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**Order No 2 of the Chairman of the State Procurement Agency  
February 10, 2011**

**on Approving the Rules of Reporting of Procuring Entities**

Pursuant to Article 9(1), Article 22 (2<sup>1</sup>), (3<sup>1</sup>) and (10) of the Law of Georgia on State Procurement, I hereby order:

1. The following shall be approved:

- a) the Rules of Reporting of Procuring Entities;
- b) state procurement annual plan form (The Appendix No 1);
- c) state procurement quarterly report form (The Appendix No 2);
- d) state procurement annual report form (The Appendix No 3);
- e) the instructions for filling out reporting forms by procuring entities (The Appendix No 4).

2. The Order shall become effective upon publication.

*T. Urjumelashvili*

**The Rule of reporting of Procuring Entities**

**Article 1. General Provisions**

1. The Rules on Reporting of Procuring entities (hereinafter - the Rules) have been developed pursuant to Article 9(1), Article 22(2<sup>1</sup>), (3<sup>1</sup>), and (10) of the Law of Georgia on State Procurement (hereinafter - the Law).

2. The purpose of the Rules is to ensure the coordination and monitoring of the activities related to state procurement. The Rules will be applied in case state procurement is effected through simplified procurement, simplified electronic tender, electronic tender and a design contest.

**Article 2. Definition of terms**

1. For the purposes of these 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](http://www.procurement.gov.ge) of the State Procurement Agency (hereinafter - 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) reporting – submission of information stipulated under these Rules by a procuring entity to the SPA for reporting purposes;
- c) state procurement quarterly report– information submitted by a procuring entity to the SPA in accordance with The Appendix No 2 on the basis of Article 22(10) of the Law and in accordance with these Rules about the progress with the performance of the contract on state procurement (hereinafter – a quarterly report);
- d) annual report on state procurement – a report submitted on the basis of Article 22(3<sup>1</sup>) of the Law and in accordance with these Rules to the SPA about the progress with regard to the performance of the contract on state procurement in accordance with The Appendix No 3 by the procuring entity estimated total value of which annual procurement plan is less than GEL 50,000;
- e) contract on state procurement – contract concluded with the provider as a result of conducting simplified procurement, design contest, simplified electronic tender and/or electronic tender (hereinafter – contract);
- f) inspection – a complex of the actions by a person or a group of persons selected by a procuring entity related to the control and oversight over performance;
- g) classification – a classification established under the Rules for the Identification of the procurement Objects and the Determination of Homogeneity Thereof approved under the Chairman of the SPA Order No 7 dated September 20, 2010 (hereinafter - the Rule for the Determination of Homogeneity of Procurement objects);
- h) registered user of the System – a procuring entity or supplier that has registered in the System according to the established rule (hereinafter – a registered user);

2. Other terms used in the Rules shall have the same meaning as in the Law and in the Rules for Conducting Simplified Procurement, Simplified Electronic Tender and Electronic Tender approved under the Chairman of the SPA Order No 9 dated April 7, 2011.

### **Article 3. Coordination and Oversight**

1. To ensure the transparency of the state procurement process the SPA performs coordination and oversight over the activities related to state procurement. The SPA performs oversight over the observation of such principles in the process of procurement as publicity, fairness and non-discrimination, accurate fulfillment of established procedures and reporting, ensuring open and effective competition, possibility of rational and free choice.

2. With the objective of coordination and oversight the SPA shall be authorized:

- a) in case of the breach and/or incorrect application of the rules and norms established under legislative and sub-legal acts indicate a procuring entity about such facts and require it to bring the

- wrong decisions and actions into conformity with established rules and norms;
- b) in case of identification of the facts of violation of the rules and norms established under legislative and sub-legal acts, inflicting losses to the government in the process of state procurement, identification of the facts of abuse of power by officials provide information to respective competent state bodies and bring up to them the matter of administrative and criminal responsibility of relevant persons;
  - c) determine those necessary terms and conditions that a Contract must contain;
  - d) at any stage of the implementation of procurement require a procuring entity, supplier and/or a bidder any document and information related to procurement including the information related to the performance of the Contract.

3. The information submitted by a procuring entity to the SPA with the purpose of reporting via the System, shall be accessible to any registered user in the System.

