of an electronic guarantee to the SPA and the payment of the fee is effected using automatic means in the System.

2. Electronic guarantee amounts 1 percent of estimated value of the procurement object. The term of validity of electronic guarantee must be defined as follows:

a) For the electronic guarantee issued by registry of electronic guarantee in case of e-tender – for not more than 120 calendar days, from the step stipulated by Article 2, paragraph 1, subparagraph “k” of this Rule:

b) For the electronic guarantee issued by registry of electronic guarantee in case of e-tender – for not more than 160 calendar days, from the step stipulated by Article 2, paragraph 1, subparagraph “k” of this Rule:

c) In case if electronic guarantee is submitted by means of transferring money from bank plastic card on the account of the agency, system using automatic means ensures electronic guarantee validity date for the relevant tender until the assignment of final status.

3. The fee for the submission of a bid is GEL 50.

4. Electronic guarantee shall be submitted and the fee be paid until the technical proposal is uploaded in the System.

5. In case of temporary failure of automatic means of the system for submission of electronic guarantee and the payment, electronic guarantee can be submitted and the fee be paid in case of each specific tender without using the System, subject to prior agreement with the Agency. Preliminary agreement is received in written form or via agency

email info@procurement.gov.ge.

5¹ In case of necessity to modify tender final status that is caused by enforcement of procurement related decision of Dispute Resolution Board at State Procurement Agency or/and necessity to improve the results of misconduct of selection/evaluation rules by the procuring entity, new guarantee is submitted within timeframe envisaged by paragraph 2, subparagraph “a” or “b” of this Article. In this case, guarantee must be submitted to the agency without the usage of the system. Tender status may be modified just after new guarantee is submitted to the agency.

6. After tender is assigned “contract awarded”, “contract not awarded” or „canceled” status, electronic guarantee is returned to the bidder, except for the cases when a bidder is disqualified on the grounds stipulated in the Article 13, paragraph 2, subparagraph “b”, “c”, “e”, “f” or “g” of this Rule.

7. In case electronic guarantee is returned to a bidder in violation of the conditions set forth under Paragraph 2, subparagraph „c” or /and paragraph 6 of this Article a bidder shall be obligated to refund to the SPA the electronic guarantee amount upon a relevant demand.

7¹. Warrantor, upon the request of the agency is obliged to ensure fulfillment of electronic guarantees registered in the electronic system or fulfillment of the electronic request sent by the agency by means of electronic notification of the system regarding refusal of right defined by the guarantee.

8. In case envisaged under Paragraph 5 of this Article when electronic guarantee is submitted and fee is paid without using the System an original of an electronic guarantee and the fee payment receipt is submitted to the procuring entity that shall be obligated to send to the SPA a hard copy of the mentioned documents upon receipt. The copy of the above-mentioned copy shall also be sent to the SPA e-mail: info@procurement.gov.ge.

9. The refunding of the paid fee shall be admissible only in case the fee has been paid erroneously in an amount higher than the rate set forth under the law. In such case the difference between the paid amount and the rate prescribed under the Law shall be refunded.

10. The request submitted to the SPA about the refunding of the amount overpaid erroneously must contain the justification for the legal grounds to refund the erroneously overpaid amount and relevant documentation. In case a request of an interested party on the refunding of erroneously overpaid amount is granted the SPA shall within ten working days send such request to a relevant person authorized for the refunding.

11. The demand shall be submitted to the SPA within three months from the payment of the erroneously overpaid amount. After the expiration of this term the overpaid amount shall not be refunded. The mentioned term may not be

extended or the missed term may not be restored.

Article 17. Conflict of interest

1. Terms of avoidance of conflict of interest stipulated by paragraph 1, Article 8 of the Law is regarding individuals conducting state procurement taking into account paragraph 4 of this rule.
2. An individual conducting activity envisaged by paragraph 1, Article 8 of the Law will have conflict of interest with bidder or supplier, if there is relationship between them envisaged by the Article 19 of the tax Code of Georgia.
3. In each case after the completion of electronic reverse auction a tender committee and its secretariat members shall be obligated to confirm in writing the absence of the conflict of interest between thereof and the bidders envisaged under Article 8 of the Law and upload the mentioned document in the System along with the very first minutes subject to uploading in the System.
4. In case state procurement participant bidder or supplier is a procuring entity envisaged by the Article 3 of the law. conflict of interest arises if between an individual and bidder or supplier is relationship envisaged by Article 19, part 2 of the Tax Code of Georgia, except relationship envisaged by this part , subparagraphs “c” - “g” .

