PUBLIC PROCUREMENT ACT

In force from 15.04.2016

Prom. SG. 13/16 Feb 2016, suppl. SG. 34/3 May 2016

Part one.
GENERAL PROVISIONS

Chapter one.
SUBJECT PURPOSE AND PRINCIPLES

Subject and Purpose
Art. 1. (1) This act shall define the conditions and procedure for awarding public procurements for public works, supply or services and for conducting competition for project by contracting authorities in view to provision of effectiveness in spending of:

1. public funds;
2. funds, provided by the EU funds and programmes;
3. funds, related to performing activities in the sectors of water supply, energy, transport and post services;
4. the funds of companies and undertakings, which are contracting authorities in the meaning of the act.

(2) Public procurement is acquiring by one, or several awarding authorities through a public procurement contract of public works, supply or services by selected by them contractors, and in sector awarding authorities – for fulfillment of sector activities.

Principles
Art. 2. (1) The public procurements are awarded in compliance with the principles of the Treaty on the Functioning of the European Union (TFEU) and more specially the ones for free movement of goods, freedom of establishment and freedom to provide services and mutual recognition, as well as the principles, comprising from them:

1. equality and non-admittance of discrimination;
2. free competition;
3. proportionality;
4. publicity and transparency.

(2) With awarding public procurement, the awarding authorities shall not have the right to restrict competition by including conditions or requirements, which give undue advantage or unduly restrict participation of economic subjects in public procurement and which are not coordinated with the subject, value, complexity, quantity or volume of the public procurement.

Chapter two.
APPLICABLE FIELD

Subjects to Public Procurement
Art. 3. (1) Subjects to public procurement shall be:

1. public works, including:
   a) fulfillment or design and fulfillment of public works, related to one of the activities under Annex No 1;
   b) fulfillment or design and fulfillment of public works;
2. supply of goods, realized through a purchase, leasing, rent or financial leasing with or
without the right to buying, as well as all the needed preliminary activities on the sue of the goods, as installation or mounting works, test of machines and facilities, etc.;

3. provision of services.

(2) As public works under Para. 1, p. 1, letter "b" shall also be accepted fulfillment of a public works, for which the contracting authority has decisive influence over the type or its design regardless of the form of cooperation and origin of the used resources.

Nomenclatures


(2) Where the awarding authorities use other nomenclatures in their activity, while awarding public procurements, their compliance with the Common Procurement Vocabulary shall be indicated mandatory.

Contracting Authorities of Public Procurement

Art. 5. (1) The contracting authorities shall be liable for the correct forecasting, planning, conducting, finalization and accounting the results of the public procurement. The Contracting authorities shall be public and sector.

(2) Public contracting authorities shall be:
1. the President of the Republic of Bulgaria;
2. the President of the National Assembly;
3. the Prime Minister;
4. the Ministers;
5. the Ombudsman of the republic of Bulgaria;
6. The Governor of the Bulgarian National Bank;
7. the President of the Constitutional Court of the Republic of Bulgaria, the administrative heads of the judiciary bodies, which govern independent budgets, as well as the administrative heads of Prosecutions in the Country;
8. the Regional Governors;
9. Municipality Mayors, of regions, of City Halls, as well as Deputy Mayors, where they are budgetary spending units;
10. the Chairpersons of state agencies;
11. the Chairpersons of the state commissions;
12. the Executive Directors of executive agencies;
13. heads of state institutions, established by an act or a Council of Ministers Decree, including separate structures of the executive, where they are legal persons and budgetary spending units;
14. representatives of public-legal organizations;
15. heads of diplomatic and counselor representations of the Republic of Bulgaria abroad, as well as the permanent representations of the Republic of Bulgaria at the international organizations;
16. the representing medical establishments – trade companies under Art. 36 – 37 of the Medical Establishments Act, owned by the state and/or municipalities, of which more than 50% of the revenues are from the state and/or the municipal budget, and of the budget of the National Health-insurance Fund;
17. heads of central bodies for purchases, established for satisfaction of the needs of the public contracting authorities.

(3) The public contracting authorities shall also be unifications of contracting authorities under Para. 2, p. 1 – 16.

(4) Sector contracting authorities shall be:
1. representing public undertakings and their unifications, where they perform one or several sector activities;
2. representing the traders or other persons, which are not public undertakings, where on the basis of special or exclusive rights perform one or several sector activities;

3. the heads of central bodies for purchase, established for satisfaction needs of sector contracting authorities.

(5) Where a public contracting authority, who carries our sector activity, awards a procurement for the purposes of a sector activity, he shall apply the rules, applicable to the sector contracting authorities.

**Contracting Authority for a Concrete Case**

Art. 6. (1) The rules of this act shall also apply where public funds finance directly by more than 50% some of the following activities:

1. public works with forecast value, larger, or equal to BGN 5 000 000;
2. services, related to public works under p. 1, where their forecast value is larger or equal to BGN 408 762.

(2) In the cases under Para. 1, the person, who awards the procurement, regardless whether it is the financing body or the financed person, acts as contracting authority for the concrete case.

**Delegation of Powers**

Art. 7. (1) The contracting authority may select an official, who shall organize and/or award public procurement.

(2) With the exception of the cases under Para. 1, in absence of the contracting authority, his powers, related to awarding public procurement shall be fulfilled by the person, who replaces him under legislative, administrative or other act, which defines the representation of the contracting authority.

(3) The possibility under Apra. 1 shall not be used for division of the public procurement in view to circumvention of the law.

**Joint Awarding of Public Procurement**

Art. 8. (1) Two or more contracting authorities may sign an agreement for joint awarding of public procurement, in which all organizational, technical and financial issues shall be settled, related to conducting of the procedure, signing of the contracts, distribution of public works, supply or services, which are subject to the procurement, etc.

(2) In the cases under Para. 1, every one of the contracting authority shall be responsible for fulfillment of their obligations under the act, regardless whether the procedure for awarding a public procurement is conducted jointly on behalf and at the expense of all the contracting authorities or one of the contracting authorities fulfills the technical activities on conducting the procedure, by representing at the same time itself and the other contracting authorities.

(3) In the cases under Apra. 1, where parts of the procedure for awarding a public procurement is not conducted jointly on behalf and at the expense of all the contracting authorities, every one of them shall be responsible for those parts, which are conducted jointly. Every contracting authority shall be responsible for the fulfillment of their obligations under the act in relation to the parts, which he conducts on its behalf and at its expense.

**Joint Awarding Public Procurement with Contracting Authorities from other Member States**

Art. 9. (1) Contracting authorities shall have the right to award public procurements, to sign framework agreements or to manage a dynamic system for purchases jointly with contracting authorities from other Member States. In the cases of joint framework agreements and dynamic systems for purchases, the contracting authorities may independently award contracts for public procurements on them.

(2) Where the issues, related to joint awarding have not been settled by an agreement, signed between the Republic of Bulgaria and another Member State, the relevant contracting authorities shall sign an agreement, by which the following is regulated:

1. the obligations of the parties and the applicable national provisions, which are indicated in
the documentation for the public procurement;

2. organizational, technical and financial issues, related to conducting the procedure, signing the contracts, distribution of the public works, supply or services, which are subject of the procurement, etc.

(3) Where a contract for public procurement has been signed on behalf and at the expense of one of the participating in a joint awarding contracting authorities and another of the participating contracting authorities acquired public works, supply or services by it, it shall be accepted that the latter has fulfilled its obligations under the law.

(4) Where a contracting authority established a partnership with a contracting authority/s from other Member States, including European group for territorial cooperation in the meaning of Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC), or other partnerships, established under the EU law, the applicable rules for awarding public procurement shall be provided by an act of the competent body of the joint partnership. These rules may be national provision of the Member State in which the partnership central office is located, or in which the partnership carries out its activity.

(5) The act under Para. 4 shall provide for:
   1. the term for application of the rules, unless where the establishing act of the partnership provides unlimited term;
   2. the types or concrete procurement, to which the rules are applied.

(6) The contracting authorities shall not use joint awarding with contracting authorities from other Member States in view to circumvention of the law.

Applicants, Participants and Contractors

Art. 10. (1) Any applicant or participant in a procedure for awarding public procurement may be any Bulgarian or foreign natural or legal person or their partnerships, as well as any other formation, which has the right to fulfill public works, supply or services under the legislation of the state in which it is established.

(2) The contracting authorities shall not have the right to require the partnerships to have a certain legal form in order to participate in awarding a procurement, but may set a condition for establishment of a legal person, where the participant, selected for contractor is a partnership of natural and/or legal persons, if this is needed for fulfillment of the procurement. The need of establishment of a legal person shall be explicitly grounded in the decision for opening the procedure.

(3) Any applicant or participant shall not be removed from the procedure for awarding a public procurement on the basis of its status or its legal form, where it or the participants in the partnership have the right to provide the relevant service, supply or public works in the Member State of their establishment.

Joint Public Procurements

Art. 11. (1) Where the public procurement includes activities with more than one subjects under Art. 3, it shall be awarded in the order, applicable to the site, which characterizes the activities – basic subject of the procurement.

(2) Where the public procurement includes services and supplies, the major subject is defined depending on the service or supply, whose forecast value is the highest.

(3) Where the public procurement includes services under Annex No 2 and other services, the major subject shall be determined depending on the service, whose forecast value is the highest.

(4) Where the subject of the public procurement contains several activities, to a part of which the rules for public contracting authorities are applied, and to others – the rules for sector contracting authorities or some of the activities fall outside the scope of the act, the contracting authority may award separate procurements for certain activities. In case of independent awarding of the separate activities, the rules, applicable to the relevant activity shall be observed. In case that the contracting authority decides to award the activities in a common procurement, the rules, applicable to public contracting
authorities shall apply.

(5) Decision taking for awarding a common procurement view to application of more relieved rules, or exclusion of the procurement form the applicable field of the act shall not be admitted.

(6) Where the subject of a public procurement contains objective inseparable parts, it shall be awarded under the procedure, applicable to the part, which determined the major subject of the procurement.

(7) Contract, which include subject of public procurement and concession, the contract shall be awarded:

1. under the rules of this act, where the contracting authority takes decision to award a common procurement;
2. under the rules of this act, where the subject is objectively insuperable;
3. under the rules, applicable to every of the activities – in all remaining cases.

(8) A public procurement, which includes activities for which are applicable the rules for sector contracting authorities and activities, for which the rules of the act are not applicable and which are not subject to concession and if it is objectively impossible to determine which of the activities is the basic subject of the procurement, or the contracting authority decides to award a common procurement, it shall be awarded under the rules for sector contracting authorities.

Reserved Public Procurement

Art. 12. (1) The Council of Ministers, upon proposal of the Minster of Labour and Social Policy shall determine by decisions:

1. a list of the goods and services according to the CPV, which are intended for awarding to specialized undertakings or cooperation of disabled people or to economic subjects, which basic purpose is social and professional integration of disabled people or people in unfavorable situation;
2. programmes for creating protected jobs within the frames of which the contracting authorities have the right to keep procurements.

(2) While drawing up the list and the determination of the programmes under Para. 1, the conducted national policies, the fulfilled strategies and programmes, as well as the capacity possibilities and nomenclature of goods and services, provided by the undertakings or persons under Para. 1 shall be taken in consideration, where in case of need the list and the programmes shall be updated.

(3) In the call of proposals, which announces opening of the procedure for awarding public procurement under Para. 1, the contracting authority shall indicate that the procurement is reserved.

(4) The central bodies for purchases shall not be obliged to reserve procurements, which fall in the scope of the list under Para. 1, p. 1.

(5) With awarding public procurements under Para. 1 may participate persons, under the conditions that at least 30% of their staff are disabled persons or in unfavorable position. In the cases under Para. 1, p. 1 the persons must be registered as specialized undertakings or cooperation of disabled people at least 3 years before the date of opening the concrete procedure for awarding public procurement.

(6) Specialized undertakings or cooperation of disabled people may participate in a public procurement under Para. 1, p. 1 under the conditions that they can fulfill at least 80% of its subject with own machines, facilities and human resource. For fulfillment of the conditions, they may use subcontractor or the capacity of third persons, if the subcontractors or the third persons are specialized undertakings or cooperation of disabled people.

(7) In the procedure for awarding a reserved procurement may participate also other interested persons, but their offers shall be considered only if there are not admitted offers of the persons under Para. 1.

(8) The conditions and procedure for participation, consideration of offers, ranking and signing a contract for a reserved procurement shall be provided by the Rules on application of the act.

(9) The Public Procurement Agency shall make public the list and the programmes under Para.
1 via its internet site within 7 day term from publication of the decision under Apra. 1 in the State Gazette and shall provide connection to the register under Art. 29 of the Integration of People with Disabilities Act.

Chapter three.  
EXCEPTIONS

General Exceptions  
Art. 13. (1) The act shall not apply:

1. to public procurement and competitions for a project, which must be awarded on rules, established in an international agreement, signed while observing the provision of TFEU, between the Republic of Bulgaria and one or more third countries or their autonomic areas for supply, services or public works of sites, intended for joint realization or exploitation by the parties, signed it;

2. to public procurement and competition for project, which are awarded under the rules of an international organization or international financing institution, where they are wholly financed by the relevant organization or institution; in public procurement and competition for a project, co-financed by more than 50% by an international organization or international financing institution, the parties negotiate the applicable procedure for awarding the procurements;

3. to public procurement and competition for a project, which are awarded in absence of procedures for awarding a public procurement, established by an international organization in its rules;

4. with acquiring or renting – notwithstanding what financial funds – of land, existing buildings or other immovable properties or right over them;

5. with procurements for buying programme time or provision of programmes, which are awarded to providers of media services;

6. in arbitrage and conciliation services;

7. to legal services, related to:

   a) representation of a client of a lawyer’s company or by a lawyer in arbitrage or conciliation procedure in a Member State, third state or before an international arbitrage or conciliating institution or in a procedure before the court, jurisdiction or public body of a Member State or third country or before international court, jurisdiction or institution;

   b) provision of legal advice by a lawyer’s company or by a lawyer in the preparation of a procedure under letter “a”, as well as provision of legal advice on issued, which may become subject to the procedures under letter “a”;

   c) establishment and certification of documents, which are performed mandatory by a notary;

   d) provision by persons, determined by a court or competent body or under the law, where the fulfillment of the services is under the supervision of the court or the competent body;

   e) exercising function of state power, including services on judicial enforcement, provided by a bailiff;

8. with financial services, related to emitting, sale, purchase or transfer of securities or other financial instruments, including services, provided in relation to undertaking and management of the state debt, services, provided in relation to management of the system of a single account and fiscal reserve, services, provided by the Bulgarian National Bank, operations, carried out with the European Financial Stability Facility (EFSF) and the European Stability Mechanism;

9. for loans, notwithstanding if they are related to emitting, sale, purchase or transfer of securities or other financial instruments;

10. in labour legal relations in the meaning of § 1, p. 26 of the Additional Provisions of the Income Taxes on Natural Persons Act;

11. in services, related to the civil defence, civil protection and prevention of dangers, which are provided by non-profitable legal persons and which fall in the scope of codes of the CPV
12. in public services for passenger carriage by railway transport or by underground, where they are awarded according to Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315/1 of 3 December 2007);

13. in public procurements and competition for a project, related to the defence and security areas, for which the provision of Part Four shall not apply:

   a) awarding of which is related to provision of information, whose disclosure contradicts to the basic interests of the country security, under Art. 345, Para. 1, letter "a" of the TFEU, or

   b) where the contracting authority is obliged to award and/or organize the procurement in specific procedure rules under international agreements or contracts, signed while observing the provision of TFEU between the Republic of Bulgaria on one part and one or more third parties, or their autonomous areas - on the other for supply, services or public works, intended for joint realization or exploitation by the signed parties, or

   c) awarded to undertakings of a Member State or of a third country in fulfillment of international agreement or contracts, related to deployment of troops, or

   d) where the contracting authority is obliged to award them or organize in compliance with rules, established by an international organization, or

   e) awarded under rules of an international organization or international financing institution, where they are thoroughly financed by the relevant organization or institution; in public procurement and competitions for a project, co-financed by more than 50% from an international organization or international financing institution, the parties shall negotiate the applicable procedure for awarding the procurement, or

   f) where the protection of basic interests, related to security of the country cannot be guaranteed through setting requirements, directed to protection of the information, which the contracting authority must produce in a procedure of awarding a public procurement under this act or through other measures with smaller level of intervention, or

   g) the fulfillment of which is accompanied by special security measures in compliance with the legislation in force in view to protection of basic interests of the country security;

14. in public procurement for services, awarded by contracting authority to a public contracting authority or of partnership of such contracting authorities which have exclusive rights for provision of the relevant service under a compatible act, legislative normative act or published administrative act with the provisions of the TFEU;

15. for procurement for services for scientific research and development activity, where some of the following conditions is not fulfilled:

   a) the benefits occur wholly for the contracting authority in order to use them while performing its activity;

   b) the provided service is paid thoroughly by the contracting authority;

16. for the services under obligatory social security;


18. (new - SG 34/16) contracts for services, supplies or construction works, concluded by a contracting authority under Art. 7, items 1 and 5, related to construction of engineering facilities hindering border crossings in order to protect state borders;

(2) The Council of Ministers, upon proposal of the Minister of Defence and the Minister of Interior shall adopt an Ordinance, which shall provide for the criteria and procedure for defining
availability of basic interest, related to security of the country in the cases under Para. 1, p. 13, letters "a", "f" and "g", which must be protected in signing a contract for public procurement or in conducting a competition for a project.

Exceptions, Applicable to Public Contracting Authority

Art. 14. (1) The public contracting authorities shall not apply the act:

1. where a public contracting authority, which performs activities, related to postal services, awards procurement or holds a competition for a project in relation to fulfillment of some of the following activities:
   a) services, awarded in view to realization of profit, related to electronic means and provided wholly through such means (including protected submission of coded documents by electronic means, address distribution services and transmission of registered e-mail);
   b) postal cash transmission and operations of transferring, carried out in relation to the financial services, covered by codes of 66100000-1 to 66720000-3 under the CPV and the services under Art. 13, Apra. 1, p. 8;
   c) philatelic services;
   d) logistics services, which combine physical supply and/or storage with other non-postal activities;

2. for procurement and competitions for a project, which assist the activity of a public contracting authority, related to provision or exploitation of public electronic communication networks in the meaning of § 1, p. 39 of the Additional Provision of the Electronic Communications Act, or providing one or more public electronic communications in the meaning of § 1, p. 40 of the Additional Provision of the Electronic Communications Act;

3. with acquiring, development, production or joint production of material for emissions, intended to audio-visual media services or radio-services, which are awarded by providers of radio-services or audio-visual media services;

4. for services, falling in the scope of codes 79341400-0, 92111230-3 and 92111240-6 under the CPV and related to political campaigns, where they are awarded by a political party within the frames of a pre-election campaign;

5. in public procurement, which are awarded by a public contracting authority, including where it performs sector activity, to a legal person, if the following conditions have been fulfilled at the same time:
   a) the contracting authority exercises control on the legal person, similar to the one, which he exercises over its own structure units;
   b) more than 80% of the legal person’s activity has been formed by fulfillment of activities, awarded by the contracting authority or its separate structures or by other legal persons, controlled by the contracting authority;
   c) in the legal person – contractor, should have no direct private capital participation, with the exception of such, which has not been connected to control or blocking powers and does not cause decisive influence over the activity of the legal person;

6. where a legal person, which is subject to control in the meaning of p. 5, letter "a", awards a procurement to the contracting authority, which controls it or to another legal person, controlled by the same contracting authority and for which the conditions under p. 5, letter "c" have been completed;

7. in public procurements, which are awarded by a public contracting authority, including where carries out sector activity, to a legal person, if the following conditions have been fulfilled at the same time:
   a) a contracting authority exercises jointly with other contracting authorities control over a legal person, similar to the one, which exercises over its own structure units;
   b) more than 80% of the activity of the legal person has been formed by fulfillment of activities, awarded by the contracting authorities, which control it, or by other legal persons, controlled
by the same contracting authorities;

c) in the legal person should not be direct private capital participation, with the exception of such, which has not been connected to control or blocking powers and does not cause decisive influence over the activity of the legal person;

8. in contracts, signed between two or more public contracting authorities, including where they perform sector activity, where the following conditions have been fulfilled at the same time:
   a) it has been established or carried out cooperation between them in order to guaranty that their obligations for provision of public services are fulfilled in view to achievement of common objectives for them;
   b) realization of the cooperation is directed only by considerations, related to public interest;
   c) during the last 3 years the participating contracting authorities have fulfilled on the free market less than 20% of the activity, related to the cooperation.

(2) In the cases under Para. 1, p. 5, letter "a", the contracting authority shall exercise control over a legal person, similar to the one, which it exercises over its own structure units, where it has decisive influence over the strategic purposes and important decision of this legal person. Such a control may be exercised also by another legal person, which is controlled in the same way by the contracting authority.

(3) In cases under Para. 1, p. 7 the contracting authorities exercise over a certain legal person joint control, where the following conditions have been fulfilled at the same time:
   1. the management and control bodies of the legal person consist of representatives of all participating in the control contracting authorities, where the representatives may represent several or all participating contracting authorities;
   2. these contracting authorities may jointly exercise decisive influence over the strategic objectives and significant decision of the legal person;
   3. the legal person has not interests, which are contradicting the interests of the controlling contracting authorities.

(4) In the cases under Para. 1, p. 5 – 8 in defining the percentage of the activity, the average total turnover is taken in consideration or another suitable indicator, which measures fulfillment of the activity for the last 3 years.

(5) In the cases under Para. 1, p. 5 – 8, where because of the date of establishment or of beginning of the activity of the legal person or of the contracting authority or because of re-organization of its activity, there is not data about the turnover or where this data are not comprehensive any more, it is sufficient to prove that the mode of measuring the activity is reliable, more especially through its business programme.

(6) The method for defining the price of the contracts under Para. 1, p. 5 – 7 shall be determined by the Rules on implementation of the act.

(7) Where some of the conditions fall out, needed for signing a contract under Para. 1, p. 5 – 8, the contract shall be terminated with the signing under the act of a new contract with the same subject. In this case the contracting authority shall open awarding of a new procurement within 1 month term from failure of the relevant condition.

(8) The act shall not apply to contracts, signed by the National Health-insurance Fund with contractors of medical help in the meaning of Art. 58 of the Health Insurance Act.

**Exception, Applicable to Sector Contracting Authorities**

Art. 15. (1) A sector contracting authority shall not apply the act where it awards:
   1. procurement for supplies in view to re-sale or leasing to third persons in case that it does not benefit from special or exclusive rights to sell or let or in leasing the subject of such procurement and other subject may free carry out such an activity under the same conditions;
   2. procurement or competition for a project for purposes, which are not related to carrying out sector activities or for carrying out some of these activities in a third country under the conditions that it
3. procurements for supply of water, if this contracting authority carries out activities under Art. 126, Apra. 1, p. 1 and 2;

4. procurements for supply of energy or fuels for production of energy if this contracting authority carries out activities under Art. 124, Para. 1, p. 1 and 2, Art. 125, Para. 1, p. 1 and 2 and Art. 128;

5. procurements of a related undertaking:
   a) for services – under conditions that at least 80% of the average total turnover of the related undertaking for the previous 3 years has been realized from provision of services of the contracting authority or other undertakings, with which it is related, by taking into account all identical or similar services, provided by this undertaking;
   b) for supplies – under the conditions that at least 80% of the average total turnover of the related undertaking for the previous 3 years has been realized from provision of supplies to the contracting authority or to other undertakings, with which it is related, by accounting all identical or similar supplies, provided by this undertaking;
   c) for public works – under the condition that at least 80% of the average total turnover of the related undertaking for the previous 3 years has been realized from provision of public works of the contracting authority or of other undertakings, with which it is related, by accounting all the public works, provided by this undertaking;

6. procurement of joint undertaking, in which it participates under the condition that the joint undertaking has been established for performing sector activity for the term of at least 3 years and that the and that the establishing act of the joint undertaking envisages that the establishing contracting authorities to keep their participation in it at least for the same term.

(2) The act shall not apply where joint undertaking under Para. 1, p. 6 awards procurement to an undertaking, which is related to one of the contracting authorities, participating in the joint undertaking, and if the relevant condition has been fulfilled under Para. 1, p. 5, letters "a" and "c".

(3) The act shall not apply, where a joint undertaking awards procurements to a contracting authority, who participates in it, if the conditions of Para. 1, p. 6 are fulfilled.

(4) In the cases under Para. 1, p. 5 and Para. 2, where because of the date, on which the related undertaking is established or has started to carry out activity there is no data about its turnover for the last 3 years, it shall be sufficient this undertaking to prove through the envisaged in its business programme, that at least 80% of its average annual turnover will be realized from the supplies, services or public works, which will be provided to the contracting authority and the related undertakings.

(5) Where 2 or more undertakings, related to the contracting authority provide identical or similar supplies, services or public works, in calculating the size of the turnover under Para. 1, p. 5, the total turnover of these undertakings from provision of the relevant supplies, services or public works shall be taken in consideration.

(6) Where some of the conditions under Para. 1, p. 5 or 6, needed for signing contract under Para. 1, p. 5 or 6, Para. 2 or 3 falls out, the contract shall be terminated with signing under the procedure of the act a new contract with the same subject.

In this case the contracting authority shall be obliged to open the awarding to the new procurement within 1 month term from falling out the relevant condition.

Application of the Exceptions

Art. 16. The contracting authorities shall not refer to the exception under Art. 13 – 15 in view to circumvention of the act.

Part two.

RULES FOR AWARDING
Chapter four.
PROCEDURES FOR AWARDING, VALUE THRESHOLDS. FORECAST VALUE OF THE PUBLIC PROCUREMENT

Obligation for Application
Art. 17. (1) The contracting authorities shall be obliged to apply the envisaged in the act procedure for awarding of public procurement, where there are reasons for that.
(2) Awarding activities in forest territories for growing forests, production of wood and non-wood forest products shall be carried out under the Forestry Act.

Types of Procedures
Art. 18. (1) The procedures under this act shall be:
1. open procedure;
2. restricted procedure;
3. competition procedure with agreement;
4. agreement with preliminary calls for participation;
5. negotiation with publication of call for procurement;
6. competition dialogue;
7. partnership for innovations;
8. agreement without preliminary call of proposals;
9. agreements without preliminary call for participation;
10. agreement without publication of call for procurement;
11. competition for a project;
12. public competition;
13. direct agreement.
(2) Open procedure and public competition shall be procedures, in which all interested persons may submit an offer.
(3) restricted procedure is the one, in which offers may submit only applicants, who have received invitation by the contracting authority after preliminary selection.
(4) In procedures under Para. 1, p. 3 – 5, the contracting authority shall conduct negotiations with applicants, received invitation after conducted preliminary selection. As a basis for conducting the negotiations, the applicants shall submit initial offers.
(5) Competition dialogue shall be a procedure, in which the contracting authority conducts a dialogue with the admitted applicants after preliminary selection in view to determine one or more proposed decisions, meeting its requirements, after which he shall invite the proposed applicants to submit final offers.
(6) Partnership for innovations shall be a procedure, in which the contracting authority conducts negotiations with the admitted applicants after preliminary selection in view to establishment of partnership with one or more partners, which will carry out a certain scientific-research and development activity.
(7) In the procedures of agreement under Para. 1, p. 8 – 10 and 13 the contracting authority shall conduct negotiations for defining the clauses of the contract with one or more exactly determined persons.
(8) A competition for a project shall be a procedure, in which the contracting authority shall acquire basically in the areas of city and village public planning, architecture, engineering activity or data processing a plan or project, selected by independent board on the basis of a conducted competition with or without awarding prices. The competition for a project may be open or restricted.

Applicable Procedures
Art. 19. (1) With awarding public procurements, the public contracting authorities shall apply
the procedures under Art. 18, Para. 1, p. 1 - 3, 6 - 8 and 11 - 13.

(2) With awarding public procurements the sector contracting authorities shall apply the procedures under Art. 18, Para. 1, p. 1, 2, 4, 6, 7, 9 and 11 - 13.

(3) With awarding public procurements in the areas of defence and security, the contracting authorities shall apply the procedures under Art. 18, Para. 1, p. 2, 5, 6 and 10.

**Value Thresholds**

Art. 20. (1) The procedures under Art. 18, Para. 1, p. 1 - 11 shall apply where:

1. public contracting authorities, as well as their partnerships award public procurements with prognosis value, larger or equal to:
   a) BGN 5 000 000 - for public works;
   b) BGN 264 033 - for supply and services;
   c) BGN 500 000 – for services under Annex No 2;
2. public contracting authorities, working in the area of defence, shall award public procurements with prognosis value, larger or equal to:
   a) BGN 5 000 000 – for public works;
   b) BGN 264 033 - for services and supplies, which include products under Annex No 3;
   c) BGN 408 762 – for supplies, which include products outside the scope of Annex No 3;
   d) BGN 500 000 - for services under Annex No 2;
3. sector contracting authorities shall award public procurements with prognosis value larger or equal to:
   a) BGN 5 000 000 - for public works;
   b) BGN 817 524 – for supplies and services;
   c) BGN -1 000 000 – for services under Annex No 2;
4. public and sector contracting authorities shall award procurements in the areas of defence and security with prognosis value, larger or equal to:
   a) BGN 817 524 – for supplies of military equipment, including parts, components and/or mounting elements for it, including equipment, included in the list of the products, related to defence, adopted under Art. 2, Para. 1 of the Act on the Export Control of Defence - Related Products and Dual Use Items and Technologies;
   b) BGN 817 524 - for supply of sensitive equipment, including parts, components and/or mounting elements for it;
   c) BGN 817 524 – for supplies, directly related to equipment under letters "a" and "b" for each and every element of its life cycle;
   d) BGN 5 000 000 – for public works, directly connected to the equipment under letters "a" and "b" for each every of the elements of its life cycle;
   e) BGN 817 524 – for services of specific military purposes or for sensitive services;
   f) BGN 5 000 000 - for public works for specific military purposes or for sensitive public works;
5. the contracting authorities shall conduct a competition for a project in the value, larger or equal to BGN 70000.

(2) The contracting authorities shall apply the procedures under Art. 18, Para. 1, p. 12 or 13, where the public procurements have prognosis value:

1. in public works – from BGN 270 000 to BGN 5 000 000;
2. in supplies and services, including and the services under Annex No 2 – from BGN 70 000 to the relevant threshold under Para. 1, depending on the type of the contracting authority and the subject of the procurement.

(3) The contracting authorities shall apply the order for awarding through collecting offers with a call or invitation to certain persons, where the public procurements have prognosis value:

1. in public works – from BGN 50 000 to BGN 270 000;
2. in supplies and services, with the exception of the services under Annex No 2 – from BGN 30 000 to BGN 70 000.

(4) The contracting authorities may award directly public procurement with prognosis value, smaller than:
   
1. BGN 50 000 – in public works;
2. BGN 70 000 – in services under Annex No 2;
3. BGN 30 000 - in supplies and services apart from the ones under p. 2.

(5) In the cases under Para. 4, p. 2 and 3, the contracting authorities may prove the origin only by initial payment documents, without the need of signing a written contract.

(6) The public procurement under PARA. 1, p. 4 at the value smaller than the relevant threshold, may be awarded directly but the contracting authorities shall be obliged to sign a written contract.

(7) The contracting authorities under Art. 5, Para. 2, p. 15 shall apply the procedure for awarding through collecting offers with a call or invitation to certain persons, where the public procurements have prognosis value:
   
1. in public works - from BGN 270 000 to BGN 5 000 000;
2. in supplies and services – from BGN 70 000 to the relevant threshold under Para. 1, depending on the procurement subject.

(8) The contracting authorities under Art. 5, Para. 2, p. 15 may award directly public procurements with prognosis value under the thresholds of Para. 7, where in supplies and services may be proved the cost only with initial payment documents, without the need of signing a written contract.

(9) The contracting authorities shall have the right to award a concrete public procurement under a procedure, applicable to higher values, where in this case they shall be obliged to apply all the rules, valid to the selected by them order.

**Methods for Calculation of the Prognosis Value of Public Procurements**

Art. 21. (1) The prognosis value of the public procurement shall be defined by the contracting authority and shall include all payments without VAT to the future contractor of public procurement, including the envisaged option and renewal of the contracts, explicitly indicated in the conditions of the public procurement. Where the contracting authority envisages awards or payments for the applicants or participants, they shall be included in defining the prognosis value of the procurement.

(2) The prognosis value of a public procurement shall be defined on the date of the decision for its opening.

(3) Where the structure of the contracting authority there are separate units on territorial functional or other principle, which are not independent contracting authorities, the prognosis value of a certain public procurement shall be defined on the basis of the need of all the separate units.

(4) Where the public procurement includes several separate positions, each of which is a subject to contract, the value of the procurement shall be equal to the sum of the values of all the positions.

(5) Where a separate position is awarded independently, the procedure, applicable to the total value of the whole procurement shall be observed.

(6) The contracting authorities may award separate positions under the procedure, valid to the individual value of every one of them, under the conditions that the value of the relevant separate position does not exceed BGN 156 464 for supplies and services and BGN 1 000 000 for public works and the total value of the separate positions, awarded in this way does not exceed 20% of the total value of the procurement. In this case, notwithstanding the remaining value of the procurement, it shall be awarded in a procedure, applicable to the total value of the whole procurement.

(7) In defining the prognosis value of a public procurement for public works, it shall include also the value of all supplies and services, provided by the contracting authority to the contractor under the condition, that such are needed for fulfillment of the public works.

(8) In public procurements for supplies and services, which are regular or are subject to renewal
within the frames of a certain period, their prognosis value shall be defined on the basis of:

1. the real total value of the procurements of the same type, which have been awarded during the last 12 months, corrected by eventual changes in the quantity or value, which would occur for the period of 12 months after the awarding of the procurement, of
2. the total prognosis of procurements, awarded during the 12 months after the first supply or service.

(9) In public procurement for supply through leasing, rent, financial leasing or hire—purchase, the prognosis value of the public procurement shall be defined as follows:

1. in public procurements with a defined term, where this term is shorter, or equal to 12 months – the total prognosis value for the term of the force of the contract for public procurement or if the term of the force of the contract is longer than 12 months – the total value, including the prognosis remaining value;
2. in public procurements without a defined term or whose term cannot be defined – the monthly value, multiplied by 48.

(10) In public procurement for services, the basis for calculation of their prognosis value shall be as follows:

1. in insurance services – payable insurance premium and other remunerations;
2. in bank or other financial services – the charges, due commissions, interests and other payments;
3. in procurements for design – the charges, due commissions and other payments.

(11) In public procurement for services without indicated total price, the basis for calculation of the prognosis value shall be as follows:

1. in procurements with a certain term, if this term is shorter or equal to 48 months – the total value for the whole term;
2. in procurements without defined term, or with a term, longer than 48 months – the monthly value, multiplied by 48.

(12) In framework agreements and dynamic systems for purchases, the maximum prognosis value without VAT of all contracts for public procurements, envisaged for the whole term of action of the framework agreement or the dynamic system for purchases shall be taken in consideration.

(13) In partnership for innovations, the maximum prognosis value without VAT of the scientific research and development activities, which will be carried out at all stages of the envisaged partnership shall be taken in consideration, as well as the supplies, services or public works, which will be developed and supplies at the end of the envisaged partnership.

(14) Selection of a method for calculation of the prognosis value of the public procurement shall not be used in view to application of a procedure for awarding for smaller values.

(15) Division of a public procurement in parts in view to application of procedure for awarding for lower values shall not be admitted.

(16) As division of awarding within the frames of 12 months of 2 or more procurements shall not be considered:

1. with subject of fulfillment of a public works or design and fulfillment of public works;
2. with identical or similar subject, which have not been known to the awarding authority at the moment, in which awarding actions of a previous public procurement with such subject have started.

(17) In defining the value of a contract for public works, inclusion of supplies or services, which are not needed for its fulfillment, shall not be admitted.

Chapter five.
PUBLICITY AND TRANSPARENCY

Section I.
Decision and Notices

Decisions

Art. 22. (1) Depending on the type and stage of the procedure, the contracting authorities shall issue the following decisions:

1. for opening the procedure;
2. for approval of notice for amendment and supplementation of information;
3. for approval of the call for confirmation of interest;
4. for preliminary selection;
5. for finalization of the dialogue;
6. for determination of contractor;
7. for grading the participants in a competition for a project and/or for awarding and/or other payments in a competition for a project;
8. for termination of the procedure;
9. for creation of a qualification system for inclusion or for refusal of inclusion of interested persons in the dynamic system for purchases or in a qualification system;
10. for termination of participation in a dynamic system for purchases or in qualification system of persons, who have been included in it.

(2) With the decision under Apra. 1, p. 1 the contracting authority shall approve the notice with which the procedure is opened, and in the procedures under Art. 18, Para. 1, p. 8 – 10 and 13 - the call for participation, as well as the documentation to the notice or invitation, where applicable.

(3) With the decision under Para. 1, p. 3 the contracting authority shall approve also the documentation where it has not been approved by the decision for opening the procedure.

(4) The decision under Para. 1, p. 1 and 2 shall be drawn up under a form.

(5) The decision under Para. 1 shall contain:

1. name of the contracting authority;
2. number, date and legal ground for issuance of the act;
3. indication of the procedure type and the procurement subject;
4. prognosis value of the procurement – where applicable;
5. grounds – in the cases where they are required;
6. regulatory part, whose contents shall depend on the type and stage if the procedure, and shall include:
   a) approval of the relevant documents, related to conducting the procedure;
   b) approval of the notice for amendment and supplementation of the information;
   c) the results of the preliminary selection, including decreasing of the number of applicants, the results of the dialogue or grading of participants;
   d) the removed applicants or participants and grounds for their removal, including the related to non-acceptation of offers under Art. 72 – where applicable;
   e) name of the participant, selected for contractor, and where applicable – the name of sub-contractor and the part of the contract for procurement or framework agreement, which he will fulfill;
   f) found conflicts of interests in relation to the applicants or participants and the measures taken – where applicable;
7. before which body and in what term it may be appealed;
8. full name and signature of the person, issued the act with indicating his position.

(6) Decision for determining a contractor shall not be issued in the cases of procurements, awarded after signing a framework agreement with one contractor, where in it all conditions have been determined.

(7) Contracting authorities shall not have the right to admit preliminary fulfillment of the
decision under Para. 1.

(8) Apart from the cases under Art. 202, the contracting authority may amend or reject any of the decisions under Para. 1, p. 4 – 10 before its coming into force.

(9) The decisions under Para. 1 shall be individual administrative acts, which shall be issue under this act.

**Preliminary Notices**
Art. 23. (1) The contracting authorities may announce their intentions for awarding public procurements or for signing framework agreements during the following 12 months by publishing preliminary notices, which depending on the type of the contracting authority shall be:

1. notice for preliminary information – for public contracting authorities;
2. periodic indicative notice – for sector contracting authorities.

(2) Where the contracting authorities announce their intentions for awarding public procurements for services under Annex No 2, the term under Para. 1 may be by 18 months. Where the contracting authorities announce their intentions for awarding public procurements for services under Annex N2, the term under Para. 1 may be up to 18 months.

(3) For restricted procedures and competition procedure with agreement, the public contracting authorities under Art. 5, Para. 2, p. 8, 9, 14 and 16 may use the notice for preliminary information for call of opening the procedure.

(4) For restricted procedure and for procedures of negotiation with preliminary call for participation, the sector contracting authorities may use periodic indicative notice for call of opening a procedure.

(5) In the cases under Para. 3 and 4, the notice must:

1. be published between 35 days and 12 months before the date of sending the call for confirmation of interest and
2. contain the whole information:
   a) under part A of Annex No 4 – for public contracting authorities;
   b) under part A of Annex No 5 – for sector contracting authorities.

(6) With announcing procedures under Para. 3 or 4 for awarding public procurements for services under Annex No 2, the contracting authorities may use an notice under Para. 1, p. 1 or 2 for call of opening the procedure.

(7) In the cases under Para. 6, the notice must:

1. be published between 35 days and 18 months before the date of sending the call for confirmation of interest and
2. contain the whole information:
   a) under part B of Annex No 6 – for public contracting authorities;
   b) under part B of Annex No 7 – for sector contracting authorities.

(8) In the cases under Para. 3, 4 and 6 in the relevant preliminary notice, term for declaring interest by the interested persons shall be indicated, which shall not be shorter than 30 days from sending the notice for publishing. In these cases an notice for public procurement shall not be published.

(9) In open procedures the contracting authorities may use the notice under Para. 1 only for shortening the terms for receiving offers.

**Notice for Public Procurement**
Art. 24. With an notice for a public procurement the contracting authorities shall announce the opening of a procedure for awarding a public procurement in cases, provided by the act.

**Notice for Amendment or Additional Information**
Art. 25. With notice for amendment or additional information, the contracting authorities shall announce changes in the notices, calls and documentation for public procurement and in the described document.

**Notice for Warding a Procurement**
Art. 26. (1) The contracting authorities shall submit for publication of an notice for awarding a procurement within the term by:

1. 30 days after signing a contract for public procurement or framework agreement;
2. 7 days from the enforcement of the decision for termination of the procedure.

(2) The contracting authorities may publish the notice under Para. 1, p. 1 also where they sign contracts in applying the exceptions under Art. 13 – 15.

(3) Where the notice of opening a procedure for awarding a public procurement the relevant preliminary notice is used and the contracting authority has decided not to award other procurements during the period of its force, this shall be indicated explicitly in the notice for awarding a procurement.

(4) In case of procurements, awarded on the bases of framework agreement or dynamic system for purchases, as well as for services under Annex No 2, the contracting authorities shall submit for publication an notice under Para. 1, p. 1, which shall contain information about all signed contracts during the relevant quarterly. The notice shall be submitted within the term of up to 30 days after the end of every quarterly.