4. The SPA shall ensure the retention of the information submitted by procuring entities to the SPA in the System in accordance with these Rules for at least 3 years from the submission of information.

#### **Article 4. Annual plan of state procurement**

1. A procuring entity conducts procurement according to a pre-determined and approved annual plan. Annual plan of state procurement (hereinafter - the plan) shall be submitted to the SPA by a procuring entity within the timeframe established under Paragraph 3 of this Article in accordance with The Appendix No 1 through the System, with the exception of state procurement envisaged under Paragraph 2 of this Article.

2. Special State Protection Service, procuring entities within the Ministry of Interior system and the Ministry of Defense System in case of implementing state procurement related to defense, security and the maintenance of public order as well as the Administration of the President, and the Chancellery of the Government of Georgia shall submit the plan that comprises all state procurement planned by these procuring entities by the sources to the SPA without using the System. In case stipulated under this Paragraph the date of submission of the plan without using the system shall be treated as the submission of the plan to the SPA in compliance with the requirements of Paragraph 3 of the same Article. The portion of the plan that does not contain state procurement related to defense, security and the protection of public order shall be uploaded in the system within no later than 3 business days from the submission of the plan to the SPA without using the system.

3. The procuring entity shall perform the submission of a plan to the SPA:

- a) within no later than 20 calendar days from the effective date of the State budget of Georgia, the budgets of the Autonomous Republics of Abkhazia and Adjara and a relevant normative act on a budget of a local self-government body, with the exception of an entity conducting state

procurement using the funds specified under Article 3(1) (a.g) or (a.h) of the Law.

b) by no later than February 20 of every year, by an entity conducting state procurement using the funds determined under Article 3(1)(a.g) or (a.h) of the Law.

c) by a procuring entity, in case of establishing (founding) thereof or receiving additional source of funding under the funds envisaged under Article 3(1)(a.e) and (a.f) not later than the 20<sup>th</sup> day of the month following the month of establishing (founding) or receiving such additional funding.

4. In case state procurement is conducted using the funds stipulated under Article 3(1) (a.a)-(a.d) of the Law the plan must be in conformity with the parameters established under the relevant year's state, autonomous republic and local self-government budgets. In case the budget is approved later than the term prescribed under the legislation in force a procuring entity shall be entitled to conduct state procurement using the funds specified under this Paragraph in accordance with the Budget Code of Georgia.

5. A modification of any of the parameters of the plan shall be reflected in The Appendix No 1 that is submitted through the SPA System. Any modification of a parameter concerning state procurement related to defense, security and the protection of public order of Special State Protection Service, procuring entities under the Ministry of Internal Affairs of Georgia system and those under the Ministry of Defense of Georgia system, as well as the modification of any parameter related to a plan of the Administration of the President and the Chancellery of the Government of Georgia shall be reflected in the Appendix No 1 that shall be submitted to the SPA without using the System and prior to the commencement of a relevant state procurement.

6. Prior to the commencement of each procurement procedure (other than the urgent procurement driven by the necessity) a procuring entity carries out preparatory works in accordance with the plan. Preparatory works for the procurement to be conducted shall be carried out with the purpose of specifying the specifications of the procurement objects, estimated value, method of procurement, and the volume of funding, preparation of the documents and draft Contract.

7. When specifying the estimated value of the procurement object all expenses related to the conducting state procurement, estimated validity term of the Contract (including the possibility of extension of the validity of the Contract), existing price level, experience in conducting similar procurement must be taken into account. In case the estimated value of the goods or services subject to procurement does not exceed GEL 500,000 and estimated value of the works – GEL 1,000,000 the prevailing level of prices is taken into account on the basis of the study of the domestic market, and in case the estimated value of the goods or services to be procured is GEL 500,000 or higher and/or estimated value of works is GEL 1,000,000 or over – it is possible to take into account the prevailing prices on the basis of the study of the international market.