Article 18. Suspension and termination of state procurement procedures

1. In case of suspension or termination of state procurement procedure a procuring organization shall inform the SPA and bidders about its decision and the basis for making such decision within no later than three business days. A procuring organization is not required to present to the participants of the procurement specific evidence or detailed information based on which such decision has been taken, or to reimburse to them the expenses related to their participation in the procurement process.

¹. For the mentioned evidences of this article, paragraph 1, will be deemed uploaded documents (minutes) reflecting decisions, that has to be made upon the decision is taken.

2. (removed - 26.10.11 №19).

3. (removed - 26.10.11 №19).

4. (removed - 26.10.11 №19).

Article 19. A Contract

1. In case of a tender a Contract is awarded on the basis of a draft Contract provided in tender documentation, in accordance with the requirements of a procuring entity and the conditions of a bid of a winning bidder, or in case of simplified procurement considering the Contract reached with a relevant entity. The value of a procurement object envisaged under a Contract may not be higher than the final price of the tender specified via the System by a winning bidder.

2. At the decision of a procuring entity a Contract can be awarded in Georgian as well as foreign languages. In case a Contract is awarded in a foreign language it must be translated into Georgian according to the rule prescribed under the legislation of Georgia.

3.(removed - 19.12.12 №15).

4.(removed - 19.12.12 №15).

5.(removed - 19.12.12 №15).

6. A contract shall be concluded in writing and has to comprise of the following information:

a) exact name and details of the parties;

b) name of a Contract subject and it`s CPV code. If CPV code does not match contract subject it is possible to use the CPV code of a relevant CPV class, group or a division;

c) amount stipulated under the Contract – Contract value;

d) term (timeframe) for the supply of goods, rendering of services and/or the performance of works;

e) Contract performance guarantee or insurance terms (if applicable);

f) specific validity of the Contract;

g) tender announcement number, in case a tender is used for an award;

i) (i) In case of procurement of work – reasonable guarantee timeframes for the conducted work

7. In case of advance payment a supplier shall be obligated to submit to a procuring entity the guarantee amount identical to the amount payable in advance under the conditions stipulated in the Contract, with the exception of state procurement set forth under Paragraph 9 of this Article.

8. A procuring entity shall be authorized to stipulate additional conditions in a Contract.

9. Awarding of a Contract shall not be mandatory:

a) in case of state procurement conducted by Georgia's diplomatic missions and consulate abroad, as well as defence attaché, representatives of the Ministry of Defence of Georgia and the Ministry of Internal Affairs of Georgia via simplified state procurement;

b) in case of state procurement conducted via the Internet through simplified procurement;

c) in case of conducted state procurement related to business expenses;

d) in case of state procurement conducted by way of payment of the charges set forth under a normative act of Georgia.

10. In cases stipulated under Paragraph 9 of this Article a Contract can be substituted by a document proving state procurement, which must contain the following information:

a) name of a procurement object;

b) value of a procurement object;

c) proof of the payment of the procurement object value;

d) name and identification number of a supplier.

11. In case of state procurement conducted via the Internet through simplified procurement a document stipulated under Paragraph 10(c) of this Article can be substituted by a document evidencing the payment via the Internet.

12. Subject to the decision of Government of Georgia may be defined different terms that are envisaged by this Article, paragraphs 6 and 7. Also applicability of defined requirements of the Articles 20 and 21 of this Rule, in relation to such Contract

13. By the decision of minister of Defense of Georgia may be defined the issue of applicability of the set requirements, defined by paragraph 7 of this Article and paragraph 1 of the Article 21 of this rule, or/and terms different to them, but just for the Ministry of Defense of Georgia or/and procuring entity under the system of Ministry of Defense of Georgia that owns/manages more than 50% of share of bidder/supplier.

14. Contract validity must exceed within at least 30 days the contract defined terms of supply of goods, rendering service or/and fulfilling work.

SPA Chair July 8, 2011 Order N 16 – Website, 11.07.2011

SPA Chair December 29, 2011 Order N 22 – Website, 03/01.2012

CSPA Chair December 19, 2012 Order N 15-Website, 19.12.2012 CSPA

Chair August 2, 2013 Order N 14-Website, 05.08.2012

Article 20.Entering modifications/additions to the Contract

1. In case of effecting any modification/addition to a awarded contract as a result of conducting a tender the mentioned modification/addition must be entered in written form and be uploaded in the System within no later than 10 days following the day when modification/addition is entered in the Contract.

2. It is inadmissible to make amendments through the contract if contract amount value is increased or contract terms for procuring entity are deteriorated, except of cases envisaged by the Article 398 of Civil Code of Georgia.