(5) Where a sector contracting authority fills in an notice for awarding a procurement, related to scientific research and development activity (SRDA), the information about the subject and quantity of the services may be restricted to:

1. the sign "services for SRDA" – where the procurement has been awarded after a negotiation procedure without preliminary call of participation under Art. 138, Para. 1, p.1;
2. information, which is as much detailed as the one, contained in the notice, which is used as a call of participation in the procedure.

(6) Information of the notices under Para. 1, whose publication contradicts an act, as well as such, in relation to which the participants have legally benefitted form confidentiality in relation to a commercial secret, shall not be published.

(7) In formation, provided by a sector contracting authority in the award notice of procurement, which is not subject to publication, shall be taken in consideration in summarizing the information for strategic purposes.

(8) Where a contractor of a public procurement is a partnership, which is not a legal person, the contracting authority shall indicate in the notice for awarding a procurement the name of the participants, included in it.

**Notice for Amendment of a Contract for Public Procurement or Framework Agreement within the Term of its Force**

Art. 27. The contracting authorities shall publish an notice for amendment of a public procurement contract or framework agreement in the cases under Art. 116, Para. 1, p. 2 and 3.

**Notice of Voluntary Transparency**

Art. 28. (1) Contracting authorities may publish an notice for voluntary transparency where they apply the exceptions under Art. 13 – 15 and Art. 149.

(2) The notice for voluntary transparency shall be individual administrative act.

(3) In the cases under Para. 1, the contracting authorities shall not sign contract before expiry of 10 days from the publication of the notice for voluntary transparency or where against it a complaint has been filed by the time the decision comes in to force.

**Notice for Finalization of a Public Procurement Contract**

Art. 29. (1) The contracting authorities shall publish an notice for finalization of a public procurement contract, where they indicate information for the fulfillment or for termination of the contract.

(2) The notice under Para. 1 shall be drawn up according to a form and shall be sent within the term of up to 30 days from fulfillment of termination of the contract.

**Notice in a Competition for a Project**

Art. 30. (1) A contracting authority, who conducts a competition for a project shall announce its
intention through an notice for a competition for a project.

(2) A contracting authority which has conducted a competition for a project shall send an notice about the results from the competition within the term of up to 30 days from its finalization.

(3) Information, which contains in the notice under Para. 2 and whose notice contradicts an act or public interest, as well as the one, in whose relation the participants have legally benefited from confidentiality in relation to availability of technical or trade secrets, shall not be published.

Section II.
Documents for Public Procurement

Contents of the Documentation
Art. 31. (1) The public procurement documentation shall contain:
1. technical specifications;
2. investment and other projects, where they are required for preparation of the offer;
3. methods for defining the complex assessment of the offer, where applicable;
4. document forms, as well as instruction for their preparation;
5. draft contract.
(2) In the competition for a project, the documentation shall contain:
1. the project task and instructions for its fulfillment;
2. all technical data, needed for the project fulfillment;
3. assessment criteria of the project, their reference weight and the way for defining the complex assessment of the project.
(3) The documentation may also contain other documents, which the contracting authority provides or which he refers to in order to define the characteristics of the procurement and project and the way for conducting the procedure, or which are needed for the preparation of the participation application, offers or projects.

Access to Documentation through Electronic Media
Art. 32. (1) Contracting authorities shall provide unlimited, complete, free and direct access through electronic media to the documentation for the public procurement from the date of:
1. publishing the notice in the Official Journal of the EU;
2. publication of the notice in the Register of public procurements, where it is not subject to publication under p. 1; or
3. sending the call for confirmation of interest.
(2) In the notice or call for confirmation of interest the internet address shall be indicated, at which the public procurement documentation is accessible.
(3) In the cases of Art. 39, Para. 3, in the notice or the call for confirmation of interest the contracting authorities in compliance with Art. 39, Apra. 4 shall indicate the conditions and procedure in which the public procurement documentation may be received. In these cases the term for receiving offers shall be extended by 5 days.
(4) In the cases under Art. 102, Para. 3 in the notice or the call for confirmation of interest, the contracting authorities shall indicate measures, which must be undertaken in view to protection of the confidential nature of the information, as well as the conditions and way of access to the documentation. In these cases the term for receiving offers shall be extended by 5 days.
(5) In the cases under Para. 3 and 4 the contracting authorities shall not be obliged to extend the term for receiving offers, where it is shortened because of a need of urgent awarding. The sector contracting authorities shall not be obliged to extend the term also where it is defined upon mutual consent between the contracting authority and the selected applicants.

Explanations of the Procedure Conditions
Art. 33. (1) Persons may request in writing from the contracting authority explanations of the
decision, notice, call for confirmation f interest, the public procurement documentation and the
description document by 10 days before expiry of the term for receiving the applications for
participation and/or offers, and where the term is shortened under Art. 74, Para. 2 or Art. 133, Para. 2 or
in case of a need of urgent awarding – up to 7 days.

(2) The contracting authority shall provide the explanations within 4 day term from receiving
the request, but not later than 6 days before the term for receiving the participation applications and/or
offers, and where the term is shortened under Art. 74, Para. 2 or Art./133, Para. 2 or because of a need
of urgent awarding – up to 4 days before this term. In the explanations, the person, expressed the request
shall not be mentioned.

(3) The contracting authority shall not provide explanations, if the request ahs been received
after the term under Para. 1.

(4) The explanations shall be provided through publication of the buyer’s profile.

Calls to the Applicants

Art. 34. (1) In the cases of restricted procedure, competition dialogue, partnership for
innovations, competition procedure with agreement or procedure of agreement with preliminary
invitation for participation, the contracting authorities shall send written invitations to the selected
applicants at the same time for submitting offers or for participation in negotiations or dialogue. The
invitation shall be approved by the decision of preliminary selection or the decision for finalization of a
dialogue and must contain at least the information under:

1. Section I of Annex No 8 – for public contracting authorities;
2. Section I of Annex No 9 – for sector contracting authorities.

(2) Where the procedure is open with notice for preliminary information or periodic indicative
notice, the contracting authority shall send at the same time an invitation for confirmation of interest to
the persons, who have already shown interest for participation. The invitation must contain at least the
information under:

1. Section II of Annex N8 – for public contracting authorities;
2. Section II of Annex No 9 – for sector contracting authorities.

(3) Where unlimited, direct, complete, free access has not been provided through electronic
media and the documentation has not been produced in another way, it shall be attached to the
invitation.

Section III.
Publication of Information

Publication in the EU Official Journal

Art. 35. (1) In the EU Official Journal information shall be published, related to awarding and
fulfillment of procurements in the value of Art. 20, Para. 1, as follows:
1. the notices under Art. 20, Para. 1, including where they are used fir notice opening a
   procedure;
2. notices for public procurement;
3. notice for amendment or additional information;
4. notice for awarding procurements;
5. notice in a competition for a project;
6. notice for amendment of contracts for public procurements and framework agreements;
7. notices for voluntary transparence;
8. notice for qualification systems.

(2) The notices under Para. 1 shall be drawn up under forms, confirmed by an act of the
European Commission and shall contain at least the information under Annexes No 4 – 7, depending on
the type of the contracting authority, type and stage of the procedure, and where applicable – also the
subject of the procurement.

(3) For every of the notices under Para. 1, the contracting authority must prove on which dates the notices have been sent with confirmation of receivables, received by the EU Publications Office.

(4) In the EU Official Journal notices may be published for public procurements, for which the requirements for publication shall not apply in case that these notices have been sent by the EU Publications Office in compliance with Para. 2.

(5) The notices under Para. 1 shall be sent to the EU Publications Office through the Public Procurement Agency.

**Publication in the Public Procurements Register**

Art. 36. (1) In the Public Procurement Register (PPR) shall be published:

1. the decision under Art. 22, Para. 1, p. 1 and 2;
2. the notices under Art. 35, Para. 1;
3. the notices, related to conducting the procedures under Art. 18, Para. 1, p. 12 and 13 – for notice of opening, amendments, awarding of procurement and amendments of contracts;
4. the notice for finalization of public procurement contracts.

(2) The decisions and notices under Para. 1, p. 2 and the information, contained in them shall not be published in the PPR before publication of the relevant notices in the EU official Journal.

(3) Decisions and notices under Apra. 1, p. 2 may be published in the PPR after expiry of 48 hours from confirmation of receipt of the notice from the EU Publications Office, notwithstanding whether a notification for their publication in the EU Official Journal has been received. The notices may be published before this term if a notification for their publication in the EU Official Journal has been received.

(4) The published in PPR notices under Para. 1, p. 2 shall not contain information, different from the one, which is sent for publication to the EU Publications Office. In the notices, sent to the PPR and published in the buyer’s profile shall obligatory be indicated the date, on which they are sent to the EU Publications Office.

**Contracting Authorities’ Obligations in relation to Publication of Information**

Art. 37. The contracting authorities shall be obliged to send the decisions and notices under Art. 36, Para. 1 electronically to the Public Procurement Agency.

**Conditions and Procedure for Submitting and Publication of Information**

Art. 38. Conditions, procedure and technical modes for sending to the Public Procurement Agency and publishing information in the EU Official Journal and in PPR, as well as the circumstances, which are entered in PPR shall be determined by the Rules on application of the act.

Section IV.

Exchange of Information

**Rules for Exchange of Information**

Art. 39. (*) (1) The exchange of information in awarding public procurement shall be done through electronic communication media. The instruments and facilities, which shall be used, as well as their technical characteristics shall be non-discriminative, accessible and operative compatible with the most common market products of the information and communication technologies for wide use and not restrict the access of interested persons.

(2) The contracting authorities may in case of need, require use of instruments and facilities, which are not commonly accessible under the conditions, that they propose other suitable media for access. The proposed media by the contracting authorities for access shall be suitable, where:

1. they shall provide unlimited and complete direct free access by electronic media to those instruments and facilities form the date of publication of the notice or from the date of sending the invitation for confirmation of interest, where in the notice or the invitation, the internet address shall be
indicated, at which these instruments and facilities are accessible;

2. the persons, who have not access to the relevant instruments and facilities, or who have not possibility to receive them within the frames of the relevant terms upon reasons, not depending on them, shall be provided free online access to the public procurement through generation of codes for a single access, or

3. they shall maintain another way for electronic submission of documents for participation in the procedure.

(3) The contracting authorities shall not be obliged to apply the requirements under Para. 1, where:

1. because of the specialized nature of the public procurement, the use of electronic media for communication would require specific instruments, facilities or formats of files, which are not commonly accessible or are not maintained by commonly accessible applications;

2. the applications, maintaining formats of files, which are suitable for description of the offers, shall use formats of files, which cannot be processed by other free accessible or commonly accessible applications or which are included in a license scheme for protection of copy rights and cannot be provided for downloading or use from a distance on behalf of the contracting authority;

3. use of electronic media for communication would require special office equipment, which the contracting authority does not have;

4. in the public procurement documentation shall be required production of samples or models, which cannot be sent by electronic media.

(4) Where electronic media are not used for communication, the exchange of information shall be done through post or other suitable courier service or combination of them and electronic media.

(5) With submitting participation documents for the procedure, the contracting authorities shall not be obliged to require use of the media under Para. 1, where the application of media, different from electronic ones shall be needed:

1. for prevention of security breaches of the electronic media for communication;

2. in especially sensitive information, whose protection cannot be provided in using commonly accessible electronic instruments and facilities and such under Para. 2.

(6) In every case of submission, exchange and storage of information the protection of the thoroughness of the data shall be guaranteed and of confidentiality of participation documents for the procedure by the moment of their opening and examination, which is after expiry of the term of their receiving.

(7) In procurements for public works and in the competition for project, the contracting authorities may require use of special electronic media, as instruments for electronic modeling of information. In these cases the contracting authorities shall provide access under Para. 2, until these instruments become commonly accessible under Para. 1.

(8) The instruments and facilities for electronic submission and receiving of offers and applications for participation, as well as of plans and projects in competition for project must guaranty by technical media and suitable rules, at least that:

1. the date and time of receiving offers, participation application and provision of plans and projects may be exactly determined;

2. there is not access to the provided data before the determined term;

3. only authorized persons may determine or change the dates for opening the received data;

4. at different stages of the procedure for awarding public procurement or of the competition for a project, the access to all provided data or parts of them must be possible only for authorized persons;

5. only authorized person must give access to the sent data and only after the envisaged data;

6. the received and opened data in compliance with the requirements must stay accessible only for the persons, authorized to know them;
7. breaches or attempts for breaches of the prohibition for access or of the conditions under p. 2 – 6 may easily be found.

(9) Apart from the requirements under Para. 8 in relation to the instruments and facilities for electronic submission and receiving participation documents for the procedure there must:

1. be provided for the interested persons the needed information about the specifications for these instruments and facilities, including through encrypting and provision of a service for establishing time;

2. be indicated the needed level of security of the electronic media for communication at different stages of the concrete procedure for awarding a public procurement; the level must be proportional to the corresponding risks.

(10) In the cases under Par. 9, p. 2, where it is estimated that the risk level imposes use of advanced electronic signatures under the Electronic Document and Electronic Signature Act, the contracting authorities shall accept advanced electronic signatures, provided by supplier of certification services, who has been included in the trustful lists under 2009/767/EC: Commission Decision of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the points of single contact under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (notified under document C(2009) 7806), (OJ, L 274/36 of 20 October 2009; corr. OJ, L 299/18 of 14 November 2009; corr., OJ L 4/6 of 7 January 2011) under the conditions that they have determined the formats for improved electronic signature on the bases of established by 2011/130/EU: Commission Decision of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (notified under document C(2011) 1081) (OJ, L 53/66 of 26 February 2011) and have introduced the needed measures for the technical processing of these formats.

(11) Where the offer is signed by electronic signature, provided by supplier, included in a trustful list under Para. 10, the contracting authorities shall not be able to set additional requirements, which would make the use of these participants’ signatures difficult.

(12) Where an applicant or participant uses format for electronic signature, different form the ones, determined by the contracting authority, he must produce to the contracting authority information about the existing possibilities for validation of the electronic signature. These possibilities must allow validation of the received electronic signature as improved electronic signature, for which there is a qualified certification, to be made online, free and in a way, understandable for the persons, for whom the relevant language is not a native one.

(13) In relation to the documents, used within the frames of a procedure for awarding a public procurement, which are signed by a competent body of a Member State or another author, the competent body or the other author of the documents may define the format of the improved electronic signature in compliance with the requirements of Art. 1, Para. 2 of Decision 2011/130/EU. The electronic signature, or electronic document must contain information about the possibilities of validation, which should allow the received electronic signature to be validated online, free and in a way, understandable for the persons, for which the relevant language is not native.

**Awarding Public Procurement through Centralized Electronic Platform**

Art. 40. (1) (In force from 01.07.2017) With awarding public procurement the contracting authorities use a unified national electronic web-based platform.

(2) The contracting authorities shall use the platform under Para. 1 also in awarding public procurements through a dynamic system for purchases, framework agreement and qualification system.

(3) The platform under Apra. 1 shall provide possibility for:

1. (In force from 01.07.2017) publication of the decisions and notices in PPR and the documentations for public procurements;

2. receiving questions and provision of explanations;
3. sending invitations;
4. (In force from 01.07.2017) submission of applications for participation and offers;
5. assessment of offers;
6. signing contract;
7. submission of applications under contracts;
8. invoicing;
9. payments;
10. (In force from 01.07.2017) exchange of other information and documents.
(4) The conditions and procedure for use of the platform under Para. 1 shall be regulated by an ordinance of the Minister of Finance and the Minister of Transport, IT and Communications.

**Electronic Platforms of the Central Bodies and Purchases**

Art. 41. (1) (*) The central bodies for purchases may use electronic platforms for centralized awarding, different form the platform under Art. 40, Para. 1, under the conditions that they provide technical compatibility and the connectivity with it.

(2) (In force from 01.07.2017) The central bodies for purchases shall be obliged to fulfill the requirements under Art. 35 and 36 before publishing the relevant information on their platforms.

**Buyer’s Profile**

Art. 42. (1) The contracting authorities shall be obliged to maintain a buyer’s profile, which is a separate part of their electronic pages or of another internet address, for which publicity is provided.

(2) In the buyer’s profile the following shall be published in the form of electronic documents:
1. all the decisions, notices and invitations, related to opening, awarding, fulfillment and termination of the public procurements;
2. the documentations for public procurements with the exception of the cases, in which because of technical reasons or such, related to protection of information, provision of unlimited, complete and direct access is impossibly through electronic means;
3. the explanations, provided by the contracting authorities in relation to public procurements;
4. the protocols and final reports of the commissions for conducting the procedures;
5. the contracts for public procurements and the framework agreements, including the Annexes to them;
6. additional agreements about amendments of the public procurement contracts and framework agreements;
7. notices for collecting offers and invitations to certain persons;
8. the opinions of the Public Procurement Agency in relation to realized preliminary control by it.

(3) The documents under Para. 2 for every public procurement shall be stored in an electronic file.

(4) In the cases of the exception under Para. 2, p. 2 through the buyer’s profile, the way, place and procedure is announced for receiving the documents, which are not accessible through electronic means.

(5) In publication of the documents under Para. 2, the information, in reference of which the participants have legally referred to confidentiality in relation to the trade secret, as well as the information, which is protected by the law, shall be deleted. At the place of the deleted information the reason for its deletion shall be indicated.

(6) The procedure and the terms for publication of the documents in the buyer’s profile shall be determined by the Rules on the implementation of the act.

(7) With publication of the documents on the buyer’s profile it is accepted that the interested persons, applicants and/or participants have been notified about the circumstances, expressed in them, unless otherwise provided by this act.

**Delivering the Decisions**
Art. 43. (1) The contracting authority shall submit the decisions under Art. 22, Para. 1, p. 3 – 10 within 3 day term from their issuance. The decisions shall indicate the relation to the electronic file in the buyer’s profile, where the protocols and the final reports of the commission or of the jury have been published.

(2) The decision under Para. 1 shall be sent:
1. to an address, indicated by the applicant or participant:
a) to the electronic mail, where the notice, by which are sent shall be signed by an electronic signature, or
b) through postal or other courier service with a registered mail with a returned receipt;
2. by fax.
(3) The selected way by the contracting authority must allow certification of the date of receipt of the decision.
(4) Where the decision is not received by the applicant or participant in some of the ways, indicated in Para. 2, the contracting authority shall publish an notice to him in the buyer’s profile. The decision shall be considered delivered from the date of publication of the notice.

Chapter six.
PREPARATION OF THE PROCEDURE

Section I.
Preliminary Actions

Market Consultations and External Participation in Preparation of Documentation

Art. 44. (1) In preparation of awarding a public procurement, the contracting authority may conduct market consultations, by searching advice from independent experts or bodies, or market players.
(2) Consultations under Para. 1 may be used under the condition that they do not lead to violation of competition and of the principles of non-discrimination and transparency.
(3) The contracting authority shall undertake actions, which may guaranty, that the persons, having participated in the market consultations and/or in the preparation of the procedure have no advantage before the other applicants or participants. These actions shall include at least the following:
1. publishing in the buyer’s profile the whole information, exchanged in relation to the preparation for awarding the public procurement, including the received by the contracting authority result and if this is impossible – indication through the buyer’s profile the place, where this information may be received;
2. determination of an appropriate term for receiving offers, including by estimating whether shortening of terms leads to breaches of the equality principle.
(4) The contracting authority shall be obliged to extend the term for receiving applications for participation or offers ay least to the minimal terms for the relevant type of procedure in case that shortening of terms has been used and in the set term only one offer or application for participation ahhs been received, which are produced by a person participated in the market consultation and/or in the preparation of the participation documentation.
(5) In case that with carrying out actions under Para. 3 or 4, observation of the equality principle cannot be provided, the applicant or participant, having participated in the market consultations and/or in the preparation for awarding the procurement shall be removed from the procedure, if it cannot be proved that his participation does not lead to breaching this principle.

Requirements in Defining the Terms for Receiving Offers and Applications for Participation

Art. 45. (1) In defining the terms for receiving applications for participation and offers, the
contracting authorities shall consider the complexity of the procurement and the time, needed for preparing the offers, without referring to the minimal terms for the relevant procedures, defined by this act.

(2) Where the offers may be drawn up only after visiting the site or after check on site of additional documents, related to the public procurement, the terms for receiving offers must be longer than the minimal ones, by giving opportunity to the interested person to get to know the whole information, needed for preparation of the offers.

**Separate Positions**

Art. 46. (1) In preparation for awarding a public procurement, the contracting authority shall estimate the possibility of its division in to separate positions. When he decides that it is not appropriate to separate the public procurement into separate positions, in the decision for opening the procedure, the contracting authority shall indicate the reasons for this.

(2) Where the contracting authorities award public procurements with separate positions, they shall obligatorily define the subject and the volume of each position, and where applicable – the prognosis value as well.

(3) The Council of Ministers may define areas in which the public procurements shall be obligatorily divided in separate positions according to the specialized sectors of activity of the SMEs and their capacity possibilities.

(4) The contracting authorities shall indicate in the notice, with which they announce opening of the procedure or in the invitation for confirmation of interest whether the offers may be submitted for one, for several or for all the separate positions.

(5) Where the contracting authorities have indicated that offers may be submitted for several or for all separate positions, they shall have the right to restrict the number of the separate positions, which are awarded to one contractor. This number shall be indicated in the notice, which announces the opening of the procedure, or in the invitation for confirming interest.

(6) In the cases under Para. 5, the contracting authorities shall indicate in the notice, which announces the opening of the procurement procedure, in the invitation for confirmation of interest or in the public procurement documentation objective and non-discriminating criteria or rules, which they will apply, where a participant has won a larger number of the maximum admissible ones of separate positions.

**Special Conditions for Implementation of Procurements**

Art. 47. (1) The contracting authorities may include in the requirements for implementation of the procurement special conditions, related economic or social aspects of the implementation, innovations, environment protection or of employment.

(2) The conditions under Para. 1 must be related to the procurement subject and be indicated in the notice, which announces the opening of the procedure, or in the public procurement documentation.

(3) The contracting authority shall require form the participants to declare that their offers have been prepared while observing the obligations, related to taxes and securities, environment protection, employment protection and conditions at labour, which are in force in the country, or in the state where the public works is to be performed or the services to be provided and which are applicable to the public works or the provided services.

(4) In the cases under Para. 3, the contracting authority shall indicate in the notice, which announces opening of the procedure or the public procurement documentation the bodies, from which the applicants or participants may receive the needed information for the applicable rules and requirements.

**Section II.**

**Technical Specifications. Marking. Protocols from Testing**
Determining the Technical Specifications

Art. 48. (1) The technical specifications shall determine the needed characteristics of the procurement subject. The contracting authority shall determine the technical specifications in one of the following ways:

1. by indicating the work characteristics or the functional requirements, including the ecological, which allow exact determining of the parameters of the procurement subject,
2. through indication in the following order of:
   a) Bulgarian standards, which introduce European standards;
   b) European technical assessments;
   c) general technical specifications;
   d) international standards;
   e) other standardization documents, established by the European bodies if standardization or where there are not such – through Bulgarian standards, Bulgarian technical approvals or Bulgarian technical specifications, referring to design, the method of calculation and fulfillment of public works, as well as to use of goods;
3. through determining work characteristics or functional requirements through indication of specifications under p. 2, whose reference shall be accepted for achieving compliance with the requirements for the work characteristics or functional requirements;
4. through specifications under p. 2 for part of the characteristics, and for others – by indication of the work characteristics, or functional requirements under p. 1.

(2) Every indication of a standard, specification, technical assessment, technical approval or technical model under Para. 1. p. 2 must be added by the words "or equivalent".

(3) The contracting authority may set additional requirements, which are related to the subject of the procurement and are proportional to its value and purposes. They may refer to a specific process or method of production or provision of public works, supplies or services or to a specific process at another stage of their life cycle.

(4) If needed, in the technical specifications, the contracting authority shall indicate the requirement for transfer of the right over intellectual property.

(5) Where the result of the procurement will be used by natural persons, the technical specifications, which define the characteristics of the procurement subject, must be considered with the criteria for access for disabled people or to provide possibilities for disabled people to use this result.

(6) Where by an EU act obligatory requirements, related criteria for access for disabled people, or conditions for use of such people have been determined, the technical specifications shall include reference to these requirements.

Specific Conditions in Determining Technical Specifications

Art. 49. (1) The technical specifications must provide equal access of the applicants or participants to the procedure for awarding the public procurement and not create unreasonable obstacles before awarding the public procurement in conditions of competition.

(2) The technical specifications shall not contain a concrete model, source or specific process, which characterizes the products or services, offered by a concrete potential contractor, not a trade mark, patent, type or concrete origin or production, which would lead to advantage or elimination of certain persons or products. Upon exception, where it is impossible the procurements product to be described exactly enough and in an understandable way under Art. 48, Para. 1, it is admitted similar indication, where the words "or equivalent" shall be added.

Restriction for Removal

Art. 50. (1) Where the technical specifications are determined under Art. 48, Apra. 1, p. 2, the contracting authority shall not be able to remove the offer on grounds that the proposed public works, supplies or services do not comply to the indicated standard, specification, technical assessment or technical approval, if the participant proves in his offer with suitable means, including through the
evidences under Art. 52 that the proposed solutions satisfy in equivalent way the requirements, determined by the technical specifications.

(2) If technical specifications have been determined under Art. 48, Apra. 1, p. 1, the contracting authority shall not be able to remove the offer for public works, supplies or services, which comply with Bulgarian standard, introducing European standard, European technical assessment, general technical specification, international standard or standardized document, established by a European body of standardization, if the participant proves in his offer with suitable means including through the evidences under Art. 52, that these standardization documents refer to the requirements, determined by the contracting authority for work characteristics and functional requirements.

**Marking**

Art. 51. (1) Where the subject of the procurement includes concrete ecological, social or other characteristics, in the technical specifications the assessment indicators or conditions for fulfillment of the procurement the contracting authorities may require certain markings, which prove that the fulfillment will comply with the required characteristics. In these cases the marking shall:

1. refer to the procurement subject and be suitable for defining its characteristics;
2. be based on objectively checked and non-discrimination requirements;
3. be established according to an open and transparent procedure, in which all interested parties have had the right to participate;
4. be accessible for use of all potential applicants and participants in the public procurement procedure.

(2) Where the contracting authority does not require the procurement subject to meet all the requirements for marking, he shall define which are the applicable requirements for marking.

(3) The contracting authorities shall be obliged to accept all equivalent markings, which confirm that the offered public works, supply or service meets the set requirements for marking.

(4) The contracting authorities shall accept also any other suitable evidences for compliance, under the condition that the participant proves that the offered public works, supply or service meet the requirements of the concrete marking or to the concrete requirements, indicated by the contracting authority.

(5) The contracting authorities shall not require a certain marking, where it meets the conditions under Para. 1, p. 2 – 5, but includes also other, which are not related to the procurement subject. In these cases they shall define the technical specifications, by indicating only this part of the indicators of the marking, which are related to the procurement subject and are suitable for defining the characteristics of its subject.

**Protocols of Testing, Certification and other Evidences**

Art. 52. (1) The contracting authorities may require from the participants and the applicants to produce a protocol of testing by a body for assessment of the compliance or certificate, issued by such a body, as an evidence for compliance with the requirements or criteria, related to the procurement fulfillment.

(2) Where the contracting authorities require provision of certificated, drawn up by a concrete body for compliance assessment, they shall also accept certificate form other equivalent bodies.

(3) The contracting authorities shall accept other suitable evidences for compliance with requirements or the criteria, related to fulfillment of the procurement, where the participant upon reasons, not depending on him has not possibility to provide the certificates or protocols of testing under Para. 1 and 2 or has not possibility to receive them within the set terms and under the condition, that the participant proves that a public works, supplies and services meet the requirements or criteria, related to the procurement fulfillment.

(4) The competent bodies, which have the right to issue documents under Para. 1 and 2 shall produce upon request by persons also from other Member States information, within the frames of their
competence, unless a legislative act contains prohibition for provision of such information.

(5) The contracting authorities may require samples, description and/or pictures of the goods, which will be supplied and whose compliance with the goods must be proved upon request by the contracting authority.

**Variants**

Art. 53. (1) The contracting authorities may permit or require production of variants in the offer. In these cases they shall indicate this information in the notice, which announces the opening of the procedure or in the invitation for confirmation of interest.

(2) The variants must be related to the procurement subject.

(3) In the cases under Para. 1, the contracting authorities shall indicate in the public procurement documentation the minimum requirements which the variants must meet, as well as all concrete requirements for their production.

(4) For consideration shall be accepted only variants, which meet the envisaged by the contracting authorities minimal requirements.

(5) The chosen criteria for awarding and the indicators for assessment of the offers shall be able to be applied in one and the same way to the offers, which contain variants, meeting the minimum requirements, also, to the offers, which do not contain such variants.

(6) In procedures for awarding public procurements for supplies or services, the contracting authorities, which have permitted or required production of variants, shall not be able to reject a variant only on grounds that its selection would lead to signing a service contract instead of supply contract or vise versa – of a supply contract, instead of service contract.

**Chapter seven.**

**REQUIREMENTS TO APPLICANTS AND PARTICIPANTS**

**Section I.**

**Personal State of Applicants and Participants**

**Reasons for Obligatory Removal**

Art. 54. (1) The contracting shall remove from participation in a procedure for awarding public procurement an applicant or participant, where:

1. he has been convicted with an enforced verdict, unless he has been rehabilitated for a crime under Art. 108a, Art. 159a – 159d, Art. 172, Art. 192a, Art. 194 - 217, Art. 219 - 252, Art. 253 - 260, Art. 301 - 307, Art. 321, 321a and Art. 352 – 353f of the Penal Code;

2. he has been convicted with an enforced verdict, unless he has been rehabilitated for a crime, analagical of the ones under p. 1 in another Member State or third state;

3. he has obligations for taxes and obligatory security contributions in the meaning of Art. 162, Para. 2, p. 1 of the Tax-Insurance Procedure Code and the interests on them, to the state or to the Municipality of the central office of the contracting authority and of the applicant or participant, or analagical obligations, established by an act of a competent body, under the legislation of the state, in which the applicant or participant has been established unless rescheduling has been admitted, delay or guaranty of the obligations or the obligation is under an act, which has not been enforced;

4. there is an inequality in the cases under Art. 44, Para. 5;

5. it has been established that:
   a) he has produced a document with untrue contents, related to certification of the lack of grounds for removal or fulfillment of the selection criteria;
   b) he has not produced required information, related to certifying lack of grounds for removal or fulfillment of the selection criteria;

6. it is established with an enforced penal decree or judicial decision that in fulfillment of a
public procurement contract he has violated Art. 118, Art. 128, Art. 245 and Art. 301 - 305 of the Labour Code, or analogous obligations, established by an act of a competent body, under the legislation of the state, in which the applicant or participant has been established;

7. there is conflict of interests, which cannot be removed.

(2) The grounds under Para. 1, p. 1, 2 and 7 shall refer to the persons, who represent the participant of applicant, the members of management or supervision bodies, and to other persons, who have powers to exercise control in decision taking by these bodies.

(3) Para. 1, p. 3 shall not apply, where:
1. it is needed to be protected especially important state or public interests;
2. the amount of the unpaid due taxes or social-security contributions is not more than 1% of the sum of the annual total turnover for the last finished financial year.

**Grounds for Un-obligatory Removal**

Art. 55. (1) The contracting authority may remove from participation in a procedure for awarding public procurement or participant, for whom some of the following circumstances are present:

1. he has been declared in insolvency or is in an insolvency procedure, or is in a liquidation procedure, or he has signed a court settlement with the creditors under Art. 740 of the Commerce Act or has terminated his activity, and in case that the applicant or participant is a foreign person – is in a similar situation, comprising from a similar procedure, according to the legislation of the state in which he is established;
2. he has been deprived from the right to exercise a certain profession or activity according to the legislation of the state, where the act has been committed;
3. he has signed an agreement with other persons in view to violation of competition, where the violation has been established by an act of a competent body;
4. it has been proved, that he is guilty for failure to fulfil a public procurement contract or contract for public works or service, lead to its preliminary termination, payment of compensations or other similar sanctions, with the exception of the cases, where the non-fulfillment refers to at least 50% of the value or the contract volume;
5. he has tried to:
   a) influence the decision taking on behalf of the contracting authority, related to removal, selection or awarding, including through provision of untrue or misleading information, or
   b) receive information, which may give him ungrounded advantage in the awarding procedure of a public procurement.

(2) The contracting authority shall indicate the circumstances under Para. 1 in the notice which announces opening of the procedure or invitation for confirmation of interest, and in the procedures under Art. 18, Apra. 1, p. 8, 9 and 13 – in the invitation for participation in negotiations.

(3) The grounds under Para. 1, p. 5 shall refer to persons, who represent the participant or applicant, the members of management and supervision bodies and to other persons, who have powers to exercise control by decision taking by these bodies.

(4) Where the contracting authority has set a requirement for lack of the circumstances under Para. 1, p. 1, he shall have the right not to remove from the procedure an applicant or participant under the indicated ground, if it is proved that he has not terminated his activity and he can fulfill the procurements under the applicable national rules for continuation of the economic activity in the state, in which he has been established. This possibility shall be indicated in the notice, which announces the opening of the procedure, and in the procedures under Art. 18, Para. 1, p. 8, 9 and 13 – in the decision for opening.

(5) With setting the requirements for lack of circumstances under Para. 1, the contracting authority shall take in consideration the subject and volume of the public procurement.

**Measures for Proving Reliability**

Art. 56. (1) An applicant or participant, for whom grounds under Art. 54, Apra. 1 are present
and the circumstances under Art. 55, Para. 1, indicated by the contracting authority, shall have the right to produce evidences, that he has undertaken measures, which guaranty his reliability, in spite of presence of the relevant ground for removal. For this purpose the applicant or participant may prove that:

1. he has paid off his obligations under Art. 54, Para. 1, p. 3, including the accrued interests and/or fines or that they have been extended, delayed or guaranteed;
2. he has paid or is in a process of payment of due compensation for all the damages, occurred as a result of the crime or violation, committed by him;
3. has explained exhaustively the facts and circumstances, by actively assisted the competent bodies and has fulfilled concrete recommendations, technical, organizational and human resource measures through which new crimes or violation will be prevented.

(2) The contracting authority shall estimate the undertaken by the applicant or participant measures, by accounting the weight and the concrete circumstances, related to the crime or violation.

(3) In the case that the undertaken measures by the applicant or participant are sufficient in order to guaranty his reliability, the contorting authority shall not remove him from the procedure.

(4) The motives for acceptance or rejection of the undertaken under Para. 1 measures and the produced evidences shall be indicated in the decision for preliminary selection, or in the decision for grading or termination of the procedure, depending on the type and stage at which is the procedure.

(5) An applicant or participant, who with an enforced verdict or another act under the legislation of the state in which the verdict is pronounced or the act is issued, has been deprived from the right to participate in public procurement procedures or concessions, shall not have the right to use the envisaged in Para. 1 possibility for the time, defined by the verdict or act.

Application of Grounds for Removal
Art. 57. (1) The contracting authority shall remove an applicant or participant from the procedure, for whom the grounds under Art. 54, Para. 1 and the indicated by the contracting authority circumstances under Art. 55, Para. 1, occurred before and during the procedure are present.

(2) Para. 1 shall apply also where an applicant or participant in the procedure is a partnership of natural and/or legal persons and for a member of the partnership some of the grounds for removal are present.

(3) The grounds for removal shall apply till expiry of the following terms:
1. 5 years from the enforcement of the verdict – in relation to the circumstances under Art. 54, Para. 1, p. 1 and 2, unless the verdict states some other term;
2. 3 years from the date of occurring the circumstances under Art. 54, Para. 1, p. 5, letter "a" and p. 6 and Art. 55, Para. 1, p. 2 – 5, unless, establishing the circumstance indicates another term.

(4) The economic subjects, for which the circumstances of Art. 54, Para. 1, p. 5, letter "a" and Art. 55, Para. 1, p. 4 and 5, are included in a list, which is of information nature.

(5) In case of removal under Art. 54 and 55, the contracting authority must provide evidences for presence of grounds for removal.

Proving Lack of Grounds for Removal
Art. 58. (1) For proving lack of grounds for removal, the participant, selected for contractor shall produce:
1. for the circumstances under Art. 54, Para. 1, p. 1 – certificate, showing no previous convictions;
2. for the circumstance under Art. 54, Para. 1, p. 3 – a certificate from the bodies of revenues and a certificate from the municipality of the contracting authority’s central office and of the applicant, or participant;
3. for the circumstance under Art. 54, Para. 1, p. 6 – a certificate from the bodies of General Labour Inspectorate Executive Agency;
4. for the circumstances under Art. 55, Para. 1, p. 1 – a certificate, issued by the Registry
Agency.

(2) Where the certificate under Para. 1, p. 3 contains information about an enforced penal decree or judicial decision about a violation under Art. 54, Apra. 1, p. 6, the participant shall produce a declaration that the violation has not been carried out during fulfillment of a public procurement contract.

(3) Where the participant, selected for contractor is a foreign person, he shall produce the relevant document under Para. 1, issued by a competent body under the legislation of the state in which the participant has been established.

(4) In the cases under Para. 3, where the relevant state does not issue documents for the indicated circumstances or where the documents does not include all the circumstances, the participant shall produce a declaration, if such a declaration has legal significance under the legislation of the relevant state.

(5) Where the declaration has not legal significance, the participant shall produce official statement, made before a competent body in the relevant state.

(6) The contracting authority shall not have the right to require production of the documents under Par. 1, where the circumstances in them are accessible through a public free register or the information or the access to it is provided by the competent body to the contracting authority officially.

Section II.
Selection Criteria

General Requirements
Art. 59. (1) The contracting authority may define in relation to the applicants or participants selection criteria, which shall refer to:
1. the ability (capacity) for exercising professional activity;
2. the economic and financial state;
3. technical and professional capacity.

(2) Contracting authorities may use to the applicants or participant only the selection criteria under this act, which are needed for establishment of their possibility to fulfill the procurement. The set criteria must be comply with the subject, value, volume and complexity of the procurement. Where the public procurement has separate positions, the selection criteria for every position shall comply with the subject, value, volume and complexity of the relevant position.

(3) The contracting authorities shall not have the right to request from the applicants or participants other documents for proving compliance with the set selection criteria, unless the ones, indicated in this act.

(4) (In force from 01.07.2018) In defining the documents for proving the selection criteria, the contracting authorities shall require predominantly such, which are covered by the electronic data base for certifying documents of the European Commission "e-ertis".

(5) The contracting authorities shall indicate the selection criteria and the documents, which prove their fulfillment in the notice, which announces opening of the procedure or in the invitation for confirmation of interest, and in the procedures under Art. 18, Para. 1, p. 8, 9 and 13 – in the invitation for participation in negotiations. The selection criteria shall define the minimum requirement for admissibility.

(6) In participation in partnerships, which are not legal persons, the compliance with the selection criteria shall be proved by the partnership-participant, but not by each of the persons, included in it, with the exception of the relevant registration, production of a certificate or other condition, needed for fulfillment of the procurement, under the requirements of a normative or administrative act and according to the distribution of the participation of the persons in fulfillment of the activities, envisaged by the contract for establishment of the partnership.
(7) Where the conditions for fulfillment of a public procurement impose to be included such, which refer to partnerships and differ form the conditions for the individual participants, or applicants, they must be grounded by objective reasons and be proportional.

**Ability (capacity) for Exercising Professional activity**

Art. 60. (1) Where this is applicable, the contracting authorities shall have the right to request from the applicants or participants to be entered in the Commercial Register and/or in a certain professional register, and for the foreign persons- in analogous registers under the legislation of the Member State of establishment.

(2) In the procedures for awarding public procurements for services, where for fulfillment of the relevant service under the legislation of the state in which the applicant or participant is established, it is needed a special permit or membership in a certain organization, the contracting authority may request from it to prove presence of such a permit or membership.

**Economic or Financial State**

Art. 61. (1) In relation to the economic and financial state of the applicants or participant, the contracting authorities may set one or more of the following requirements:

1. to have realized minimal total turnover, including minimal turnover in the area, falling in the scope of the procurement, calculated on the basis of annual turnovers;
2. to have insurance; "professional responsibility" with coverage, corresponding to the volume and nature of the procurement or comprising from a normative act;
3. to have reached positive correlation between certain assets and liabilities.

(2) The required by the contracting minimal total turnover under Para. 1, p. 1 must be coordinated with the value, volume and term of fulfillment of the public procurement and shall not exceed the double amount of its prognosis value, unless this is grounded with the nature of the public works, services or supplies. In case that the contracting authority requires turnover, which exceeds maximum the admissible, he shall motivate this in the notice.

(3) Where a certain procurement is divided in separate positions, the requirement under Para. 2 shall apply in relation of each position.

(4) Where an internal competition selection is conducted on the basis of a framework agreement, the condition under Para. 2 shall apply in relation to the prognosis value for the relevant awarding, and if it cannot be defined – on the basis of the prognosis value of the framework agreement.

(5) In dynamic systems for purchases, the condition under Para. 2 shall apply to the expected maximum size of concrete procurements, awarded under this system.

(6) In the cases under Para. 1, p. 3 the contracting authority shall indicate in the documentation for public procurement the way of establishing and calculating the set criteria in compliance with methods, defined by the Rules on application of the act.

**Documents for Proving Economic and Financial State**

Art. 62. (1) For proving economic and financial state of the applicants or participants, one or several of the following documents shall be produced in relation to the set requirements:

1. bank certificates;
2. evidences for "Professional responsibility" insurance’;
3. annual financial statements or parts of them, where their publication is required;
4. Reference for the total turnover and/or for the turnover in the area, falling in the scope of the procurement.

(2) Where under a reasonable ground the applicant or participant is not in a condition to produce the required documents by the contracting authority, he may prove his economic and financial state through another document, which the contracting authority will accept as suitable.