## **Article 5. State Procurement Report**

1. A quarterly report shall be filed to the SPA by a procuring entity in accordance with The Appendix No 2, via the System, no later than the 30<sup>th</sup> day of the first month of each following

quarter. A copy of a Contract awarded during the relevant quarter and/or of a document equalized thereof, with the exception of a Contract that is awarded as a result of conducting a design contest, simplified electronic tender or an electronic tender shall be enclosed with the Appendix No 2. A copy of a document reflecting the modification to the Contract (including the cancellation of a Contract) must also be attached to the Appendix No 2, with the exception of the case when the Contract has been awarded as a result of conducting a design contest, simplified electronic tender or electronic tender. The document reflecting a modification to a Contract awarded as a result of a design contest shall immediately be sent to the SPA to the e-mail: [contest@procurement.gov.ge](mailto:contest@procurement.gov.ge) and a document reflecting the modification to a Contract awarded as a result of a simplified electronic tender or an electronic tender must be immediately uploaded to the system, in the field of the modification of a relevant Contract.

2. An annual report shall be submitted to the SPA by a procuring entity via the System not later than January 30 of each following year in accordance with the Appendix No 3. A copy of a Contract awarded during the relevant year and/or of a document equalized thereof must be attached to the Appendix No 3, with the exception of a Contract that is awarded as a result of conducting a design contest, simplified electronic tender or an electronic tender. A copy of a document reflecting the effecting of the modification to the Contract (including cancellation of a Contract) must also be attached to the Appendix No 3, with the exception of the case of a Contract has been awarded as a result of conducting a design contest, simplified electronic tender or electronic tender. The document of modification to a Contract awarded as a result of a design contest must immediately be sent to the SPA to the e-mail: [contest@procurement.gov.ge](mailto:contest@procurement.gov.ge) and a document reflecting the modification to a Contract awarded as a result of a simplified electronic tender or an electronic tender must be immediately uploaded to the system, in the field of the modification of a relevant Contract.

3. If total estimated value of the plan is increased during one fiscal year and it equals or is over GEL 50,000 from the instance of the occurrence of such fact a procuring entity shall be obligated to file to the SPA a quarterly report and annual report within the timeframes prescribed under these Rules. In case the circumstance stipulated under this Paragraph occurs in Quarter 4 of the fiscal year a procuring entity shall file only an annual report within the timeframe prescribed under Paragraph 2 of this Article.

4. The uploading of a Contract or a document reflecting the modification to such Contract by a procuring entity in the System shall be considered to be the submission to the SPA of a Contract awarded as a result of conducting a simplified electronic tender or an electronic tender or of a document reflecting the modification to such Contract.

5. With the purpose of submitting a report to the SPA about conducting a simplified electronic tender and/or electronic tender a procuring entity shall upload in the System the minutes of a tender committee meetings, documents related to the simplified electronic tender and/or electronic tender, and the conclusions of the experts and consultants (if applicable) participating in the tender. The mentioned documents shall be uploaded in the System along with the relevant minutes of the

tender committee upon signing thereof.

6. The rules of reporting envisaged under this Article shall not be applicable to state procurement conducted in accordance with Article 1(4) of the Law. In case a Contract is awarded in accordance with this provision of the Law, a procuring entity shall file the information related to such procurement through the SPA System in the language in which the procedure was conducted, within 30 days from the awarding of the relevant Contract.

7. A procuring entity shall be obligated to retain any document related to procurement for 3 years from the completion of the relevant procedure, and in case of awarding a long-term (two years and over) Contract – within 1 year from the expiration of the validity of the Contract.

#### **Article 6. Transitional Provisions**

The report of 4<sup>th</sup> quarter of 2010 can be submitted to the SPA without using the System, in accordance with the instructions for filling out under the Appendix No 4 and the Appendix No 4 approved under the Regulations approved under the Order of the Chairman of the SPA No 1, January 3, 2006 on the Rules for Conducting State Procurement.