3. In case if the conditions stipulated under Article 398 of the Civil Code of Georgia occur it shall be inadmissible to increase the total value of firstly awarded contract by more than 10%. Except for the cases envisaged by this Rule, Article 27, paragraph 7. The requirement defined by this paragraph is not applicable to state procurement of fuel.

SPA Chair July 8, 2011 Order N 16 – Website, 11.07.2011

CSPA Chair December 19, 2012 Order N 15-Website

Article 21. Contract performance guarantee and insurance

1. The requirement of a Contract performance guarantee or insurance shall be mandatory in case the total value of a Contract equals or is higher than GEL 200,000, procuring entity is obliged to demand contract performance guarantee or insurance:
 - a) Contract amount value from 2% to 5%:
 - b) Contract amount value from 2% to 10% - if final bid price indicated by tender winning bidder is lower by 20% compared to relevant average value of tender procuring object.

1¹. By the decision of the procuring entity for the submission guarantee envisaged by paragraph 1 of this Article may be exempted a bidder or potential supplier due to its working reputation and produced good, service, working quality and awareness. Also, white list registered supplier.

2. In case if total value of contract is below 200 000 Gel, demanding contract performance guarantee or insurance is inadmissible.

2¹. In case of White List registered supplier defined contract performance guarantee or insurance amount halves envisaged by the paragraph 1 of this Article.

3. (removed – 07.09.2012, #10)

SPA July 8, 2011 Order N 16 – Website, 11.07.2011

SPA Chair August 29, 2012 Order N 9 – Website, 29.08.2012

SPA Chair September 7, 2012 Order N 10 – Website,

07.09.2012 SPA Chair June 20, 2013 Order N 12 – Website,

21.06.2013

4. Contract performance guarantee or insurance, in the presence of a relevant requirement, can be submitted to a procuring entity following the awarding of a Contract in case of a simplified procurement, and in case of procurement via a tender – prior to the awarding of a Contract.

5. The term of validity of Contract performance guarantee or insurance, the terms for fulfilment of obligations arising from a guarantee or insurance or the terms of cancellation of such obligations shall be determined under a Contract.

6. A procuring entity shall be authorized to decline such Contract performance guarantee or insurance that is not

in conformity with state interests.

Article 22. Control over the performance of the Contract

1. A procuring entity shall be authorized to entrust an employee or a group of employees, as well as any other person with the control over the compliance with the terms and conditions of a Contract.
2. The function of the persons stipulated under Paragraph 1 of this Article is to establish the conformity of the goods, services, volume of works to be supplied and/or supplied, quality and the timeframes of supply with the provisions of the Contract.
3. Unless stipulated otherwise under a Contract a procuring entity shall accept a procurement object only on the basis of executing a relevant document.
4. Control over the compliance with the terms and conditions of the Contract can be performed at any stage of implementation of a Contract.
5. A supplier shall be obligated to ensure at own resources the allocation of the staff and technical facilities necessary for performing control over Contract performance as well as ensure necessary working conditions. In case a procuring entity uses own or invited staff for the purpose of controlling the observation of Contract conditions labor remuneration thereof will be provided directly by a procuring entity.
6. Unless envisaged otherwise under the Contract the reimbursement for the costs related to the elimination of identified faults and to repeated performance of control shall be borne by a supplier according to the rule established under the legislation of Georgia.
7. The requirements set forth under this Article shall not be applicable to state procurement stipulated under Article 19 (9) of these Rules.

Article 22¹. Contract statuses

1. In case of assigning status to contract envisaged by this Rule, article 2(1) _p² and p³, contract performance/nonperformance relevant document must be uploaded in the relevant field by the procuring entity following 10 business day after it is created.
2. In case of assigning status to contract envisaged by this Rule, article 2(1)_p² and p³, contract performance/nonperformance certifying document will be deemed any kind of document/correspondence, that is

related to the contract performance/nonperformance obligations (act for delivery/acceptance, waybill, invoice, photo and so forth).

SPA Chair June 20, 2013 Order N 12-Website, 21.06.2013

Article 23. The inadmissibility of artificially split state procurement

1. Artificially splitting state procurement implies the reduction and/or splitting the quantity or volume of homogeneous procurement objects when a procuring entity knows in advance that during the same budget year it will become necessary to procure additionally the same or homogenous procurement object and the funds for additional procurement have been projected in advance in the state procurement plan for the same budget year. The following cases shall not be treated as artificial splitting of state procurement:

a) conducting of procurement through separate procedures is driven by a geographical factor and/or is justified in terms of a rational expenditure of funds;

b) conducting of procurement through separate procedures is due to objective conditions that a procuring entity could not have envisaged in advance.