(3) The turnover data under Para. 1, p. 4 may cover utmost the last 3 finished financial years, depending on the date, on which the applicant or participant has been established and has started his activity.
**Technical and Professional Capacity**

Art. 63. (1) The contracting authority may define criteria, on the basis of which he may establish that the applicants or participant possess the needed human and technical resources, as well as with experience to fulfill the procurement while observing a suitable quality standard. The contracting authority may require from the applicant or participant:

1. to have fulfilled activities with subject and volume, identical or similar to those of the procurement utmost for the last:
   a) 5 years from the date of submission of the application or offer – for public works;
   b) 3 years from the date of submission of the application or offer – for supplies and services;
2. to have the needed number of technical persons and/or organizations, included or not in the structure of the applicant or participant, including such, who are responsible for he quality control and in public procurements for public works – the persons, who will fulfill the public works;
3. to have the needed technical means and facilities for provision of the quality, included for study and research, as well as to apply certain measures for provision of the quality;
4. to have a system for management and tracing the supplies, which will apply during fulfillment of the procurement;
5. to have human resource and/or management staff with certain professional competence for fulfillment of the procurement in case that the requirement is not used as indicator for assessment of the offers;
6. to apply certain measures for environment protection, while fulfilling the procurement;
7. to produce information about the average list of the annual number of the staff and the number of the members of the management staff for the last 3 years;
8. to have instruments, facilities and technical equipment, needed for fulfillment of the procurement;
9. the goods to be certified by accredited persons for quality control, certifying their compliance with the indicated specifications or standards;
10. to apply systems for quality management, including such for access of disabled people;
11. to apply systems and standards for environment protection.

(2) In the cases under Para. 1, p. 1, where the nature of the procurement imposes this, the contracting authorities may define a period, longer than the indicated one.

(3) Where the subject of the public procurement is complex or has special purpose, the contracting authority may check the technical abilities of the applicant or participant and if needed, the equipment for testing and research and the possibilities for provision of the quality. The contracting authority may request this from a competent body of the state in which the applicant or participant has been established, if this body agrees to carry out a check on behalf of the contracting authority.

(4) In the procedures for awarding public procurement for supplies, which require installation or mounting works, for provision of services or for fulfillment of public works, the contracting authorities may set requirements to the applicants or participants for their skills and experience to provide the service or the carry out the mounting or public works works.

(5) In the cases under Para. 4 in the conditions of the procedure the contracting authority may envisage also a requirement for activities of special significance to be carried out directly by the very participant, or a participant in the partnership.

(6) As a selection criteria, conditions or requirements, which are related to the fulfillment only of public procurement or to fulfillment of concrete indicated programmes or projects, or with concreteness of sources of financing or of a certain number of fulfilled contracts with concrete indication of their subject, shall not be included,

**Evidencing**

Art. 64. (1) For evidencing technical and professional abilities of the applicants or participants, one or several of the following documents and evidences shall be produced in relation to the set
requirements:

1. a list of the public works, identical or similar to the subject of the procurement, with attached certificate for good fulfillment, which contain the value, date on which the fulfillment has been finished, the place, type and volume, as well as whether it has been fulfilled in compliance with the normative requirements;

2. a list of the supplies or services, which are identical or similar with the subject of the public procurement by indicating the values, date and receivers with an evidence for the performed supply or service;

3. a list of technical persons and/or organizations, included or not in the structure of the applicant or participant, including the ones, which are responsible for the quality control, and in public procurements for public works – the persons, who will carry out the public works;

4. a list of the technical means and facilities for provision of quality, including for study and research, as well as description of the measures, used by the applicant or participant for provision of the quality;

5. description of the system for management and tracing the supplies;

6. a list of the staff, who will fulfill the procurement and/or the members of the management staff, who will be responsible for the fulfillment, which shall contain the professional competence of the persons;

7. description of the measures for protection of the environment, and where this is applicable – also indication of the standards and norms, which are applied;

8. declaration for the average annual number of the staff and the number of the members of the management staff for the last 3 years;

9. declaration for the instruments, facilities and technical equipment, which will be used for fulfillment of the procurement;

10. certificates, issued by accredited persons for quality control, certifying the compliance of the goods with the relevant specifications or standards.

(2) The contracting authority may not accept a produced evidence for technical or professional abilities, where it comes form a person, who has interest, which may lead to profit in the meaning of Art. 2, Para. 3 of the Act on Prevention and Findings of Conflict of Interests.

(3) Where the contracting authority requires production of certificates, which establish the compliance of the applicant or participant with standards of quality management, including such, for access of disabled people, the contracting authority shall indicate the systems of quality management through the relevant series of European standards.

(4) In case that the contracting authority requires provision of certificates, which certify the compliance of the applicant or participant with certain systems or standards for environment protection, he shall indicate the ecological and audit scheme of the EU (EMAS) or the standards for protection of the environment through the relevant European or international standards. The contracting authority shall have the right to refer also to other systems for ecological management, recognized in compliance with Art. 45 of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ, L 342/1 of 22 December 2009), or other standards for ecological management, based on the relevant European or international standards of accredited bodies.

(5) The certificates under Para. 3 and 4 must be issued by independent persons, who are accredited under the relevant series of European standards by the Bulgarian Accreditation Service Executive Agency, or by another national body of accreditation, which is a party of the Multilateral Agreement for Mutual Recognition of the European Accreditation Organization for the relevant area, or to meet the requirements under Art. 5a, Para. 2 of the National Accreditation of Conformity Assessment Authorities Act.
(6) The contracting authority shall accept equivalent certificates, issued by bodies, established in other Member States.

(7) The contracting authority shall also accept other evidences for equivalent measures for provision of quality or environment protection, where an applicant or participant has not had access to such certificates or has not has possibility to receive them in compliance with the terms because of reasons, not depending on him.

(8) In the cases under Para. 7, the applicant or participant must be in a position to prove that the proposed measures are equivalent to the required ones.

**Using the Capacity of Third Persons**

Art. 65. (1) The applicants or participants may – for a concrete procurement – refer to the capacity of third persons, notwithstanding of the legal connection between them in relation to the criteria, related to the economic and financial state, the technical possibilities and the professional competence.

(2) In relation to the criteria, related to the professional competence, the applicants or participants may refer to the capacity of third persons, only if the persons whose education, qualification or experience proves fulfillment of the requirements of the contracting authority, will participate in the fulfillment of the part of the procurement for which this capacity is needed.

(3) Where the applicant or participant refers to the capacity of third persons, he must prove that he will have their resources by producing documents for the undertaken obligations by the third persons.

(4) The third persons must meet the relevant selection criteria for whose proof the applicant or participant refers to their capacity and for them the grounds for removal from the procedure are not present.

(5) The contracting authority shall require from the applicant or participant to change the third person, indicated by him, if he fails to meet some of the conditions under Para. 4.

(6) In the conditions of the procedure, the contracting authority may envisage a requirement for joint and several liability for the fulfillment of the procurement by the applicant or participant and the third person, whose capacity is used for evidence of compliance with the criteria, elated to the economic and financial statement.

(7) Where an applicant or participant in the procedure is a partnership of natural and/or legal persons, he may prove the fulfillment of the selection criteria with the capacity of third persons while observing the conditions under Para. 2 – 4.

**Subcontractors**

Art. 66. (1) The applicants and participants shall indicate in the application or the offer the subcontractors and the part of the procurement, which will be awarded to them if they intend to use such. In this case they must produce an evidence for the undertaken obligations by the subcontractors.

(2) Subcontractors must meet the relevant selection criteria according to the type and part of the procurement, which they will fulfill and for them the grounds for removal from the procedure must not be present.

(3) The contracting authority shall request a change of a subcontractor, which fails to meet the conditions under Para. 2.

(4) Where the part of the procurement, which is fulfilled by a subcontractor may be fulfilled as a separate site for the contractor or the contracting authority, the contracting authority shall pay remuneration for this part to the subcontractor.

(5) Payments under Para. 4 shall be carried out on the basis of a request, sent by the subcontractor to the contractor, which shall be obliged to produce it to the contracting authority within 15 day term from its receiving.

(6) With the request under Para. 5, the contractor shall produce an opinion, from which it shall be evident whether he contests the payments or part of them as undue.

(7) The contracting authority shall have the right to refuse payment under Para. 4 where the
request is contested by the moment of the reason for the refusal is removed.

(8) The applicable rules on the direct payments with subcontractors shall be indicated in the public procurement documentation and in the contract for awarding the procurement.

(9) Notwithstanding of the possibility for fulfillment by subcontractors, the responsibility for fulfillment of the public procurement contract shall be of the contractor.

(10) In public procurements for public works, as well as for services, whose fulfillment is provided in a site of the contracting authority, after signing the contract and before beginning of its fulfillment latest, the contractor shall notify the contracting authority about the name, contact data and representatives of the subcontractors, indicated in the offer. The contractor shall notify the contracting authority about any changes in the provided information in the run of fulfillment of the procurement.

(11) Change, or inclusion of subcontractor during the fulfillment of a public procurement contract shall be admitted upon exception, where a need occurs in case that the following conditions are fulfilled at the same time:

1. for the new subcontractor the grounds for removal in the procedure are not present;
2. the new subcontractor meets the selection criteria, which the former subcontractor had met, including in relation to the part and type of the activities which he will fulfill, corrected according to the fulfilled activities by that moment.

(12) In case of change or inclusion of subcontractor, the contractor shall produce to the contracting authority all the documents, which prove the fulfillment of the conditions of Para. 11.

Section III.

Declaration of Personal State and Compliance with the Selection Criteria

European Single Procurement Document (ESPD)

Art. 67. (1) With submission of an application for participation or an offer, the applicant or participant shall declare the lack of the grounds for removal and compliance with the selection criteria through production of a European single procurement document (ESPD). In it the relevant information shall be provided, required by the contracting authority and the national data base shall be indicated, where the declared circumstances are contained, or the competent bodies, which, under the legislation of the state in which the applicant or participant are established, are obliged to provide information.

(2) Where the applicant or participant has indicated that he will use the capacity of third persons for evidencing the compliance with the selection criteria or that he still use subcontractor, for each of these persons a separate ESPD shall be produced, which shall contain the information under Para. 1.

(3) The applicants and participants may use ESPD, which has already been used in a previous public procurement procedure, under the conditions that they confirm, that the contained information in it is still current.

(4) (*) The ESPD shall be provided electronically according to a form, confirmed by an act of the European Commission.

(5) The contracting authority may request from the participants and applicant at any time to produce all or part of the documents, which prove the information, indicated in the ESPD, where this is needed for the lawful conduct of the procedure.

(6) Before signing a public procurement contract, a framework agreement or awarding a procurement on the basis of a framework agreement, the contracting authority shall require from the participant, selected for contractor, to produce current documents, certifying the lack of grounds for removal from the procedure, as well as the compliance with the set selection criteria. The documents shall be produced also for the subcontractors and the third persons, if any.

(7) Para. 6 shall not apply in awarding procurement on the basis of a framework agreement, signed with one participant, in which all the conditions are determined.
(8) The contracting authority shall not have the right to require documents, which:
1. have already been produced to him or are officially known, or
2. (In force from 01.06.2018) may be provided through direct and free access to the national data bases of the Member States.

Section IV.
Official Lists of Approved Economic Subject and Certification of Bodies

Evidencing Through Entry in Official Lists or Certification by Bodies
Art. 68. (1) For evidencing the personal state, to the compliance with the selection criteria or compliance with the technical specifications, the applicant or participant may produce a certificate for registration in an official list of approved economic subjects or a certificate Issued by a certification body. In these cases the contracting authority may remove the applicant or participant from the procedure or to refuse to sign a contract with him on the ground that has not produced some of the required documents, under the conditions that the relevant circumstances are proved by the produced certificate.

(2) For each concrete procedure the contracting authority may require additional certificate, related to payment of social-security contributions and taxes, notwithstanding the produced by the applicant or participant certificate for registration in an official list of approved economic subjects, apart from the cases under Art. 67, Apra. 8.

(3) The information, which may be extracted from registration in official lists or certification, shall not be objected without any ground available.

(4) The contracting authority may require the applicants or participant from other Member States to pass through the process of registration or certification in order to participate in the public procurement. The contracting authority shall recognize equivalent certificates, issued by bodies, established in other Member States.

(5) The contracting authorities shall be obliged to accept certificates for registration or certificates, issued by bodies, established in the Republic of Bulgaria or in another Member State, in which the applicant or participant is established.

Official Lists of Approved Economic Subjects and Certification by Bodies
Art. 69. (1) The Council of Ministers may determine bodies or persons, which create and maintain official lists of approved subject for certain activities or certification bodies for certification of economic subjects for compliance with technical specification.

(2) The conditions for entry in the lists under Para. 1 shall be coordinated with the requirements of Art. 54 – 65.

(3) For registration of persons from other Member States in the lists under Para. 1 or for their certification by the bodies under Para. 1, additional evidences, different from the required ones by the Bulgarian persons, shall not be required.

(4) Persons, or bodies under Para. 1 shall be obliged upon request by a person, established in another Member State to provide information about the documents, produced as an evidence for registration in an official list, or as evidence that the economic subjects from another Member State hold equivalent certificate.

Chapter eight.
CRITERIA FOR AWarding THE PROCUREMENTS

Types of Awarding Criteria
Art. 70. (1) The public procurements shall be awarded on the basis of the economically most advantageous offer.

(2) The economically most advantageous offer shall be defined on the basis of one of the
following awarding criteria:
  1. the lowest price;
  2. cost level while accounting the cost effectiveness, including the costs for the whole life cycle;
  3. optimal correlation quality/price, which shall be evaluated on the basis of the price or the level of costs, as well as of indicators, including quality, ecological and/or social aspects, related to the subject of the public procurement.

(3) The selected awarding criteria under Para. 2 shall be indicated in the notice, which announces the opening of the procedure or the invitation for confirmation of interests and in the public procurement documentation.

(4) The indicators, included in the criteria under Para. 2, p. 3 may contain:
  1. measure of quality, including technical parameters, aesthetic and functional characteristics, accessibility, intended for all consumers, social, ecological and innovation characteristics and innovation trade techniques and conditions;
  2. organization and professional competence of the staff, which is assigned to fulfill the procurements, where the capacity of the staff, engaged to fulfill the procurement may substantially influence the fulfillment of the procurement, or
  3. service and maintenance, technical assistance and conditions like: fulfillment data, way and term of fulfillment and deadline for finalization.

(5) The indicators, included in the criteria under Para. 2, p. 2 and 3 must be connected to the procurement subject. They may contain factors, which refer to every stage of the life cycle of public works, supplies, or services, notwithstanding of the fact that these factors do not refer to the characteristics, indicated in the technical specifications. They must not give unlimited freedom of selection and must guaranty real competition.

(6) Where the awarding criteria includes more than one indicator, the awarding authority shall define in the notice or invitation for confirmation of interest and in the public procurement documentation the reference weight of all the indicators and where this is objectively impossible, he shall list them according to the importance in a descending order. The awarding authority may define the minimum and maximum admissible values of the quantity indicators.

(7) In the documentation the awarding authority shall indicate the methods for complex evaluation and the way of defining the evaluation in every indicator, The way must:
  1. give possibility to be assessed the level of fulfillment, proposed in every offer, in compliance with the public procurement subject and the technical specifications;
  2. give opportunity the technical proposals in the offers to be compared and evaluated objectively;
  3. provide for the applicants and participants sufficient information about the rules, which will be applied in defining the evaluation in every indicator, where:
      a) for the quantity defining indicators, values in digits or percentages shall be defined and the way of their calculation shall be indicated;
      b) for the quality indicators, which are quantitatively indefinable, the way for their evaluation shall be indicated by the commission with a concrete value through an expert evaluation.

(8) In the duly defined cases the payable price or the costs may be fixed. In these cases the evaluation shall be based only on the indications, related to measurement of quality.

(9) In a public procurement with a subject design and fulfillment of public works, the evaluation indicators must include characteristics, referable to each of the two activities.

(10) Inclusion of evaluation indicators shall not be included, which account the time for making the payments (delayed or extended payment) or evaluation of the size or refusal of advance payment, where provision of advance payment is envisaged.

(11) Where the prices of the goods or services – subject to the public procurement are subject to
regulation, the applicants or participants may propose different prices only where this does not violate the policy of regulation of these prices.

(12) The contracting authorities shall not have the right to include selection criteria as indicators for evaluation of the offers.

**Evaluation of Costs for the Whole Life Cycle**

Art. 71. (1) The costs for the whole life cycle shall include a price for acquiring one or more of the indicated costs, as follows:

1. costs, which are paid by the contracting authority or other users, like:
   a) costs for use, like energy consumption and other resources;
   b) maintenance costs;
   c) costs at the end of the exploitation period like costs for collection and recycling;
2. costs, related to ecological factors in relation to the product, service or public works during their whole life cycle, under the condition that their value may be defined and checked; these costs may be related to emissions of greenhouse gasses and other harmful emissions or to mitigation of the climate changes.

(2) Where the contracting authorities envisage evaluation of the costs for the whole life cycle, they shall indicated in the public procurement documentation the data, which must be produced by the participant and the way of defining the evaluation.

(3) Where costs are evaluated, related to ecological factors, the way for defining their evaluation must meet the following conditions:

1. it must be based on non-discrimination criteria and five opportunity for objective check; where the way is developed for the concrete procurement, it shall not give unreasonable advantage to certain persons and other put in a disadvantage position;
2. it must be accessible for all interested persons;
3. the required data by the contracting authority should be able to be produced on behalf of the participants while laying reasonable efforts, including where they are from third countries, which are parties to the Agreement on Government Procurement (AGP) at the World Trade Organization, or are party to other international agreements, to which the EU is bound.

(4) Where a certain method for calculation of certain costs for the whole life cycle is obligatory under an EU legislation act, the contracting authorities shall be obliged to use this method.

(5) With awarding a public procurement for supply of road carriage means under Annex No 11, for calculation of certain costs for the whole life cycle, the contracting authorities shall apply methods, defined by an Ordinance of the Minister of Transport, IT and Communications.

**Unusually Favorable Offers**

Art. 72. (1) Where a proposal in an offer of a participant, related to price or costs, which is subject to evaluation, is by more than 20% more favorable than the average value of the offers of the other participants in the same evaluation indicator, the contracting authority shall require a detailed written justification about the way of its formation, which is produced within 5 day term from receiving the request.

(2) The justification under Para. 1 may refer to:

1. the economic peculiarities of the production process of the provided services or the public works method;
2. the chosen technical decision or presence of extremely favorable conditions for the participant for provision of products or services or for fulfillment of public works;
3. original offered decision of the participant in relation to public works, supplies or services;
4. observation of the obligations under Art. 115;
5. the possibility for the participant to receive state aid.

(3) The received justification shall be evaluated in relation to its completeness and subjectivity concerning the circumstances under Para. 2, to which the participant refers. If needed, from the
The contracting authority has published a notice for preliminary information and it:

1. in a procurement, for which some of the following conditions are available:
   a) the contracting authorities needs cannot be satisfied without adapting available market decisions;
   b) the public procurement includes decision/s, related to design or innovations;
   c) the public procurement cannot be awarded without conducting negotiations because of special circumstances, related to the nature, complexity or the legal and financial framework or because of related to them risks;
   d) the technical specifications cannot be established by the contracting authority with the needed precision through reference to a standard, European technical evaluation, general technical specifications or technical standards;
   e) the public procurement is for services under Annex No 2;

2. where an open or restricted procedure is terminated, because the sent offers fail to meet the conditions for production, including for form, way and term, or the applicants or participants fail to meet the set selection criteria, or for them one of the grounds for removal from the procedure is present.

(4) An offer shall not be accepted, where it is found that the proposed price in it or costs are more than 20% more favorable than the average values of the relevant offers in the other offers, because norms and rules have not been observed, related to environment protection, social and labour law, applicable collective agreements and/or provision of the international ecological, social and labour law, which are listed in Annex No 10.

(5) An offer shall not be accepted, where it is found that the offered in it price or costs are more than 20% more favorable than the average value of the relevant proposals in the other offers because of received state aid, where the participant cannot prove in the envisaged term that the aid is compatible with the internal market in the meaning of Art. 107 of TFEU.

(6) The contracting authorities shall be obliged to notify the European Commission about all cases under Para. 5.

(7) All bodies shall be obliged upon request and within the frames of its competence to produce to the contracting authorities – including from other Member States – information, related to law and legislative provisions, applicable collective agreements or national technical standards, referring to evidences and documents, produced in relation to the data under Para. 2.

Chapter nine.

PROCEDURES, APPLICABLE BY PUBLIC CONTRACTING AUTHORITIES

Rules for Selection of procedure

Art. 73. (1) With awarding public procurements, the public contracting authorities may select free open or restricted procedure.

(2) The public contracting authorities may select competition procedure with agreement or competition dialogue:

1. in a procurement, for which some of the following conditions are available:
   a) the contracting authorities needs cannot be satisfied without adapting available market decisions;
   b) the public procurement includes decision/s, related to design or innovations;
   c) the public procurement cannot be awarded without conducting negotiations because of special circumstances, related to the nature, complexity or the legal and financial framework or because of related to them risks;
   d) the technical specifications cannot be established by the contracting authority with the needed precision through reference to a standard, European technical evaluation, general technical specifications or technical standards;
   e) the public procurement is for services under Annex No 2;

2. where an open or restricted procedure is terminated, because the sent offers fail to meet the conditions for production, including for form, way and term, or the applicants or participants fail to meet the set selection criteria, or for them one of the grounds for removal from the procedure is present.

(3) To partnership for innovations, a negotiation procedure without preliminary notice and competition for a project, the provisions of Art. 78 - 80 shall apply.

Open Procedure

Art. 74. (1) The minimum term for receiving offers in an open procedure shall be 35 days from the date of sending the public procurement notice for publication.

(2) The term under Para. 1 may be terminated, but shall not be shorter than 15 days if the contracting authority has published an notice for preliminary information and it:

1. has been sent for publication between 35 days and 12 months before the date of submission
of the public procurement notice for publication, and

2. shall include the whole information under Part A, Section I of Annex No 4.

(3) The term under Para. 1 may be shortened by 5 days where the contracting authority has admitted submission of offers electronically in compliance with Art. 39, Para. 1, 2 and Para. 8 – 13.

(4) In case of occurring circumstances, which require urgent awarding of a procurement because of which the term under Para. 1 is impossible, the contracting authorities may define term for receiving offers, not shorter than 15 days form the date of submission of the public procurement notice for publication.

(5) In the public procurement notice, the contracting authority shall motivate the application of Para. 4.

Restricted Procedure

Art. 75. (1) Every person may submit an application for participation in a restricted procedure in which he shall produce the required by the contracting authority information about lack of grounds for removal and his compliance with the selection criteria.

(2) The minimum term for receiving application for participation in a restricted procedure shall be 30 days from the date of submission of:

1. the public procurement notice for publication, or
2. invitation for confirmation of interest, where for notice of opening the procedure an notice of preliminary information has been used.

(3) Only applicants, which have been invited by the contracting authority has invited shall submit offers after conducted preliminary selection.

(4) The minimum term for receiving offers in a restricted procedure shall be 30 days from the date of submission of the invitation for sending offers.

(5) The term under Para. 4 may be shortened, but shall not be shorter than 10 days under the conditions that the contracting authority has published notice for preliminary information, which shall not be used for notice of opening of procedure and it:

1. has been sent for publication between 35 days and 12 months before the date of submission of the public procurement notice for publication, and
2. shall include the whole information under Para. A, Section I of Annex No 4.

(6) The term under Para. 4 may be shortened by 5 days, where the contracting authority has admitted submission of offers electronically in compliance with Art. 39, Para. 1, 2 and Para. 8 - 13.

(7) In case of occurrence of circumstances, which require urgent awarding of a procurement, because of which it is impossible to observe the terms under Para. 2 and 4, the contracting authorities may determine:

1. term for receiving applications for participation – not shorter than 15 days from the date of submission of the public procurement notice for publication;
2. term for receiving offers – not shorter than 10 days from the date of submission of the invitation of production of offers.

(8) In the notice for public procurement, the contracting authority shall motivate the application of Para. 7.

(9) The public contracting authorities under Art. 5, Para. 2, p. 8, 9, 14 and 16 may set a term for receiving offers and under an agreement with the selected applicants after finalization of the selection. The agreement shall be admissible only if all applicants are given equal term for preparation and submission of offers.

(10) Where no agreement is reached under Para. 9, the term shall be determined by the contracting authority and shall not shorter than 10 days from the submission of the invitation of production of offers.

Competition Procedure with Negotiations

Art. 76. (1) Every person may submit an application for participation in a competition
procedure with negotiation, in which he must produce the required by the contracting authority information about lack of removal grounds and his compliance with the selection criteria.

(2) In the documentation, the contracting authority shall describe his needs and the needed characteristics of supplies, services or public works and shall define criterion for awarding the procurement. The documentation shall indicate also the minimal requirements, which the offers must meet. The produced information must be sufficiently correct in order the interested persons to be able to define the character and scope of the procurement and to decide whether they should participate in the procedure.

(3) The minimal term for receiving of applications for participation in the procedure shall be 30 days from the date of sending:
   1. the public procurement notice for publication, or
   2. invitation for confirmation of interest – where for announcing the opening of the procedure an notice is used for preliminary information

(4) In the competition procedure with negotiation only applicants, who have been invited by the contracting authority after preliminary selection may submit initial offers, which may serve as a basis for conducting negotiations.

(5) The minimal term for receiving initial offers shall be 30 days from the date of submitting the invitation under Para. 4.

(6) The terms under Para. 3 and 5 may be shortened while observing the conditions under Art. 75, Para. 5 - 8.

(7) The contracting authority shall conduct negotiations with the participants for improvement of the contents of the initial and the further offers.

(8) The negotiations may be conducted at further stages in order the number of the considered offers to be decreased, by applying the awarding criterion and the indicators for evaluation of the offers, indicated in the public procurement notice or in the invitation for confirming interest.

(9) Where the contracting authority intends to use the possibility under Para. 8, he shall indicate this in the public procurement notice or in the invitation for confirmation of interest.

(10) At every stage if the negotiations, the contracting authority shall inform in writing the participants in it for all the changes in the technical specification or in another document of the documentation, where applicable. The contracting authority shall provide to the participants sufficient time for making changes in the offers and their production.

(11) Where the contracting authority intends to finalize the stage negotiations, he shall notify the participant and shall define a term for presentation of final offers. In these cases the contracting authority shall check whether the final offers meet the minimal requirements and shall evaluate them on the basis of the selected awarding criterion.

(12) Where the possibility under Para. 11 is used, the received number of offers at the final stage must guaranty real competition, if sufficient offers or admitted applicants are available.

(13) The minimal requirements, which the offer must meet and the evaluation indicators are not subject to negotiations and cannot be changed.

(14) While conducting the negotiations, the contracting authority shall guaranty equality of the participants, by not providing information in a way, which may give advantage to some participants over others.

(15) The contracting authority shall not have the right to provide the proposals, or other confidential information, received from a participant in the negotiations, to the other participants without his explicit consent for each concrete case.

(16) The contracting authority may not conduct negotiations and award the procurement on the basis of the proposals with the initially submitted offers, where he has envisaged such possibility in the notice for opening the procedure or in the invitation for confirmation of interest.

**Competition Dialogue**
Art. 77. (1) Every person may submit an application for participation in a competition dialogue, which must contain the required by the contracting authority information about the lack of grounds for removal and his compliance with the selection criteria.

(2) The contracting authority shall indicate in the notice and/or in a describing document his needs and requirements, the awarding criterion, the indicators for evaluation of the offers and an indicative schedule for conducting the procedure.

(3) The minimum term for receiving participation applications shall be 30 days from the date of sending the public procurement notice for publication.

(4) Only candidates, who the contracted authority has invited after a preliminary selection, may participate in the following stage of the procedure – dialogue.

(5) During the dialogue all the issues may be discussed, related to the procurement, in view to define the parameters, which satisfy utmost the needs of the contracting authority.

(6) While conducting the dialogue, the contracting authority shall guaranty equality of the participants, by not providing information in a way, which might give advantage to some participants over others.

(7) The contracting authority shall not have the right to provide the proposals, or other confidential information, received by a participant during conducting the dialogue to the other participants without his explicit consent for each concrete case.

(8) The dialogue may be conducted at further stages, in order that the number of decision for discussion to be decreased, by applying the awarding criteria and the evaluation indicators, indicated in the public procurement notice or in the describing document. When the contracting authority intends to conduct the dialogue at further stages, he shall indicate this in the notice or in the description document.

(9) The contracting authority shall conduct the dialogue by the time the decision/s are defined, which can satisfy his needs. At the final stage the received number of decisions must guaranty real competition, as far as sufficient decisions are available, which satisfy the requirement of the contracting authority or admitted applicants.

(10) After announcing the dialogue for finalized, the contracting authority shall notify all the participants, remained at the last stage and shall invite them to produce final offers, prepared on the basis of the decision/s concretized during the dialogue. The offers must contain all the obligatory elements, needed for fulfillment of the procurement.

(11) With awarding a public procurement through competition dialogue, the contracting authority shall evaluate the offers under the criterion of optimal correlation quality/price and in compliance with the indicators, indicated in the public procurement notice or in the describing document.

(12) The contracting authority may require the offers to be explained, or improved. The explanations, as well as the provided additional information shall not change the basic characteristics of the offer or procurement, including the needs and requirements in the notice or the description document, if this may lead to violation of competition or to discrimination.

(13) The contracting authority may conduct negotiations with the participant, produced an offer, which is with optimal correlation quality/price, in order to confirm the financial engagements, or other conditions in the offer, by specifying finally the conditions of the procurement. Specifying the conditions shall not lead to change essentially the basic parameters of the offer or of the procurement, including the defined needs and requirements in the notice or in the describing document, as well as to violation of the competition or to discrimination.

(14) The contracting authority may envisage awards or payment for the participants in the dialogue.

**Partnership for Innovations**

Art. 78. (1) Every person may submit an application for participation in a partnership for innovations, in which he must present the required by the contracting authority information about lack
of grounds for removal and his compliance with the selection criteria.

(2) In the public procurement documentation the contracting authority shall motivate the need of receiving innovation goods, service or public works, as well as the possibility it to be satisfied through the available offers on the market. The contracting authority shall describe his needs, by indicating which elements of the description are minimal requirements, which all offers must meet. The provided information must be sufficient and correct, in order that the interested persons may define the nature and scope of the wanted decision and to consider whether they will participate in the procedure.

(3) In the public procurement documentation, the contracting authority shall define the rules, applicable to the intellectual property right.

(4) The minimal term for receiving an application for participation in the partnership procedure shall be 30 days from the date of sending the public procurement notice for publication.

(5) During the preliminary selection, the contracting authority shall consider the technical and professional abilities of the candidates in the area of scientific research and development activity and the development and introduction of innovation decisions.

(6) Only applicants, who have been invited by the contracting authority after a preliminary selection, may produce offers for research and innovations.

(7) The contracting authority may envisage conducting of the negotiations in stages, in order to decrease the number of the offers, by applying the awarding criteria and the evaluation indicators, indicated in the notice. When intending to use this opportunity, the contracting authority shall indicate this fact in the notice.

(8) The contracting authority shall conduct negotiations with the participants for improvement of the contents of the initial and further offers with the exception of the final offers.

(9) The minimal requirements and evaluations indicators shall not be subject to negotiations and shall not be changed.

(10) With awarding a public procurement through partnership for innovations, the contracting authority shall evaluate the offers only under the criterion of optimal correlation of quality /price.

(11) While conducting the negotiations, the contracting authority shall guaranty equality for the participants, by not providing information in a way, which may give advantage to some participants over others.

(12) While conducting the negotiations, the contracting authority shall inform in writing all participants, whose offers have not been rejected about any changes in the technical specifications, or in another document of the public procurement documentation, different for the one, which defines the minimal requirements. After making such changes, the contracting authority shall provide to the participants sufficient time so that they may change and produce again the changed offers.

(13) The contracting authority shall not have the right to provide the offers or other confidential information, received by a participant in the negotiations, to the other participants without his explicit consent about each concrete case.

(14) The partnership contract for innovations shall aim at development of innovation product, service or public works, a further acquiring of the received supplies, services or public works as a result of this, under the condition that they comply with the level of fulfillment and the maximum costs, agreed between the contracting authority and the participant/s.

(15) The partnership contract shall settle the fulfillment of the procurement of successive stages according to the steps in the process of scientific researches and innovations, which may include production of the products, provision of services or public works.

(16) The partnership contract shall define the interim purposes, which are to be achieved, as well as the contribution for payment of the relevant remunerations.

(17) The contracting authority shall guaranty that the different stages of the partnership express the level of innovation of the proposed decision and successiveness of the scientific research and innovation activities, needed for development of the innovation decision.
(18) The expected value of the acquired supplies, services or public works must be correspondent to the investment, needed for their development.

(19) The contracting authority shall not have the right to disclose to the other partners the proposed decisions or any other confidential information, provided by a certain partner within the frames of the partnership, without his explicit consent for each case.

(20) In the cases under Para. 16, the contracting authority may finalize the partnership for innovations after each stage, and in partnership for innovations with several partners – to decrease their number by termination of the contracts, if he has indicated this opportunity in the conditions for this in the public procurement documentation.

**Negotiation Procedure without Preliminary Notice**

Art. 79. (1) The public contracting authorities may apply the negotiation procedure without preliminary notice only in the following cases:

1. in an open, or restricted procedure not offers or participation applications have been received, or all submitted offers or participation applications are not suitable and the initially announced conditions of the procurement are not changed substantially;
2. where all participants have been invited, whose offers in a previous or open or restricted procedure meet the requirements of the contracting authority, but exceed his financial resource;
   a) the aim is the procurement to create or acquire unique work of art, or creative product;
   b) lack of competition because of technical reasons;
   c) exclusive rights present, including intellectual property rights;
3. the procurement may be fulfilled only by a certain contractor in some of the following cases:
   4. where an urgent awarding is needed because of extraordinary circumstances and it is not possible the terms to be observed, including the shortened ones for an open, restricted procedure or competition procedure with negotiation; the circumstances, which define the urgency, shall not be due to the contracting authority;
   5. the goods – subject to supply shall be produced with the purpose of study, experimentation, scientific or development activity and are in quantities, which do not allow sufficient market realization to be provided or the costs of the scientific – research and development activity to be covered;
   6. where additional supplies of goods are needed from the same supplier, intended for partial replacement or addition to the available supplies or facilities and the change of the supplier leads to incompatibility or to substantial technical difficulties in the exploitation and maintenance because of acquiring goods with different technical characteristics;
   7. subject of the procurement is a supply of goods, which is traded at the stock exchange, according to a list, approved by the Council of Ministers upon proposal of the Minister of Finance;
   8. in supplies or services, provided in special favorable conditions by a person, who terminates his economic activity, as well as by syndics or liquidators in an insolvency procedure, with an agreement with creditors or other similar procedure, in which the persons is situated under his national legislation;
   9. the service shall be awarded after a competition for a project, conducted under the law by sending participation invitations for the negotiations of the selected participant or of all selected participants in compliance with the competition conditions;
10. where it is needed repetition of the public works or the service, awarded by the same contracting authority to the initial contractor in case of the following conditions available:
   a) the initial procurement has been awarded with an open procedure, restricted procedure, competition procedure with negotiation, competition dialogue or partnership for innovations;
   b) in the notice of the initial procurement, a possibility has been indicated for repeated awarding, as well as the volume or quantity of the possible additional public works or services and conditions, in which they will be awarded;
   c) the total value of the new procurement is included and indicated in defining the value of the
initial one;

d) the new procurement complies with the basic project, in whose fulfillment the initial procurement has been awarded.

(2) The contracting authority may apply Para. 1, p. 3, letters "b" and "c" only where there is not sufficiently good alternative or replacement and lack of competition is not due to artificial shortening of the procurement parameters.

(3) The continuity of the procurement contracts under Para. 1, p. 6, including in periodically repeated contracts for such procurements, shall not exceed 3 years.

(4) In the cases under Para. 1, p. 7, the contract shall be signed upon the rules of the relevant stock exchange.

(5) The repeated awarding of public works or the services under Para. 1, p. 10 may be applied not later than 3 years after signing the initial contract.

(6) With the decision for opening the procedure, the contracting authority shall motivate the applicable ground under Para. 1.

(7) The terms and procedure for conducting the procedure shall be defined by the rules on the implementation of the act.

**Competition for a Project**

Art. 80. (1) The competition for a project shall be conducted:

1. as a part of a procedure for awarding a public procurement for a service or
2. giving award or payment for the participants.

(2) In the cases under Para. 1, p. 1, the prognosis value shall be defined, where it shall include VAT of the service and all eventual awards or payments for the participants.

(3) In the cases under Para. 1, p. 2, the prognosis value shall be defined, where it shall include the total sum of awards and payment, as well as the prognosis value without VAT of the public procurement for services, which may be awarded through a negotiation procedure, without preliminary notice.

(4) The participation in a competition for a project shall not be restricted:

1. through indication of national sign or territorial scope;
2. through requirement for a certain legal-organization form of the participant.

(5) In an open competition, all interested persons may produce projects.

(6) Where the competition for a project I conducted with a restricted number of participants, the contracting authority shall define clear and non-discrimination criteria for decreasing the number of applicants. In this case projects may submit only applicants, who have been invited by the contracting authority. The number of the invited applicants must be sufficient, so that real competition is guaranteed.

(7) The competition shall be conducted by jury, which shall be independent in decision taking or expressing opinions. In relation to the jury members, there should not be a conflict of interest with the applicants or participants.

(8) The conditions and procedure for conducting a competition for a project shall be determined by the rules on implementation of the act.

**Chapter ten.**

**SPECIFIC TECHNIQUES AND INSTRUMENTS FOR AWARDING PROCUREMENTS**

**Section I.**

**Framework Agreement**

**General Provisions**

Art. 81. (1) The contracting authorities may sign framework agreements on the basis of the
procedures, provided by the act and in case of present premises for their conducting.

(2) Framework agreement with an agreement, signed between one or more contracting authorities and one or more contractors so that the conditions of the procurement are defined, which will be awarded during a certain period, including about the process, an if possible- the envisaged quantities as well.

(3) The term of the framework agreement, signed by a public contractor shall not be longer than 4 years, and by sector contracting authority – 8 years.

(4) The term under Apra. 3 may be longer in exceptional cases and because of reasons, related to the subject of the framework agreement. The contracting authority shall indicate this in the motives about this in the notice.

(5) In the cases of framework agreement, signed for the needs of several contracting authorities, or by central body for purchases, in the public procurement notice and in the framework agreement the circle of persons, who may use it shall be indicated.

(6) After signing a framework agreement, including new contractors shall not be admitted.

(7) The contracting authorities shall not have the right to use the framework agreements in a way, which prevents, restricts or violates competition.

**Signing Contract as a Result of Framework Agreement**

Art. 82. (1) Where in the framework agreement all the conditions have been defined, the contracting authority shall sign a public procurement contract, while applying these conditions. In case that the framework agreement is signed with more than one contractor, it must define the conditions, on the basis of which the contractor under each contract will be determined.

(2) Where the frameworks agreement does not define all conditions and it is signed with one person, the contracting authority shall require in writing from this person to supplement his offer.

(3) Where in the framework agreement not all conditions have been defined and it is signed with more than one person, for each contract, which is to be signed, the contracting authority shall conduct internal competitive selection for determination of a contractor.

(4) Within the frames of the internal competition selection, the contracting authority shall:

1. send a written invitation to the persons in the framework agreement;
2. define suitable term for receiving offers, while taking in consideration the complexity of the procurement subject and the time, needed for drawing up the offers;
3. store the offers by the time the term for their receiving will have expired;
4. appoint a commission, which shall consider and rank the offers;
5. select by a decision a contractor of the public procurement on the basis of the defined criterion for awarding the procurement and shall sign a contract or shall terminate the internal competitive selection.

(5) The contracting authority shall indicate in the notice, in the public procurement documentation and in the framework agreement the criterion, on the basis of which the internal competition selection will be conducted, and where applicable – also the indicators and methods for evaluation of the offers.

(6) For conducting internal competitive selection, the contracting authority may apply the evaluation indicators and methods, used for signing the framework agreement, refine them – if needed – or include new indicators and methods, where suitable.

(7) The contracting authority may conduct internal competitive selection also where he has signed a framework agreement with more than one person, where all the conditions have been defined, only if he has envisaged them in the public procurement documentation for signing framework agreement. This possibility shall apply also in relation to certain positions of the framework agreement.

(8) In the cases under Para. 7, the contracting authority shall indicate in the documentation objective criteria, on the basis of which a decision has been taken for conducting internal competitive selection or direct application of the framework agreement conditions, as well as which of the agreed
indicators will be subject to internal competitive selection.

(9) In the cases of signing contract, on the basis of a framework agreement, the parties shall not have the right to change substantially the conditions, defined in it under Art. 116, Para. 5.

Section II.
Dynamic Systems for Purchases

General Requirements

Art. 83. (1) The dynamic system for purchases (DSP) shall be complete electronic process, which the contracting authorities may use in often realized procurements, whose type characteristics meet the requirements of the contracting authorities.

(2) The dynamic system for purchases shall be open during its whole term of action for every applicant, who meets the selection criteria. The access and participation in it shall be free for all interested persons.

(3) The dynamic system for purchases may be separate in certain categories, which may be based on the maximum admissible size of the expected concrete procurements, concrete geographic region, in which they will be fulfilled, or on other objectively defined characteristics, related to the subject of the procurement.

(4) All the applicants, who meet the selection criteria shall be included in the DSP. The contracting authorities shall not have the right to restrict the number of applicants in it.

(5) Where the contracting authority has separated DSP in separate categories, for each category he shall define its characteristics and applicable selection criteria.

(6) The exchange of information in awarding through DSP shall be made only by electronic media under the conditions of Art. 39.

(7) The dynamic system for purchases shall not apply in offers in the defence and security areas.