**Template for the Annual Plan for State Procurement**

1. Date of drawing up _____				2. Identification code of the procuring entity _____			
3. Name of the procuring entity _____				4. Source of funding _____			
5. Total amount envisaged under the state procurement plan according to the source of funding _____ GEL							
№	CPV code	Division name	Estimated value	Procurement method	Estimated timeframes/ dates for the commencement of procurements	Estimated time for the supply of the procurement object	Note
1	2	3	4	5	6	7	8

Procurement coordinator \_\_\_\_\_  
(Signature)

Head/authorized person of a procuring entity \_\_\_\_\_  
(Signature)

### State procurement Quarterly report Form

1. Date of drawing up _____							2. Identification code of a procuring entity _____					
3. Name of a procuring entity _____							4. Source of funding _____					
№	Method of procurement	CPV Code	Name of procurement division	Timeframe/date of effecting procurement	Number of simplified electronic tender /electronic tender announcement	Contract No	Contract total value	Expended amount	Expended amount cumulative total	Name of supplier	Identification code of supplier	Note
1	2	3	4	5	6	7	8	9	10	11	12	13

Procurement coordinator \_\_\_\_\_  
(Signature)

Head/authorized person of a procuring entity \_\_\_\_\_  
(Signature)



**State Procurement Annual Report form**

1. Date of drawing up.....						2. Identification code of a procuring entity .....					
3. Name of a procuring entity .....						4. Source of Funding					
N	Method of procurement	CPV Code	Procurement Division Name	Timeframe/date of effecting procurement	Simplified electronic/e-tender tender announcement number	Contract number	Total value of an Contract	Expended amount	Name of supplier	Identification code of supplier	Note
1	2	3	4	5	6	7	8	9	10	11	12

Procurement coordinator \_\_\_\_\_  
(Signature)

Head/authorized person of a procuring entity \_\_\_\_\_  
(Signature)

## **Instructions for filling out reporting forms by a procuring entity**

### **1. Instructions for filling out and the submission of the Appendix No 1**

- a) a procuring entity shall fill out The Appendix No 1 and submit thereof to the SPA according to the source of funding.
- b) alongside the first paragraph of The Appendix No 1 the date of developing a specific plan shall be indicated;
- c) alongside paragraph 2 of The Appendix No 1 the identification code of a procuring entity shall be indicated;
- d) alongside Paragraph 3 of The Appendix No 1 full name of a procuring entity shall be indicated by specifying a legal form;
- e) alongside Paragraph 4 of The Appendix No 1 the source of funding shall be indicated in the scope of which a specific plan has been developed;
- f) alongside Paragraph 5 of The Appendix No 1 total amount, in GEL, of the estimated value envisaged under the specific plan shall be indicated;
- g) in first column of The Appendix No 1 the number of each horizontal field that is filled out by a procuring entity shall be indicated;
- h) in column 2 of The Appendix No 1 the CPV code envisaged under Article 4(3) (a) of the Rules for the Determination of the Homogeneity of Procurement objects shall be indicated;
- i) in column 3 of The Appendix No 1 the description of the division envisaged under Article 4(3) (a) of the Rules for the Determination of the Homogeneity of Procurement Objects shall be indicated;
- j) in Column 4 of The Appendix No 1 estimated value determined by a procuring entity for a procurement object envisaged under the division specified in sections 2 and 3 of the Appendix No 1 shall be indicated;
- k) in column 5 of The Appendix No 1 the method of procurement determined by a procuring entity for the procurement object envisaged under the division specified in sections 2 and 3 of the Appendix No 1 shall be indicated (simplified procurement, simplified electronic tender, electronic tender, consolidated tender or a design contest);
- l) In column 6 of the Appendix No 1 a estimated commencement of the procurement of a procurement object envisaged under the division specified by under The Appendix No 1 sections 2 and 3 by the procuring entities shall be indicated;
- m) in Column 7 of The Appendix No 1 estimated timeframe of the supply of a procurement object envisaged under the division specified by a procuring entity under The Appendix 1 sections 2 and 3 shall be indicated.
- n) in Column 8 of The Appendix No 1 any comment of a procuring entity shall be indicated. This includes the grounds for conducting simplified procurement, in case of the occurrence of the circumstances prescribed under Article 10<sup>1</sup>(3) of the Law;
- o) the plan is signed by a head or an authorized person of a procuring entity, and a procurement

coordinator, such as, e.g.: the head of procurement division/office/unit.