2. Until the methodology for the identification of artificial splitting of state procurement is developed the SPA shall be authorized to additionally regulate the issues related to artificial splitting of state procurement through an individual administrative-legal act.

3. When conducting state procurement of procurement object in compliance with Organic Law of Georgia "Election Code of Georgia" Article 52, part 6 and article 10¹, paragraph 3, subparagraphs "a", "c" and "g" of the Law, its amount is not summarized with the average amount of homogeneous objects.

Article 24. Rules and conditions for maintaining a black list

1. Black List is an official electronic registry maintained by the agency and an entity registered in it shall not be authorized to participate in state procurement within one year from the entry in the Black List.

2. Procuring entity is obliged to submit a written notice to the agency due to the registration of bidder/supplier to the Black List, in case if one of the following circumstances occur:

- a) Bidder will be disqualified from tender/design contest due to failure to submit contract performance guarantee (in case of its existence), refusal to award contract or/and any kind of refusal for contract awarding:
 - b) Bidder will be disqualified from tender/design contest for dishonest activity due to acquiring right for contract awarding or in case if dishonest activity conducted by supplier for awarding contract is known after the contract is awarded;
 - c) Supplier did not manage or unduly fulfilled contract obligations and contract validity has expired or contract has suspended earlier its date due to the nonperformance or unduly performance of the contract obligations of supplier from the side of procuring entity.
 - d) In compliance with rule envisaged by Law, tender commission of relevant consolidated tender made decision about the suspension of non-performed or unduly performed contracts awarded with the winning supplier in scope of this consolidate tender.
3. The written notice envisaged by this Article, paragraph 2 must be grounded and include the following information (documentation):
- a) The description of the method of procurement;
 - b) In case of conducting tender – tender notice number, in cases of awarded contract based on simplified tender, design contest or consolidated tender – the registration number of the relevant contract registration number at CMR module (in case of design contest announced after 1st of July, 2015 – design contest number)
 - c) Naming procuring object ;
 - d) Requisites of bidder/supplier indicated in the notice;
 - e) Failing to submit contract performance guarantee (if required), Copies of documents certifying bidder disqualification due to refusal to award contract or/and expressing contract award refusal any other way – if written notice is submitted envisaged by this Article, paragraph 2, subparagraph “a”.
 - f) Copies of documents certifying bidder disqualification due to the dishonest activity for obtaining right of awarding contract or committing dishonest activity for awarding contract (it it become known after contract is awarded) - if written notice is submitted in compliance with this Article, paragraph 2, subparagraph “b”;
 - g) Copies of documents certifying nonperformance or unduly performance of contract obligations, in case of early suspension of contract – also copies of documents certifying contract suspension – if written notice is submitted in compliance with this Article, paragraph 2, subparagraphs “c” or “d”.
4. In case if document envisaged by this Article, paragraph 3, subparagraph “e-g” is uploaded into the system, written notice does not include the copies of mentioned document.

5. The agency discusses the written notice within no more than two month; in case of necessity, date may be prolonged by the decision of the head of the agency, for not more than a month. The agency is entitled to request from procuring entity precision of the information provided in the written notice, obtain from interested parties additional information, that is necessary for taking decision for the registration in Black List. If necessary, agency is entitled to invite interested sides at the oral hearing.

6. In case if bidder/supplier indicated in written notice appeals at the relevant institute decision taken about it in compliance with the Rule based on Georgian legislation, that caused the circumstances indicated in this Article, paragraph 2 and must be taken into account by the agency when taking decision after the discussion of written notice, agency is entitled to suspend administrative proceeding, because of grounded written application by the time final decision is taken regarding the dispute. Also procuring entity and bidder/supplier indicated in written notice must inform the agency about the final decision taken at Dispute Resolution Board and submit relevant documentation at the agency. For continuing administrative proceedings, it is sufficient to submit relevant documentation from one of the side at the agency.

6¹. In compliance with this Article, paragraph 5, agency is entitled to refuse discussing written notice submitted by the procuring agency, in case it contains the information defined by this Article, paragraph 3.

7. Agency is entitled to refuse registering bidder/supplier in the Black List, in case if one of the following reasons listed below exists:

- a) In compliance with this Article, paragraph 2, there are no grounds for registering in the Black List;
- b) Because of Black List registration of a bidder/supplier indicated in notice, will be violated principle competition protection and of proportionality at the market.

8. In case if submitted information by the procuring entity is in full compliance with the requirements of this Article, paragraphs 2 and 5, but the harm caused by registration of bidder/supplier in the Black list is insignificant, because of the registration of such bidder/supplier in the Black list will cause disproportionate result or/and will be violated principle of proportionality of public and private interest. Agency is entitled to give several warnings to this bidder/supplier that is valid through one year.