Creating Dynamic System for Purchases

Art. 84. With creating DSP, the contracting authority shall:

1. publish an notice for public procurement, an notice for preliminary information or periodic indicative notice, where he shall indicate that he creates DSP and shall define the term for its action;

2. indicate in the procurement documentation at least the nature and the prognosis quantity of the envisaged purchases, whether DSP is separated in separate categories, as well as information about the way DSP is functioning, including use of electronic equipment, organization and technical requirements for realizing connection with the equipment;

3. provide unlimited, complete and direct access to the public procurement documentation during the whole DSP term of action.

Inclusion of Applicants in a DSP

Art. 85. (1) Any person may submit an application for inclusion in DSP within the frames of the term of its action.

(2) The minimal term for receiving applications for inclusion in DSP shall be 30 days from the date of sending:

1. the public procurement notice for publication, or

2. the invitation for confirmation of interest, where as an invitation for participation in the procedure an notice for preliminary information or periodical indicative notice shall be used.

(3) Within the term of 10 working days from receiving the application, the contracting authority shall take decision about inclusion of the applicant in DSP, by applying the announced selection criteria. In case that carrying out additional check is needed about meeting the selection criteria, the term may be extended by 15 working days.

(4) In the public procurement documentation the contracting authority may define term for
consideration of the application, longer than 10 working days, if by the time the set term expires, no
invitation for production of offers will not be sent for awarding the first concrete procurement

(5) The contracting authority shall not have the right to send an invitation for production of
offers for the first concrete procurement, before considering all received application for participation
within the term under Apra. 2.

Awarding Public Procurement through DSP

Art. 86. (1) With awarding public procurements through DSP, the rules for restricted procedure
shall be applied.

(2) The contracting authority shall send a written invitation at the same time to all the
applicants to submit an offer for every concrete procurement within the frames of DSP under Art. 34.
Where DSP is divided in categories, the invitation shall be sent to the applicants, included in the
relevant category.

(3) After sending the invitation for provision of offers for the first concrete procurement, new
terms shall not be set for receiving applications for participation.

(4) The term for receiving offers shall not be shorter than 10 days from the date of sending the
invitation for production of offers.

(5) The term under Para. 4 may be set upon mutual agreement between the contracting
authority and the admitted applicants, under the condition, that all admitted applicants have equal time
for preparation and sending their offers.

(6) The contracting authority shall select the contractor of the procurement in compliance with
the awarding criterion and the evaluation indicators of the offers, indicated in the notice or invitation for
confirming interest, where the creation of DSP is announced through an notice for preliminary
information or periodic indicative notice.

(7) Where needed, the indicators for evaluation of the offers may be formulated more exactly in
the invitation for production of offers.

Updating Information

Art. 87. (1) The contracting authority may, at any time during the DSP action, request from the
admitted applicants to produce ESPD with updated information about the declared data on the basis of
which they have been included in the DSP.

(2) The information under Para. 1 shall be provided within the term of up to 5 working days
from receiving the request.

(3) During any time within the term of DSP action, the contracting authority may request from
the applicants to produce documents for evidence of the circumstances, included in the ESPD, apart
from the cases under Art. 67, Para. 8.

(4) The contracting authority shall take decision for termination of the participation in the DSP,
where as a result of the actions under Para. 1 – 3 it is found, that the applicant fails to meet the
conditions for inclusion in the DSP.

Extending and Termination of the DSP

Art. 88. (1) The term of the DSP action may be changed. For notice the change, the contracting
authority shall use the form of notice, which has announced the creation of DSP.

(2) In case of pre-term termination of DSP, the contracting authority shall publish an notice for
awarding a procurement.

Section III.
Electronic Tender

General Requirements

Art. 89. (1) The electronic tender shall be repeating electronic process, which starts after the
initial complete evaluation of the offers and allows them to be graded through methods for automatic
evaluation of the produced in the offers new, lower prices and/or new values, referring certain elements 
of the offers.

(2) Public procurements for services and public works shall not be subject to electronic tender, which have subject of intellectual activity, including activities of design of public works sites and which are not subject to automatic evaluation with electronic means.

(3) The contracting authorities may select contractor of a public procurement through an electronic tender, where the technical specifications of the public procurement may be exactly defined, including in the cases of internal competition selection, conducted for awarding a procurement under a framework agreement.

(4) The contracting authorities may conduct electronic tender in awarding a procurement through an open procedure, restricted procedure, competition procedure with negotiation or a procedure of negotiation with preliminary invitation for participation.

(5) The contracting authorities may conduct an electronic tender also in the cases of awarding public procurement within the frames of DSP.

(6) The electronic tender shall not be applied, if it prevents, restricts or violates competition.

**Conducting Electronic Tender**

Art. 90. (1) Conducting an electronic tender shall be based on:

1. prices, where the procurement is awarded only on the basis of the price;
2. prices and/or values of the indicators, where the awarding criterion is in optimal correlation quality/price or lowest cost while using approach for cost effectiveness.

(2) using electronic tender shall be indicated in the notice, which announces opening of the procedure or in the invitation for confirmation of interest.

(3) The public procurement documentation, related to conducting the electronic tender shall include at least the following information:

1. the indicators for evaluation of the offers, which will be subject to electronic tender, under the condition that these indicators are quantitatively definable and may be expressed in digits or in percentage;
2. the step, the measure unit and other technical parameters, related to the automatic submission and evaluation of the offers, and where applicable – minimal and/maximal values of the indicators under p. 1, which may be offered;
3. the information, which will be provided to the participants during the electronic tender and where needed – when it will be provided;
4. the information, related to the procedure for conducting the electronic tender;
5. the conditions, in which the participants may submit new proposals;
6. the information, related to use of electronic equipment, as well as the procedure, conditions and technical requirements for connection.

(4) Before conducting the electronic tender, the appointed commission shall carry out initial evaluation of the offers in compliance with the selected awarding criterion.

(5) The contracting authority shall submit via electronic media at the same time an invitation to all the participants, whose offers have been admitted.

(6) The invitation under Para. 5 shall contain:

1. the result of the initial evaluation of every offer;
2. the procedure for connection to the use electronic equipment;
3. date and time of the start of the electronic tender;
4. the way of finalization of the electronic tender.

(7) Where the awarding criterion is optimal correlation quality/price, the invitation under Para. 5 shall also contain the mathematical formula, the applicable indicators, their weight and measure units. Where variants have been envisaged, for each of them a separate formula shall be drawn up.

(8) The electronic tender may be conducted at successive stages, where at each stage the
number of participants may be announced.

9. The electronic tender shall not begin earlier than 2 working days after the date of sending the invitations.

10. Conducting the electronic tender shall be organized in a way, which gives possibility to each participant to define his relative place in the grading at any moment.

11. Under the condition that the invitation has envisaged, the participants may be provided with information about proposed prices or values during the tender by the other participants.

12. Provision of information during the electronic tender shall not lead to disclosure of the participants’ identity.

**Finalization of the Electronic Tender**

Art. 91. (1) The electronic tender shall finish:

1. with the date and time, indicated in the invitation, or
2. where no new proposals have been received, meeting the requirements of the contracting authority – after expiry the term, determined in the invitation, or
3. where all stages of the electronic tender, determined in the invitation, have finished.

(2) Where the contracting authority intends to finalize the electronic tender under Para. 1, p. 3, including where as an addition, the conditions under Para. 1, p. 2 are applied, he shall indicate the time schedule for conducting each stage of the electronic tender in the participation invitation.

3. The contracting authority shall select the contractor of the public procurement on the basis of conducting the electronic tender and shall sign contract with him.

**Section IV.**

**Electronic Catalogs**

**General Requirements**

Art. 92. (1) The contracting authorities may request the offers to be produced in the form of electronic catalogue or to include an electronic catalogue, where they award public procurements by using electronic media. This requirement shall be indicated in the notice or in the invitation for confirmation of interest.

(2) In the cases under Para. 1, the public procurement documentation shall indicate the needed information about the form, the use of electronic equipment, the organization and technical requirements for realization of a connection with the equipment.

(3) The offers, produced in the form of electronic catalogue may be accompanied with other documents, supplementing the offer.

(4) The electronic catalogue, which are drawn up by the participants for a certain procedure, must comply with:

1. the established by the contracting authority technical specifications and electronic format;
2. the requirements for the electronic media for communication and additional requirements, set by the contracting authority in compliance with Art. 39.

(5) In an electronic dialogue, submitted for a concrete procedure for a public procurement, only products, public works or services may be included, which meet the requirements of the contracting authority for a concrete procurement.

**Us of Electronic Catalogue in a Framework Agreement**

Art. 93. (1) Where a framework agreement has been signed with more than one contractor after submitting offers in the form of electronic catalogues, the contracting authorities may envisage a possibility for conducting an internal competitive selection for the concrete procurements, by

1. sending an invitation to the participants to update their general catalogues in the part, complying with the requirements of the concrete procurement, or
2. collecting from the already received electronic catalogues for the concrete goods the needed
information for drawing up offers, in the condition that this possibility is indicated in the public procurement documentation on the framework agreement.

(2) In the cases under Para. 1, p. 2, the contracting authorities shall notify the participants for the date and time, when they intend to collect the information, by providing sufficient term between the notification and the actual collection, which would give possibility for the participants to take decision about their consent to be used the submitted by them information about the concrete procurement.

(3) In the cases under Para. 1, p. 2, before awarding the procurement, the contracting authorities shall provide the collected information of the relevant participant to give him possibility to object, or confirm it.

Use of Electronic Catalogue in a DSP

Art. 94. (1) With awarding public procurement through DSP, the contracting authorities may request the offers for a concrete procurement to be produced in the form of electronic catalogue.

(2) Where the DSP participation application is accompanied by an electronic catalogue, complying with the established by the contracting authority technical specification and format, the procurement on the basis of DSP may be awarded under Art. 93, Para. 1, p. 2.

(3) In the cases under Para. 2, the electronic catalog shall be further supplemented by the applicants under the conditions of Art. 93, Para. 2 and 3.

Section V.
Central Awarding

Central Body for Purchases

Art. 95. (1) The contracting authorities may receive supplies and/or services from a central body of purchases, which offers centralized activities for purchasing.

(2) The contracting authorities may acquire public works, supplies and services through public procurements, awarded by the body under Para. 1 while using:
   1. dynamic system for purchases, managed by this body;
   2. framework agreement, signed by this body.

(3) Where other contracting authorities envisage to use DSP, managed by a central body for purchasing, this shall be indicated in the notice, which announced the creation of DSP.

(4) The contracting authorities shall not apply the procedures for public procurement, where they award to a central body for purchases a public procurement with subject service for fulfillment of centralized activities on purchases, which may also include provision of supporting activities for purchasing.

(5) In the cases under Para. 1 and 2, it shall be accepted that the contracting authorities have observed the provisions of the act.

(6) In the cases under Para. 1, p. 1 and 2, the contracting authorities shall be responsible for the lawfulness of their actions, related to selection of contractor and awarding concrete contract for public procurement while using DSP, managed by the central body for purchasing or of the signed by it framework agreement.

(7) Supplies, services or public works, awarded by a central body for purchases under Art. 5, Para. 4, p.. 3 may be used only for fulfillment of sector activities.

Creating Central Bodies for Purchases

Art. 96. (1) A group of contracting authorities may take decision for establishing a central body for purchases.

(2) Central bodies for purchases for the needs of the administrations of the executive power, as well as for the needs of certain sectors shall be established by a Council of Ministers act.

(3) The central bodies for purchases for the needs of the Municipalities shall be established by a decision of the relevant Municipal councils upon proposal of the Municipality Mayors. The National
association of municipalities in the Republic of Bulgaria may fulfill the functions of a central body for purchases for awarding procurements for the needs of the Municipalities with a decision of the general meeting.

(4) The Municipal council, upon proposal of the Mayor may take decision for acquiring supplies and/or services by a central body for purchases under Para. 3 upon agreement with this body.

**Electronization of the Central Awarding**

Art. 97. (In force from 01.01.2017) The central bodies for purchases shall conduct the awarding public procurement procedures by using electronic media for communication in compliance with the requirements under Art. 39.

**Use of a Central Body for Purchases, Established in another Member State**

Art. 98. (1) The contracting authorities shall use DSP, the framework agreements and the contracts, signed by a central body for purchases, established in another Member State, in case that the concrete contracting authority is indicated in them.

(2) In the cases under Para. 1, while awarding procurement through DSP, as well as while determining a contractor on the basis of a framework agreement, the legislation of the Member State shall apply, in which the central body for purchases has been established.

(3) The contracting authorities may not use the possibilities under Para. 1 in view to circumvention of the law.

**Chapter eleven.**

**CONDUCTING PUBLIC PROCUREMENT AWARDING PROCEDURES**

**Notice Opening of the Procedure**

Art. 99. For notice of the procedure opening, the contracting authorities shall send:

1. the notice, which announces the opening of the procedure to the EU Official Journal – in the cases under Art. 18, Para. 1, p. 1 - 7 and 11;
2. the decision for the procedure opening to PPR – in the cases under Art. 18, Para. 1, p. 8 - 10 and 13;
3. the decision for the procedure opening and the notice for the public procurement to PPR – in the cases under Art. 18, Para. 1, p. 12.

**Change of Conditions**

Art. 100. (1) The contracting authority may, upon own initiative or upon request of an interested person, once, to make changes in the notice, which announces the procedure opening, in the invitation for confirmation of interest, in the public procurement documentation and in the description document.

(2) The interested persons may make proposals for changes in the documents under Para. 1 within 10 day term from the publication of the notice in the PPR, by which the procedure opening is announced and/or from receiving the invitation for confirming interest.

(3) The contracting authority shall submit for publication in the PPR the notice for changes or additional information and the decision with which it is approved within 14 day term from the publication of the notice in the PPR, by which the procedure opening is announced.

(4) Where changes are made in the invitation for confirmation of interest, the contracting authority shall send to the persons, declared interest, the documents under Para. 2 within 14 day term form submitting the invitation for confirmation of interest.

(5) In procedure, in which the terms for receiving offers are shortened under Art. 74, Para. 2 or Art. 133, Para. 2, as well as where the terms for participation application and/or offers are shortened because of a need of urgent awarding, the term under Para. 2 shall be a 3-day one, and under Para. 3 – 4 -5 day one.

(6) after expiry of the terms under Apra. 3- 5, the contracting authority may publish multiple
notices for change or additional information for changes in the conditions of the procedure only where he extends the announced terms.

(7) The contracting authority shall extend the terms for receiving offers, where:
   1. in the cases under Aprr. 7 substantial changes have been made in the conditions of the announced procurement, which impose a change in the participants offers;
   2. timely explanations of the procedure conditions have been required and they may not be produced within the term under Art. 33, Para. 2.

(8) The extension of the term under Para. 7 must be coordinated with the time, needed for the persons to get acquainted and reflect the explanations or changes while drawing up the offers.

(9) Extension of the terms shall not be required, where the explanations do not impose substantial changes in the offers or where they have been provided in the cases under Art. 33, Para. 3.

(10) With the notice for change or additional information in the cases of changes under Para. 7, p. 1, the contracting authorities shall not introduce conditions, which would change the range of interested persons.

(11) The contracting authority shall extend the announced terms in the procedure, where this is imposed in relation to an appealing procedure.

(12) The contracting authority may extend the announced terms in the procedure, where:
   1. in the initially determined term there are not applications or offers or only one application or offer has been received;
   2. the term under Art. 158, Para. 4 is not sufficient.

(13) With the publication of the notice for change or additional information, it is considered, that all the interested persons have been notified.

**Participation Application**

Art. 101. (1) Depending on the type and stage of the procedure, the applicants shall submit participation applications and the participants – offers.

(2) The participation application shall contain information about the personal state of the applicants and the selection criteria.

(3) The offer shall contain the technical and price proposal.

(4) In an open procedure, to the offer, the participants shall provide information about their personal state and the selection criteria.

(5) While drawing up the offer, every participant must attach exactly to the announced conditions by the contracting authority.

(6) The offers and the participation applications shall be drawn up in the Bulgarian language. Where the procurement is with a place abroad, the contracting authority may admit the participation application and the offer to be produced in an official language of the relevant country.

(7) By the time the term for submission of the participation application and the offers expires, each applicant or participant may change, supplement or withdraw the application or his offer.

(8) Every participant in a procedure for awarding a public procurement shall have the right to produce only one offer.

(9) A person, who participated in a partnership or has agreed to be subcontractor of another applicant or participant, shall not submit independently an application for participation or an offer.

(10) The public procurements awarding procedure one natural or legal person may participate only in one partnership.

(11) Related persons shall not be able to be independent applicants or participants in one and the same procedure.

(12) The contents of the offers and participation applications, the procedure and way of their submission and receiving shall be determined by the Rules on the implementation of the act.

(13) Where the public procurement has separate positions, the conditions under Para. 8 – 11 shall apply separately for each of the positions.
Confidentiality

Art. 102. (1) The applicants and participants may indicate in their participation applications of offers information, which they consider as confidential in relation to the present trade secret. Where the applicants and participants have referred to confidentiality, the relevant information shall not be disclosed by the contracting authority.

(2) The participants shall not be able to refer to confidentiality in relation to their proposals of the offers, which are subject to evaluation.

(3) The contracting authority may set requirements for protection of information with confidential nature while producing information to the applicants or participants in the run of the procedure, as well as with signing the public procurement contract.

Commission

Art. 103. (1) The contracting authority shall appoint a commission for performing the selection, consideration and evaluation of the offers and conducting negotiation and dialogue. The commission shall contain odd number of members.

(2) In relation to the commission members, there should not be conflict of interest with the applicants or participants.

(3) The commission actions shall be recorded, where the results of its operation shall be reflected in a report.

(4) The commission decision shall be taken by majority of its members. Where a commission member is against the taken decision, he shall sign the record with reservation and shall attach his grounds in writing.

(5) The rules for the commission operation shall be determined by the Rules on the implementation of the act.

Consideration of Participation Applications and Offers

Art. 104. (1) With conducting the public procurement procedures firstly a preliminary selection shall be performed, after which the participants offers shall be considered.

(2) In an open procedure, in the public procurement notice the contracting authority may envisage the evaluation of the technical and price proposals of the participants to be carried out before conducting the preliminary selection. In these cases the check for available grounds for removal and compliance with the selection criteria shall be carried out in a way, which is not influenced by the results of the evaluation of the technical and price proposals.

(3) Using the possibility under Para. 2 shall be admitted, where all the proposals of the participants’ offers shall be presented through digital value, which shall be announced at the moment of opening the offers.

(4) Where in relation to the selection criteria or the requirements to the persons state of the applicants or participants a lack has been established, the inadequacy and/or incompliance of the information, including irregular or factual error, the applicants or participants shall be provided with a possibility to produce new information, to supplement or explain the produced information.

(5) While considering the offers, where needed, checks are admitted on the data, declared by the participants, including through requirement of information from other bodies and persons. From the participants may be required to produce explanations or additional evidence about date, indicated in the offer. The check and the explanations shall not lead to changes in the technical and price proposal of the participants.

(6) The procedure for removal of incompliance and irregularities under Para. 4 shall be defined by the Rules for implementation of the act while observing the principles of equality and transparency.

Decreasing the Number of Applicants, Invited for Participation

Art. 105. (1) In a restricted procedure, competitive procedure with negotiation, competitive dialogue and partnership for innovation, the contracting authorities may decrease the number of the applicants, meeting the selection criteria, who will be invited for presentation of offers or for conducting
dialogue.

(2) In the notice, which opens the procedure, the contracting authorities shall indicate the objective and non-discriminatory criteria or rules, which will be applied for decreasing the number of the applicants and the minimal number of applicants, who intend to invite. The contracting authorities may also indicate a maximum number of applicants, who they intend to invite.

(3) In a restricted procedure, the minimal number of applicants shall be 5, and in a competitive procedure with negotiation, competitive dialogue and partnership for innovations – 3. The number of the invited applicants must be sufficient, in order to be guaranteed a real competition.

(4) Where the number of applicants, who meet the requirements, indicated in the notice, which announces opening of the procedure, exceeds the announced maximum number of the persons, who will be invited to present offers, the contracting authority shall carry out a selection, on the basis of the indicated in the notice objective and non-discriminatory criteria.

(5) In case that the contracting authority has indicated in the notice a restriction of the applicants number, who will be invited to submit offers, he shall be obliged to invite such a number of applicants which shall be at least equal to the preliminary determined minimum.

(6) Where the number of the applicants, meeting the selection criteria and the minimal requirement, is under the indicated minimum in the notice, the contracting authority may continue the procedure, by inviting only the applicants, who meet these criteria and requirements.

(7) The contracting authority shall not invite persons to submit offers, who have not submitted a participation application or applicants, who fail to meet the selection criteria and the minimal requirements.

Accepting the Operation of the Commission

Art. 106. (1) The report under Art. 103, Para. 3 shall be produced to the contracting authority for confirmation. The report shall have attached the records of the commission operation.

(2) Where in the run of the operation reasonable grounds occur for agreements, decisions or coordinated practices between the participants in the meaning of Art. 15 of the Protection of Competition Act, this circumstance shall be indicated in the report under Para. 1.

(3) Within 10 day term from receiving the report, the contracting authority shall confirm it or return it to the commission with written instructions, where:

1. the information in it is not sufficient for taking a decision for finalization of the procedure, and/or

2. it finds violation in the commission operation, which may be removed without the need for termination of the procedure.

(4) The instructions under Para. 3 shall not direct to a concrete contractor or to certain conclusions on behalf of the commission, but only they should mention:

1. what information must be included, so that sufficient grounds are present, which define the proposals of the commission in the cases under Para. 3, p. 1;

2. the violation, which must be removed in the cases under Para. 3, p. 2.

(5) The commission shall produce to the contracting authority a new report, which shall contain the results of the review of its actions.

(6) Within 10-day term from confirmation of the report, the contracting authority shall issue a decision for determining a contractor or for termination of the procedure.

(7) In the cases under Para. 2, the contracting authority shall notify the Competition Protection Commission. The notification shall not stop the conducting and finalization of the procedure.

Other Reasons for Removal from Participation

Art. 107. Apart form the grounds under Art. 54 and 55, the contracting authority shall remove from the procedure:

1. an applicant or participant, who fails to meet the set selection criteria or fails to fulfill other
condition, indicated in the notice for public procurement, the invitation for confirmation of interest or in an invitation for participation in negotiations, or in the documentation;

2. participant, who has submitted an offer, which does not meet:
   a) the preliminary announced condition of the procurement;
   b) rules and requirements, related to observation of the environment, the social labour law, applicable collective agreements and/or provision of the international ecological, social and labour law, which are listed in Annex No 10;

3. participant, who fails to produce in term the justification under Art. 72, Apra. 1 or whose offer has not been accepted under Art. 72, apra. 3 – 5;

4. applicants or participants, who are related persons.

Chapter twelve.
FINALIZATION OF THE PROCEDURE

Final Decision under the Procedure
Art. 108. The procedures under this act shall finish with a decision about:

1. determining a contractor upon a public procurement contract, including upon a contract, signed on the basis of a framework agreement, DSP or qualification system;

2. determining contractors upon a framework agreement;

3. grading of participants and/pr awarding prices and/or other payments in a competition for a project;

4. termination of the procedure.

Determining Contractor of a Public Procurement
Art. 109. The contracting authority shall determine as contractor of the procurement a participant, for who the following conditions have been fulfilled:

1. there are no grounds for removal from the procedure, apart from the cases under Art. 54, Para. 3 and meets the selection criteria, and where applicable – the non-discriminatory rules and criteria for decreasing the number of the applicants;

2. the offer of the participant has received the highest evaluation while applying the preliminary announced by the contracting authority conditions and the selected criterion for awarding.

Termination of the Procedure
Art. 110. (1) The contracting authority shall terminate the procedure with a grounded decision, where:

1. no offer, participation application, or competitive project has been submitted, or no participant for negotiations has appeared;

2. all the offers or participation applications do not meet the conditions for presentation, including for form, way and term, or are inappropriate;

3. all the competition projects do not meet the preliminary announced conditions by the contracting authority;

4. the first and second graded participants refuse to sign a contract;

5. violations have been found in its opening and conducting, which cannot be removed, without this changing the conditions, in which the procedure is announced;

6. because failure to fulfill some of the conditions under Art. 112, Para. 1, no public procurement contract shall be signed;

7. all the offers, which meet the preliminary announced conditions by the contracting authority exceed the financial resource, which he may provide;

8. the need for conducting the procedure or for awarding the contract falls as a result of a substantial change in the circumstances or in impossibility to be provided financing for fulfillment of the procurement because of reasons, which the contracting authority could not envisage;
9. substantial changes are needed in the conditions of the announced procurement, which would change the circle of the interested persons.

(2) The contracting authority may terminate the procedure with a grounded decision, where:
1. only one offer, participation application or competition project has been submitted;
2. there is only one appropriate participation application or one suitable offer;
3. there is only one competition project, which meets the preliminary announced conditions by the contracting authority:
4. the participant, graded at the first place:
   a) refuses to sign a contract;
   b) fails to fulfill some of the conditions under Art. 112, Para. 1, or
   c) fails to prove that there are no grounds for removal from the procedure.
(3) In the cases under Para. 1, p. 7 the contracting authority shall obligatorily include in the decision the lowest proposed price and cannot sign a contract with the same subject for a price, equal or larger than the indicated one in the decision, while conducting a further procedure within the frames of the same year.

(4) Where the initially announced procedure has been terminated, the contracting authority may find a new procedure for awarding a public procurement with the same subject only if the decision for termination has been enforced.

(5) The contracting authority may withdraw the enforced decision for selecting a contractor and issue a decision for termination of the procedure, where before signing the contract a circumstance under Para. 1, p. 4, 6 and 8 or Para. 2, p. 4, occurs.

Chapter thirteen.
GUARANTIES FOR FULFILLMENT. PUBLIC PROCUREMENT CONTRACT

Section I.
Guaranties for Fulfillment

Guaranty for Fulfillment
Art. 111. (1) The contracting authority may require from the selected contractor to provide guarantees, which may insure the fulfillment of the contract or providing means in advance.

(2) The guaranty, insuring the contract fulfillment shall not exceed 5% of its value. Where the procurement is awarded to specialized undertakings or cooperation of disabled people, the fulfillment contract guaranty shall not exceed 2% of the contract value. Fulfillment guaranty may be required also in a case of change, with which additional supplies, services or public works under the contract is required.

(3) The guaranty, which insures the provided means in advance, may be to the amount of these means and shall be liberated by 3 days after return or absorption of the advance payment.

(4) The envisaged guaranties and their percentage shall be indicated in the notice, which announces the opening of the procedure, in the confirmation of interest invitation or the invitation for participation in negotiations.

(5) The guaranties shall be provided in one of the following forms:
1. amount of money;
2. bank guaranty;
3. insurance, which insures the fulfillment by covering the responsibility of the contractor.

(6) The guaranty under Para. 5, p. 1 or 2 may be provided on behalf of the contractor for the account of a third person – guarantor.

(7) The participant, selected for contractor, shall choose himself the guaranty form for fulfillment or for the provided means in advance.
(8) Where the selected contractor is a partnership, which is not a legal person, each of the partners in it may be an ordering the bank guaranty or depositor of the guaranty sum or holder of the insurance.

(9) The conditions and terms for detention or release of the fulfillment guaranty shall be provided by the public procurement contract.

(10) Where the public procurement contract is fulfilled in stages, the contracting authority shall include in the draft contract a clause for partial release of the guaranties, or of the fulfilled part of the public procurement subject. Where the procurement subject includes guaranty maintenance, the contracting authority shall determine in the draft contract what part of the fulfillment guaranty is intended for insurance of the guaranty maintenance.

**Section II.**

**Public Procurement Contract**

**Signing a Contract**

Art. 112. (1) The contracting authority shall sign with the selected contractor a written public procurement contract in the condition that with the signing of the contract, the selected contractor:

1. produces a document for registration in compliance with the requirement of Art. 10, Para. 2;
2. fulfills the obligation under Art. 67, Para. 6;
3. produces the defined guaranty for fulfillment of the contract;
4. carries out the relevant registration, produces a document or fulfills any other requirement, needed for fulfillment of the procurement according to the requirement of a normative of administrative act and has been set by the contracting authority in the conditions of the announced procurement.

(2) The contracting authority shall not sign a contract, where the participant, graded at the first place:

1. refuses to sign a contract;
2. fails to fulfill some of the conditions under Para. 1, or
3. fails to prove that there are not grounds for removal of the procedure.

(3) In the cases under Para. 2, the contracting authority may amend the enforced decision in the part for selection of a contractor and with a grounded decision selects the second graded participant for contractor.

(4) The contract must comply with the draft contract, attached to the documentation, supplemented with all the proposals from the participant’s offer on the basis of which the latter has been selected for contractor of the procurement. Amendments in the draft contract shall be admitted upon exception, where the condition of Art. 116, Para. 1, p. 5 has been fulfilled but circumstances have occurred during or after conducting the procedure.

(5) The obligatory minimal contents of the contract shall be set by the Rules on the implementation of the act.

(6) The contracting authority shall sign the contract within one month term after the decision for selection of a contractor has been enforced or of the determination, which admits preliminary fulfillment of this decision, but not before expiry of 14 day term from the notification of the interested applicants and/or interested participant about the decision for selection of a contractor.

(7) The contracting authority may sign a public procurement contract before the expiry of the 14 day-term from the notification of the interested applicants and/or interested participants about the decision for selection of a contractor in the following cases:

1. the contractor has been selected as a result of:
   a) procedure under Art. 18, Para. 1, p. 8 - 10 and 13 and there is only one invited participant, or
   b) procedure under Art. 18, Para. 1, p. 8 - 10 and 13, open under Art. 79, Para. 1, p. 4, Art. 138, Para. 1, Art. 164, Para. 1, p. 3 or 4, or Art. 182, Para. 1, p. 1 and already there are invited participants;
2. the selected contractor is the only interested participant and there are no other interested applicants, or
3. the contract is signed on the basis of a framework agreement with one participant.

(8) The contracting authority shall not have the right to sign contract with the selected contractor before the enforcement of all the decisions of the procedure, unless it has been admitted preliminary fulfillment or where the procedure has been opened under Art. 79, Para. 1, P. 4, Art. 138, Para. 1, Art. 164, Para. 1, p. 3 or 4, or Art. 182, Para. 1, p. 1.

**Term of the Public Procurement Contracts**
Art. 113. (1) The public procurement contracts for periodic or long term fulfillment shall be signed for a term, which shall not exceed 5 years.

(2) Upon exception, the contracting authorities may sign contracts with a longer term, where this is imposed because of the nature of the procurement subject, the need of return of the investment or because of a technical reason, where the contracting authority shall indicate the grounds for this fact in the decision for opening.

(3) The term of contracts, signed on the basis of a framework agreement may exceed the deadline of the agreement:

1. by not more than a year – where time is needed for finalization of the fulfillment of the contract subject;
2. by more than a year – where it is connected with the fulfillment of activities, servicing the basic subject, including guaranty service and training of staff.

(4) Signing unlimited public procurement contracts, or contracts, whose term is continued automatically shall not be admitted. Contracts, signed in violation of the rules under Para. 1 and 2 shall be considered as signed for one year.

**Contract under Condition**
Art. 114. Where in opening of the procedure not financing is ensured, the contracting authority shall indicate this fact in the notice or invitation for confirmation of interest and shall envisage in the draft contract a clause for delayed fulfillment. In this case each of the parties may request termination of the contract without preliminary notification after expiry of a 3 month term from its concluding.

**Requirements during Fulfillment of the Contracts**
Art. 115. During fulfillment of the public procurement contracts, the contractors and their subcontractors shall be obliged to observe all applicable rules and requirements, related to environment protection, social and labour law, applicable collective agreements and/or provision of the international ecological, social and labour law under Annex No 10.

**Amendment of a Public Procurement Contract and Framework Agreement**
Art. 116. (1) The public procurement contracts and the framework agreements may be amended only where:

1. the amendments are envisaged in the public procurement documentation and in the contract with clear, exact and unambiguous clauses, including clauses for change of the price or options; the scope and the nature of the possible amendments and options, as well as the conditions, in which they may be used shall not lead to change of the procurement subject or of the framework agreement;
2. because of unforeseen circumstances a need occurs of carrying out additional supplies, services or public works, which are not included in the initial public procurement, if the change of the contractor:
   a) is impossible because of economic or technical reasons, including requirements for interchangeability or operative compatibility with the existing equipment, services or facilities, awarded with the initial procurement, and
   b) would cause substantial difficulties, related to maintenance, exploitation and service or duplication of costs of the contracting authority;
3. because of circumstances, which in laying the due care, the contracting authority could not
envisage, a need of change has occurred, which does not lead to a change of the subject of the contract or the framework agreement;

4. a change of the contractor with a new contractor is needed in some of the following conditions:
   a) the initial contractor cannot continue the fulfillment of the contract or the framework agreement and the possibility for change has been envisaged in the public procurement documentation and in the contract through clear, exact and unambiguous clauses, referring to occurrence of concrete conditions;
   b) A universal or partial succession is present as a result of re-formation of the initial contractor by merging, joining, division or separation or through a change of its legal form, including in the cases, where it is in liquidation or in an open insolvency procedure and the following conditions have been fulfilled at the same time:
      aa) for the new contractor there are not reasons for removal from the procedure and he meets the initially established selection criteria;
      bb) the change of the contractor does not lead to other substantial amendments of the public procurement contract or of the framework agreement and does not aim at circumvention of the law;
   5. changes are needed, which are not substantial;
   6. the change is need because of unforeseen circumstances and the thorough nature of the procurement or the framework agreement is not changed and the following conditions have been fulfilled at the same time:
      a) the value of the amendment is up to 10% of the value of the initial contract for services, supplies and up to 15% of the value of the initial public works contract;
      b) the value of the amendment – not withstanding of the conditions under letter "a" does not exceed the relevant threshold value under Art. 20, Para. 1.

(2) In the cases under Para. 1, p. 2 and 3 if an increase of the price is needed, it shall not exceed more that 50% of the value of the basic contract or framework agreement. Where successive amendments are made, the restriction shall apply to the total value of the amendments. The successive amendments shall not aim at circumvention of the law.

(3) In the cases under Para. 1, p. 6, where several successive amendments are made, their total value shall not exceed the indicated maximum amounts.

(4) In the cases under Para. 1, p. 2, 3 and 6 where the public procurement contract contains a clause for indexation or has been signed under certain prices, for a basic value the updated value at the moment of the amendment shall be accepted.

(5) Amendment of a public procurement contract shall be considered as substantial in the meaning of Para. 1, p. 5, where one or more if the following conditions are fulfilled:
   1. the amendment introduced conditions, which, if they were a part of the procedure for awarding a public procurement, would attract to participation additional participants or applicants, they would allow admittance of other participants or applicants, different from the initially selected ones, or would lead to acceptance of an offer, different from the initially accepted one;
   2. the change leads to profit for the contractor, which have not been known to the remaining participants in the procedure;
   3. the amendment concerns the subject or volume of the public procurement contract or the framework agreement;
   4. the contractor is changes by a new one, apart from the cases of Para. 1, p. 4.

(6) In case of an amendment of a contract, signed by a sector contracting authority, the conditions under Para. 2 shall not apply.

**Transferability of Receivables**

Art. 117. The money receivables on the public procurement contract and on the subcontracting contracts shall be transferable, may be pledged and on them compulsory fulfillment may be carried out.
Termination of a Public Procurement Contract or a Framework Agreement

Art. 118. (1) The contracting authority shall terminate the public procurement contract or the framework agreement in the cases, envisaged by an act, contract or agreement, or where:
1. a substantial change of the procurement is needed, which does not allow the contract or the framework agreement to be changed under Art. 116, Apra. 1;
2. it is found that during the procedure for awarding the procurement, for the contractor the circumstances under Art. 54, Para. 1, p. 1 have been present, on the basis of which he had to be removed form the procedure;
3. the procurement should not have been awarded to the contractor because of a present violation, ruled by the EU Court of Justice in a procedure under Art. 258 of TFEU.
(2) In the cases under Apra. 1, p. 2 and 3 the contracting authority shall not owe compensation for suffered harms because of termination of the contract or the framework agreement.

Voidable Contracts or Framework Agreements

Art. 119. (1) Contracts or framework agreement shall be voidable where they have been signed:
1. without procedure for awarding public procurement in spite of presence of ground for its conducting or where the procedure has been conducted without observation of the requirement of Art. 99;
2. in unlawful application of the grounds of Art. 13 - 15, Art. 79, Para. 1, Art. 138, Para. 1, Art. 149, Para. 1, Art. 164, Para. 1 or Art. 182, Para. 1;
3. before the enforcement of an act of the contracting authority, issued in relation to the procedure and a violation is found, which has affected the possibility of:
   a) the interested person to submit an application for participation or an offer;
   b) an interested applicant to submit and offer;
   c) an interested applicant or participant to take part in selection of a contractor.
(2) The contracting authority shall terminate a contract, signed on the basis of a framework agreement, which has been made void in a judicial procedure.

Subsidized Application

Art. 120. For all unsettled issues in relation to signing, fulfillment and termination of the public procurement contracts, the provisions of the Commerce Act and the Obligations and Contracts Act shall apply.

Chapter fourteen.

FILE OF THE PUBLIC PROCUREMENT

Documentation and Accountability

Art. 121. (1) The contracting authorities shall create and maintain a file for each public procurement in view to provision of documental traceability (audit path) in relation to all their actions and decisions, as well as of the actions of the commissions for awarding public procurements notwithstanding if the procurements are awarded by electronic media.
(2) The file shall contain all the decisions, notices, documentation and other additional documents, explanations, invitations, records, final reports of the commission, the offers or participation applications, evidences for undertaken actions under Art. 44, Para. 3 – 5, description of the reasons, because of which other means are used for submission of documents, different from the electronic ones in electronic submission, and in the cases of realized preliminary control – also the opinions of the Public Procurement Agency and the grounds for the contracting authority for the unaccepted recommendations. The file shall contain the contract or the framework agreement, as well as all the documents, related to fulfillment and its accounting.
(3) The contracting authorities shall store the information, related to contracts, where they apply the exceptions from the act.
Term of Storage
Art. 122. (1) The files under Art. 121, Para. 1 and the information under Art. 121, Para. 3 shall be stored for the term of 5 years from the date of finalization of the public procurement contract fulfillment or from the date of termination of the procedure.

(2) The terms under Apra. 1 may be extended in case that this comes for rules for operation of funding, auditing and certification bodies in relation to provision of funds on EU projects and programmes.

Part three.
SPECIAL RULES WITH AWARDING PUBLIC PROCUREMENTS BY SECTOR CONTRACTING AUTHORITIES

Chapter fifteen.
SECTOR ACTIVITIES

Types
Art. 123. Sector activities shall be the ones, connected to:
1. natural gas and heating energy;
2. electric energy;
3. water supply;
4. transport services;
5. exploitation of geographic area;
6. post services.

Natural Gas and Heating Energy
Art. 124. (1) Activities, related to natural gas and heating energy shall be:
1. provision or exploitation of fixed networks for public services in relation to production, transfer or distribution of natural gas or heating energy;
2. supply of the networks under p. 1 with natural gas or heating energy;
3. production and wholesale and retail trade of natural gas or heating energy.

(2) Supply of natural gas or heating energy of fixed networks for public services by a sector contracting authority shall not be accepted as activity under Apra. 1 where the following conditions have been fulfilled:
1. production of natural gas or heating energy is as a result of carrying out an activity, different for the activities under Apra. 1 or under Art. 123, p. 2 – 4;
2. supply of these networks aims only at the economic exploitation of the production of natural gas or heating energy, under the condition that the quantity of the supplies is not more than 20% of the average annual turnover of the producer for the last 3 years, including for the current year.

Electric Energy
Art. 125. (1) Activities, related to electric energy shall be:
1. provision or exploitation of fixed networks for public services in relation to production, transfer or distribution of electric energy;
2. supply of networks under p. 1 with electric energy;
3. the production and wholesale and retail trade of electric energy.

(2) Supply with electric energy of fixed networks for public services by a sector contracting authority shall not be accepted as an activity under Apra. 1, where the following conditions have been met:
1. the production of electric energy is realized because of the fact, that its use is needed for carrying out an activity, different from the activities under Para. 1, or under Art. 123, p. 1, 3 and 4;
2. supply of these networks depends only on own use of the contracting authority and does no
exceed 30% of the whole production of energy, by taking into account the average value for the last 3 years, including the current year.

**Water supply**

Art. 126. (1) Activities, related to water supply shall be:

1. supply or exploitation of fixed networks for public services in relation to production, transfer or distribution of drinking water;
2. supply of the networks under p. 1 with drinking water;
3. production and wholesale and retail trade of drinking water.

(2) Persons, who carry out an activity under Para. 1 shall apply the provision of the law in relation to contract for procurements or competitions for a project, related to:

1. hydro-technical projects, irrigation or drainage in the condition that the water quantity, intended for drinking needs is more than 20% of the total quantity of the water, provided through such projects or facilities for irrigation or drainage, or
2. drainage and wastewater treatment.

(3) Supply of drinking water to fixed networks for public services on behalf of a sector contracting authority shall not be accepted as an activity under Para. 1 where the following conditions have been met:

1. the production of drinking water is realized in view to the need of its use for carrying out an activity, different from the activities under Art. 123., 1 - 4;
2. supply of these networks depends only on own use of the producer and does not exceed 30% of the total production of drinking water, by taking in consideration the average value for the last 3 years, including the current year.

**Transport Services**

Art. 127. (1) Activities, related to transport services shall be provision or exploitation of networks for public procurement in the area of railway, tramway, trolleybus or autobus transport, as well as if automated transport systems or rope lines.

(2) In relation to the transport services it is accepted, that there is a network, where the service is provided in exploitation conditions, established by a competent body, which may include the conditions of the serviced itineraries, the capacity, which must be available, frequency of the service, etc.

**Exploitation of a Geographic Area**

Art. 128. Activities, related to exploitation of a geographic area shall be activities, which aim at:

1. provision use of airports and marine or inland ports or other terminals by carriers in air, marine or inland water ways;
2. extraction of oil or natural gas;
3. studies for, or extraction of coal or other solid fuels.