## **2. Instructions for filling out and submission of the Appendix No 2:**

- a) a procuring entity fills out The Appendix No 2 and files to the SPA according to the source of funding;
- b) alongside Paragraph 1 of The Appendix No 2 the date of compilation of a specific quarterly report shall be indicated;
- c) alongside Paragraph 2 of The Appendix No 2 identification code of a procuring entity shall be indicated;
- d) alongside Paragraph 3 of the Appendix No 2 full name of a procuring entity by specifying a legal form shall be indicated;
- e) alongside Paragraph 4 of The Appendix No 2 a source of funding, in the frame of which a specific quarterly report has been developed shall be indicated;
- f) the columns of the Appendix No 2 are filled out in horizontal order, in according to each Contract concluded by a procuring entity;
- g) in each column of The Appendix No 2 the number of each horizontal field which a procuring entity is to fill out shall be indicated;
- h) in column 2 of The Appendix No 2 the method of procurement as a result of which a specific Contract has been awarded shall be indicated;
- i) in column 3 of The Appendix No 2 CPV code according to a classification shall be indicated according to the code indicated in a specific Contract;
- j) in column 4 of the Appendix No 2 the relevant description of a code specified in column 3 of The Appendix No 2 shall be indicated;
- k) timeframe or date of effecting procurement shall be indicated in Column 5 of the Appendix No 2;
- l) in Column 6 of The Appendix No 2 the number of simplified electronic tender or electronic tender announcement shall be indicated, in case the Contract has been awarded as a result of any of the relevant procedure;
- m) in Column 7 of The Appendix No 2 the number of a specific Contract shall be indicated;
- n) in Column 8 of The Appendix No 2 total value of a specific Contract shall be indicated;
- o) in Column 9 of The Appendix No 2 the volume of amount paid in a specific quarter on the basis of a specific Contract shall be indicated;
- p) in Column 10 of the Appendix No 2 the amount paid during the validity of this Contract on the basis of a specific Contract using the cumulative total shall be indicated;
- q) in Column 11 of The Appendix No 2 the name of supplier in accordance with a specific Contract shall be indicated;
- r) in Column 12 of the Appendix No 2 the identification code of supplier, according to a specific Contract shall be indicated;
- s) in Column 13 of The Appendix No 2 any comment according to a specific Contract which a procuring entity deems reasonable as a result of conducted state procurement shall be indicated.

## **3. Instructions for filling out and the submission of The Appendix No 3:**

- a) A procuring entity fills out of The Appendix No 3 and submits to the SPA according to the source of funding;
- b) alongside Paragraph 1 of the Appendix No 3 the date a specific annual report is drawn up shall be indicated;
- c) alongside Paragraph 2 of the Appendix No 3 the identification code of a procuring entity shall be indicated;
- d) alongside Paragraph 3 of the Appendix No 3 full name of a procuring entity by specifying legal status shall be indicated;
- e) alongside Paragraph 4 of the Appendix No 3 the source of funding under which the specific annual report has been drawn up shall be indicated;
- f) columns of the Appendix No 3 are filled out in horizontal order, according to each Contract awarded by a procuring entity;
- g) in column one of The Appendix No 3 the number of each horizontal field which a procuring entity will fill out shall be indicated;
- h) in Column 2 of the Appendix No 3 the Method of procurement as a result of which a specific Contract has been awarded shall be indicated;
- i) in Column 3 of the Appendix No 3 CPV code according to a classification according to the code specified in a specific Contract will be indicated;
- j) in Column 4 of the Appendix No 3 relevant description of a code indicated in Column 3 of the Appendix No 2 shall be indicated.
- k) in Column 5 of the Appendix No 3 timeframe or the date of effecting procurement shall be indicated;
- l) in Column 6 of the Appendix No 3 the number of a simplified electronic tender or an electronic tender tender announcement shall be indicated in case the Contract has been awarded as a result of the implementation of any of the respective procedures;
- m) In column 7 of the Appendix No 3 the number of a specific Contract shall be indicated;
- n) In Column 8 of the Appendix No 3 total value of a specific Contract shall be indicated;
- o) in Column 9 of the Appendix No 3 the volume of funds paid during the relevant year on the basis of a specific Contract shall be indicated;
- p) in Column 10 of the Appendix No 3 the name of supplier according to a specific Contract shall be indicated;
- q) in Column 11 of the Appendix No 3 the identification code of supplier according to a specific Contract shall be indicated;
- r) in Column 12 of the Appendix No 3 any comment according to a specific Contract that a procuring entity deems reasonable as a result of conducted state procurement shall be indicated.