9. In case if the information submitted by procuring entity is in full compliance with this requirements of Article, paragraph 2 and 5 and there are no circumstances envisaged by this article, paragraph 7 and 8, the agency registers bidder/supplier indicated in written notice in the Black List.

10. In case of existence of circumstances envisaged by this Article, paragraph 2, subparagraph "d", a supplier in compliance with the rules defined by this Article will be registered in the Black List just once through per consolidated

tender.

11. Agency maintains Black List electronically via its webpage (www.procurement.gov.ge) and is applicable for any interested party.

Article 25. Special case of announcement of a simplified electronic tender

1. With the purpose of conducting an event of state and public importance within limited timeframes the conducting of procurement of homogenous procurement objects with value 200,000 GEL or over 200,000 GEL through simplified electronic tender during one budget year can be determined under a legal act of the Government of Georgia.

2. In case stipulated under Paragraph 1 of this Article the legal act of the Government of Georgia shall be uploaded by a procuring entity in the System in a relevant field of a tender notice.

Article 26. Special case of procurement of services via tender

1. State procurement may be conducted based on price list in case of tender defined by annex 4 or in cases decided by the Government of Georgia for maintenance service and spare parts, as well as grease and lubricants if necessary.

2. In cases stipulated under Paragraph 1 of this Article a procuring entity shall indicate estimated value of a price list in the estimated value of a price list field in a tender notice and specify contract value of a procurement object in the field of Contract value of a procurement object that can be different from a price list value.

3. The bid price submitted by a bidder via the System must not be higher than the estimated value of a price list and the reduction of the bid price as a result of electronic reverse auction can be conducted only in relation to the estimated value of a price list.

4. When tender is held based on price list, in tender documentation the procuring organization will determine the rule of establishing the value of the units of services provided in the price list in relation to the final price of a proposal submitted by a winning bidder via the system.

SPA Chair July 8, 2011 Order N 16 – Website, 11.07.2011

SPA Chair December 29, 2011 Order N 22-Website, 03.01.2012 SPA Chair January 29, 2013 Order N 5-Website, 29.01.2013 SPA Chair January 31, 2013 Order N 6 – Website, 01.02.2013 SPA Chair May 16, 2013 Order N 11-Website, 17.05.2013

SPA Chair June 20, 2013 Order N 12 – Website, 21.06.2013

SPA Chair August 21, 2013 Order N 15 – Website, 22.08.2013

5. In case of the absence of any unit of services in a price list when it is necessary to procure thereof the price of a mentioned unit shall be determined through the Contract of a procuring entity and a supplier by taking into account market value. In such case the share of procurement resulting from the absence of any unit of service in a price list may not be higher than 10% of total value of a Contract.

26¹. Failure of system or special case of misconduct by procuring entity in the system

1. Due technical failure of the system, a supplier cannot submit electronic guarantee for simplified electronic tender or/and electronic tender, paying fee and submit tender proposal, agency is entitled to make decision for prolongation of bid submission termination deadline in case of relevant simplified electronic tender or/and electronic tender.

2. Agency can take decision envisaged by this article, paragraph 1, just related to the simplified electronic tender or/and electronic tender, when time for bid submission termination deadline coincides with technical failures.

3. By the decision envisaged by this article, paragraph 1, must be defined issues related to additional rounds and assigned statuses that were conducted before this decision was taken.

4. Agency decision is deemed taken and enters into force at the moment when it is sent to all the system registered users. Such decision of the agency must be additionally published via the official webpage of the agency (www.procurement.gov.ge) in the news part.

5. Incorrect status assigned to tender or/and contract is changed by the agency based on the grounded written application of procuring entity, if procuring entity assigns status incorrectly to tender or contract or/and tender assigned status change is caused by the execution of decision of Dispute Resolution Board of the State Procurement Agency.

6. After assigning final status to the tender, bidder disqualification grounds from the system is modified or/and indicated by the agency based on the grounded written application, in case if the change of grounds of disqualification of system indicated bidder or/and indication is caused by one of the reasons listed below:

a) Due to the necessity of improvements of result caused by the unduly usage of selection-evaluation rules by the

b) Execution of the decision of the commission;

7. Prior to the assignment of final status to tender, agency abolishes disqualification grounds of bidder in the system based on grounded written application of the procuring entity, in case if disqualification of the system indicated bidder is caused by one of the following reasons:

a) Due to the necessity to improve results caused by the unduly usage of selection-evaluation rules by the procuring entity;

b) Execution of the decision of the commission.