**Postal Services**

Art. 129. Activities, related to postal service shall be provision of:

1. postal services;
2. services, different from the postal ones, for which the conditions of Art. 130 have not been fulfilled and if they are provided by a subject, which provides services under p. 1 as well.

### Chapter sixteenth.
**EXCLUSION OF SECTOR ACTIVITY FROM THE APPLICABLE FIELD OF THE ACT**

**Activities, directly Exposed to Competition**

Art. 130. (1) The act shall not apply in relation to public procurement and competition for a project, intended to create conditions for realization of activity under Art. 123, if the activity is directly exposed to competition and is realized in the conditions of a market, whose access is not restricted.
(2) The assessment of existence of competition shall be carried out on the basis of monitoring of the relevant geographic market for receiving activity and shall include criteria, defined in compliance with the TFEU. These criteria may refer to the characteristics of the relevant goods or services, presence of alternative services or services, process and the possibility more than one supplier to offer these goods or services.

(3) The access to a certain market shall be unlimited, if the national legislation introduces the EU acts under Annex No 12. In all the cases, the access to the market shall be accepted as free, if this is proved.

(4) The activity in relation to which Para. 1 is applied, may be a part of a larger sector or branch.

(5) The activity, in relation of which Para. 1 is applied, may cover the territory of the whole country or certain geographic area.

(6) In case of study for present competition, the area, in which the relevant undertakings carry out the activity shall be taken in consideration, including if searching or provision of goods and services is studies, the competition conditions shall be assessed, from point of view of homogeneity, so that the area is restricted from the neighboring areas, in which the competition conditions are completely different. The nature and characteristic of the goods or services shall be subject to assessment, present obstacles for entering the market by other persons, the consumers’ preferences, substantial differences in the market shares of the undertakings between the relevant area and neighboring areas and substantial differences in prices.

Procedure for excluding Sector Activity from the Applicable Field of the Act.

Art. 131. (1) The procedure for exclusion of sector activity shall be carried out under rules of the European Commission.

(2) The Council of Ministers, upon proposal of the relevant sector Minister or sector contracting authority may submit to the European Commission a request on the basis of the criteria under Art. 130, in view to establish that a certain activity is directly exposed to competition. Where needed, the request shall be accompanied by an opinion of an independent national body, which is competent in relation to the relevant activity.

(3) The request under Para. 1 shall indicate all the facts, which are of significance for exclusion of the sector activity from the applicable field of the act, including the applicable normative acts and the existing administrative provision.

Chapter seventeen.
AWARDING PUBLIC PROCUREMENTS

Section I.
Procedures, Applied by Sector Contracting Authorities

Free Selection of a Procedure

Art. 132. While awarding public procurements, the sector contracting authorities shall select free an open and restricted procedure, negotiation with a preliminary invitation for participation and competition dialogue.

Open Procedure

Art. 133. (1) The minimal term for receiving offers in an open procedure shall be 35 days form the date of sending the notice for a public procurement for publication.

(2) The term under Para. 1 may be shortened, but not shorter than 15 days, if the contracting authority has published periodically an indicative notice and it:

1. has been sent for publication between 35 days and 12 months before the date of submitting the public procurement notice, and
2. includes the whole information under Part a, Section I of Annex No 5.
   (3) The term under Para. 1 may be shortened by 5 days, where the contracting authority has admitted submission of offers by electronic media in compliance with Art. 39, Para. 1, 2 and Para. 8 -13.
   (4) In case of occurring circumstances, which require urgent awarding of a procurement, because of which the observation of the term under Para. 1 is impossible, the contracting authorities may define a term for receiving the offers not shorter than 15 days from the date of submission of the public procurement notice for publication.
   (5) In the public procurement notice, the contracting authority shall motivate the application of Para. 4.

Restricted Procedure
   Art. 134. (1) Any person may submit an application for participation in a restricted procedure, in which he must provide the required by the contracting authority information about the lack of reasons for removal and his compliance with the selection criteria.
   (2) The minimal term for receiving participation applications in a restricted procedure shall be 30 days from the date of submission of:
      1. the public procurement notice for publication, or
      2. the invitation for confirming interest, where for notice of opening the procedure, a periodic indicative notice has been used.
   (3) In case of occurrence of circumstances, which require urgent awarding of a procurement, because of which observation of the term under Para. 2 is impossible, the contracting authorities may define term for receiving the participation applications, which shall not be shorter than 15 days.
   (4) In a restricted procedure, only applicants shall submit offers, who the contracting authority has invited after conducted a preliminary selection.
   (5) The term for receiving offers may be defined upon an agreement between the contracting authority and the selected applicants. The agreement shall be admissible only if all the applicants are provided by equal term for preparation and submission of offers.
   (6) Where no agreement has been reached under Para. 5, the term shall be defined by the contracting authority and shall not be shorter than 10 days from the date of submission of the invitation for submission of offers.

Procedure of Negotiation with Preliminary Participation Invitation
   Art. 135. (1) Any person may submit an application for participation in negotiation with preliminary participation invitation on the basis of removal and compliance with the selection criteria.
   (2) The minimal term for receiving participation applications in the procedure shall be 30 days from the date of submission of:
      1. the notice of the public procurement for publication, or
      2. The invitation of confirmation of interests, where for notice of the opening of the procedure, a periodic, indicative notice has been used.
   (3) In case of occurrence of circumstances, which require urgent awarding of a procurement, because of which it is impossible to observe the term under Para. 2, the contracting authorities may define term for receiving participation applications, which shall not be shorter than 15 days.
   (4) In the procedure, only applicants, who the contracting authority has invited after conducted preliminary selection may submit initial offers, which shall serve as a basis for conducting negotiations.
   (5) The term for receiving offers may be defined upon agreement between the contracting authority and the selected applicants. The agreement shall be admissible only if all applicants have been provided by equal term for preparation and submission offers.
   (6) Where no agreement has been reached under Para. 5, the term shall be defined by the contracting authority and shall not be shorter than 10 days from the date of submission of the invitation for provision of offers.
**Competition Dialogue**

Art. 136. (1) Any person may submit an participation application in a competition dialogue, which shall present the required information by the contracting authority about the lack of grounds for removal and his compliance with the selection criteria.

(2) The contracting authority shall indicate in the notice and/or in the description document his needs and requirements, the awarding criteria, the assessment indicators of the offers and indicative schedule for conducting the procedure.

(3) The minimal term for receiving participation applications shall be 30 days from the date of submission of the notice of the public procurement for publication. In case of occurrence of circumstances, which require urgent awarding of a procurement, because of which it is impossible to observe the term, the contracting authorities may define a term for receiving participation applications, which shall not be shorter than 15 days.

(4) Only applicants, who have been invited by the contracting authority after conducted preliminary selection, may participate in the follow up stage of the procedure – dialogue.

(5) During the dialogue all issues may be discussed, related to the procurement in view to be defined the parameters, which to largest extend satisfy the contracting authorities’ needs.

(6) During the dialogues, the contracting authority shall guaranty equality of the participants, by not providing information in a way, which may give advantage to some of the participants over others.

(7) The contracting authority shall not have the right to provide the proposals or other confidential information, received by a participant during the dialogue to the other participants, without his explicit consent for each case.

(8) The dialogue may be conducted at follow up stages, so that the numbers of the decision for discussions is decreased, by applying the awarding criteria and the assessment indicators, indicated in the public procurement notice or in the description document. Where the contracting authority intends to conduct dialogue at follow up stages, he must indicate this in the notice of in the description document.

(9) The contracting authority shall conduct the dialogue to defining the decision/s, which may satisfy his needs.

(10) After announcing the dialogue for finished, the contracting authority shall notify all the participants, remained at the last stage and shall invite them to provide their final offers, drawn up on the basis of the decision/s, established during the dialogue. The offers must contain all the obligatory elements, needed for fulfillment of the procurement.

(11) While awarding a public procurement through competition dialogue, the contracting authority shall assess the offers according to the criteria of optimal correlation quality/price and in compliance with the indicators, indicated in the notice for public procurement or in the description document.

(12) The contracting authority may request the offers to be explained, specified, or improved. The explanations, specification and improvements, as well as provided additional information must not change the basic characteristics of the offer or procurement, including the defined needs and requirements in the notice or description document, if this may lead to violation of competition or to discrimination.

(13) The contracting authority may conduct negotiations with the participant, having produced an offer, which is with optima; correlation quality/price, in order to be confirmed the financial commitments or other conditions in the offer, by specifying finally the conditions of the procurement. Specifying the conditions shall not lead to change in the nature of the basic parameters of the offer or procurement, including the defined needs and requirements in the notice or the description document, as well as to violation of competition or to discrimination.

(14) The contracting authority may envisage awards or payments for the dialogue participants.

**Partnership for Innovations**
Art. 137. (1) Every person may submit a participation application for innovations, which must contain the required by the contracting authority information about the lack of grounds for removal and his compliance with the selection criteria.

(2) In the public procurement documentation, the contracting authority shall motivate the need of receiving innovation goods, service or public works, as well as the impossibility for it to be fulfilled through the available market proposals. The contracting authority shall describe his needs, by indicating which elements of the description are minimal requirements, which must be met by all offers. The provided information must be sufficient and exact, so that the interested person may define the nature and scope of the sought decision and estimate whether they should participate in the procedure.

(3) In the public procurement documentation, the contracting authority shall define the rules, applicable to the intellectual property rights.

(4) The minimal term for receiving a participation application in the partnership procedure for innovations shall be 30 days from the date of sending the public procurement notice. In case of occurrence of circumstances, which require urgent awarding of a procurement, because of which it is impossible to observe the term, the contracting authority may define a term for receiving participation application, which shall not be shorter than 15 days.

(5) In the preliminary selection, the contracting authority shall estimate the technical and professional abilities of the applicants in the area of the scientific research and development activity and the development and implementation of innovation decisions.

(6) Only applicants, who have been invited by the contracting authority after a preliminary selection, may produce offers for researches and innovations.

(7) The contracting authority may envisage a follow up conducting of the negotiations, in order to diminish the offer number, by applying the awarding criteria and the indicators for assessment, indicated in the notice. When intending to use this opportunity, the contracting authority shall indicate this fact in the notice.

(8) The contracting authority shall conduct negotiations with the participants for improvement of contents of the initial and follow up offers with the exception of the final offers.

(9) The minimal requirements and assessment indicators shall be subject to negotiations and shall not be changed.

(10) While awarding a public procurement through innovation partnership, the contracting authority shall assess the offers only under the criterion correlation quality/price.

(11) During conducting the negotiations the contracting authority shall guaranty equality for the participants, by not providing information in a way, which may give advantage to some of the participants over others.

(12) While conducting the negotiations, the contracting authority shall inform in writing all the participants, whose offers are not removed, about all changes in the technical specifications or in another document of the public procurement documentation, different from the one, which defines the minimal requirements. After introduction of such changes, the contracting authority shall provide to the participants sufficient time to change and produce again the changed offers.

(13) The contracting authority shall not have the right to provide the proposals or any other confidential information, received by a participant during the negotiations to the other participants, without his explicit consent for each case.

(14) The contract for partnership for innovations aims development of an innovation product, service or public works and the follow up acquiring of the received as a result supplies, services, or public works under the condition that they comply with the levels of fulfillment and with the maximum costs, negotiated between the contracting authority and the participant/s.

(15) The partnership contract shall provide for the fulfillment of the procurement at follow up stages according to the steps in the process of scientific researches and innovations or public works.

(16) The partnership contract shall define the interim objectives, which are to be achieved, as
well as the deposits for payment of the relevant remuneration.

(17) The contracting authority shall guaranty, that the different stages of the partnership reflect the level of innovation of the proposed resolution and the successiveness of the scientific research and innovation activities, needed for development of innovation decision.

(18) The expected value of the acquired supplies, services or public works must correspond to the investment, needed for their development.

(19) The contracting authority shall not have the right to disclose to the other partners the proposed resolutions or other confidential information, provided by a certain partner within the frames of the partnership, without his explicit consent for each case.

(20) In the cases under Para. 16, the contracting authority may finish the partnership for innovations after each stage, and in partnership for innovations, with several partners, to diminish their number by termination of certain contracts, if he has indicated this opportunity and the conditions for this in the public procurement documentation.

Negotiation Procedure without Preliminary Participation Invitation

Art. 138. (1) The sector contracting authorities may apply a negotiation procedure without preliminary participation invitation under Art. 79, Para. 1, p. 1 - 4 and p. 6 - 10, also, where:

1. the procurement aims at only scientific and research activity, experiment, study or development activity; the awarded procurements shall not cover production in quantities, which allow to be provided sufficient market realization or to cover the costs of the scientific and research and development activity;

2. for a very short time a possibility occurs to receive supplies under especially favorable conditions and price, substantially lower than the usual market prices; in this case, the persons, who offer goods at prices, lower than the market ones shall be invited to negotiations.

(2) In the cases under Para. 1, p. 1 the awarding of the procurement shall not concern the possibility other interested persons to participate in follow-up procurements with the same or similar subject.

(3) In conducting a negotiation procedure without preliminary invitation for participation under Art. 79, Para. 1, p. 6, the restriction under Art. 79, Para. 3 shall not apply.

(4) With the decision for opening the procedure, the contracting authority shall motivate the applicable reason under Para. 1.

(5) The conditions and procedure for conducting the procedure shall be provided by the Rules on the application of the act.

Competition for a Project

Art. 139. The competition for a project shall be conducted under the provision of Art. 80.

Section II.

Specific Techniques and Instruments for Awarding Procurement

Dynamic System for Purchases

Art. 140. (1) With awarding public procurement through DSP, the term for receiving participation applications under Art. 85, Para. 2 shall not be shorter than 15 days.

(2) In case that a sector contracting authority shortens the term under Art. 85, Para. 2, he shall indicate the circumstances, on the basis of which the term has been shortened.

(3) Where the contracting authority has envisaged reasons for removal and/or selection criteria in compliance with Art. 144, Para. 2, he may at any time within the action term of DSP request from the admitted applicants to provide ESPD with updated information about the declared data, on the basis of which they have been included in DSP.

(4) The information under Para. 3 shall be provided within the term of up to 5 working days from receiving the request.
(5) At any time, within the action term of DSP, the contracting authority may request from the applicants to produce documents for evidencing the circumstances, included in ESPD.

(6) For unsettles issues about creation, extension and termination of DSP, as well as about awarding procurement within the frames of DSP, the provision of Section II of Chapter Ten shall apply.

Section III.
Qualification Systems

Creating Qualification Systems
Art. 141. (1) The sector contracting authorities may create and sue qualification systems of economic subjects. In these cases they shall prepare an notice according to a form, which shall contain at least the information under Annex No 13. The notice shall indicate the purpose and term of action of the qualification system, as well as the way of access to the rules for its application.

(2) The sector contracting authorities shall announce every change in the term of action of the qualification system, as well as its termination, by using the following standard forms:

1. notice for qualification system – in case of change of the action term without termination of the qualification system;
2. notice for awarding procurement – in case of termination of the action of the qualification system.

(3) The qualification systems shall be organized in a way, which gives opportunity to the economic subjects to be included in them at any time.

(4) The qualification system may cover various stages, related to the preliminary selection.

(5) With the creation of the qualification system, the sector contracting authorities shall define rules and criteria, on the basis of which the interested persons will be included and excluded from the qualification system, including about periodic updating of the information, if there is such – and about the term of action of the qualification system.

(6) Where these criteria and rules include technical specifications, Art. 48 – 52 shall apply. In these cases in case of need, the contracting authorities may update the criteria and the rules.

(7) The interested persons may – for the purposes of entry in the qualification system – refer to the capacity of third persons, notwithstanding of the legal relation between them, in relation to the criteria, related to the economic and financial state, the professional and technical abilities in case that the contracting authority requests such.

(8) The sector contracting authorities shall provide at any time access to the criteria and rules under Para. 5, including upon request of the interested persons.

(9) Where a sector contracting authority considers, that a qualification system, created by another person, meets his requirements, he shall announce in an appropriate way to the interested persons, that he will use this qualification system.

(10) The qualification systems shall be organized in a way, which guaranties the use and storage of the information in relation to entry of economic subjects in it. The information may be grouped in categories according to the type of procurements, for which the entry is valid.

(11) The contracting authority shall take decision about inclusion or refusal for inclusion of the interested persons in a qualification system within 6 month term from submission of the application for inclusion in the qualification system. The refusal shall be grounded.

(12) Where for the decision under Para. 11, more than 4 months are needed, the contracting authority shall inform the interested person within the term of 2 months from submission of the application about the reasons and about the data by which the decision will have been taken.

(13) The decision under Para. 11 shall be sent to the applicant within 15 day term from its issuance.

(14) The sector contracting authority may take decision for termination of the participation in
the qualification system of an applicant, on the basis of the determined rules and criteria during the creation of the qualification system. The decision shall be sent to the applicant at least 15 days before the date, defined for termination of his participation in the qualification system.

(15) In case that the contracting authorities require fees for inclusion in the qualification system for maintenance or updating the information, they shall not exceed the costs, needed for these activities.

**Awarding procurement through Qualification System**

Art. 142. (1) The concrete procurements for public works, supplies or services, falling in the scope of the qualification system, shall be awarded through restricted procedure or negotiation procedure with a preliminary participation invitation, and the contractor of the contract shall be selected among the persons, entered in the qualification system.

(2) The contracting authorities shall indicate in the invitation for production of offers or for participation in negotiations, the awarding criteria of the procurement, if they have not been included in the notice for creation of the qualification system, as well as if:

1. it is required the offers to be produced in the form of electronic catalogue, or to include an electronic catalogue;
2. it is envisaged conducting an electronic tender in determining a contractor;
3. the offers may be submitted for one, for several, or for all positions;
4. a restriction for the number of positions is present, which are awarded to one contractor.

(3) The access to the documentation shall be provided not later than the date of submission of the invitation for provision of offers or for participation in the negotiations. The notice or the invitation shall indicate the internet address, at which the procurement documentation is accessible.

(4) With the publication of the notice for creation of qualification system, the sector contracting authorities may announce the awarding of the first public procurement within the frames of the system.

**Confidentiality in a Qualification System**

Art. 143. The sector contracting authorities may apply Art. 102, Para. 3 also in relation to the information, provided in relation to use of a qualification system, notwithstanding whether the circumstances, related to confidentiality have been indicated in the notice for a qualification system.

**Section IV.**

**Applicants and Participants**

**Grounds for Removal and Selection Criteria**

Art. 144. (1) The sector contracting authorities may establish objective rules and criteria for removal and selection of participants or applicants, which shall be provided to the interested persons.

(2) The rules and criterion under Para. 1 may include the reasons for removal under Art. 54, Para. 1 and Art. 55, Para. 1, as well as the selection criteria under Art. 59, Para. 1, while observing the relevant conditions for their setting, declaring and proving.

(3) The public contracting authorities, who carry out sector activities, shall apply obligatorily the grounds for removal under Art. 54, Para. 1 and may apply the grounds for removal under Art. 55, Para. 1.

(4) With the selection of the applicants in a restricted procedure or in a procedure of negotiation with preliminary invitation for participation, the contracting authority may:

1. impose to an applicant conditions of administrative, technical or financial nature, which do not concern the other applicants;
2. require checks or evidences, which repeat already presented by the applicant evidences.

(5) In a restricted procedure, negotiation procedure with preliminary invitation for participation, competition dialogue, or partnership for innovations, the contracting authority may establish objective and non-discriminatory rules and criteria, which are to be applied for decreasing the number of applicants, who will be invited to produce offers or to participate in the negotiations. The number of the
invited applicants shall be sufficient, in order to guaranty real competition.

(6) For unsettled issues about decreasing the number of the applicants, the provision of Art. 105 shall apply.

Provision of Technical Specifications for Regularly Awarded Procurements and such, for which Periodic Indicative Notice is Used as Invitation for Participation in a Procedure

Art. 145. (1) Any interested person shall have the right to request form a sector contracting authority to be provided with technical specifications, which traditionally are used in the procurements or refer to procurements, in which for notice the opening of a procedure, periodical indicative notice is used, unless this is impossible.

(2) In the cases under Para. 1 the sector contracting authorities shall be obliged to provide the technical specifications through electronic media with unlimited, complete, free and direct access. Where they are included as a part of already provided documents, the contracting authority shall indicate the address, at which the technical specifications are accessible.

(3) The documents, which because of objective reasons, including ones, related to confidentiality of information are not accessible through an internet address, they shall be provided in another appropriate way.

Offers, Including Products of Origin from Third Countries

Art. 146. (1) The sector contracting authorities may remove a supply offer, where the share of the products of origin from third countries, with which the EU or the Republic of Bulgaria has not signed multilateral or bilateral agreement, providing comparative or effective access, exceeds 50% of the total value of the products, included in it.


(3) With applying Para. 1, the software, which is used in the equipment of telecommunication measures shall be accepted as a product.

(4) Where 2 or more offers are equivalent in compliance with the selected criteria for awarding the offers, with advantage shall be classified the offers, which cannot be removed under Para. 1. The offer prices shall be considered as equivalent if the difference between them does not exceed 3%.

(5) An offer shall not be preferred before another one under Para. 4, where its acceptance would oblige the contracting authority to buy goods with technical characteristics, which are different from the existing ones, which would lead to incompatibility or to technical difficulties during their exploitation and maintenance.

Subsidized Application

Art. 147. For unsettled issues in this Part, the provisions of Part One and Part Two shall apply.

Part four.

SPECIAL RULES WHILE AWARDING PUBLIC PROCUREMENTS IN THE DEFENSE AND SECURITY AREA

Chapter eighteen.

GENERAL PROVISIONS

Scope

Art. 148. (1) The provision of this Part shall apply in awarding public procurements for:

1. supply of military equipment, including parts, components and/or mounting elements for it, as well as equipment, included in the list of products, related to defense, adopted under Art. 2, Para. 1 of the Act on the Export Control of Defence - Related Products and Dual Use Items and Technologies;

2. supplies of sensitive equipment, including parts, components and/or mounting elements for
it;

3. services, directly related to the equipment under p. 1 and 2 including for each element of its life cycle;
4. public works, directly related to the equipment under p. 1 and 2 including, for each element of its life cycle;
5. services for specific military purposes or for sensitive services;
6. public works for specific military purposes, or for sensitive public works.

(2) For unsettled issues in this Part, the rules for public contracting authorities shall apply.

Exceptions

Art. 149. (1) The act shall not apply to procurements in the area of defense and security:
1. awarded in specific procedure rules:
   a) under international agreements or contracts, signed while observing the provisions of TFEU between the Republic of Bulgaria – on one part and one, or more third countries – on the other;
   b) of an international organization, which carries out purchases for its own purposes, or for procurements, which are to be awarded in compliance with these rules;
2. awarding of which is related to provision of information, whose disclosure contradicts the basic interests of security of the country under Art. 346 of TFEU;
3. awarded for intelligence activity purposes;
4. awarded within the frames of a programme for cooperation on the basis of scientific and research and development activity, carried out jointly with at least 2 EU Member State for development of a new product and where applicable – at the later stages of the whole or for parts of the life cycle of this product;
5. awarded in a third country, where the operative needs impose the contracts to be signed with contractors, located in the region of the operations, including for civil procurements, carried out in positioning of forces outside the EU territory;
6. awarded by the Council of Ministers of another government, related to:
   a) supply of military equipment or sensitive equipment, or
   b) public works and services, directly related to the equipment under letter "a", or
   c) public works and services for specific military purposes or sensitive public works and sensitive services;
7. for financial services with the exception of insurance services;
8. awarded to undertakings of a Member State, or of a third country in implementing an international agreement or contract, related to location of armies;
9. for arbitration and conciliation services;
10. in labour legal relations in the meaning of § 1, p. 26 of the Additional Provisions of the Income Taxes on Natural Persons Act;
11. for services for scientific and research and development activity, where the contracting authority pays the whole service, but the benefits from it do not remain exclusively for the contracting authority while carrying out his activity;
12. in acquiring or renting, notwithstanding of the financial means of land, existing buildings or other immovable properties or rights over them;
13. awarded by a public contracting authority, including where he carries out sector activity, of a legal person, in case that the following conditions are fulfilled at the same time:
   a) the contracting authority shall exercise control over the legal person, similar to the one, which he exercises over his own structure units;
   b) more than 80% of the activity of the legal person shall have been formed from implementation of activities, awarded by the contracting authority or his separate structures or by other legal persons, controlled by the contracting authority;
   c) in the legal person – contractor, shall not be present direct private capital participation, with
the exception of such, which is not connected with control or blocking powers and which does not render decisive influence over the legal person’s activity.

(2) After finalization of the programme under Para. 1, p. 4, the participant from the Bulgarian party shall notify the European Commission about the share of costs for the scientific and research and development activity to the total costs of the cooperation programme, about the agreement for sharing the costs, as well as about the expected share of the purchases of the Member State, if there are such.

(3) In the cases under Para. 1, p. 13, letter "a", the contracting authority shall exercise control over the legal person, similar to the one, which he exercise over his own structural units, where there is a decisive influence over the strategic purposes and the important decision of this legal person. Such a control may be exercised also by another legal person, which is controlled in the same way by the contracting authority.

(4) The method for defining the price of the contracts under Para. 1, p. 13 shall be provided by the Rules on the implementation of the act.

(5) In the cases under Para. 1, p. 13 while defining the percentage of the activity, the average total turnover shall be taken in consideration, or another suitable indicator, which measures the fulfillment of the activity for the last 3 years.

(6) In the cases under Para. 1, p. 13, where because of the date of creation or of starting the activity of the legal person or because of reorganization of his activity, there are no data about the turnover or where these data are not updated, it shall be sufficient to be proved, that the mode of measuring the activity is authoritative, more specially through his business programme.

(7) Where some of the conditions drops out, needed for signing of a contract under Para. 1, p. 13, the contract shall be terminated with the signing under the law of a new contract with the same subject. In this case, the contracting authority shall open awarding of a new procurement within 1 month term from dropping of the relevant condition.

(8) The contracting authorities shall not be able to refer to the exclusions under Para. 1 in view to circumvention of the act.

(9) The criteria and procedure for determining presence of basic interests under Para. 1, p.3 shall be provided by the ordinance under Art. 13, Para. 2.

Mixed Procurements, including Activities in the Areas of Defense and Security

Art. 150. (1) Where the subject of the public procurement contains several activities, to part of which the provisions of this Part apply, and to others – the rules for public contracting authorities or the rules for sector contracting authorities, it shall be awarded under this Part, under the condition, that because of objective reasons, the awarding is specified of a general procurement. Where the contracting authority decides to award certain procurements for some activities, the rules, applicable to the relevant activity shall be observed.

(2) Where for one of the activities of the subject of the public procurement the provision of this Part are applied, and another activity is outside the applicable field of the act, including the cases under Art. 346 of the TFEU and because of objective reasons awarding of a general procurement is justified, the act shall not apply to this procurement.

(3) The act shall not apply to public procurements, whose subject contains objectively inseparable parts, some of which fall in the scope of Art. 346 of the TFEU, and to others the provision of this Part shall apply.

(4) Decision taking for awarding a general procurement shall not be admitted in view to application of this Part, or excluding the procurement of the applicable field of the act.

Mixed Procurements for Services

Art. 151. A public procurement, which includes at the same time services under Annex No 14 and Annex No 15, shall be awarded under the procedure, provided for the services, whose prognosis value is higher.

Awarding through Central Bodies for Purchases
Art. 152. (1) The contracting authorities may receive supplies or services from or through a central body for purchases, including where it is an European public body, which is not contracting authority and carried out centralized activities of purchasing.

(2) Where the contracting authorities receive supplies or services under Para. 1, it shall be considered that the provisions of the law have been observed, if:

1. the central body for purchases has observed the provision of this Part, and where it is a European public body, which is not a contracting authority – rules, equivalent to the ones, indicated in the act;

2. a possibility for appealing has been provided.

(3) The central body and the contracting authority shall be responsible for the lawfulness of the procedure, which they conduct.

Chapter nineteen.
PUBLICITY AND TRANSPARENCY

Preliminary Informative Notice
Art. 153. (1) The contracting authorities may announce their intentions for awarding public procurements or for signing framework agreements during the following 12 months by publishing a preliminary informative notice.

(2) The contracting authorities shall be obliged to send the notice under Para. 1, only where they intend to shorten the terms for receiving offers.

Notice for a Public Procurement
Art. 154. The contracting authorities shall publish a notice for a public procurement, by which it shall be considered that they send an invitation for participation in a restricted procedure, negotiation procedure with publication of a notice for procurement and competition dialogue to an unlimited number of persons, who meet the set requirements.

Notice for Awarding a Procurement
Art. 155. (1) The contracting authorities shall send for publishing an notice for awarding a procurement within the term up to:

1. 30 days after signing a contract for public procurement or a framework agreement;

2. 7 days from the enforcement of the decision for termination of the procedure.

(2) In cases of procurements, awarded on the basis of a framework agreement, the contracting authorities shall publish a summarized information about the signed contracts within the term of up to 30 days after the end of each quarterly.

(3) Information of the notice under Para. 1, the notice of which contradicts the law, including in the area of defense and security, as well as such, in relation of which the participants have referred to confidentiality in relation to presence of trade secret, it shall not be published in the EU Official Journal and PPR.

Place, Form and Way of Publication of the Notices
Art. 156. (1) The contracting authorities shall submit to the EU Official Journal:

1. the preliminary informative notices;

2. the notices for public procurements;

3. notice for change or additional information;

4. notice for awarding procurements;

5. notices for voluntary transparency, where applicable.

(2) The notices under Para. 1, p. 1, 2, 4 and 5 shall be drawn up according to standard forms, confirmed by an act of the European Commission and shall contain at least the information, indicated in Annex No 16, depending on the stage of the procedure. The notices shall be sent for publication through electronic media.
(3) The notices under Para. 1 shall be published in PPR under the conditions and procedure of Art. 36.

Chapter twenty.

REQUIREMENTS TO THE APPLICANTS AND PARTICIPANTS

Grounds for Removal

Art. 157. (1) The contracting authority shall remove from participation in a procedure for awarding a public procurement an applicant or participant:

1. who has been convicted with an enforced verdict, unless he has been rehabilitated for a crime under Art. 108a, Art. 159a – 159d, Art. 172, Art. 192a, Art. 194 - 217, Art. 219 - 252, Art. 253 - 260, Art. 301 - 307, Art. 321 and 321a of the Penal Code;

2. who has been convicted by an enforced verdict – unless he has rehabilitated for a crime, analogical to the ones under p. 1 in another Member State or in a third country;

3. who is in conflict of interests, which cannot be removed.

(2) The contracting authority may remove from participation in a procedure for awarding a public procurement an applicant or participant, for whom some of the following circumstances is present:

1. he has been declared in insolvency or is in an insolvency procedure, or in a liquidation procedure, or has signed a court settlement with his creditors in the meaning of Art. 740 of the Commerce Act, or has terminated his activity, and in case that the applicant or participant is a foreign person – is in a similar situation, comprising from a similar procedure, under the legislation of the state, in which he has been established;

2. has obligations for taxes and obligatory security contributions in the meaning of Art. 162, Para. 2, p. 1 of the Tax-Insurance Procedure Code and the interests on them to the state or to the municipality of the central office of the contracting authority and of the applicant or participant, or analogical obligations, established by an act of a competent body under the legislation of the state, in which the applicant or participant has been established, unless an extension, rescheduling or guaranty has been admitted of the obligations or the obligation is under an act, which has not been enforced;

3. he has been deprived of the right to exercise a certain profession or an activity under the legislation of the state, in which the violation has been done, including for violations related to export of products in the area of defense and security;

4. with an enforced judgement it has been established, that he is found guilty for failure to fulfill an obligation under a public procurement contract, including in relation to security of information and security of supplies;

5. it has been found that he has produced a document with untrue contents, related to a certificate of lack of grounds for removal or of fulfillment of the selection criteria;

6. it has been found by the security services in the meaning of the Protection of Classified Information Act, on the basis of any evidences, including intelligence means, that he does not have the needed reliability, because of which there is a risk of a threat of the national security.

(3) The contracting authority shall indicate the circumstances under Para. 2 in the notice for public procurement and in procedures under Art. 18, Para. 1, p. 10 – in the invitation for participation in negotiations.

(4) The grounds under Para. 1 and Para. 2, p. 5 shall refer to persons, who represent the participant or applicant, the members of management and supervision bodies and for other persons, who have powers to exercise control at decision taking by these bodies.

(5) In participation in a procedure, the applicant or participant shall produce a declaration for lack of grounds for removal.

(6) For proving the lack of grounds for removal, the participant, selected for contractor shall
produce:
   1. for the circumstance under Para. 1, p. 1 – a certificate, showing no convictions;
   2. for the circumstance under Para. 2, p. 1 – a certificate, issued by the Registry Agency;
   3. for the circumstance under Para. 2, p. 2 – a certificate by the revenue bodies and a certificate by the municipality under the central office of the contracting authority and of the applicant or participant.

(7) The contracting authority shall not have the right to require the production of the documents under Para. 6, where the circumstances in them are accessible through a public free register or the information and the access to it are provided by a competent body to the contracting authority officially.

(8) While applying the grounds for removal under Para. 1 and 2, the measures for proving reliability under Art. 56 shall not apply.

Selection Criteria

Art. 158. (1) In defining and proving the selection criteria, Art. 59 – 62 and Art. 65 shall apply.

(2) For proving the technical and/or professional abilities apart from the requirements under Art. 63 and the evidence under Art. 64, the contracting authority may set additional conditions and require from the applicants or participants to produce:
   1. description of the technical equipment and the measures for provision of quality, of equipment for testing and studying, as well as of the internal rules of the participant in relation to intellectual property;
   2. description of the technical equipment, materials, means, number of workers and employees and know-how and/or the sources of supply with indication of the geographic location, where it is outside the territory of the EU, which the applicant has for fulfillment of the procurement, in order to meet the eventual increasing of the needs of the contracting authority as a result of a crisis or for provision of the maintenance, modernization or adaptation of the supplies, covered by the procurement;
   3. permit, certificate or confirmation for access to classified information in the meaning of the Protection of Classified Information Act, including for the possibility of processing, storage and provision of such information at the level of protection, required by the contracting authority – in case of procurements, which contain or require classified information.

(3) In the cases of Art. 64, Para. 1, p. 2 the list shall cover the last 5 years from the date of submission of the application.

(4) The contracting authority may determine in the notice and additional term, in which the persons, who do not have permit, certificate or confirmation under Para. 2, p. 3 to produce the relevant document. Within the term for receiving participation applications, the persons shall submit to the contracting authority a written consent for carrying out a procedure for study and shall attach the needed documents under the Protection of Classified Information Act, which shall be submitted by the contracting authority to the competent security service.

(5) The contracting authorities shall recognize the permits for access to classified information, issued in compliance with the legislation of the Member State, in which the applicant or participant has been established in presence of an enforced international agreement or bilateral agreement for protection of classified information, on which the Republic of Bulgaria is a party. Under the conditions of the Protection of Classified Information Act, the contracting authority may request carrying out additional studies in the relevant Member State.

(6) In the conditions of the Protection of Classified Information Act, the contracting authority may request the national body of security in the state, where the applicant has been established, to check the compliance of the premises or installations, which eventually would be used, the production and administrative procedure, which will be followed, the methods for management of the information and/or the status of the staff, who may be fired for fulfillment of the procurement.

(7) With participation in a procedure, the applicant or participant shall produce evidences for compliance with the selection criteria, set by the contracting authority.
(8) Where upon reasonable grounds the applicant or participant is not in a state of producing the required by the contracting authority documents for evidencing the technical and/or professional abilities he may prove them with any other document, which the contracting authority may accept as suitable. This possibility shall not refer to the documents under Para. 2, p. 3.

Chapter twentyone.
AWARDING PROCUREMENTS. AMENDMENT OF A CONTRACT

Technical Specifications
Art. 159. (1) The contracting authority shall define the technical specifications in some of the ways, indicated in Art. 48, Para. 1, p. 1, 3 and 4, of through indication in the following order of:
1. Bulgarian standards, which introduce European standards;
2. European technical assessments;
3. general technical specifications;
4. Bulgarian standards, which introduce international standards;
5. international standards;
6. other technical standards, established by European bodies of standardization, in case there are not such – through national standards, national technically approved or national technical specifications, referring to design, method of calculations and fulfillment of public works, as well as to use of goods;
7. technical specifications, created and widely accepted by the industry;
8. national standards in the area of defense and similar to them specifications for equipment and supplies in the area of defense.

(2) With determining the technical specifications, the requirements of Art. 48, Para. 2 – 6 shall apply.

Free Choice of a Procedure
Art. 160. With awarding public procurements under this Part, the contracting authorities shall choose freely a restricted procedure and negotiation procedure with publication of a procurement notice.

Restricted Procedure
Art. 161. (1) Any person may submit a participation application for a restricted procedure, in which he must provide the requested by the contracting authority information about lack of grounds for removal and his compliance with the selection criteria.
(2) For the restricted procedure, offers may submit only applicants, who have been invited by the contracting authority after a conducted preliminary selection.

Negotiation Procedure with Publication of Notice for Procurement
Art. 162. (1) With conducting a negotiation procedure with publishing an notice for procurement, the contracting authority shall apply Art. 76, Para. 1, 2, 4, 7 and Para. 10 - 16.
(2) The contracting authority may envisage a possibility the negotiations to be conducted at follow up stages, in order to diminish the number of the considered offers, by applying the awarding criteria. This possibility shall be indicated in the public procurement notice or in the documentation.

Competition Dialogue
Art. 163. (1) The contracting authority may choose the procedure of competition dialogue, where the procurement is especially complicated, because of which it is impossible its awarding by using restricted procedure or negotiation procedure with publication of notice for procurement.
(2) The public procurement is especially complicated, where upon objective reasons the contracting authority cannot determine:
1. the technical specifications, and/or
2. the financial or legal framework of the procurement.
(3) With conducting a competition dialogues, the contracting authority shall apply Art. 77,
Negotiation Procedure without Publishing an Notice for Procurement

Art. 164. (1) The contracting authorities shall take decision for awarding public procurements through a negotiation procedure without publishing an notice for procurement in the following cases:

1. in case of a restricted procedure, the competition dialogue or negotiation procedure with publishing an notice for a procurement, not offers have been submitted, or participation application or the submitted offers or participation applications are unsuitable and the initially announced conditions of the procurement have not been substantially changed;

2. where all the invited participants, whose offers in the previous restricted procedure, competition dialogue or negotiation procedure with publishing of an notice for procurement meet the contracting authority’s requirements, but exceed his financial resource and the initially announced conditions of the procurement are not substantially changed;

3. where undertaking urgent actions are needed in case of a crisis and the terms for conducting a restricted procedure or of a negotiation procedure with publishing an notice, have not been observed, including the shortened terms, as well as in the cases under Art. 173, Para. 1, 2, letter "a";

4. where urgent awarding is needed of the procurement because exceptional circumstances and it is not possible the terms to be observed, including the shortened ones, for a restricted procedure, or negotiation procedure with publishing an notice for procurement; the circumstances, which justify presence of urgency must not be because of the contracting authority;

5. upon technical reasons or considerations, related to protection of exclusive rights, the procurement may be awarded only to a certain contractor;

6. the procurement is subject service of scientific and research or development activity, apart from the cases under Art. 149, Para. 1, p. 4 and 11;

7. the goods – subject of supply are produced with the purpose of research, experiments, scientific or development activity and are in quantities, which do not allow the provision of sufficient market realization or to cover the costs for scientific and research and development activity;

8. where additional supplies of goods are needed by the same supplier, intended for partial change or addition of the available supplies or facilities, and the change of the supplier leads to incompliance or to substantial technical difficulties during exploitation and maintenance because of acquiring goods with different technical characteristics;

9. subject of the procurement is supply of goods, traded at the stock exchange under the list of Art. 79, Para. 1, p. 7;

10. For a short period occur favorable conditions for supply of goods at prices, lower than the market ones, including in a sale of property of trade companies, declared in liquidation or insolvency;

11. because of unforeseen circumstances, awarding of an additional service or public works is needed to the same contractor under the following conditions:

   a) the additional service or public works cannot technically or economically be separated from the subject of the basic contract without substantial difficulties for the contracting authority or in spite of being separated, they are substantially needed for the fulfillment of the procurement;

   b) the total value of the procurements, by which additional services or public works are awarded, is not more than 50% of the value of the basic procurement;

12. where a repetition of a service, or public works is needed by the same contractor in the presence of the following conditions:

   a) the initial procurement has been awarded in a restricted procedure or negotiation procedure with publication of an notice for procurement, or competition dialogue and the notice for it indicates possibility for such an awarding;

   b) the total value of the new procurement is included and is indicated in defining the value of the initial procurement;

   c) the new procurement complies with the basic project for whose fulfillment the initial
procurement has been awarded:

13. the procurement subject is related to provision of aeronautic and marine transport services for the armed forces or for security forces of the country, which are located or are to be located outside its territory, where the contracting authority must provide these services by contractors, whose offers are valid only for such short terms, that the term for conducting the restricted procedure or negotiation procedure with publishing a procurement notice, including for the shortened term, cannot be observed;

14. the procurement is for services, included in Annex No. 15.

(2) In the cases under Para. 1, p. 8 the contract for additional procurement shall not be longer than 5 years. Upon exception a longer term may be determined, where this is imposed by circumstances, related to expected exploitation life of the available items, facilities or systems and technical difficulties, which the change of the contractor may cause.

(3) In the cases under Para. 1, p. 9 the contract shall be signed upon the rules of the relevant stock exchange.

(4) In the cases under Para. 1, p. 10, the contract shall be signed under Part Three of the Commercial Act.

(5) In the cases under Para. 1, p. 12, the procedure may be opened not later than 5 years from awarding the first procurement, unless because of exception, the procedure is to be conducted after this term because of circumstances, related to the expected exploitation life of the available items, facilities or systems and technical difficulties, which the change of the contractor may cause.