Article 26². The rule and conditions of keeping the White List

1. In compliance with Law, Article 3, paragraph "1" agency is entitled discretionary power for the resgistration of supplier in the White List. Agency is not obliged to ground its decision upon the registration or refusal to register in White List. A supplier who at least meets following requirements can apply White List registration:

a) Supplier is not listed in Black List for over last one year starting from the day for applying White List registration;

b) Supplier is not registered in the Black List of Legal Entity of Public Law – Revenue service official site (www.rs.ge) acting in the field of management of Ministry of Finance of Georgia.

c) There is no solvency proceedings towards supplier at the day applying for White List registration;

d) At the day applying for White List application, supplier has at least one positive recommendation from the procuring entity about the performance of contract obligation over past 3 years. The value of such contract must be not less than 50 000 Gel. Recommendation sample is defined by the annex #3. Recommendation must be filled in on the form of procuring entity. Recommendation without this form will not be considered.

e) Supplier (all the authorized persons for supplier representatives/management) is not subject to criminal prosecution and is not convicted (prior conviction is waived or canceled) in compliance with Penal Code of Georgia, Articles 180-182, by the chapter XXVI (Entrepreneurial Crime or Other Economic Activity), chapter XXVII (Offense in Monetary System), chapter XXVIII (Crime in the field of Financial Activity), crimes envisaged by the Articles 223¹ 224¹, 322², 339-e and 362-e.

f) Total turnover of supplier is not less than 1 000 000 Gel within last 3 years starting from the day for applying in the White List registration.

g) A supplier has no debts towards state budget at the moment for applying for White List registrations;

h) A supplier upon the application for White List registrations has renewed record from entrepreneurial and non-entrepreneurial (noncommercial) registry of legal persons.

2. Search for the information envisaged by this Article, paragraph "a" and "b" is conducted by the agency, as for

3. After information, envisaged by this Article, paragraph 1, is submitted to the agency, agency takes decision within 30 days about registration or refusal of supplier in the White List, that will be informed to the supplier. By the decision of the Head of the Agency, the mentioned date may be prolonged once, within the duration of 30 days. In order to take decision about registering in the White List, agency is entitled to request for the precision of the submitted information from the supplier or/and additional information, in terms envisaged by this paragraph.

4. except of the information envisaged by this article, paragraph 1, subparagraph “c”- “h” and relevant additional information envisaged by this article, paragraph 3 (in case of its existence), a supplier has to submit following information additionally:

- a) CV of supplier (legal individual);
- b) Information about the supplier from Joint Stock Company Creditinfo Georgia;
- c) Information regarding qualification of the staff of supplier (experience, certificates, trainings);
- d) Information regarding technical equipment of supplier (just in case if supplier conducts construction work);

5. In case a supplier is registered in the White List information stipulated under Paragraph 4 of this Article becomes electronically available to all interested parties.

6. White List registered supplier is exempted from the obligation to submit qualification certifying document data for simplified electronic tender/electronic tender, irrespective if tender documentation envisages request for submission of qualification certifying data document, in case of in advance payment, White List registered supplier is obliged to submit to the procuring entity guarantee on half amount of money for in advance payment, defined by the contract terms.

7. A supplier must confirm the authenticity of the information submitted via application form for the registration in White List. Submission of incorrect information by the supplier to the agency may be the grounds for the refusal of registration in White List/or abolishing registration.

7¹. In case of amendments through the information submitted to the agency in compliance with this Article, paragraph 1, a supplier is obliged to urgently inform agency about it. Failure to submit information about amendments may be the subject for abolishing registration in the White List.

8. White List registration duration data is one year. In case if 30 days prior to the expiration of data, information is repeatedly submitted/confirmed envisaged by this Article, paragraphs 1 and 4, the registration date of supplier will be automatically continued in compliance with the rule of this Article, paragraph 3.

9. Agency maintains and places the White List on its webpage (www.procurement.gov.ge), which is accessible electronically for all the interested parties.

10. Regulations related to the White List envisaged by this rule cover all means of state procurement.

SPA Chair June 6, 2012 Order N 5 – Website, 07.06.2012

CSPA Chair August 29, 2012 Order N 9 – Website,
29.08.2012

CSPA Chair September 7, 2012 Order N 10 – Website,
07.09.2012 CSPA Chair June 20, 2013 Order N 12 – Website,
21.06.2013

Article 26³. Disposition of in advance payment by the consent of procuring entity

1. By the decision of procuring entity, a supplier may be exempted from the relevant amount of advance payment guarantee if in advance payment amount will be transferred on the separate bank account destined for it and will be supervised by the procuring entity within all the period of contract validity.

2. In this regard control of in advance payment transferred on the separate account may cover in advance control of amount disposition, in advance control of disposition of defined threshold amount and control of spent amount, if it is not defined otherwise by the agreement of procuring entity and supplier.

3. Exemption of supplier from the submission of guarantee of relevant amount of in advance payment from the side of procuring entity envisaged by this Article, paragraph 1, must be indicated in the tender documentation, as for the contract of simplified tender, the mentioned must be informed to the supplier before contract is awarded in a reasonable data.

26⁴. Exemption from the submission of guarantee for in advance payment, because of contract total value

1. By the decision of procuring entity exemption of supplier from in advance payment guarantee of relevant amount is possible if total value of contract exceeds 30 000 000 million Gel. In such case, exemption of supplier from in advance payment guarantee of relevant amount is possible taking into consideration its business

2. Possibilities and terms of exemption of supplier from the submission of guarantee of relevant amount of in advance payment from the side of procuring entity envisaged by this Article, paragraph 1, must be indicated in tender documentation, as in case of simplified tender contract, a supplier must be informed in a reasonable data, before contract is awarded.

Article 27. Transitional provisions

1. For the purposes of establishing homogeneity when conducting state procurement in compliance with the monetary thresholds stipulated under the Law of Georgia on State Procurement for simplified procurement, simplified electronic tender and electronic tender under the 2010 allocations state procurement conducting through sole source procurement, price quotation and tender during 2010 shall not be taken into account.

2. In accordance with the requirements of the Law of Georgia on State Procurement the completion of state procurement procedures commenced prior to December 1, 2010 shall be performed in accordance with the norms that were in place as of the commencement of these procedures.

3. Prior to the effective date of Article 8(12) of these Rules at the decision of a procuring entity a tender notice can be posted in English in an additional field stipulated under Article 8(8) of these Rules. In case the estimated value of goods or services subject to procurement is higher than GEL 500,000 and estimated value of works is over GEL 1,000,000 it shall be mandatory to post the information in English specified in all fields of a tender notice in an additional field stipulated under Article 8(8) of these Rules.

4. Until the effective date of Article 3(2) (a.a) and (a.b) of these Rules the case shall not be treated as an exclusive right:

a) in case estimated value of goods or services subject to procurement is over GEL 500,000 and of works – over GEL 1,000,000 and within reasonable territorial boundaries outside the country another entity can perform the supply of the same goods, rendering of same services, performance of same work.

b) in case estimated value of goods or services subject to procurement is not over GEL 500,000 and of works – over GEL 1,000,000 and within the country there is another entity that can perform the supply of the same goods, rendering the same services.

5. Assigning status to contract envisaged by this rule, Article 2, paragraph 1, subparagraphs p² and p³ is compulsory just for central apparatus of the ministries, ministries of the governance of the state sub-agencies and LEPL –

compulsory for all the procuring entities.

6. (Removed - 21.05.15 №6).

7. Due to the changed circumstances (National currency change or/and lately ongoing process in the region) within the contract performance awarded before March 1, 2015, caused in case of increased expenditure of supplier, increasing of total value amount of the contract up to 10%, if mentioned causes the increase of contract total value amount by more than 100 000 Gel, also increasing by more than 10% is possible by the decision of procuring entity and by the consent of the Ministry of Finance of Georgia, if supplier submits to the procuring entity report from Legal Entity of Public Law –Levan Samkharauli National Forensics Bureau, that certifies the increase of mentioned expenditure of the supplier during the performance of the relevant contract. Based on the submitted expertise report if the decision turns positive, procuring entity ensures agreeing the issue of increasing of initial total value amount of contract with the Ministry of Finance. Liability for the raise of contract value and amount is laid on the procuring entity, the expenses for the expertise to the supplier.

8. In compliance with rule of this Article, paragraph 7 procuring entity is entitled to take decision for the reduction of volume of supplied goods, service or construction works by not shifting the total amount of contract, that is not subject of consent to the Ministry of Finance of Georgia.

9. When issuing expert report in cases envisaged by this Article, paragraph 7 and 8 - also the date necessary for receiving the consent of the Ministry Of Finance of Georgia will not be considered within the data envisaged for contract performance. This date will not also be considered when calculating penal for the laches for contract performance, which in addition must be included within the contract about the agreeing of amendments between sides.

10. Paragraph 9 of this Article does not cover the contacts, which deal with the performance of construction works. In such cases, supplier is obliged to ensure performance of obligations of contract in terms envisaged by contract and not to let construction works be suspended before the submission of relevant report.