(6) With the decision for opening the procedure, the contracting authority shall motivate the applicable reason under Para. 1.

(7) The conditions and procedure for conducting the procedure shall be provided by the Rules on the application of the act.

Terms for Conducting the Procedures

Art. 165. (1) The minimal term for receiving participation applications in a restricted procedure, negotiation procedure with publishing an notice for procurement and competition dialogue shall be 30 days from the date of submission of the public procurement notice for publication.

(2) The minimal term for receiving offers in a restricted procedure shall be 35 days from the date of sending the invitation for producing of offers. Where no unlimited, complete, free and direct access has been provided via electronic media to the documentation for public procurement, the term shall be 40 days.

(3) The terms under Para. 2 may be shortened by 4 days, where the contracting authority has published a preliminary informative notice and it:

1. has been sent for publication between 52 days and 12 months before the date of submission of the public procurement notice for publication, and
2. includes the whole information under Part. A of Annex No 16.

(4) In case of occurrence of circumstances, which require urgent awarding of a procurement, because of which it is impossible the terms under Para. 1 and 2 to be observed, the contracting authorities may determine:

1. term for receiving participation applications – not shorter than 15 days from the date of submission of the public procurement notice for publication;
2. term for receiving offers – not shorter than 10 days from the date of submission of the invitation for production of offers.

(5) In the public procurement notice the contracting authority shall motivate the application of Para. 4.

Decreasing the Number of the Applicants, Offers, or Decisions

Art. 166. (1) Where in a restricted procedure, negotiation procedure with publication of notice of a procurement and competition dialogue, the contracting authority shall use the possibility for decreasing the number of the applicants, the minimal number of applicants, which he intends to invite
shall not be smaller than 3 persons.

(2) Where after conducting preliminary selection the contracting authority finds, that the number of the applicants, meeting the selection criteria and the minimal requirements is not sufficient, in order to guaranty real competition, he may:

1. publish again the initial notice and to repeat the stage of selection for the newly received applications, or
2. to interrupt the procedure.

(3) In the cases under Para. 2, the contracting authority shall invite the applicants, selected after the first and second publication, to submit offers.

Invitations to the Applicants
Art. 167. (1) In the cases of restricted procedure, competition dialogue and negotiation procedure with publication of a procurement notice, the contracting authority shall submit at the same time written invitation to the selected applicants for submission offers or for participation in negotiations or dialogue.

(2) The invitations shall contain at least the information under Annex No 17.

(3) Where the documentation or parts of it is with a person, different from the contracting authority, the invitation shall indicate the address from which it may be received. In case that not access has been provided to the documentation through electronic media, the invitation must have indicated the final date for submission of a request for receiving the documents. Where the request has been sent within the set term, the competent bodies shall immediately submit the documents.

Amendment of a Public Procurement Contract and Framework Agreement
Art. 168. The contracting authorities shall apply the reasons for amendment of a public procurement contract and framework agreement under Art. 116, Para. 1, p. 1, 4 and 5.

Chapter twentytwo.
SPECIFIC TECHNIQUES AND INSTRUMENTS FOR AWARDING PROCUREMENTS

Framework Agreement
Art. 169. (1) Where the contracting authority signs a framework agreement with several persons, their number shall not be smaller than 3 persons, under the condition that there is sufficient number of potential contractors, who meet the selection criteria and/or sufficient number of offers, which meet the preliminary announced conditions of the contracting authority.

(2) The framework agreements shall be signed for the term, not longer than 7 years.

(3) Upon exception the term under Para. 2 may be longer, where in view to the expected exploitation life of the supplied goods, facilities or systems, the change of the contractor may cause technical difficulties. The contracting authority shall indicate the grounds for this fact in the notice.

(4) For unsettled issue about signing a framework agreement and awarding procurements on the basis of a framework agreement, the provisions of Section I of Chapter Ten shall apply.

Electronic Tender
Art. 170. (1) The contracting authorities may conduct electronic tender with awarding procurement through a restricted procedure or negotiation procedure with preliminary publication of an notice for procurement, as well as in conducting an internal competition selection on the basis of a framework agreement, where the technical specifications of the public procurement may be exactly determined.

(2) The use of electronic tender shall be indicated in the public procurement notice.

(3) For unsettled issues about conducting electronic tender, the provision of Section III of Chapter Ten shall apply.

Chapter twentythree.
SECURITY OF THE INFORMATION AND OF THE SUPPLIES

**Special Requirements for Fulfillment of the Procurement**

Art. 171. The contracting authorities may envisage special requirements for the fulfillment of the public procurement, related to awarding of subcontractors, or such, with whom guarantying of the protection of classified information and security of supplies is aimed.

**Requirements for Protection of Classified Information**

Art. 172. (1) The contracting authorities shall indicate in the notice whether the public procurement contains or requires classified information. In these cases in the documentation, which is provided with the participation invitation, the contracting authority shall set to the participants and their subcontractors, requirements in view to protection of classified information.

(2) In the cases under Para. 1, the contracting authority may:

1. require permit, certificate or confirmation for access to classified information in the meaning of the Protection of Classified Information Act, including about the possibility for processing, storage and submission of such information at the level of protection, required by the contracting authority;

2. require provision of a permit, certificate or confirmation for access to classified information in the meaning of the Protection of Classified Information Act for the selected subcontractors;

3. include in the draft contract clauses, which oblige the contractor to:
   a) provide the document under p. 2 for the subcontractors as well, selected during the fulfillment of the procurement;
   b) observe the classified information, become known to him in the run of the procedure, during and after finalization the fulfillment of the procurement;
   c) in the contracts with the subcontractors, selected before and during the fulfillment of the procurement, include clauses under letter "b" for observation of the classified information.

(3) With provision of the technical specifications of the applicants or participant in the procedures and with signing the public procurement contract, the contracting authority may set requirements for protection of the information of confidential nature, or of classified information. The contracting authority may require form the applicants or participants to guaranty the observation of these requirements from their subcontractors as well.

(4) The applicants or participants, including their subcontractors shall not have the right to disclose the information under Para. 3.

**Security of Supplies**

Art. 173. (1) Where the contracting authority has included in the notice requirements for security of supplies, he may:

1. require the offer to contain also:
   a) licenses, or other suitable documents, issued in the relevant Member State, by which it is proved, that the participant is in condition to fulfill the obligations in relation to the export, transfer or transit if goods, related to the procurement;
   b) indication of all the restrictions, elated to disclosure, transfer or use of goods and services or the results from them, which comprise from control of export or from agreements in the defense area;
   c) evidences, that the organization and the location of the chain for supplies of the participant allow observation of these requirements, as well as declaration, that possible changes in the supply chain during the fulfillment of the procurement will not render unfavorable influence;
   d) every accompanying documentation, received from the national bodies of the participant about the fulfillment of additional needs, required by the contracting authority, occurred as a result of a crises;

2. include in the draft contract clauses, which shall oblige the contractor:
   a) to create and/or maintain the capacity, needed for meeting additional needs, required by the contracting authority, as a result of a crises, according to the agreed conditions and order;
b) to carry out maintenance, modernization or adaptation of the supplies, which are covered by the procurement;

c) to notify immediately the contracting authority about each change, occurred in his organization, supply chain or production strategy, which may affect the fulfillment of the procurement;

d) in case of termination of the production to provide to the contracting authority all the special means, needed for production of spare parts, components, mounting elements and special test equipment, including technical designs, licenses and instructions for use, under the conditions and procedure, agreed with the occurrence of the relevant circumstance.

(2) The contracting authority shall not set requirements to the participant, which may generate contradiction with the licensed criteria for export, transfer or transit of the relevant Member State.

Chapter twentyfour.
RULES FOR SELECTION OF SUBCONTRACTORS

Subcontractors

Art. 174. (1) In the notice for public procurement, the contracting authority may determine a part of the public procurement, which may be fulfilled by subcontractors, by determining the minimal and maximum percentage of the procurement value, but not more than 30%.

(2) In their offer, the participants may propose a share of the total value of the procurement, which exceeds the maximum amount under Para. 1, to be fulfilled by a subcontractor.

(3) In their offer, the participants shall indicate the types of works of the procurement subject, which they will assign to the subcontractors and the corresponding share of these works of the procurement, which shall not be smaller than the minimum percentage, determined by the contracting authority, as well as the subcontractors, which have already been determined.

(4) Where a participant has determined by his offer one or more subcontractors, with whom he will sign contract for subcontracting, he shall:

1. indicate in his offer the proposed subcontractors, the type of works, which they will carry out and the share of their participation;

2. produce documents, which prove the observation of the requirement for selection of each of them according to the type and share of their participation;

3. notify the contracting authority about every change of the subcontractors, occurred during the fulfillment of the public procurement contract.

(5) The contracting authority shall not have the right to set restrictions, based on national belonging of the subcontractors.

Selection of Subcontractors

Art. 175. (1) Where the participant, determined for contractor is contracting authority, he shall sign the subcontracting contracts through a procedure, conducted under the provision of this Part.

(2) Where the participant, determined for contractor is not the contracting authority and must apply Para. 10 and 11, he shall prepare an notice under a standard form, which shall contain at least the information under Annex No 18.

(3) The notice under Para. 2 shall be published in PPR and in the EU Official Journal, while observing Art. 156, Para. 2 and 3.

(4) In the cases under Para. 2, the subcontractors shall be selected while observing the principles of transparency and competition.

(5) The contracting authority shall have the right to reject subcontractors, selected by the participant, selected as contractor, in case that they do not meet the indicated in the notice and documentation selection criteria. Rejection of a subcontractor shall become with a grounded decision, which shall be sent to the participant, selected for contractor. In this case, the participant, selected for contractor shall be obliged again to apply the relevant procedure for selection of subcontractor.
(6) Where no subcontractor has been selected, as none of the subcontractors, participating in the procedure, or the offers, proposed by them fail to meet the criteria, indicated in the notice for subcontracting and this would hinder the observation of the requirements, determined in the basic procurement:

1. the participant, selected for contractor, who is not the contracting authority, may:
   a) independently fulfill the public procurement contract, if he proves, that he is able to do so, or
   b) to sign contracts for subcontracting without observing the relevant procedure for awarding, if he proves, that the selected persons meet the selection criteria;

2. the participant, selected for contractor, who is the contracting authority, may conduct a procedure of negotiation without publication of a procurement notice.

(7) The decisions of the selected participant for contractor, related to the selection of subcontractor, shall not be subject to appeal in the cases, where the participant, determined for contractor is not the contracting authority.

(8) The contracting authority may oblige the participant, selected for contractor, to select the subcontractors under Para. 1 – 4 for all or part of the activities, proposed for subcontracting, if they are at the value under Art. 20, Para. 1, p. 4. This requirement shall be indicated in the notice.

(9) The contracting authority shall indicate in the decision for selection of a contractor under which of the activities, proposed for subcontracting, must be selected the subcontractors under Para. 1 – 4.

(10) With selection of subcontractor under Para. 1 – 4, the selection criteria shall be applied, indicated by the contracting authority of the public procurement. The participant, selected for contractor, may determine other criteria, which comply with the ones, indicated by the contracting authority.

(11) The selection criteria under Para. 10 must be objective, non-discriminatory, to be related to the subject of the subcontracting contract and to be proportional to its volume.

Part five.
RULES FOR AWARDING PUBLIC PROCUREMENTS AT LOW VALUE

Chapter twentyfive.
PUBLIC COMPETITION. DIRECT NEGOTIATION

Section I.
General Provisions

Scope
Art. 176. The provision of this Chapter shall apply in awarding public procurements at the value under Art. 20, Para. 2.

Subsidized Application
Art. 177. For unsettled issues in this Chapter, the provisions of Part One and Part Two shall apply.

Section II.
Public Competition

Publication of an Notice
Art. 178. (1) For notice of opening of a public competition procedure, the contracting authority shall publish an notice for a public procurement, which shall contain at least the information under Annex No 19.

(2) In the notice under Para. 1, the contracting authority shall set a term for receiving offers, which must be coordinated with the volume and complexity of the public procurement. The term shall
not be shorter than 21 days for procurements for services and supplies, and where the procurement is for public works – 28 days and shall begin to run from sending the notice for publication.

(3) In case circumstances occur, which require urgent awarding of a procurement, because of which it is impossible to observe the term under Para. 2, the contracting authority may set a term for receiving offers not shorter than 10 days from sending the public procurement notice for publication.

(4) In the public procurement notice the contracting authority shall be obliged to motivate the application of Para. 3.

(5) The contracting authority shall not be obliged to motivate in the notice the impossibility for division of separate positions of a procurement, which is for supplies or services.

**Change of the Announced Conditions**

Art. 179. (1) The contracting authority may make changes in the notice and/or the documentation of the public procurement upon own initiative or upon request of an interested person, made within the term of 3 days from publication of the public procurement notice. The notice for change or additional information and the decision, which approves it, shall be sent for publication within the term of 7 days from the publication in PPR of the notice for public procurement and where the term is shortened under Art. 178, Para. 3 – up to 5 days.

(2) Where the term for submission of offers is extended, the time, needed for expression of the explanations or changes in preparation of the offers shall be taken in consideration.

**Provision of Explanations**

Art. 180. (1) With a written request for explanations of the conditions of the public procurement, made up to 5 days – in procurements for supplies and/or services and in the cases under Art. 178, Para. 3, and in procurements for public works – up to 7 days, before expiry of the term for receiving offers, the contracting authority shall publish in the buyer’s profile written explanations.

(2) The explanations shall be published at the buyer’s profile within the term of 3 days from receiving the request and the person, made the enquiry shall not be mentioned in them.

**Selecting Contractor**

Art. 181. (1) For participation in the procedure, the interested persons shall submit offers, which shall have attached information about the lack of reasons for removal and their compliance with the selection criteria.

(2) During conducting the procedure, assessment of the technical and price proposals of the participants shall be admitted before consideration of the documents for compliance with the selection criteria, where this possibility is indicated by the contracting authority in the notice.

(3) In the cases under Para. 2, the check for presence of reasons for removal and or compliance with the selection criteria shall be carried out in a way, which is not influenced by the assessment results of the technical and price proposals.

(4) The commission, appointed by the contracting authority shall draw up a protocol for performing the control of the participants, consideration, assessment and classification of the offers.

(5) The contracting authority shall confirm the protocol under Para. 4 under Art. 106.

(6) Within 10 day term form confirmation of the protocol, the contracting authority shall issue a decision for selection of a contractor or for termination of the procedure.

(7) In case of termination of the procedure, the grounds under Art. 110 shall apply.

(8) The decision under Para. 6 shall be submitted during on day to the participants and shall be published at the buyer’s profile.

**Section III.**

**Direct Negotiation**

**Direct Negotiation with Certain Persons**

Art. 182. (1) The contracting authority may conduct direct negotiation with certain persons in
case of the reasons under Art. 79, Para. 1, p. 3 and p. 5 – 9, or where:

1. an urgent awarding of the procurement is needed because of exclusive circumstances and it is not possible to observe the terms under Art. 178, Para. 2, 3 of the circumstances, which motivate the urgency, they shall not be due to the contracting authority;

2. the awarding procedure through public competition has been terminated, as there are not offers submitted, or the submitted offers are unsuitable and the initially announced conditions are not changed substantially;

3. for a very short time a possibility occurs to be received supplies or services in specially profitable conditions and in a price, substantially lower than the usual market prices;

4. a repetition of the public works, or services are needed, awarded by the same contracting authority to the initial contractor in presence of the following conditions:
   a) the initial procurement has been awarded by a public competition;
   b) the notice of the initial procurement indicates the possibility for repeated awarding, as well as the volume or the quantity of the possible additional public works or services and the conditions in which they will be awarded;
   c) the total value of the new procurement is included and is indicated while determining the value of the initial one;
   d) the new procurement complies with the basic project, during whose fulfillment the first procurement has been awarded;

5. the public procurement is for services under Annex No 2 and has a value under Art. 20, Para. 2, p. 2.

(2) With the decision for opening the procedure, the contracting authority shall motivate the applicable ground under Para. 1.

(3) In the cases under Para. 1, p. 3, at the negotiations shall be invited all the persons, offering goods and services at prices, lower than the market ones.

(4) The repeated awarding of public works or services under Para. 1, p. 4 is possible not later than 3 years after signing the initial contract.

(5) The conditions and procedure for conducting direct negotiation shall be determined by the Rules on the implementation of the act.

Section IV.
Public Procurement Contract

Signing the Contract
Art. 183. The contracting authority shall sign with the selected contractor a written contract for public procurement under the conditions and procedure of Art. 112.

Amendment of the Contract
Art. 184. (1) The contracting authority may amend a public procurement contract under the conditions of Art. 116.

(2) In the cases of Art. 116, Para. 1, p. 6, amendment of a contract shall be admissible, under the conditions that after the amendment, the total value of the contract does not exceed the threshold values under Art. 20, Para. 2.

Publication of Information about the Contracts
Art. 185. The contracting authority shall submit to the PPR and publish at the buyer’s profile an notice according to a standard form within the term of 30 days:

1. signing the contract – for a signed contract;
2. signing an additional agreement – for amendment of a contract under Art. 116, Para. 1, p. 2 and 3;
3. finalization of the contract – for fulfillment of the contracts or for its preterm termination.
Chapter twentysix.

COLLECTING OFFERS WITH AN NOTICE. INVITATION OF CERTAIN PERSONS

Scope
Art. 186. The provision of this Chapter shall apply with awarding public procurements at the value under Art. 20, Para. 3.

Publication of an Notice
Art. 187. (1) The contracting authorities shall open awarding the procurement under Art. 20, Para. 3 with publication of the buyer’s profile at an notice for collection of offers, which shall be drawn up according to a standard form and shall contain at least the information under Annex No 20.
   (2) With the notice, the contracting authorities shall publish the technical specifications and any other information, related to fulfillment of the procurement, where applicable.
   (3) After publication of the buyer’s profile, the contracting authority may publish the notice or a short information about the procurement also, in another suitable way.
   (4) The contracting authority shall not be obliged to motivate in the notice the possibility for division of separate procurement positions.

Term for Receiving Offers
Art. 188. (1) The term for receiving offers shall be coordinated with the volume and complexity of the procurement and shall not be shorter than 7 days – for services and supplies, and where it is for public works – 15 days form publication of the notice.
   (2) The contracting authority shall extend the term under Para. 1 by at least 3 days, where in the initially set term less than 3 offers have been received.
   (3) After expiry of the term under Para. 2, the contracting authority shall examine and assess the received offers notwithstanding of their number.

Explanations
Art. 189. In a written request, made up to 3 days before expiry of the term for receiving offers, the contracting authority shall be obliged on the following working day latest to publish in the buyer’s profile written explanations about the conditions of the public procurement.

Keeping Procurements with Collecting Offers with an Notice
Art. 190. (1) The contracting authorities may apply the procedure of Art. 187 – 189 also for procurements, which fall in the list under Art. 12, Para. 1, p. 1 and whose value requires awarding through public competition, where the procurement is kept and awarded to specialized undertakings or cooperation of disabled people or to economic subjects, whose basic purpose is social and professional integration of disabled people or disadvantaged people.
   (2) In the cases under Para. 1, the participant, selected for contractor, must prove, that minimum 70% of his staff contains disables people or disadvantaged people and that they will be engaged in the fulfillment of the procurement, as well as that they have fulfilled the conditions of Art. 12, Para. 6.
   (3) In the cases under Para. 1, the contracting authority shall indicate in the notice that the procurement is kept for persons, who meet the requirements of Para. 1 and 2.

Invitation to Certain Persons
Art. 191. (1) The contracting authorities may not publish an notice, but send an invitation to a certain person/s where some of the following reasons are present:
   1. no offer has been received, including after extension of the term under Art. 188, Para. 2 and the initial conditions of the procurement have not been changed;
   2. awarding a public procurement to another person is impossible because of present copy, or other right of intellectual property, or exclusive rights, acquired under a law or administrative act, as well as where the nature of the supply or service is restricted to an exactly determined contractor because of reasons, which are not due to the contracting authority;
3. an urgent awarding of the procurement is needed, because of exclusive circumstances and observation of terms under Art. 188, Para. 1 is not possible; the circumstances, which define presence of urgency, shall not be due to the contracting authority;

4. goods, subject to the supply, are produced in view to scientific and research activity, experiment, study or development activity and are in restricted quantity, which does not allow formation of market price or recovery of the costs on this activity;

5. additional supplies are needed from the same supplier, intended for partial change or for increasing the supplies, if the change of the supplier will make the contracting authority acquire goods of different technical characteristics, which will lead to incompatibility, or to technical difficulties in exploitation and maintenance;

6. subject of the procurement is supply of goods, which is traded at the stock exchange, according to a list, approved by the Council of Ministers, upon proposal of the Minister of Finance;

7. for a very short time, opportunity occurs to be received supplies or services in specially profitable conditions and at a price, substantially lower that the usual market prices.

(2) In the cases under Para. 1, p. 1, where offers have been received from persons, different form the ones, indicated in the invitation, the contracting authority shall consider them and classify them, if they meet the announced conditions and comply with the published technical specifications.

(3) In the cases under Para. 1, p. 6 the contracting authorities shall sign the public procurement contract under the rules of the relevant stock exchange.

**Selecting Contractor**

Art. 192. The conditions and procedure for submission, consideration and assessment of the offers and selection of a contractor shall be provided by the Rules on Implementation of the act.

**Termination of Awarding Public Procurement**

Art. 193. The contracting authority may terminate awarding of the procurement by signing the contract for awarding the public procurement, by publishing an notice at the buyer’s profile, where the grounds for the termination shall be indicated.

**Signing and Amendment of a Contract**

Art. 194. (1) The contracting authority shall sign a public procurement contract with the selected contractor within 30 day term from the date of selection of the contractor. In the cases under Art. 191, Para. 1, p. 3, the contract shall be signed not later than 5 working days from the date of selection of the contractor.

(2) The contracting authority may sign a contract with the following classifies participant, where the selected participant for contractor refuses to sign a contract, or does not appear for its signing within the set by the contracting authority term, without indicating objective reasons.

(3) In the cases under Art. 116, Para. 1, p. 6, a change of a contract shall be admissible under the conditions that after the change, the total value of the contract does not exceed the threshold values under Art. 20, Para. 3.

**Subsidized Application**

Art. 195. for unsettled issue in this Chapter, the provision of Part One and Part Two shall apply.

**Part six.**

**REMOVAL VIOLATIONS IN THE PROCEDURES**

**Chapter twentyseven.**

**PROCEDURE OF APPEAL**

**Section I.**

**General Provisions**

Acts, Subject to Appeal
Art. 196. (1) Every decision of the contracting authorities shall be subject of appeal under this Chapter in a procedure for:
   1. awarding a public procurement, including by signing a framework agreement, dynamic system for purchases or qualification systems;
   2. signing a framework agreement;
   3. creating a dynamic system for purchases or qualification systems;
   4. competition for a project.
(2) Decisions shall not be subject to appeal, about:
   1. selecting a contractor of a public procurement by internal competition selection, where the total value of the procurements, awarded under the framework agreement by the relevant contracting authority is lower, or equal to the value under Art. 20, Para. 3;
   2. opening in the part about the grounds for impossibility for division of the procurement subject to separate positions.
(3) The decisions under Para. 1 shall be appealed before the Competition Protection Commission about their legality, including for presence of discrimination, economic, financial, technical or qualification requirements in the notice, documentation or in every other document, related to the procedure.
(4) The decisions under Art. 175, Para. 5 shall be subject to appeal under this Chapter.
(5) To appeal under this Chapter shall also be subject actions or lack of actions of the contracting authority, which hinder the access or participation of persons in the procedure. The contracting authority’s actions on issuing the decision under Para. 1 shall not be subject to independent appeal.

**Term for Submission an Appeal**

Art. 197. (1) An appeal may be submitted within 10 day term from:
   1. expiry of the term under Art. 100, Para. 3 – against the decision for opening of the procedure and/or the decision for approval of the notice for change or additional information;
   2. expiry of the term under Art. 100, Para. 4 – against the decision for approval of the invitation for confirmation of interest and/or the decision for approval of the notice for change or additional information, which approve the changes in an invitation of confirmation of interest;
   3. expiry of 5-day term under Art. 100, Para. 5 – against the decision for opening the procedure and/or decision for approval the notice for change or additional information;
   4. expiry of the term under Art. 179 – against the decision for opening the procedure and/or the decision for approval of the notice for change or additional information;
   5. publication of the decision for conducting procedures of negotiation under Art. 18, Para. 1, P. 8 - 10 and 13;
   6. receiving the decision for preliminary selection or finalization of the dialogue;
   7. receiving the decision for selection of contractor or for termination of the procedure;
   8. publication of the notice for voluntary transparency.
(2) The appeal under Art. 196, Para. 5 shall be submitted within 10 day term from the notification about the relevant action, and if the person is not notified – from the date on which the term for carrying out the relevant action has expired.
(3) In the cases under Para. 1, p. 1 and 6, where the dates of publication of the notices in PPR and in the EU Official Journal are different, the term for appeal shall run from the later date.

**Right to Appeal**

Art. 198. (1) An appeal may be submitted by:
   1. any interested person in the cases under Art. 197, Para. 1, p. 1 - 5 and 8 and Para. 2;
   2. any interested applicant in the procedure – in the cases under Art. 197, Para. 1, p. 2, 6 and 7 and Para. 2;
   3. any interested applicant or participant – in the cases under Art. 197, Para. 1, p. 5 and 7 and
Para. 2.

(2) In the term of Art. 197, Para. 1, p. 1, an appeal against the decision for opening the procedure and/or the decision of approval of changes in the conditions in an announced procedure may appeal also professional associations and organizations in the relevant branch for protection of the interests of their members.

(3) An appeal against the decision for classification of the participants in the competition for a project, may submit any interested applicant or interested participant within the term under Art. 197, Para. 1.

Submission of an Appeal

Art. 199. (1) An appeal shall be submitted to the Competition Protection Commission with a copy to the contracting authority, whose decision, action or lack of action is appealed.

(2) The appeal must be written in the Bulgarian language and shall contain:
   1. the name of the body, to whom it is submitted;
   2. the company of the trader or the name of the legal person – appealer, as well as the central office and the last management address, indicated in the relevant register, also the electronic address; the full name and address, telephone N, fax No and e-mail address, if any, of the appealer – natural person;
   3. name and address of the contracting authority;
   4. date about the public procurement and the decision, action or lack of action, which is appealed;
   5. objections, reasons and the requirements of the appealer;
   6. signature of the person – appealer.

(3) The appeal to the Competition Protection Commission shall have attached:
   1. a copy of the appealed decision, where it is not published in the PPR;
   2. evidences on observation of the term under Art. 197, Para. 1 and 2;
   3. a document for a paid state fee;
   4. evidence for submission of the appeal to the contracting authority;
   5. other evidence, if any.

(4) If the appeal does not meet the requirements under Para. 2 and Para. 3, p. 1 - 3, the Competition Protection Commission shall notify the appealer and shall give him 3 day term for removal of the irregularities.

Section II.
Formation of Procedure

Formation of Procedure

Art. 200. (1) The chairperson of the Competition Protection Commission shall form a procedure with an order within 3 day term from receiving the appeal or from removal of the irregularities in it. The order shall select a Commission member, who shall observe studying the appeal and if needed, he shall give instructions. The contracting authority shall be notified about the formed procedure.

(2) The contracting authority shall submit an opinion on the appeal, supported – if needed – by an evidence, within 3 day term from receiving the notification under Para. 1.

(3) After formation of the procedure, the Competition Protection Commission chairperson, by an order shall select officials of the Commission administration about carrying out study on the appeal.

(4) Where the procurement contains classified information or is in the area of defense and security, the officials under Para. 3 must have permit for access to classified information at the relevant level, under the requirements of the Protection of Classified Information Act.

Refusal from Formation of Procedure

Art. 201. (1) The Competition Protection Commission chairperson shall not form a procedure, where:
1. the appeal has been submitted after expiry of the term under Art. 197, Para. 1 and 2;
2. the irregularities have not been removed within the term under Art. 199, Para. 4;
3. the appeal has been submitted before expiry of the relevant term under Art. 100, Para. 3, 4 or 5 and Art. 179, Para. 1;
4. the appeal has been withdrawn before its formation;
5. the act is not subject to appeal.

(2) In the cases under Para. 1, the Competition Protection Commission chairperson shall return the appeal with an order. The order shall be subject to appeal with a private appeal before three-judge panel of the Supreme Administrative Court, within 3 day term from its being announced.

**Removal of the Violation by the Contracting Authority**

Art. 202. The contracting authority may himself remove the violation by receiving the notice under Art. 209, Para. 3 for finalization of the study on the appeal by the Competition Protection Commission

**Section III.**

**Temporary Measure**

**Termination of the Procedure**

Art. 203. (1) An appeal against a decision, action or lack of action of the contracting authority with the exception of the ones against the decision for selection of a contractor, shall not stop the awarding procedure of a public procurement, unless where a temporary measure of "termination of the procedure" has been requested.

(2) Request for imposing a temporary measure shall be made together with submission of the appeal. It shall be impossible to make a request for a temporary measure, where a decision, action, or lack of action of the contracting authority is appealed, related to a procedure under Art. 79, Para. 1, p. 4, Art. 138, Para. 1, Art. 164, Para. 1, p. 3 or 4, or Art. 182, Para. 1, p. 1.

(3) Where with the appeal the temporary measure under Para. 1 is requested, the procedure for awarding the public procurement shall stop by the enforcement of:

1. the determination, by which the request for a temporary measure is rejected, or
2. the decision on the appeal, if the temporary measure has been imposed.

(4) An appeal against the decision of selection of a contractor shall stop the procedure for awarding a public procurement by the final settlement of the dispute, unless where a preliminary fulfillment is admitted, or where the decision has been taken in a procedure, opened under Art. 79, Para. 1, p. 4, Art. 138, Para. 1, Art. 164, Para. 1, p. 3 and 4, or Art. 182, Para. 1, p. 1.

**Pronunciation on the Request for a Temporary Measure**

Art. 204. (1) Where in the appeals a request is made for imposing a temporary measure, the Competition Protection Commission shall pronounce on it in a closed meeting with a grounded determination within 7 day term from the formation of the procedure.

(2) Competition Protection Commission shall pronounce on the request after estimation of the possible consequences from the imposition of the temporary measure for all interests, which may be harmed, including for the public interest and the interests, related to defense and security, made on the basis of the statements on the appeal, the opinion of the contracting authority and the attached evidences by the parties.

(3) The Competition Protection Commission may not impose a temporary measure, where the negative consequences for all the interests, which may be harmed, exceed the use of its imposition.

(4) The pronouncement of the temporary measure shall not bound the Competition Protection Commission while settling the dispute in essence, as well as it shall not affect the other requests of the appealer.

(5) The determination under Para. 1 shall be subject to appeal before a 3-judge panel of the
Supreme Administrative Court within 3 day term from its notification to the parties. The Court shall pronounce in a closed meeting within 14 day term from formation of the procedure of the private appeal. For unsettles issues about the procedure of the appeal, the provision of Chapter Thirteen of the Administrative Procedure Code shall apply.

(6) The appeal of the determination for imposing a temporary measure shall not stop the procedure before the Competition Protection Commission.

**Preliminary Fulfillment of the Decision for Selecting a Contractor**

Art. 205. (1) Where the decision for selecting a contractor is appealed, the contracting authority may within the term for production of the opinion under Art. 200, Apra. 2, request from the Competition Protection Commission admission for preliminary fulfillment of the decision. A request for preliminary fulfillment, made after this term shall not be considered by the Competition Protection Commission

(2) The contracting authority shall motivate the request under Para. 1 and shall attach evidences in support of his statement.

(3) The Competition Protection Commission shall pronounce upon the request for admission of preliminary fulfillment by a determination in a closed meeting within 3 day term from receiving the statement.

(4) The Competition Protection Commission shall admit preliminary fulfillment of the decision for selection of a contractor upon exception, where this is imposed in order to be secured the life and health of citizens, to be protected especially important state or public interests, including such, related to defense and security or from the delay of the fulfillment a substantial or irreparable harm.

(5) Preliminary fulfillment under Para. 4 shall not be admitted, where it has been grounded by economic interests, related to costs for:

1. postponing the fulfillment of the contract;
2. conducting a new procedure for awarding the procurement.

(6) The Competition Protection Commission shall admit preliminary fulfillment of the decision for selection of a contractor in all cases, where fulfillment of a large programme would be threatened in the area of defense or security, which is of a substantial significance for the interests of the country.

(7) The determination under Apra. 3 shall be subject to appeal before the Supreme Administrative Court within 3 day term from its notification to the parties. The Supreme Administrative Court shall pronounce on the determination in a closed meeting within 14 day term from formation of the procedure of the private appeal.

**Termination of the Procedure before the Competition Protection Commission**

Art. 206. (1) Where a procedure is formed against a decision for selection of a contractor and no preliminary fulfillment has been admitted, the Competition Protection Commission shall officially check about presence of a pending procedure against another decision of the contracting authority on the same procedure.

(2) The Competition Protection Commission shall stop the procedure, formed upon an appeal against a decision for selection of a contractor, where it finds a pending procedure under Para. 1.

(3) The procedure shall be recovered officially or upon request of one of the parties after dropping of a reason for stopping.

**Section IV. Procedure for Consideration of the Appeal**

**Studying**

Art. 207. studying the file shall be carried out by the determined officials under Art. 200, Para. 3 and shall cover the circumstances of the appeal.

**Evidences and Expert Opinions in the Procedure**

Art. 208. (1) In the procedure before the Competition Protection Commission written and oral
evidences shall be admitted, including expert opinions. The Commission may refer to information, which is publicly accessible or officially known.

(2) In use of expert opinions in the procedure before the Competition Protection Commission, the sums for remunerations for the experts shall be deposited preliminary by the party, which has requested the expertise. With appointment of an expertise upon initiative of the Competition Protection Commission, the costs for expert remuneration shall be given to the appealer, if the appeal has been rejected or the procedure is terminated and to the contracting authority, in some of the cases under Art. 215, Para. 2, p. 2 - 6.

(3) All the evidence, collected for the procedure shall nor be disclosed, if they are industrial, trade or other secret, protected by the law. Where in them there are data, which are classified information, the provisions of the Protection of Classified Information Act shall apply.

(4) The parties of the procedure, the state bodies and the officials shall be obliged to give assistance to the Competition Protection Commission while fulfilling its assigned duties by the law.

**Finalization of the Study**

Art. 209. (1) After finalization of the study, the working team shall produce to the monitoring members of the Competition Protection Commission a report, which contains factual and legal analysis of the case, as well as a proposal for the way of finalization of the procedure.

(2) The monitoring members of the Competition Protection Commission shall notify the chairperson about the finalization of the study. The Competition Protection Commission chairperson shall appoint an open meeting by a resolution for consideration of the file.

(3) within 3 day term from receiving the notification for finalization of the study, the parties shall have the right to get to know the collected evidences of the file.

(4) The parties shall be obliged to produce all their evidences latest on the date before the meeting for consideration of the appeal.

**Summoning and Servicing Notices**

Art. 210. (1) The parties shall be summoned at the addresses, indicated in the appeal, where the term for summoning shall not be shorter than 3 days before the meeting.

(2) The parties may be serviced by notices and subpoenas also to the indicated by them e-mail address or fax No. Where the parties do not provide a fax No or e-mail address, they shall be considered as notified by publishing the notice in the public register of the official internet site of the Competition Protection Commission

(3) The parties may use layer’s defense.

**Meeting of the Competition Protection Commission**

Art. 211. (1) The meetings shall be regular, where at least 4 of the Competition Protection Commission members are present.

(2) Where the procurement contains or requires classified information, including with a site in the area of defense and security, the Competition Protection Commission members, who participate in the production of consideration of the file, must have permit for access to classifies information to the relevant level under the requirements of the Protection of Classified Information Act.

(3) A member of the Competition Protection Commission shall not participate in a procedure of studying under this act, where he is interested in its resolution, or where there are reasonable doubts in his impartiality. The Competition Protection Commission member shall be led off upon his initiative, or upon requests of the parties.

(4) The meeting shall begin with resolving the preliminary issues about the regularity of the procedure. The parties in the procedure may be asked questions.

(5) Where it is considered that the circumstances of the appeal are clarified, the chairperson of the meeting shall give possibility to the parties for opinions.

(6) After settlement of the dispute of factual and legal side, the meeting shall be closed by the chairperson.
Terms for Pronunciation of the Appeal

Art. 212. (1) The Competition Protection Commission shall pronounce on the appeal within 1 month term from formation of the procedure for public procurement at the value of Art. 20, Para. 1 and in the remaining cases – within 15 day term from formation of the procedure.

(2) The decision with the grounds shall be drawn up and shall be announced within 7 day term latest from pronouncement on the appeal.

Termination of the Procedure by the Competition Protection Commission

Art. 213. (1) The Competition Protection Commission by a determination shall terminate the procedure:

1. in finding inadmissibility of the appeal;
2. if the appealer – a natural person has died or the legal person has been terminated.
3. upon withdrawal of the appeal.

(2) The determinations under Para. 1 shall be subject to appeal under Art. 204, Para. 5.

Subsidized Application

Art. 214. For all unsettled issues about the appealing procedure before the Competition Protection Commission, the appealing procedure of individual administrative acts under the Administrative Procedure Code shall apply.

Section V.

Decisions of the Competition Protection Commission

Decrees of the Decisions

Art. 215. (1) The Competition Protection Commission shall take decisions and decree determinations in an open voting with majority of 4 votes.

(2) The Competition Protection Commission at a closed meeting shall decree a decision, by which shall:

1. leave the appeal with not consideration;
2. repeal the unlawful decision for opening a procedure for awarding public procurement;
3. repeal the decision and return the file for continuation of the procedure for awarding public procurement of the last lawful decision or act or for termination of the procedure;
4. find unlawfulness of the decision and shall impose the sanctions, provided by Para. 5 and 6;
5. declare null and void the contracting authority’s decision;
6. repeal the unlawful action or establish the unlawful lack of action and shall return the file for continuation of the procedure for awarding public procurement of the last lawful decision or action or for termination of the procedure;
7. repeal the decision, where it finds that the contract has been signed in violation of Art. 112, Para. 6 or 8, and where it finds that the contract has been signed in violation, and where it finds violation of the act, affected the possibility the person, who has submitted the appeal to participate in the procedure or to be selected for contractor.

(3) In the cases under Para. 2, p. 3 and 6, the Competition Protection Commission may give obligatory instructions on the procedure for awarding public procurement.

(4) Where before or during the procedure the contracting authority signs a contract, he shall immediately notify the Competition Protection Commission by sending a copy of the contract.

(5) The Competition Protection Commission establishes unlawfulness of the decision and shall impose a sanction in the amount of up to 10% of the value of the signed contract, where there is a preliminary fulfillment admitted, but in decreeing the decision it finds violation of the law, affected the possibility of the person, submitted the appeal to participate in the procedure or to be selected for contractor.

(6) Where the contract has been signed in violation of Art. 112, Para. 6 or 8, but no violation of
the law is found, affected the possibility the person, who has filed the appeal to participate in the procedure or to be selected for contractor, the Competition Protection Commission shall impose a sanction in the amount of 3% of the value of the signed contract.

(7) In the cases under par. 5 and 6, where the value of the contracts has not been indicated in them, the concrete amount of the sanction shall be imposed by the Competition Protection Commission on the basis of an appointed expertise for the expected value of the signed contract. In appointment of expertise, the costs for the remuneration of the expert shall be paid by the contracting authority.

(8) The Competition Protection Commission decision shall be in writing and shall contain:
1. date, place of decreeing and number;
2. factual and legal grounds for its decreeing;
3. the decision, which is appealed and name of the body, which has issued it;
4. names of the parties;
5. what is decreed;
6. in whose weight the costs are ordered;
7. before which body and in what term the decision may be appealed.

Appeal of the Competition Protection Commission Decisions before the Supreme Administrative Court

Art. 216. (1) The Competition Protection Commission decision shall be subject to appeal before the 3 judge panel of the Supreme Administrative Court within 14 day term from its notification of the parties.

(2) The term for removal of irregularities on the appeal, submitted before the Supreme Administrative Court shall be 3 days from receiving the notification.

(3) Summoning and service of notifications on the case shall be carried out under Art. 42, Para. 1 and 3 of the Civil Procedure Code.

(4) The parties shall be summoned for the first meeting not later than 3 days before the date of the meeting.

(5) The Supreme Administrative Court shall pronounce within the term of up to 1 month from receiving the appeal and its judgement shall be final.

(6) For unsettled issues about the appeal procedure, the provision of Chapter Twelve of the Administrative Procedure Code shall apply.

Section VI.
Costs. Compensations. Payments

Costs

Art. 217. (1) The Competition Protection Commission shall pronounce on the responsibility for the costs in compliance with the provisions of this Chapter and under the conditions of Art. 143 of the Administrative Procedure Code.

(2) Within the term for appeal, and if the decision is not appealable – within 1 month term form its decreeing, the Competition Protection Commission, upon request of the parties may add, or amend the decreed decision in its part for the costs.

(3) The Competition Protection Commission shall announce to the opposite party about the required addition or amendment with an instruction for production of a reply within 3 day term.

(4) The determination about the costs shall be decreed in a closed meeting and shall be delivered to the parties. It may be appealed under the procedure, in which the appeal of the decision is subject. Where the decision is not appealable, the determination for the costs shall be final.

Compensations

Art. 218. Any interested person may pretend for compensation for harms, suffered as a result of violations during the procedure and signing a contract for public procurement under the conditions of
Art. 203, Para. 1, Art. 204, Para. 1, 3 and 4 and Art. 205 of the Administrative Procedure Code.

Payment of Sanctions

Art. 219. The sums in fulfillment of the sanctions under Art. 215, Para. 5 and 6 shall be paid from the budget of legal persons whose heads are contracting authorities – natural persons.