11. Provisions envisaged by this Article, paragraphs 7 and 10 do not cover procurement conducted by means of consolidated tenders, also on the state procurement, which are conducted by means of in advance total settlement of contract or if contract obligations are fully performed and corresponding act(s) for acceptance and delivery is awarded before the provision envisaged by this Article, paragraphs 7 and 10 enters into force.

User registration application

User registration

User type*	<input type="text"/>	
Legal form*	<input type="text"/>	
Company No. (if any)*	<input type="text"/>	
Identification code*	<input type="text"/>	
Country*	<input type="text"/>	
City/town/village*	<input type="text"/>	
Address*	<input type="text"/>	Legal address
Phone*	<input type="text"/>	Official contact number
Tax	<input type="text"/>	Company tax number
E-Mail*	<input type="text"/>	Registration modification will be sent to the specified address
E-Mail (confirm)*	<input type="text"/>	
Web address	<input type="text" value="http://"/>	Official URL
<hr/>		
First name, Last name*	<input type="text"/>	User first name and family name
Join user*	<input type="text"/>	Username for the authorization in the system, at least 6 symbols
Password*	<input type="text"/>	Letters, at least 5 symbols
Password (confirm)*	<input type="text"/>	Repeat the entered password
Security code*	<input type="text"/> <input type="button" value="Redraw"/>	Type the symbols displayed on the picture
<hr/>		
<input type="checkbox"/> I have read and accept * Terms and conditions for the use of the United Electronic System of State Procurement		
<input type="button" value="Register"/>		

User Registration

Type of user

Legal status

Name

Identification code

Country

City/town/village

Address

Telephone

Fax

E-mail

E-mail (repeat)

Website

Name, surname

User name

Password

Repeat password

Protection code

I have reviewed and agree: Terms and conditions for using the Integrated State Procurement e-system

Registration

The Affidavit form

Affidavit

About determining a tender proposal independently

For the purpose of participation in the announced tender I certify that the tender proposal submitted by me has been developed independently from competitor, I also certify that:

-I am aware that the tender proposal will be disqualified if it appears that the information in the affidavit is fake and/or false;

-I am authorized by a bidder to sign this affidavit and submit this tender proposal;

-Any person whose signature is affixed to the tender proposals respectively authorized by the bidder;

-I am aware that the term "competitor" given the goals of the affidavit implies any person who may be a bidder and/or submit a tender proposal in this tender;

- no consultation, communication, agreement or negotiation has been held between the bidder and a competitor with regard to the issues listed below, for material gain or obtaining superiority:

-tender proposal price;

-tender proposal price calculation method, coefficient or formula; -

submission of a tender proposal or refraining from submission;

-submission of such tender proposal deliberately that fails to meet the conditions of the announced tender;

-quality of an object of procurement, its volume, technical conditions or supply details the tender proposal applies to;

A bidder has not, intentionally, directly or indirectly, divulged and/or will not divulged the conditions of tender proposal to a competitor until the tender proposal is made public.

I have familiarized myself with the content of this affidavit and certify the authenticity of the presented information. For the purposes of state procurement, an affidavit is a written document about independent determination of a tender proposal which signatory, on behalf of a bidder, certifies the authenticity of the information and circumstances indicated in the document and is liable according to a rule prescribed by Georgia legislation for the authenticity of the mentioned information and circumstances. The breach of terms and conditions of an affidavit will give rise to criminal responsibility according to Article 195¹ of the Criminal Code of Georgia.

Recommendation with regard to the entry into the White List

Date of issue

Place of issue

For the purposes of the entry into the White List the reference is provided..... supplier name..... identification code that he/she has performed the obligation stipulated under a state procurement contract N /dated which is evidenced by a document proving full payment of the amount (payment order).

[in case of construction works – also with the document proving actually performed works (Form N 2). [Mark this paragraph only when the recommendation is given on the implementation of construction works]].

The value of the contract was amount in figures and currency.

The reference has been issued for the submission to the Competition and State Procurement Agency.

Signature of an authorized person of a procuring organization

Seal

№	CPV code	CPV code
1	CPV 50100000	<u>Repair, maintenance and associated services of vehicles and related equipment</u>
2	CPV 50200000	<u>Repair, maintenance and associated services related to aircraft, railways, roads and marine equipment</u>
3	CPV 50300000	<u>Repair, maintenance and associated services related to personal computers, office equipment, telecommunications and audio-visual equipment</u>
4	CPV 50700000	<u>Repair and maintenance services of building installations</u>
5	CPV 51700000	<u>Installation services of fire protection equipment</u>
6	CPV 55500000	<u>Canteen and catering services</u>
7	CPV 66500000	Insurance and pension services

- CSPA
chairman
August 21,
2013 Order N
15 – website,
22.08.2013