State Fees

Art. 220. (1) For the procedures under this Chapter before the Competition Protection Commission and before the Supreme Administrative Court state fees and costs shall be due. The state fees shall be defined by a tariff, approved by the Council of Ministers.

(2) The contracting authorities shall be free from payment of state fees.

Chapter twentyeight.

VIOLATIONS, ESTABLISHED BY THE EUROPEAN COMMISSION

Procedure for Establishment and Removal of the Violations

Art. 221. (1) The permanent representation of the Republic of Bulgaria in the European Union shall resend on the day of receiving or on the following day latest, to the administration of the Council of Ministers, the Ministry of Foreign Affairs, the Ministry of Finance and to the Public Procurement Agency the notification, received from the European Commission for found violations by it of the contracting authorities while conducting a procedure by signing the awarding contract for public procurement.

(2) The executive director of the Public Procurement Agency shall send the notification under Para. 1 to the relevant contracting authority, who within 5 day term from its receiving shall provide an answer.

(3) With the reply under Para. 2, the contracting authority shall notify the Public Procurement Agency and shall attach the relevant evidence, where:

1. he accepts as reasonable the statements of the European Commission and removes the violation, or

2. the indicated violation in the notification has already been subject to appeal.

(4) Apart from the cases under para. 3, where the contracting authority finds, that there is not violation, he shall send a grounded statement to the Public Procurement Agency and shall attach evidences.

(5) The contracting authority shall interrupt any actions, related to conducting the procedure, or signing a contract for public procurement, from the moment of receiving the notification under Para. 1 by the final settlement of the dispute.

(6) In the cases under Apra. 4, the executive director of the Public Procurement Agency within 10 day term from receiving the grounded statement, he shall:

1. submit an appeal before the Competition Protection Commission, where the violation, indicated in the notification under Para. 1 is as a result of an act of the contracting authority;

2. refer the competent state body, where the violation comprises from application of a normative act, which is not in compliance with the EU law.

(7) The body under Para. 6, p. 2, within 5 day term shall notify the Public Procurement Agency by a grounded statement and shall indicate the relevant measures, when he envisages such.

(8) The executive director of the Public Procurement Agency shall draw up an answer to the European Commission, which shall contain:

1. confirmation, that the violation has been removed – in the cases under Para. 3, p. 1;

2. information about presence of a procedure of appealing of the violation – in the cases under Para. 3, p. 2;

3. information about the undertaken measures – in the cases under Para. 6, p. 1 and Par. 7.

(9) The answer under Para. 8 with attached to it evidences shall be submitted to the Permanent
representation of the Republic of Bulgaria to the European Union, the administration of the Council of Ministers, the Ministry of Foreign affairs and to the Ministry of Finance within the term of 17 days from receiving the notification under Para. 1 in the Public Procurement Agency.

(10) The permanent representation of the Republic of Bulgaria to the European Union shall produce to the European Commission the answer under Para. 8 not later than 21 days from the date of receiving the notification under Para. 1.

**Notification**

Art. 222. (1) The contracting authorities shall be obliged to notify the Public Procurement Agency:

about the result from the appeal in the cases under Art. 221, Para. 3, p. 2 – within 7 day term from the enforcement of the decision of the Competition Protection Commission;

2. where the procedure, to which the notification refers under Art. 221, Para. 1 has been terminated with an enforced decision and a new procedure has been opened, related thoroughly or partially with the same subject – within 3 day term from opening the procedure.

(2) In the cases under Para. 1 the executive director of the Public Procurement Agency, within 7 day term from receiving the notification shall notify the European Commission under Art. 221, Para. 9.

**Exchange of Information**

Art. 223. The exchange of information under Art. 221 and 222 shall be carried out electronically, by electronic signature or by fax.

**Chapter twentynine.**

**ANNULATION OF CONTRACTS OR FRAMEWORK AGREEMENTS**

**Eligible Persons**

Art. 224. (1) Annulation of a signed contract or framework agreement in the cases under Art. 119 may require:

1. any interested person – for violation under Art. 119, Para. 1, p. 1 and 2;
2. any interested person and interested applicant - for violation under Art. 119, Para. 1, p. 3, letters "a" and "b";
3. interested applicant and/or interested participant – for violation under Art. 119, Para. 1, p. 3, letter "e".

(2) Annulation shall not be required, where:

1. there is an enforced decision of the Competition Protection Commission under Art. 215, Para. 5;
2. an notice for voluntary transparency has been published under Art. 28 and it has been enforced.

**Term and Procedure**

Art. 225. (1) Annulation of a contract or a framework agreement under Art. 119 may be required within the term of 2 moths from publication of an notice for awarding procurement in PPR, and if no notice has been published – from the awareness, but not later than 1 year from signing.

(2) Where the contracting authority has signed a contract or framework agreement before finalization of an appealing procedure, the term for requirement of annulation under Art. 119, Para. 1, p. 3 shall be 2 months from the enforcement of the decision, which repeals the appealed act of the contracting authority.

(3) The claim for annulation of the contract or of the framework agreement shall be laid under the Civil Procedure Code.

**Consequences**

Art. 226. Where the contract or framework agreement is annulated, each of the parties must
return to the other party everything, received from it. In case that this is impossible, the relations shall be steeled through returning money equivalent to the received under the contract.

**Part seven.**
**MANAGEMENT AND CONTROL**

**Chapter thirty.**
**BODIES**

**Conducting State Policy in the Area of Public Procurements**
Art. 227. The Minister of Finance shall carry out the state policy in the area of public procurements through the Public Procurement Agency

**The Public Procurement Agency**
Art. 228. (1) Public Procurement Agency shall be a legal person at budgetary spending with central office in Sofia.
(2) The Public Procurement Agency shall be directed and represented by executive director, who shall be appointed by the Minister of Finance
(3) The activity, structure, organization of operation and the staff of the Public Procurement Agency shall be provided by Rules of Procedure, adopted by the Council of Ministers.

**Powers of the Agency**
Art. 229. (1) The executive director of the Public Procurement Agency shall:
1. develop projects of normative acts in the area of the public procurements;
2. give methodical assistance to the contracting authorities, related to application of the act through:
   a) issuance of general methodical instruction on the basis of monitoring and summarizing of the practice;
   b) provision of opinions on inquiries of contracting authorities;
   c) direct consultation;
3. popularize the good practices with awarding public procurements, including related to application of ecological, social, innovation requirements, etc;
4. organize and manage the process of preparation, drawing up and publication of standardized requirements and documents;
5. carry out control through random choice of procedures for awarding public procurements;
6. carry out control of procedures of negotiation under Art. 18, Para. 1, p. 8 and 9;
7. carry out control over contracts, awarded under exceptions from the applicable field of the act;
8. carry out control over amendments of public procurement contracts under Art. 116, Para. 1, p. 2;
9. refer the competent bodies for exercising a follow up control on the observation of the act;
10. appeal before the Competition Protection Commission the decisions of contracting authorities, with whom there are violations in conducting a procedure for awarding public procurement, established by the European Commission by signing of the contract and indicated in the notification under Art. 221, Para. 1;
11. maintain and manage a single centralized platform for awarding electronic public procurements and PPR;
12. develop and confirm standard documents and rules for use of centralized platform;
13. provide technical possibilities for use of the platform under p. 11 of standard documents, related to awarding public procurements;
14. carry out monitoring of public procurements on the basis of the information, published in
PPR and by collecting and summarizing of the practice on the application of the act;

15. issue a monthly bulletin with indicators, which characterize the basic elements of the public procurement market;

16. maintain lists of the contracting authorities of the act and shall notify the European Commission about changes in the lists;

17. draw up, maintain and update a list of external experts with professional competence, related to the public procurement subjects, which the contracting authorities may use in the preparation and conducting procedures for awarding public procurements;

18. maintain and update a list under Art. 57, Para. 4;

19. carry out cooperation in the area of public procurements with other bodies, as well as with branch and other organizations;

20. provide summarized information from PPR via internet site of the Public Procurement Agency;

21. participate in the international cooperation of the Republic or Bulgaria with organizations in the area of public procurement from other countries;

22. direct the activity of the Methodical council for coordination of the control activity;

23. carry out cooperation with the European Commission, including sending information to it, related to:

   a) the cases of applying Art. 13, Para. 1, p. 1, as well as Art. 13, Para. 1, p. 13, letter "b", where it is requested by the European Commission;

   b) legal or factual problems in participation of Bulgarian persons in procedure for awarding public procurements for services in third countries;

   c) legal or factual problems in participation of Bulgarian persons in procedure for awarding public procurements in third countries, which are due to failure to observe the provision of international labour law;

24. draw up and send to the European Commission annual statistic reports, as well as enforced determinations for admitted preliminary fulfillment under Art. 205, Para. 3 and the related decisions under Art. 215, Para. 5 of the Competition Protection Commission;

25. maintain updated information, which shall collect and store in the electronic data base of the European Commission (e-Certis), established by the European Commission; upon request shall provide to other Member States explanations on the information in e-Certis;

26. upon request shall produce to other Member States information, related to the application of Art. 48, 51, 52, 54 - 59, Art. 64, Para. 3 - 7 and Art. 72, Para. 7;

27. produce to the Minister of Finance annual report on the Agency activity.

(2) With the control under Para. 1, p. 5 – 8, methodical assistance shall be given for lawfulness in awarding public procurements.

(3) The executive director of the Public Procurement Agency shall have the right to request from the contracting authorities and from the competent bodies or persons the needed information, related to realization of his powers under this act, including in relation to drawing up standardized requirements and documents under Para. 1, p. 4.

(4) The persons shall be obliged to fulfill the request under Para. 3 within the term and in the way, determined by the executive director of the Public Procurement Agency.

(5) The standard forms of decisions under Art. 22, Para. 1, p. 1 and 2, the notices, which are sent to PPR, including under Art. 29, Para. 2, and the information under Art. 230, Para. 4 shall be confirmed by the executive director of the Public Procurement Agency

(6) On the Public Procurement Agency website shall be published:

1. the information under Para. 1, p. 2, letter "a". p. 16, 17 and 18 and the bulletin under Para. 1, p. 15;

2. the confirmed standard forms under Para. 5;
Chapter thirtyone.

CONTROL

Section I.
External Control, Carried out by the Public Procurement Agency

Control on a Random Selection
Art. 232. (In force from 01.09.2016) (1) The control on a random selection shall be carried out over the procedure, which are subject to publication in PPR, with the exception of those, which are conducted under Art. 138 – 175 or covered by the control under Art. 229, Para. 1, p. 6.

(2) The procedures under Para. 1 shall be defined through random selection in methods, which accounts for the level of risk.
(3) The control under Para. 1 shall be carried out at 2 stages:
1. before notice of opening the procedure – over the draft decisions, notice, technical specifications, and where the criterion for awarding is not at the lowest price – over the draft methods for evaluation;
2. after notice the opening of the procedure – over the decision and notice, published in PPR, the methods for evaluation and the technical specifications.
(4) The control of the technical specifications shall cover a checkup in relation to observation of the requirements under Art. 49, Para. 2, as well as for compliance with confirmed types of specification, where this is applicable.
(5) Where the opening of the procedure is announced with a preliminary notice, the control under Para. 1 shall also cover the invitation for confirmation of interest before and after its sending to the persons, shown interest.
(6) The control under Para. 1 shall finish after realization of the stage under Para. 3, p. 1 for procedures, in which the term for receiving participation applications and/or offers has been shortened:
1. under Art. 74, Para. 2 or Art. 133, Para. 2;
(7) In case that the contracting authority fails to observe the recommendations in the opinion of the first stage of the preliminary control, together with sending for publication in PPR the decision for opening and the notice, which announces the opening of the procedure, he may submit written grounds to the Public Procurement Agency.
(8) The executive director of the Public Procurement Agency may appoint observers, who may trace the operation of the commission under Art. 103, where in realization of the control under Para. 1, assesses the risk from making mistakes and violation as substantial one.
(9) Where the contracting authority fails to take in consideration the findings of the preliminary control under Para. 1, he shall attach written motives to the file under Art. 121.
(10) The Public Procurement Agency shall submit the opinion about the results from the second stage of the control to the National Audit Office and the Public Financial Inspection Agency.
(11) The conditions and procedure for realization of preliminary control under Para. 1 shall be provided by the Rules on the application of the act.

Control over Negotiation procedure
Art. 233. (1) The Public procurement Agency shall carry out control under Art. 229, Para. 1, p. 6 over negotiation procedures, which are opened by public and sector contracting authorities under the provision of Art. 79, Para. 1, p. 3, 4, 6, 9 and 10 and Art. 182, Para. 1, p. 1, 4 and 5.
(2) The control under Para. 1 shall cover:
1. the procedures for awarding procurements, whose values are equal or larger than:
   a) BGN 5 000 000 – for public works;
   b) the value threshold under Art. 20, Para. 1, p. 1, letters "b" and "c", p. 2, letters "b" and "c" and p. 3, letters "b" and "c";
2. procedures for awarding procurements, whose values are under the thresholds under p. 1, determined by random selection under the methods of Art. 232m Para. 2.
(3) The control under Para. 1 shall cover the check of compliance of the indicated legal ground with the grounds in the decision for opening and evidences, provided by the contracting authority and shall be conducted after publication of the decision for opening the procedures in PPR.
(4) The Public Procurement Agency shall draw up a statement about the result from the control, which shall be published in PPR.
(5) The conditions and procedure for carrying out the control under Para. 1 shall be provided by the Rules on the application of the act.
Control over some Exceptions from the Act Applicable Field

Art. 234. (1) The control under Art. 229, Para. 1, p. 7 shall cover the application of the exceptions under Art. 14, Para. 1, p. 5 -8 in awarding by public contracting authorities of contracts, whose value is equal or higher than the value thresholds under Art. 20, Para. 1, p. 1 and 2.

(2) For realization of the control, the contracting authority, before signing the contract, shall send grounds about the reasons, which impose application of the exception.

(3) The control under Para. 1 shall check the compliance of the indicated legal ground with the motives and evidences, provided by the contracting authority.

(4) For the realized control under Para. 1, the Public Procurement Agency shall provide a statement about lawfulness, which shall be sent to the contracting authority.

(5) The contracting authority shall send for publication in PPR an notice for awarding a procurement, where he signs a contract on the grounds, subject to control under Para. 1.

(6) Where an notice has been published for awarding a procurement and the Public Procurement Agency has found unlawful application of the grounds under Para. 1, the statement shall be sent to the Public Financial Inspection Agency

(7) The conditions and procedure for realization of the control under Para. 1 shall be provided by the Rules on the application of the act.

Control in Amendment of Public Procurement Contract

Art. 235. (1) The control under Art. 229, Para. 1, p. 8 shall cover check for presence of the conditions for application of the ground under Art. 116, Para. 1, p. 2 in amendment of contracts, whose value is equal, or higher than the values of the thresholds under Art. 20, Para. 1, p. 1 -3.

(2) For carrying out the control, the contracting authority before signing the additional agreement, shall send grounds about the reasons, which impose the amendment and evidence, where applicable.

(3) For the realized control under Para. 1, the Public Procurement Agency shall provide a statement about lawfulness, which shall be sent to the contracting authority.

(4) The conditions and procedure for realization of the control under Para. 1 shall be provided by the Rules on the application of the act.

Obligations of the Contracting Authorities, Related to Realization of Control by the Public Procurement Agency

Art. 236. For realization of the control under Art. 232 – 235, the contracting authorities shall be obliged to send to the Public Procurement Agency:

1. the draft documents under Art. 232, Para. 3, p. 1;
2. the evidence to the grounds of the decision – in the cases under Art. 233;
3. grounds and evidence – in the cases under Art. 234 and 235.

Exchange of Information

Art. 237. The exchange of information, related to realization of control by the Public Procurement Agency shall be realized thoroughly by electronic media in a procedure, provided by the Rules on the application of the act and rules, confirmed by the executive director of the Public Procurement Agency.

Section II.

Follow up External Control, Realized by the National Audit Office and the Public Financial Inspection Agency

Scope

Art. 238. (1) The follow-up external control on the implementation of this act, including the control of fulfillment of the public procurement contracts and of the framework agreements shall be realized by the National Audit Office (NAO) and by the bodies of the Public Financial Inspection
Agency (PFIA).

(2) To control by the NAO shall be subject the contracting authorities, who fall in the scope of the Act on the Bulgarian National Audit Office.

(3) The contracting authorities, which fall in the scope of the Public Financial Inspection Act shall be checked by the bodies of the PFIA for observation of this act within the frames of financial inspection.

(4) The PFIA bodies shall carry out periodical follow-up checks about the observation of the regime of the public procurements by contracting authorities, who do not fall in the scope of the Public Financial Inspection Act based on an approved annual plan.

(5) The orders for carrying out checks by the PFIA bodies shall be issued by the director of the PFIA or by authorized by him officials.

(6) The orders under Para. 5 shall not be subject to appeal.

(7) The Public Procurement Agency director may require from the bodies of the PFIA to realize their powers in a concrete case.

**Rules on Carrying out Checks by the Public Financial Inspection Agency (PFIA)**

Art. 239. (1) In carrying out checks under Art. 238, the PFIA shall have the right:

1. to free access to the checked site;
2. to check the whole documentation, related to awarding public procurements and to activities, carrying out awarding public procurements;
3. to require from the officials in the checked sites, documents, information and references in relation to the public procurements;
4. to search sites, transport means, as well as other places in which documentation of the checked site is stored, and to seize documents, records of computer information data and media of computer information data for provision of evidence – with the assistance of the bodies of the Ministry of Interior after received permit by the court.

(2) The persons in the checked sites shall be obliged to give assistance to the bodies of the PFIA and to provide the needed documents information and references, related to public procurement.

**Obligations during Carrying out Checks**

Art. 240. During carrying out checks under Art. 238, the control bodies shall be obliged to:

1. to identify themselves with their official card and an order for the check;
2. to reflect exactly the results from the control activity;
3. not to disclose and disseminate information, become known to them while carrying out the checks.

**Results from the Control**

Art. 241. (1) For the results from the carried out check, the control bodies of the PFIA shall draw up a report, contained the findings, supported by evidence.

(2) The report under Para. 1 shall be delivered to the contracting authority.

(3) About the found violations, the control bodies shall draw up acts for administrative violations.

(4) In case of perpetrated crimes, the materials from the check shall be sent to the prosecution.

(5) Where there are violations found of the procedures for awarding public procurements, the relevant parts of the report for the carried out financial inspection, or from the report under Para. 1 for the found violation of the procedures shall be timely sent to the director of the Public Procurement Agency.

(6) Information about the results from carried out control on the observation of this act may be provided only by the director of the PFIA or by authorized by him officials, as well as by the executive director of the Public Procurement Agency in the cases under Para. 5.

**Interrelations among the Bodies for Appeal and Control**

Art. 242. Where in carrying out their powers under the law, the bodies under Art. 238, Para. 1
shall establish failure to fulfill enforced decisions and/or determination of the Competition Protection Commission, they shall send their findings to the Competition Protection Commission.

Section III.
Other Bodies, Carrying out External Control

Scope
Art. 243. Preliminary, current and follow up control over the public procurement of the contracting authorities may also carry out other bodies in the frames of their authorizations.

Section IV.
Management of the Public Procurement in Public Contracting Authorities

Internal Rules
Art. 244. (1) The public contracting authorities shall adopt internal rules for management of the cycle of the public procurements, where they spend the annual budget, including with the funds, provided through various European funds and programmes, equal, or larger than BGN 5 mln.
(2) The minimal contents of the rules under Para. 1 shall be provided by the Rules on the application of the act.

Administrative Provision
Art. 245. (1) The public contracting authorities shall build up internal specialized unit as a part of the administration, responsible for management of the cycle of the public procurements, if the following conditions are present at the same time:
1. the annual budget, including the funds, provided through various EU funds and programmes is at the value above BGN 20 mln.;
2. the average annual number of conducted procedure for awarding public procurements during the previous 3 years exceeds 20.
(2) The number and staff of the unit under Para. 1 shall be determined, depending on the volume and complexity of public procurement management.

Section V.
Coordination of the Control Practices

Coordination of the Control
Art. 246. (1) Permanent methodical council shall be established with the participation of the NAO, PPA and PFIA for unification of the practices of application of the control activity under the act.
(2) The council under Para. 1 shall adopt directions for realization of preliminary and follow up control under the act, as well as for internal control, exercised by the organization of the contracting authorities.
(3) In the council composition under Para. 1 shall be included experts, selected by the chairperson of the NAO, by the executive director of the PPA and by the director of the PFIA.
(4) The executive director of the PPA or selected by him official shall direct the activity of the council under Para. 1 and through the PPA shall fulfill the role of a secretariat of the council.
(5) The council under Apra. 1 shall draw up and update drafts and directions, as well as proposals for repealing of such, in compliance with which the control under the act shall be realized. Drawing up of directions, their updating or repeal shall be carried out upon request of the chairperson of the NAO, of the executive director of the PPA or the director of the PFIA.
(6) The directions shall be approved by the NAO chairperson, by the executive director of the PPA or the director of the PFIA, after which they shall become obligatory for application in realization of the control powers of the institutions, as well as by the units for internal control in the organizations
of the contracting authorities.

(7) The directions shall be published on the internet sites of the PPA, the NAO and the PFIA.

(8) In the council under Para. 1 operation may be attracted representatives of other institutions with powers in the aria of control over the public procurements upon their request or upon proposal of the methodic council members.

(9) The council under Para. 1 operation shall be realized under rules, confirmed by the NAO, by the executive director of the PPA and the director of the PFIA.

Part eight.

ADMINISTRATIVE PENAL PROVISIONS

Art. 247. (1) Contracting authority, who violated the prohibition under Art. 2, Para. 2, Art. 16, Art. 21, Para. 14, 15 or 17, or Art. 149, Para. 8, shall be punished by a fine in the amount of 2% of the value of the signed contract with VAT included, but not more than BGN 10 000.

(2) The punishment under Para. 1 shall also be imposed on a contracting authority, who violates the prohibition under Art. 7, Para. 3.

Art. 248. Contracting authority, who fails to fulfill his obligation under Art. 14, Para. 7, Art. 15, Para. 6 or Art. 149, Para. 7, shall be punished by a fine of BGN 1000 to 5000.

Art. 249. Contracting authority, who violates Art. 12, Para. 3, shall be punished by a fine in the amount of 2% of the value of the signed contract with VAT included, but not more than BGN 10 000.

Art. 250. Contracting authority, who conducts a procedure under Art. 18, Para. 1, p. 3 - 10 or p. 13, without present conditions, indicated in the act, shall be punished by a fine of 5% of the signed contract value with VAT included, but not more than BGN 10 000.

Art. 251. Contracting authority, who determines a technical specification in violation of Art. 49, Para. 2, shall be punished by a fine in the amount of 2% of the value of the signed contract with VAT included, but not more than BGN 10000.

Art. 252. Contracting authority, who violates the prohibition under Art. 174, Para. 5, shall be punished by a fine in the amount of 2% of the value of the signed contract with VAT included, but not more than BGN 10 000.

Art. 253. (1) Contracting authority, who confirms assessment methods for the offers in violation of Art. 70, Para. 9 or 10, shall be punished by a fine in the amount of 2% of the value of the signed contract with VAT included, but not more than BGN 5000.

(2) The punishment under Para. 1 shall also be imposed to a contracting authority, who violates the prohibition under Art. 70, Para. 12.

Art. 254. Contracting authority, who signs a public procurement contract in violation of Art. 112, Para. 1, p. 2 or 4, shall be punished by affine of 2% of the value of the signed contract with VAT included, but not more than BGN 5000.

Art. 255. (1) Contracting authority, who signs a framework for a term, longer than the provided by Art. 81, Para. 3 or Art. 169, Para. 2 without present conditions of Art. 81, Para. 4 or Art. 169, Para. 3 shall be punished by a fine in the amount of BGN 1000 to 5000.

(2) Contracting authority, who signs a contract for a term, longer than the one, provided in Art. 113, Para. 1, without some of the conditions, present under Art. 113, Para. 2 or 3, shall be punished by a fine in the amount of BGN 1000 to 5000.

(3) Contracting authority, who amends a public procurement contract or a framework agreement, without present grounds under Art. 116, Para. 1, shall be punished by a fine in the amount of 1% of the value of the signed contract or framework agreement with VAT included, but not more than BGN 10 000.

(4) Contracting authority, who on the basis of a framework agreement sign a contract, in which the conditions differ substantially from the ones, determined by the framework agreement, shall be
punished by a fine in the amount of 1% of the value of the signed contract with VAT included, but not more than BGN 10 000.

Art. 256. (1) contracting authority, who assigns the procurement in a more relived procedure than the one, provided by the act, according to its value, shall be punished by a fine in the amount of 1% of the value of the signed contract with VAT included, and where there is not a written contract – the fine shall be 1% of the made costs or the undertaken obligation for costs, but in all cases, not more than BGN 10 000.

(2) Contracting authority, who signs a contract, without conducting a procedure for awarding a public procurement in present reasons for this, or fails to observe the requirements under Art. 99, shall be punished by a fine in the amount of 10% of the value of the signed contract with VAT included, but not more than BGN 50 000.

Art. 257. In the cases under Art. 247, 249 - 256, where the contract does not indicate a total value, or it cannot be defined, the amount of the fine shall be determined on the basis of the funds for the relevant activity, provided by the budget of the contracting authority.

Art. 258. (1) In failure to be fulfilled enforced decisions and/or determinations the Competition Protection Commission, or the obligation under Art. 208, Para. 4, a fine shall be imposed to natural persons, or property sanction to legal persons and sole traders in the amount of BGN 1000 to 50 000.

(2) The Competition Protection Commission shall establish the perpetrated violation and shall impose the punishments under Para. 1 with a decision, which shall be subject to appeal before the Supreme Administrative Court.

(3) The property sanctions and fines on enforced decisions, the Competition Protection Commission shall be subject to collection under the Tax-Insurance Procedure Code.

Art. 259. In the cases under Art. 7, Para. 1 and 2, the punishments under Art. 247 - 256 shall be imposed to a certain official.

Art. 260. (1) The acts of finding violations under this act, found by bodies of the NAO shall be drawn up by authorized auditors within the term up to 6 months from the day, on which the violator is found, but not later than 3 years from the violation.

(2) The penal decrees shall be issued by the chairperson of the NAO or authorized officials by him.

(3) Finding violations, issuance, appeal and fulfillment of penal decrees shall be carried out under the Administrative Violations and Penalties Act.

Art. 261. (1) The acts for found violations under this act shall be drawn up by officials of the PFIA within the term of 6 months from the day, in which the violator has been found by bodies of the Agency while carrying out financial inspection or check, but not later than 3 years from the violation.

(2) The penal decrees shall be issued by the Minister of Finance or by officials, authorized by him.

(3) finding violations, issuance, appeal and fulfillment of penal decrees shall be carried out under the Administrative Violations and Penalties Act.

Additional provisions

§ 1. All the values in relation to which taxation by VAT is applicable have been indicated in the act without VAT included.

§ 2. In the meaning of this act:

1. "Lawyer" is a person in the meaning of Art. 3, Para. 2 or Art. 11 of the Attorney Act, as well as a person, acquired lawyer’s legal right in a third country, where he has the right to exercise procedure representation in an arbitration or conciliation procedure or in procedure under Art. 13, Para. 1, p. 7, letter “a”.

2. "Military equipment" is equipment, specially designed or adapted for military purposes and
intended for use as weapon, ammunitions or material with military purpose.

3. "Civil procurements" are all procurements, which are not indicated in Art. 147, Para. 1, covering non-military goods and public works, as well as services with logistic purpose, signed in compliance with the conditions under Art. 151.

4. "Public procurement contract" is paid under the act among one or more contracting authorities and one or more contractors with subject public works, supplies and goods or provision of services.

5. "Subcontracting contract" is a paid written contract, signed between the contractor and one or more persons with subject of fulfillment of one or more activities of an awarded public procurement with subject public works, supply of goods or provision of services.

6. "Supply of media service" is a person, under Art. 4 of the Radio and Television Act.

7. "Member State" is any EU Member State, as well as any state – party of the EEAA.


9. "European technical approval" is a positive technical assessment for the validity of the product for a given purpose, which is based on the fulfillment of the substantial requirements to the public works through the characteristics of the product and the defined conditions for application and use. The European technical approvals are issued by bodies determined by the Member State for this purpose.

10. "Electronic media" are electric equipment for processing (including figure compression) and storage of data, which are transferred, massaged and received by cable, through radio waves, on optical way or through other electric magnetic media.

11. "Life cycle" are all successive and inter-related stages, including conducting scientific and research and development activities, production, trade activity and conditions for its fulfillment, carriage, use and maintenance during the whole period of existence of the product or public works, of provision of the service – from acquiring the raw material or generation of resources to disposal, cleaning and the end of the exploitation or use.

12. "Interested applicant" is an applicant, who has not been removed from participation at the stage of preliminary selection, as he is not notified about the removal or procedure of appeal of the decision, by which he is removed.

13. "Interested participant" is participant, who has not been removed finally from the procedure. The removal is final, where the participant is notified about the decision, by which he is removed, and this decision is enforced. Interested participant is the one, who has been selected but not selected for contractor.

14. "Interested person" is any person, who has interest in receiving a certain public procurement and who has been harmed, or may be harmed by the alleged violation.

15. "Legislation of the state in which the applicant or participant is established, is:
   a) for the natural persons – their native law in the meaning of Art. 48 of the Code of Private International Law;
   b) for the legal persons – the law of the state, provided under Art. 56 of the Code of Private International Law;
   c) for partnerships or other formations, which are not legal persons – the law of the state where they are registered or established.

16. "requirements for marking" are the requirements, which must meet the public works, goods, services, processes or procedures in order to receive the relevant marking.
17. "Exclusive circumstances" are circumstances, because of unforeseen by the contracting authority events, as natural disaster, incident or accident, as well as other, which harm, threaten or may lead to follow up occurrence of danger for life or health of people, environment, public order, national security, defense of the country or may make difficult or violate the normal fulfillment of the normatively established activities of the contracting authority.

18. "Innovation" is the application of a new or improved product, service or process, including – but not only production or public works processes, of a new marketing approach or ne organization method of the economic activities, work place or external relations.

19. "Applicant" is an economic subject, who has submitted and application for participation in a restricted procedure, competition procedure with negotiations, negotiation with preliminary invitation for participation, with publication of an notice, competition dialogue, partnership for innovation or participates in a completion for a project.

20. "Classified information" is any information or material, notwithstanding of the form, nature or way of transmission, for which a level of classification or protection for security is defined and which in the interest of national security and under the legal, legislative and administrative provision in force in the relevant Member State require protection against violations, destruction, removal, disclosure, loss or knowing by unauthorized person or any other type of harm.

21. "Conflict of interests" is where the contracting authority, his employees or fired persons outside his structure, who participate in the preparation or awarding the public procurement or may influence the result of it, have interest, which any lead to benefit in the meaning of Art. 2, Para. 3 of the Act on Prevention and Finding Conflict of Interests and for which could be accepted that influences their impartiality and independence in relation to awarding the public procurement.

22. "Crisis" is any situation in a Member State or third country, where a harmful event has occurred, which in its scale increases the harmful events of the everyday life and which threatens substantially life and health of people, has substantial consequences over the property and requires measures for provision of the population with goods of first need. Crisis is present also where the occurrence of such a harmful event is considered as imminent. Crises are also the armed conflicts and wars.

23. "Marking" is any document, certificate, which confirm that the public works, products, services, processes or procedures meet certain requirements.

24. "Scientific and research and development activity” are all the activities, which cover fundamental scientific researches, applicable scientific studies and experimental development activity, where the latter may include creation of prototypes, ex. facilities for demonstration of achievements of a new concept or new technology in a certain or representative environment.

25. "Unsuitable offer" is the one, which fails to meet the technical specification and of the requirements for fulfillment of the procurement or is submitted by a participant, who fails to meet the selection criteria or for whom some of the indicated reasons for removal are present.

26. "Unsuitable participation application" is the one, which is submitted by an applicant, who fails to meet the selection criteria or for whom some of the indicated in the procedure reasons for removal are present.

27. "Unforeseen circumstance" are the ones, which has occurred after signing the contract, they could not be foreseen while laying the due care, and are not as a result of an action or lack of action on behalf of the parties, bit make it impossible the fulfillment of the agreed conditions.

28. "Objectively insuperable parts" are those of the subject of the public procurement, which because of its nature cannot be awarded to more than one contractor.

29. "Separate position” is the part of the subject of the public procurement, which although it may be an independent subject of a public procurement, it has been systematically connected to the other positions of the public procurement subject.

30. "CPV - Common Procurement Vocabulary" is hierarchal structure nomenclature for
classification, divided to sections, groups, classes, categories and sub-categories and applicable to the public procurements in view to be unified various references, used by the contracting authorities for description of the subject of the conducted procedures for awarding public procurement.


33. "Written" or "in writing" is every expression, containing words or figures, which may be read, repeated and then announced, including information, which is transferred and stored by electronic media.

34. "Subcontractor" is a person, who has given consent to fulfill a certain share of the subject of the public procurement.

35. "Assisting activities of buying" are activities, assisting buying, more specially the following forms:
   a) technical infrastructure, giving possibility to the contracting authorities to award public procurements or sign framework agreements for public works, supplies or services;
   b) consultations of conducting or development of the procedure for awarding the public procurement;
   c) preparation and direction of the procedures for awarding public procurement on behalf and on the account of the relevant contracting authority.

36. "Post consignment" is addressed consignment in the final form, in which it is transported, notwithstanding of the weight. Apart from the correspondent consignment, these consignments may include books, catalogues, periodicals, post parcels, containing goods with, or without trade value, notwithstanding of the weight.

37. "Postal money orders" are services in the meaning of § 1, p. 9 of the Additional Provision of the Postal Services Act.

38. "Postal services" are services, which contain collecting, sorting, transfer or supply of postal consignments, notwithstanding whether they fall in the scope of the universal post service in the meaning of the Postal Services Act or outside its scope.

39. "Government" is any national, regional or local government of a Member State of a third country.


41. "Professional competence" is presence of knowledge, received through education or additional qualification and/or of skills, acquired in the process of exercising a certain position or position fulfilling employment, civil or part time legal relations. Dominant influence on behalf of

42. "Public undertaking" is any undertaking, on which the public contracting authorities under Art. 5, Para. 2, p. 1 – 14 may exercise dominant influence. Dominant influence on behalf of a public contracting authority under Art. 5, Para. 2, p. 1 – 14 shall be offered in any of the following cases, where the contracting authority directly or indirectly:
   a) possesses the major share of the written capital of the undertaking:
b) controls the majority of votes, related to assets/shares, issued by the undertaking;
c) may appoint more than half of the members of the management or supervision body of the undertaking.

43. "Public legal organization" is a legal person, for which the following conditions are fulfilled:
   a) it has been established with a concrete purpose to satisfy needs of common interest, which are of no industrial or commercial nature;
   b) funding is by more than 50% of state territorial or local bodies or of other public legal organization or is a subject of management control on behalf of these bodies; or has management or supervision body, more than half of its members are appointed by a public contracting authority under Art. 5, Para. 2, p. 1 – 14. The needs of common interest are of industrial or commercial nature, where the person acts in normal market conditions, aims at realizing profit, where independently bears losses from its activity.

   A medical establishment – legal person, whose capital is at least 2 thirds private ownership, funded by more than 50% of state, regional or local bodies or other public legal organizations, or is subject to managerial control on behalf of these bodies; or has administrative, management or supervision body, more of the half of its members are appointed by the state, regional or local bodies or by other public legal organizations and which has industrial or commercial nature, although it satisfies the needs of common interest, is not a public legal organization in the meaning of the Public Procurement Act.

44. "Related undertaking" is undertaking, whose annual reports are consolidated with those of the contracting authority in compliance with the Accountancy Act or any undertaking, which:
   a) may be directly or indirectly under dominating influence on behalf of the contracting authority, or
   b) may manage dominating influence over the contracting authority, or
   c) together with the contracting authority falls under dominating influence of another undertaking because of ownership. Financial participation or the rules, which are applied to it.

45. "Related persons" are the ones in the meaning of § 1, p. 13 and 14 of the Additional Provision of the Public Offering of Securities Act.

46. "Specialized undertakings or cooperation of disabled people" are those in the meaning of Art. 28, Para. 1 of the Integration of People with Disabilities Act or their equivalent under the legislation of a Member State.

47. "Special or exclusive rights" are rights, provided by a competent body under a legal legislative or administrative act, under which exercising of sector activities is kept for one or more subjects, because of which the possibility of other subjects to carry out such an activity is affected. Special or exclusive right shall not be the ones, which have been provided by a procedure, in which sufficient publicity has been provided and which have been:
   a) provided under this act or under the Concessions Act, or
   b) procedures in other legal acts of the EU upon Annex No 12, which provide sufficient preliminary transparency for provision of permits on the basis of objective criteria.

48. "Standard" is a technical specification, adopted by a recognized body of standardization for multiple or permanent application, and which may be:
   a) "international standard" – adopted by an international organization of standardization and accessible for the wide public;
   b) "European standard" – standard, adopted by a European organization of standardization and accessible for the wide public;
   c) "national standard" – adopted by a national standardization organization and accessible for the wide public.

49. "Standard in the area of defense" is a technical specification, compliance with which is not
obligatory and which is approved by standardization organization, specialized in drawing up technical specifications for multiple or permanent application in the defense area.

50. "Economic subject" is any natural, or legal person or formation, or partnership by such persons and/or formations, which offer on the market implementation of public works and/or works, supply of goods or provision of services.

51. "Public works" is the result of public works works or activities in the area of public works, which is sufficient for itself to fulfill economic or technical function.

52. "Joint venture" is an agreement partnership of sector contracting authorities for public works activities under Art. 123.

53. "Technical standard" is any result, created by the European bodies of standardization, different form the European standards, according to procedures, adapted to the development of the market needs.

54. "Technical specifications" are:

a) in public procurement for public works – all technical recommendations, which are contained in the public procurement documentation, defining the required characteristics of materials, goods or consummative, so that they should meet the provided by the contracting authority use; these characteristics must include level of fulfillment according to the requirements for environment protection and the climate, design, which meet all the requirements (including access for disabled people) and compliance assessment, work characteristics, safety or dimensions, including the procedures for provision of quality, terminology, symbols, testing and testing methods, packing, marking and labelling, instructions for use and production processes and methods of each stage of the life cycle of public works; the characteristics also include rules for design and price formation, conditions for testing, inspection and accepting the public works and methods or technologies of public works, as well as all other technical conditions, which the contracting authority may impose according to general or special normative acts in relation to finished public works and the materials of parts, included in it;

b) in public procurement for supply or services – specification in type of a document, in which the required characteristics of the product are defined, or the service, as a level of quality, level of fulfillment to the requirements for environment and climate protection, design, which meets all the requirements (including access for disabled people) and compliance assessment, work characteristics, application of the product, safety and dimensions, including comparable to the product requirements in relation to the name, in which it is sold, terminology, symbols, testing and testing methods, packing, marking and labelling, instructions for use and production processes and methods of each stage of the life cycle of the supply or service and compliance assessment procedures;

55. "Third country" is a country, which is not a Member State.

56. "Management of the system of a single account and fiscal reserve" includes:

a) centralization of means, receipts and payments though transit accounts and CEBRA and related to it services, activities, programme and resource provision under the Act on Public Finances;

b) management of liquidity of the system of a single account and investment of temporary free funds in financial instruments under the Act on Public Finances;

c) management of assets of the State fund for guaranteeing sustainability if the state pension system under the Act on the State Fund for Guaranteeing Sustainability of the state pension system;

d) management of the other accounts and assets, included in the fiscal reserve.

57. "Services, different from postal services" are services, which are provided in the following areas:

a) services of post (as well as the services, which precede, so the services, which are for sending, including “distribution services in the post office”);

b) services of postal consignment, which are not covered by letter “a”, as direct correspondence without indicated address.

58. "Conditions for fulfillment of the procurement" are the defined by the contracting authority
concrete and objective requirements, related to processes of its implementation, apart from the criteria for awarding the procurement. The conditions for fulfillment of the procurement shall not be subject to comparable assessment and do not influence the offer classification.

59. "Participant" is an economic subject, who has produced and offer or project or has been invited to participate in negotiations.

60. "Fixed networks for public services" are:
   a) transferable and distribution networks in the meaning of the Energy Sector Act – for the activities under Art. 124 and 125;
   b) water supply system and sewage system in the meaning of § 1, Para. 1, p. 32 and 33 of the Additional Provisions of the Act on Waters – for the activities under Art. 124.

61. "Financial instruments" are financial instruments in the meaning of the Markets in Financial Instruments Act.


63. "Central purchase body" is a contracting authority, carrying out centralized activities of purchasing and eventually assistance activities on purchasing. For procurements in the area of defense and/or security central body of purchases may be contracting authority, who carries out centralized activities of purchasing or European public body, which:
   a) acquired supplies and/or services, intended for contracting authorities, or
   b) signs contracts or framework agreements for public works, supplies or services, intended for contracting authorities.

64. "Centralized activities of purchasing" are activities, which are carried out permanently in one of the following forms:
   a) acquiring supplies and/or services, intended for the contracting authorities;
   b) Awarding public procurements or signing framework agreements for public works, supplies or services, intended for contracting authorities.

65. "Sensitive equipment, public works or service" is equipment, public works or service for security, which include, require and/or contain classified information.

66. "Annual total turnover" is the sum of net revenues from sales.

67. "Turnover in the area, falling in the scope of the procurement" is a sum equal to the part of net revenues from sales, realized by an activity, falling in the scope of the public procurement.

§ 3. This act introduces the provisions of:
administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors

**Transitional and concluding provisions**


§ 19. The framework agreement contracts, signed by the enforcement of this act shall be awarded under the procedure, in force on the date of the decision for opening a procedure for signing a framework agreement.

§ 20. The dynamic systems for supplies and the systems for preliminary selection, created by the enforcement of this act, shall keep their force by 30 June 2016.

§ 21. Where by the enforcement of this act and complaint has been submitted to the Competition Protection Commission, or before the Supreme Administrative Court, the procedure of the complaint shall be formed and finished under the current procedure.

§ 22. The preliminary control of the documents, entered the Public Procurement Agency by the enforcement of this act shall be carried out under the current procedure.

§ 23. To public procurement contracts or framework agreements, signed by the enforcement of this act, the provisions of Art. 116, and 118 shall apply.

§ 24. By the enforcement of Art. 39, the issues, unsettled about giving information in awarding public procurement shall be provided by the Rules on the implementation of the act.

§ 25. (1) The contracting authorities shall build the units under Art. 245, Para. 1 within the term by 31 December 2016.

(2) The executive administrations under Art/ 36 of the Administration Act shall establish the units within the frames of established in compliance with rules of procedure number of their staff.


(2) Within 3-month term from the enforcement of the act, the Council of Ministers, upon proposal of the Minister of Labour and Social Policy shall determine by a decision a list of the goods and service under the Common terminological dictionary under Art. 12, Para. 1, p. 1.

§ 27. (In force from 16.02.2016) The Minister of Transport, IT and Communications shall issue the Ordinance under Art. 71, Para. 5 within the term of 15 April 2016.

§ 28. The Minister of finance and the Minister of Transport, IT and Communications shall issue the Ordinance under Art. 40, Para. 4 by 1 July 2017.

§ 29. The act shall come into force from 15 April 2016, with the exception of:

1. Art 39, which shall come into force from 1 July 2017, and in relation to the central bodies for purchases – from 1 January 2017;

2. Art. 40:

   a) Para. 1 and 3, p. 1 - 4 and p. 10, which shall come into force from 1 July 2017;

   b) Para. 3, p. 5 - 9, which shall come into force from 1 January 2020;

3. Art. 41, Para. 1 – on the technical compatibility and relation and Para. 2, which shall come into force from 1 July 2017;

4. Art. 59, Para. 4, which shall come into force from 1 July 2018;

5. Art. 67:

   a) Para. 4 – on the obligatory provision of ESPD in electronic mode, which shall come into force from 1 April 2018;
b) Para. 8, p. 2, which shall come into force from 1 June 2018;
6. Art. 97, which shall come into force from 1 January 2017;
7. Art. 232, which shall come into force from 1 September 2016;
8. §. 26, Para. 1 and § 27, which shall come into force from the day of publication in the State Gazette.

-------------------------
The act has been adopted by the 43rd National Assembly on 2 February 2016 and has been sealed by the official stamp to the National Assembly.

**Annex № 1 to Art. 3, Para. 1, p. 1, letter "a"**

<table>
<thead>
<tr>
<th>NACE, Rev. 1 (1)</th>
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<tbody>
<tr>
<td><strong>SECTION E</strong></td>
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<tr>
<td><strong>Sub Section</strong></td>
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<td>45.1</td>
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</table>

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The act has been adopted by the 43rd National Assembly on 2 February 2016 and has been sealed by the official stamp to the National Assembly.

**Annex № 1 to Art. 3, Para. 1, p. 1, letter "a"**

<table>
<thead>
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<td>45.1</td>
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</tbody>
</table>
| 45.11 | Works of destruction and cleaning buildings, ground works | This class includes:  
- destruction of buildings and other constructions;  
- cleaning construction sites  
- ground works: digging works, removal of filthy layer of the soil, leveling of construction sites, work on digging ditches, cleaning from stones, blasting, etc.  
- works on preparation of sites for mining;  
- removing silts and other preparation for mining.  
This class also includes:  
- drainage of a construction site;  
- drying farm land and forests |
| 45.12 | Drilling and boring works | This call includes:  
- drilling, boring works and taking samples for construction, geophysical, geological and similar purposes.  
This class includes:  
- drilling for petrol or gas rigs, see 11.20;  
- drilling for water wells, see 45.25;  
- digging shafts, see 45.25;  
- testing petrol and gas fields, geo-physical, geological and seismic studies, see 74.20. |
<p>| 45.2 | Construction and mounting works of buildings and construction facilities or parts of them; civil construction | |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Detailed Inclusions</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>45.21</td>
<td>Construction and mounting works of general building of buildings and</td>
<td>This class includes:</td>
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<td></td>
<td>construction facilities</td>
<td>- building all kinds of buildings, construction and mounting works of general building;</td>
<td>45210000</td>
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<tr>
<td></td>
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<td>- bridges, including viaducts, tunnels and subways;</td>
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<td>- pipelines, communication lines and electro-wires;</td>
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<td>- civil wires, civil communication lines and electrical lines;</td>
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<td>- assistance civil construction;</td>
<td>45220000</td>
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<td>- mounting and installation of pre-fabricated constructions on site.</td>
<td>45231000</td>
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<td>This class includes:</td>
<td>45232000</td>
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<tr>
<td></td>
<td></td>
<td>- services, related to drilling for oil and gas, see 11.20;</td>
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<td>- installing complete pre-fabricated constructions from parts – own production, not from concrete, see 20, 26, 28;</td>
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<td>- construction works, not buildings, stadiums, swimming pools, sport sites, tennis courts, golf courses etc. see 45.23;</td>
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<td>- construction mounting works of installations, see 45.3;</td>
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<td>- finishing construction works, see 45.4;</td>
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<td>- architecture and engineering services, see 74.20;</td>
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<td>- services of project management, related to construction, see 74.20.</td>
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<tr>
<td>45.22</td>
<td>Roof and hydro-isolation works</td>
<td>This class includes:</td>
<td>45261000</td>
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<tr>
<td></td>
<td></td>
<td>- construction and mounting works of roof constructions;</td>
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<td>- works on roof coverage;</td>
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<td></td>
<td>- hydro-isolation works.</td>
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<tr>
<td>Code</td>
<td>Description</td>
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<tr>
<td>45.23</td>
<td>Construction and mounting works of highways, roads, airplane runway and sport terrains</td>
<td>This class includes:</td>
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<td></td>
<td></td>
<td>- construction and mounting works of highways, streets, roads, other transport and walking areas;</td>
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<td>- construction of railways;</td>
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<td>- construction of airplane runways;</td>
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<td>- construction works, not buildings, stadiums, swimming pools, sport sites, tennis courts, golf courses and other sport facilities;</td>
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<td>- works on marking of road coverage and parking lots.</td>
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<td>This class includes:</td>
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<td>- preliminary ground works, see 45.11.</td>
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<td>45.24</td>
<td>Construction and mounting works of hydro-technical facilities</td>
<td>This class includes:</td>
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<td>- construction and mounting works of:</td>
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<td>- water pipes, port and river bank facilities, yacht ports (yacht clubs), sluice, etc.;</td>
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<td>- dams and dykes;</td>
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<td>- dredging works;</td>
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<td>- construction and mounting works under water.</td>
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<td>45.25</td>
<td>Other specialized construction and mounting works</td>
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<td>- construction and mounting works, specialized</td>
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<td>for one activity, common for different</td>
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<td>constructions, requiring</td>
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<td>Special skills or equipment;</td>
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<td>- foundation, including strengthening through</td>
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<td>pilots;</td>
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<td>- construction-drilling works of wells for</td>
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<td>water, digging shafts;</td>
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<td>- mounting works of steel elements – external</td>
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<td>production;</td>
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<td>- pouring concrete;</td>
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<td>- building works;</td>
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<td>- mounting and demounting of scaffolding and</td>
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<td>platforms, including renting them;</td>
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<td>- building chimneys and production furnaces.</td>
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<td>This class excludes:</td>
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<td>- renting scaffolds without building and</td>
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<td>de-mounting, see 71.32</td>
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<tr>
<td>45.3</td>
<td>construction and mounting works of installations</td>
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</table>
|       |                                                 | 45300000

45250000
45260000
| 45.31 | construction and mounting works of electric installations | This class includes:  
Installing in buildings or in other construction facilities of:  
- electric installations;  
- communication systems;  
- electric heating systems;  
- antennas for houses;  
- fire alarm systems;  
- signal-security systems;  
- lifts and escalators;  
- lightning rods etc. | 45213316  
45310000  
With exception of:  
- 45316000 |
| 45.32 | Isolation public works | This class includes:  
- installation in buildings or in other construction facilities of heat isolation, sound isolation and isolation from vibrations. | 45320000 |
| 45.33 | Water pipe works | This class includes:  
- installation in buildings or other construction facilities of:  
- water supply and sewage installation;  
- gas installation;  
- heating, air conditioning, cooling installation and pipelines;  
- sprinkler systems. | 45330000 |

This class excludes:  
- mounting systems for electric heating, see 45.31.
| 45.34 | Construction and mounting works of other installations | This class includes:  
- mounting works of lighting and signal systems for roads, railways, airports and ports;  
- mounting works in buildings or in other construction facilities of other installations. | 45234115 45316000 45340000 |
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<tbody>
<tr>
<td>45.4</td>
<td>Finishing public works</td>
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<td>45400000</td>
</tr>
</tbody>
</table>
| 45.41 | Works on laying coats | This class includes:  
- laying in buildings or other facilities internal and external coats or other materials. | 45410000 |
| 45.42 | Mounting finishing elements | This class includes:  
- mounting works of doors, windows, fitted kitchens, staircases, interior elements for shops and other elements of wood or other materials – external production;  
- Finishing works of interior, ceilings, wooden paneling, movable bars, etc.  
This class excludes:  
- laying parquet and other wooden floors see 45.43. | 45420000 |
| 45.43 | Works on laying floors and wall coverages | This class includes:  
- works on laying in buildings or in other facilities of:  
- ceramic, concrete or stone floors and wall coverages;  
- parquet and other floor coverages, fitted carpets, linoleum; | 45430000 |
<table>
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<tr>
<th>Code</th>
<th>Description</th>
<th>Details</th>
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</table>
| 45.44 | Painting and glass work                                                                         | - including rubber or plastic;  
- mosaic, marble, granite or file floors or wall coverages  
- wall papers.  
This class includes:  
- interior and exterior painting of buildings;  
- painting and other construction facilities;  
- glass, mirrors, etc.  
This class excludes:  
- placing windows, see 45.42. |
| 45.45 | Other finishing works                                                                            | - placing windows, see 45.42.  
This class includes:  
- mounting private swimming pools;  
Cleaning, sand cleaning and other exterior cleaning of buildings;  
- other finishing construction works.  
This class excludes:  
- interior cleaning of buildings and other facilities, see 74.70. |
| 45.5  | Services of letting construction machines and equipment with operator                           |  
This class excludes:  
- letting construction machines and equipment without operator, see 71.32. |

Annex № 2 to Art. 11, Para. 3

LIST OF SOCIAL AND OTHER SPECIFIC SERVICES
<table>
<thead>
<tr>
<th>CVP Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0</td>
<td>(brokerage services of provision of persons for work in households)</td>
</tr>
<tr>
<td>79624000-4 (brokerage services of provision paramedic staff and</td>
<td></td>
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<tr>
<td>79625000-1 (brokerage services of provision of doctors)</td>
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<tr>
<td>from 85000000-9 to 85323000-9; 98133100-5, 98133000-4,</td>
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</tr>
<tr>
<td>98200000-5, 98500000-8 (private households with hired staff) and</td>
<td>Services, related to healthcare, social and other similar activities</td>
</tr>
<tr>
<td>98513000-2 to 98514000-9 (services of provision of working force</td>
<td></td>
</tr>
<tr>
<td>for households, services of provision through agencies for temporary</td>
<td></td>
</tr>
<tr>
<td>staff for households, services of provision official staff for</td>
<td></td>
</tr>
<tr>
<td>households, Services for provision temporary staff for households,</td>
<td></td>
</tr>
<tr>
<td>provision of help for households, services provided by persons,</td>
<td></td>
</tr>
<tr>
<td>employed in households)</td>
<td></td>
</tr>
<tr>
<td>85321000-5 and 85322000-2, 75000000-6 (services of the state governance</td>
<td>Administrative, social, educational, health and cultural services</td>
</tr>
<tr>
<td>and defense; services of obligatory public security)</td>
<td></td>
</tr>
<tr>
<td>79950000-8 (services of organization of exhibitions, fairs and</td>
<td></td>
</tr>
<tr>
<td>congresses)</td>
<td></td>
</tr>
<tr>
<td>79951000-5 (services for organization of seminars), 79952000-2 (</td>
<td></td>
</tr>
<tr>
<td>services for organization of events), 79952100-3 (services of</td>
<td></td>
</tr>
<tr>
<td>organization of cultural events), 79953000-9 (services for organization</td>
<td></td>
</tr>
<tr>
<td>of festivals), 79954000-6 (services of organization of holidays),</td>
<td></td>
</tr>
<tr>
<td>79955000-3 (services for organization of fashion shows), 79956000-0</td>
<td></td>
</tr>
<tr>
<td>(services for organization of fairs and exhibitions)</td>
<td></td>
</tr>
<tr>
<td>75300000-9</td>
<td>Services of obligatory public security with the exception of services of</td>
</tr>
<tr>
<td>75310000-2, 75312000-9, 75313000-3, 75313100-4,</td>
<td>obligatory social security</td>
</tr>
<tr>
<td>75314000-0, 75320000-5, 75330000-8, 75340000-1</td>
<td>Services, related to social protection</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>98000000-3; 98120000-0; 98132000-7; 98133110-8, 98130000-3</td>
<td>Other public, social and personal services, including provided by syndical organizations, political organizations, youth associations and other membership organizations</td>
</tr>
<tr>
<td>98131000-0</td>
<td>Religious services</td>
</tr>
<tr>
<td>55100000-1, 55410000-7; 55521000-8, 55521200-0 (55521000-8</td>
<td>Preparation and supply of food for households, 55521100-9 services of supply of food at home (food on wheels), 55521200-0 services, elated to supply of food)</td>
</tr>
<tr>
<td>55520000-1 services of establishments for preparation and supply of food, 55522000-5 preparation and supply of food for transport undertakings, 55523000-2 preparation and supply of food for other undertakings and institutions, 55524000-9 preparation and supply of food for school canteens and buffets</td>
<td></td>
</tr>
<tr>
<td>55510000-8 services for canteens, 55511000-5 services for canteens and buffets, offering service of a limited number of clients, related predominantly professionally, 55512000-2 services of management of canteens, 55523100-3 services, related to the food for school canteens and buffets</td>
<td></td>
</tr>
<tr>
<td>from 79100000-5 to 79140000-7; 75231100-5;</td>
<td>Hotel and restaurant services</td>
</tr>
<tr>
<td>from 75100000-7 to 75120000-3; 75123000-4; from 75125000-8 to 75131000-3</td>
<td>Other administrative services and services of state governance</td>
</tr>
<tr>
<td>from 75200000-8 to 75231000-4</td>
<td>Services of state governance for society on the whole</td>
</tr>
<tr>
<td>from 75231210-9 to 75231230-5; from 75240000-0 to 75252000-7; 79430000-7; 98113100-9</td>
<td>Services, related to prisons, observation of public security and incident safety, unless excluded under Art. 14, Para. 1, p. 5</td>
</tr>
</tbody>
</table>
from 79700000-1 to 79721000-4 (detective and security services, safety, through signal security systems, security services, monitoring search; search of refugees, patrol, issuance of official passes, investigation and private investigation) 79722000-1 (services in graphology), 79723000-8 (services for analysis of wastes)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>98900000-2</td>
<td>(services of exterritorial organizations and offices)</td>
</tr>
<tr>
<td>98910000-5</td>
<td>(specific services of international organizations and offices)</td>
</tr>
<tr>
<td>64000000-6</td>
<td>(services of post and communications), 64100000-7 (services of national post, courier services), 64110000-0 (services of national post), 64112000-4 (post services related to letters), 64113000-1 (post services with post parcels), 64114000-8 (post services at a desk) 64115000-5 (renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
</tr>
<tr>
<td>50116510-9</td>
<td>(services of mounting car tires),</td>
</tr>
<tr>
<td>71550000-8</td>
<td>(blacksmith services)</td>
</tr>
</tbody>
</table>

Detective and security services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>79722000-1</td>
<td>(services in graphology), 79723000-8 (services for analysis of wastes)</td>
</tr>
</tbody>
</table>

International services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>79721000-4</td>
<td>(services of exterritorial organizations and offices)</td>
</tr>
<tr>
<td>79722000-1</td>
<td>(services in graphology), 79723000-8 (services for analysis of wastes)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64110000-0</td>
<td>(services of national post), 64110000-7 (post services, related to newspapers and periodic newsreels), 64112000-4 (post services related to letters), 64113000-1 (post services with post parcels), 64114000-8 (post services at a desk) 64115000-5 (renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64111000-7</td>
<td>(post services, related to newspapers and periodic newsreels), 64112000-4 (post services related to letters), 64113000-1 (post services with post parcels), 64114000-8 (post services at a desk) 64115000-5 (renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
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</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64112000-4</td>
<td>(post services related to letters), 64113000-1 (post services with post parcels), 64114000-8 (post services at a desk) 64115000-5 (renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64113000-1</td>
<td>(post services with post parcels), 64114000-8 (post services at a desk) 64115000-5 (renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
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</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64114000-8</td>
<td>(post services at a desk) 64115000-5 (renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64115000-5</td>
<td>(renting post boxes), 64116000-2 (services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64116000-2</td>
<td>(services for post consignments &quot;at request&quot;), 64122000-7 (inter-institutional currier services)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64122000-7</td>
<td>(inter-institutional currier services)</td>
</tr>
</tbody>
</table>

Post services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>50116510-9</td>
<td>(services of mounting car tires),</td>
</tr>
</tbody>
</table>

Other services for the population

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>71550000-8</td>
<td>(blacksmith services)</td>
</tr>
</tbody>
</table>

Other services for the population

---

**Annex № 3 to Art. 20, Para. 1, p. 2, letter "b"**

**LIST OF GOODS, RELATED TO PROCUREMENTS, AWARDED BY PUBLIC CONTRACTING AUTHORITIES ON THE DEFENSE AREA**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Salt, sulfur, soil and stones, lime, plaster and cement</td>
</tr>
<tr>
<td>26</td>
<td>Metal ores, slag and dross</td>
</tr>
<tr>
<td>27</td>
<td>Mineral fuels, mineral oils and products of their distillation; bituminize materials, mineral waxes</td>
</tr>
</tbody>
</table>

With exception of:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.10</td>
<td>special motor fuels</td>
</tr>
<tr>
<td>Chapter 28:</td>
<td>Inorganic chemical products; inorganic or organic compounds of precious metals, of radioactive elements, of rare metals and isotopes</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>With exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.09: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.13: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.14: tear gas</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.28: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.32: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.39: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.50: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.51: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 28.54: explosives</td>
</tr>
<tr>
<td>Chapter 29:</td>
<td>Organic chemical products</td>
</tr>
<tr>
<td></td>
<td>With the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.03: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.04: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.07: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.08: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.11: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.12: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.13: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.14: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.15: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.21: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.22: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.23: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.26: explosives</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.27: toxic products</td>
</tr>
<tr>
<td></td>
<td>ex ex 29.29: explosives</td>
</tr>
<tr>
<td>Chapter 30:</td>
<td>Pharmaceutical products</td>
</tr>
<tr>
<td>Chapter 31:</td>
<td>Fertilizers</td>
</tr>
<tr>
<td>Chapter 32:</td>
<td>Tanning and coloring extracts, tannins and their derivatives, pigments and other coloring substances, dies and varnishes, mastic, fillings and fixates, inks</td>
</tr>
<tr>
<td>Chapter 33:</td>
<td>Ether oils and resinoides, ready perfume or toiletries and cosmetic preparations</td>
</tr>
<tr>
<td>Chapter 34:</td>
<td>Soaps, surface active organic products, preparations for washing, lubricants, artificial waxes, wax preparations, preparations for polishing and cleaning, candles and similar articles, modeling pastes and dentist waxes</td>
</tr>
<tr>
<td>Chapter 35:</td>
<td>Protein substances, glues, enzymes</td>
</tr>
<tr>
<td>Chapter 37:</td>
<td>Photographic and cinema products</td>
</tr>
<tr>
<td>Chapter 38:</td>
<td>Various types of products of chemical industry with the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 38.19: toxic products</td>
</tr>
<tr>
<td>Chapter 39:</td>
<td>Artificial resins and plastics, cellulose esters and ethers and items of these materials with the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 39.03: explosives</td>
</tr>
<tr>
<td>Chapter 40:</td>
<td>Rubber, synthetic rubber, factice and items of these materials, with the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 40.11: bulletproof tires</td>
</tr>
<tr>
<td>Chapter 41:</td>
<td>Leather (different from furs)</td>
</tr>
<tr>
<td>Chapter 42:</td>
<td>Leather items, saddler and harness articles, travelling articles, hand bags and other similar articles form guts</td>
</tr>
<tr>
<td>Chapter 43:</td>
<td>Furs and clothes from them, artificial furs</td>
</tr>
<tr>
<td>Chapter 44:</td>
<td>Wood and articles from wood, charcoals</td>
</tr>
<tr>
<td>Chapter 45:</td>
<td>Cork and cork items</td>
</tr>
<tr>
<td>Chapter 46:</td>
<td>Reed and basket items</td>
</tr>
<tr>
<td>Chapter 48:</td>
<td>Materials for production of paper</td>
</tr>
<tr>
<td>Chapter 49:</td>
<td>Papers and cardboards, items from cellulose pulp of paper or cardboard</td>
</tr>
<tr>
<td></td>
<td>Printed books, newspapers, pictures and other printed works of publishing houses of the press or of the other graphic industry, handwritten or printed texts and designs</td>
</tr>
<tr>
<td>Chapter 65:</td>
<td>Hats and parts for hats</td>
</tr>
<tr>
<td>Chapter 66:</td>
<td>Umbrellas, shades, parasol, walking sticks, whips, scourges and their parts</td>
</tr>
<tr>
<td>Chapter 67:</td>
<td>Prepared feathers and down and articles form feathers and down, artificial flowers; articles from human bones</td>
</tr>
<tr>
<td>Chapter 69:</td>
<td>Ceramic products</td>
</tr>
<tr>
<td>Chapter 69:</td>
<td>Glass and glass articles</td>
</tr>
<tr>
<td>Chapter 71:</td>
<td>Pearls, precious and semi-precious stones, precious metals, clad of precious metals and items of these materials; jewelry imitation</td>
</tr>
<tr>
<td>Chapter 73:</td>
<td>Cast iron, iron and steel and items from them</td>
</tr>
<tr>
<td>Chapter 74:</td>
<td>Copper and items from copper</td>
</tr>
<tr>
<td>Chapter 75:</td>
<td>Nickel and items from nickel</td>
</tr>
<tr>
<td>Chapter 76:</td>
<td>Aluminum and items from aluminum</td>
</tr>
<tr>
<td>Chapter 77:</td>
<td>Magnesium and beryllium and items from them</td>
</tr>
<tr>
<td>Chapter 78:</td>
<td>Lead and items from lead</td>
</tr>
<tr>
<td>Chapter 79:</td>
<td>Zinc and items from zinc</td>
</tr>
<tr>
<td>Chapter 80:</td>
<td>Potassium and items from potassium</td>
</tr>
<tr>
<td>Chapter 81:</td>
<td>Other non-precious metals, used in metallurgy and items from them</td>
</tr>
<tr>
<td>Chapter 82:</td>
<td>Instruments, tools, knife articles and cutlery from non-precious metals and parts of them with the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 82.05: instrumentes</td>
</tr>
<tr>
<td></td>
<td>ex ex 82.07: instrumentes, parts</td>
</tr>
<tr>
<td>Chapter 83:</td>
<td>Various items from non-precious metals</td>
</tr>
<tr>
<td>Chapter 84:</td>
<td>Boilers, machines, apparatus and mechanisms and parts for these machines, with the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 84.06: motors</td>
</tr>
<tr>
<td></td>
<td>ex ex 84.08: other motors</td>
</tr>
<tr>
<td></td>
<td>ex ex 84.45: machines</td>
</tr>
<tr>
<td></td>
<td>ex ex 84.53: machines for automatic processing of data</td>
</tr>
<tr>
<td></td>
<td>ex ex 84.55: parts for the machines of position № 84.53</td>
</tr>
<tr>
<td></td>
<td>ex ex 84.59: nuclear reactors</td>
</tr>
<tr>
<td>Chapter 85:</td>
<td>Electric machines and apparatus and parts form them, with the exception of:</td>
</tr>
<tr>
<td></td>
<td>ex ex 85.13: telecommunication equipment</td>
</tr>
<tr>
<td></td>
<td>ex ex 85.15: radio and TV apparatus</td>
</tr>
</tbody>
</table>
| Chapter 86: | Vehicles and equipment for railway or similar lines and their parts, mechanic signal facilities for communication roads (without electric power) with the exception of:
| ex ex 86.02: armored electric locomotives |
| ex ex 86.03: other armored locomotives |
| ex ex 86.05: armored railway cars |
| ex ex 86.06: repairing railway cars |
| ex ex 86.07: railway cars |

| Chapter 87: | Automobile vehicles, tractors, motorcycles and bicycles and other road vehicles and their parts with the exception of:
| ex ex 87.08: tanks and other armored vehicles |
| ex ex 87.01: tractors |
| ex ex 87.02: military transport vehicles |
| ex ex 87.03: automobiles for technical help |
| ex ex 87.09: motorcycles |
| ex ex 87.14: trailers |

| Chapter 89: | Maritime and river navigation |
| With the exception of:
| ex ex 89.01A: military ships |
Chapter 90: Optical, photographic or cinematographic, measure, controlling or précising instruments and apparatus, medical and surgery instruments and apparatus, parts for these instruments or apparatus with the exception of:

- ex ex 90.05: binoculars
- ex ex 90.13: various instruments, lasers
- ex ex 90.14: telemeters
- ex ex 90.28: electric or electronic measurement instruments
- ex ex 90.11: microscopes
- ex ex 90.17: medical instruments
- ex ex 90.18: articles for mechanic therapy
- ex ex 90.19: orthopedic articles
- ex ex 90.20: Xray equipment

Chapter 91: Clock and watches

Chapter 92: Musical instruments, equipment for recording and sound reproduction, recording and reproduction equipment of TV image and sound, parts for this equipment

Chapter 93: Furniture and parts for them, bedroom articles and similar, with the exception of:

- ex ex 94.01A: airplane seats

Chapter 95: Processed materials for modeling or fisheries, items of them

Chapter 96: Brooms, brushes and filters

Chapter 98: Various types items

Annex № 4 to Art. 23, Para 5 p. 2, letter "a"

NOTICES OF PUBLIC CONTRACTING AUTHORITIES

PART A

INFORMATION, RELATED TO THE NOTICES FOR PRELIMINARY INFORMATION

Section I

The least Information to be included in Notices for
Preliminary Information

1. Name, identification number (EIC, BULSTAT), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.

2. Type of contracting authority and main activity exercised.

3. Where appropriate, indication that the contracting authority is a centralised purchasing body; or that any other form of joint procurement is or may be involved.

4. CPV codes.

5. Internet address of the ‘buyer profile’ (URL).

6. Date of dispatch of the notice of the publication of the prior information notice on the buyer profile.

PART B

Information to be included in prior information notices

I. Information to be included in all cases

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.

   Email or internet address at which the procurement documents will be available for unrestricted and full direct access, free of charge.

2. Where unrestricted and full direct access, free of charge, is not available for the reasons set out in the second and third subparagraph of Article 53(1), an indication of how the procurement documents can be accessed.

3. Type of contracting authority and main activity exercised.

4. Where appropriate, indication that the contracting authority is a centralised purchasing body or that any other form of joint procurement is or may be involved.

5. CPV codes; where the contract is divided into lots, this information shall be provided for each lot.

6. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts; where the contract is divided into lots, this information shall be provided for each lot.

7. Brief description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services.

   Where this notice is not used as a means of calling for competition, estimated date(s) for publication of a contract notice or contract notices in respect of the contract(s) referred to in this prior information notice.
9. Date of dispatch of the notice.
10. Any other relevant information.
11. Indication whether the contract is covered by the GPA.

II. Additional information to be supplied where the notice is used as a means of calling for competition

1. A reference to the fact that interested economic operators shall advise the authority of their interest in the contract or contracts.

2. Type of award procedure (restricted procedures, whether or not involving a dynamic purchasing system, or competitive procedures with negotiation).

   Where appropriate, indication whether:

3. (a) a framework agreement is involved,

   (b) a dynamic purchasing system is involved.

4. As far as already known, time-frame for delivery or provision of products, works or services and duration of the contract.

   As far as already known, conditions for participation, including:

   (a) where appropriate, indication whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,

5. (b) where appropriate, indication whether the provision of the service is reserved by law, regulation or administrative provision to a particular profession,

   (c) brief description of selection criteria.

6. As far as already known, brief description of criteria to be used for award of the contract.

7. As far as already known, estimated total magnitude for contract(s); where the contract is divided into lots, this information shall be provided for each lot.

8. Time limits for receipt of expressions of interest.

9. Address where expressions of interest shall be transmitted.

10. Language or languages authorised for the presentation of candidatures or tenders.
Where appropriate, indication whether:

(a) electronic submission of tenders or requests to participate will be required/accepted,
(b) electronic ordering will be used,
(c) electronic invoicing will be used,
(d) electronic payment will be accepted.

Information whether the contract is related to a project and/or programme financed by Union funds.

Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning time limits for review procedures, or, if need be, the name, address, telephone number, fax number and e-mail address of the service from which this information may be obtained.

**PART C**

**Information to be included in contract notice**

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.

   Email or internet address at which the procurement documents will be available for unrestricted and full direct access, free of charge.

2. Where unrestricted and full direct access, free of charge, is not available for the reasons set out in the second and third subparagraphs of Article 53(1), an indication of how the procurement documents can be accessed.

3. Type of contracting authority and main activity exercised.

4. Where appropriate, indication that the contracting authority is a central purchasing body or that any other form of joint procurement is involved.

5. CPV codes; where the contract is divided into lots, this information shall be provided for each lot.

   NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts; where the contract is divided into lots, this information shall be provided for each lot.
7. Description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services. Where the contract is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.

8. Estimated total order of magnitude of contract(s); where the contract is divided into lots, this information shall be provided for each lot.

9. Admission or prohibition of variants.

10. Time-frame for delivery or provision of supplies, works or services and, as far as possible, duration of the contract.

   In the case of a framework agreement, indication of the planned duration of the framework agreement, stating, where appropriate, the reasons for any duration exceeding four years; as far as possible, indication of value or order of magnitude and frequency of contracts to be awarded, number and, where appropriate, proposed maximum number of economic operators to participate.

   In the case of a dynamic purchasing system, indication of the planned duration of that system; as far as possible, indication of value or order of magnitude and frequency of contracts to be awarded.

11. Conditions for participation, including:

   where appropriate, indication whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,

   where appropriate, indication whether the provision of the service is reserved by law, regulation or administrative provision to a particular profession; reference to the relevant law, regulation or administrative provision,

   a list and brief description of criteria regarding the personal situation of economic operators that may lead to their exclusion and of selection criteria; minimum level(s) of standards possibly required; indication of required information (self-declarations, documentation).

12. Type of award procedure; where appropriate, reasons for use of an accelerated procedure (in open and restricted procedures and competitive procedures with negotiation);
Where appropriate, indication whether:

(a) a framework agreement is involved,

(b) a dynamic purchasing system is involved,

(c) an electronic auction is involved (in the event of open or restricted procedures or competitive procedures with negotiation).

Where the contract is to be subdivided into lots, indication of the possibility of tendering for one, for several or for all of the lots; indication of any possible limitation of the number of lots that may be awarded to any one tenderer. Where the contract is not subdivided into lots, indication of the reasons therefor, unless this information is provided in the individual report.

In the case of a restricted procedure, a competitive procedure with negotiation, a competitive dialogue or an innovation partnership, where recourse is made to the option of reducing the number of candidates to be invited to submit tenders, to negotiate or to engage in dialogue: minimum and, where appropriate, proposed maximum number of candidates and objective criteria to be used to choose the candidates in question.

In the case of a competitive procedure with negotiation, a competitive dialogue or an innovation partnership, indication, where appropriate, of recourse to a staged procedure in order gradually to reduce the number of tenders to be negotiated or solutions to be discussed.

Where appropriate, particular conditions to which performance of the contract is subject.

Criteria to be used for award of the contract or contracts. Except where the most economically advantageous offer is identified on the basis of price alone, criteria representing the most economically advantageous tender as well as their weighting shall be indicated where they do not appear in the specifications or, in the event of a competitive dialogue, in the descriptive document.

Time limit for receipt of tenders (open procedures) or requests to participate (restricted procedures, competitive procedures with negotiation, dynamic purchasing systems, competitive dialogues, innovation partnerships).

Address to which tenders or requests to participate shall be transmitted.
In the case of open procedures:

(a) time frame during which the tenderer must maintain its tender,

(b) date, time and place for the opening of tenders,

(c) persons authorised to be present at such opening.

22. Language or languages in which tenders or requests to participate must be drawn up.

Where appropriate, indication whether:

(a) electronic submission of tenders or requests to participate will be accepted,

(b) electronic ordering will be used,

(c) electronic invoicing will be accepted,

(d) electronic payment will be used.

24. Information whether the contract is related to a project and/or programme financed by Union funds.

Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning deadlines for review procedures, or if needed, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.

26. Date(s) and reference(s) of previous publications in the *Official Journal of the European Union* relevant to the contract(s) advertised in this notice.

27. In the case of recurrent procurement, estimated timing for further notices to be published.

28. Date of dispatch of the notice.

29. Indication whether the contract is covered by the GPA.

30. Any other relevant information.

**PART D**

*Information to be included in contract award notices*
1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.

2. Type of contracting authority and main activity exercised.

3. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.

4. CPV codes.

5. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts.

Description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services. Where the contract is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.

6. Type of award procedure; in the case of negotiated procedure without prior publication, justification.

Where appropriate, indication whether:

8. (a) a framework agreement was involved,

(b) a dynamic purchasing system was involved.

Criteria referred to in Article 67 which were used for award of the contract or contracts.

9. Where appropriate, indication whether the holding of an electronic auction was involved (in the event of open or restricted procedures or competitive procedures with negotiation).

10. Date of the conclusion of the contract(s) or of the framework agreement(s) following the decision to award or conclude it/ them.

Number of tenders received with respect of each award, including:

(a) number of tenders received from economic operators which are small and medium enterprises,

11. (b) number of tenders received from another Member State or from a third country,

(c) number of tenders received electronically.
12. For each award, name, address including NUTS code, telephone, fax number, email address and internet address of the successful tenderer(s) including:

(a) information whether the successful tenderer is small and medium enterprise,

(b) information whether the contract was awarded to a group of economic operators (joint venture, consortium or other).

13. Value of the successful tender (tenders) or the highest tender and lowest tender taken into consideration for the contract award or awards.

14. Where appropriate, for each award, value and proportion of contract likely to be subcontracted to third parties.

15. Information whether the contract is related to a project and/or programme financed by Union funds.

Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.

16. Date(s) and reference(s) of previous publications in the Official Journal of the European Union relevant to the contract(s) advertised in this notice.

17. Date of dispatch of the notice.

18. Any other relevant information.

PART E
Information to be included in design contest notices

Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.

Email or internet address at which the procurement documents will be available for unrestricted and full direct access, free of charge.

2. Where unrestricted and full direct access, free of charge, is not available for the reasons set out in the second and third subparagraphs of Article 53(1), an indication of how the procurement documents can be accessed.

3. Type of contracting authority and main activity exercised.

4. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
5. CPV codes; where the contract is divided into lots, this information shall be provided for each lot.

6. Description of the principal characteristics of the project.

7. Number and value of any prizes.

8. Type of design contest (open or restricted).

9. In the event of an open design contest, time limit for the submission of projects.

   In the event of a restricted design contest:

   (a) number of participants contemplated,

10. (b) names of the participants already selected, if any,

11. (c) criteria for the selection of participants,

12. (d) Time limit for requests to participate.

13. Where appropriate, indication that the participation is restricted to a specified profession.

14. Criteria to be applied in the evaluation of the projects.

15. Indication whether the jury’s decision is binding on the contracting authority.

16. Payments to be made to all participants, if any.

17. Indication whether any contracts following the design contest will or will not be awarded to the winner or winners of the design contest.

18. Date of dispatch of the notice.

19. Any other relevant information.

PART F

Information to be included in notices of the results of a contest

Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.

1. Type of contracting authority and main activity exercised.

2. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
4. CPV codes.
5. Description of the principal characteristics of the project.
6. Value of the prizes.
7. Type of design contest (open or restricted).
8. Criteria which were applied in the evaluation of the projects.
9. Date of the jury decision.
10. Number of participants.
   (a) Number of participants who are SMEs.
   (b) Number of participants from abroad.
11. Name, address including NUTS code, telephone, fax number, email address and internet address of the winner(s) of the contest and indication whether the winner(s) are small and medium enterprises.
12. Information whether the design contest is related to a project or programme financed by Union funds.
13. Date(s) and reference(s) of previous publications in the *Official Journal of the European Union* relevant to the project(s) concerned by this notice.
14. Date of dispatch of the notice.
15. Any other relevant information.

**PART G**

*Information to be included in notices of modifications of a contract during its term*

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. CPV codes.
3. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts;
4. Description of the procurement before and after the modification: nature and extent of the works, nature and quantity or value of supplies, nature and extent of services.
5. Where applicable, increase in price caused by the modification.
6. Description of the circumstances which have rendered necessary the modification.
7. Date of contract award decision.

8. Where applicable, the name, address including NUTS code, telephone, fax number, email address and internet address of the new economic operator or operators.

9. Information whether the contract is related to a project and/or programme financed by Union funds.

10. Name and address of the oversight body and the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.

11. Date(s) and reference(s) of previous publications in the Official Journal of the European Union relevant to the contract(s) concerned by this notice.

12. Date of dispatch of the notice.

13. Any other relevant information.

**PART H**

Information to be included in contract notices concerning contracts for social and other specific services

1. Name, identification number (where provided for in national legislation), address including NUTS code, email and internet address of the contracting authority.

2. NUTS code for the main location of works in the case of works or NUTS code for the main place of delivery or performance in the case of supplies and services.

3. Brief description of the contract in question including CPV codes.

Conditions for participation, including

where appropriate, indication whether the contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,

where appropriate, indication whether the execution of the service is reserved by law, regulation or administrative provision to a particular profession.

5. Time limit(s) for contacting the contracting authority in view of participation.

6. Brief description of the main features of the award procedure to be applied.

**PART I**

Information to be included in prior information notices for social and other specific services

1. Name, identification number (where provided for in national legislation), address including NUTS code, email and internet address of the contracting authority.
2. **Brief description of the contract in question including the estimated total value of the contract and CPV codes.**

As far as already known:

(a) NUTS code for the main location of works in case of works or NUTS code for the main place of delivery or performance in case of supplies and services

(b) time-frame for delivery or provision of supplies, works or services and duration of the contract.

3. conditions for participation, including:

   (a) where appropriate, indication whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,

   (b) time-frame for delivery or provision of supplies, works or services and duration of the contract.

   (c) where appropriate, indication whether the execution of the service is reserved by law, regulation or administrative provision to a particular profession,

   (d) brief description of the main features of the award procedure to be applied.

A reference to the fact that interested economic operators shall advise the contracting authority of their interest in the contract or contracts and time limits for receipt of expressions of interest and address to which expressions of interest shall be transmitted.

**PART J**

**Information to be included in contract award notices concerning contracts for social and other specific services**

1. Name, identification number (where provided for in national legislation), address including NUTS code, email and internet address of the contracting authority.

2. Brief description of the contract in question including CPV codes.

3. NUTS code for the main location of works in case of works or NUTS code for the main place of delivery or performance in case of supplies and services.

4. Number of tenders received.

5. Price or range of prices (maximum/minimum) paid.
6. For each award, name, address including NUTS code, email address and internet address of the successful economic operator or operators.

7. Any other relevant information.

Annex No 5 to Art. 23, Para. 5, p. 2, letter "b"

NOTICES OF SECTOR CONTRACTING AUTHORITIES

PART A

INFORMATION WHICH AT LEAST MUST CONTAIN THE PERIODIC INDICATIVE NOTICE

Section I

Information, which is Included in All Cases

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.

2. E-mail address, or internet address, which will be offered unlimited and complete free direct access to the documentation of the procurement. Where there is not unlimited access and complete free access, instruction about the way, in which access may be received to the procurement documentation.

3. Basic exercised activity. Where appropriate, it is indicated, that the sector contracting authority is a central body for purchases, or joint awarding of public procurements is present.

4. Depending on the subject of the public procurements:
   a) in procurements for supplies: nature and quantity or value of the services or goods, subject of the procurement (code of CPV);
   b) in procurements for construction: nature and volume of the provided services, general characteristics of the construction works or of the separate positions to the construction works (code of CPV);
   c) in procurements for services: planned general volume of the procurement for each of the provided categories services (code of CPV). In case that the public procurement is separated in positions, this information shall be provided for each separate position.

5. Code of administrative-territorial unit on NUTS for the basic location of the construction works in construction or code on NUTS for the major place of supply or fulfillment in supplies and services: in case that the procurement is divided in separate positions, this information is presented for each position.

6. Nature and quantity of goods, general nature of construction or category of the service – subject of the procurement and description, where it is pointed out whether a framework agreement is envisaged or agreements, including all option for further procurements and the prognosis schedule for use of these options, as well as a number of renovations, of any. In repeated procurements, also a prognosis schedule of the following participation invitations in procedures. It is indicated, whether a supply by purchase, leasing, rent or financial leasing, or combination of them is envisaged.

7. Where this notice is not used for announcing the opening of a procedure – a prognosis data for start of the procedure for awarding the procurement/s.

8. Date of sending the notice.

9. any other significant information.
Section II

Additional Information, which at least Must be Provided, where the Notice is Used for Announcement of the Opening of the Procedure

1. Indication of the fact, that the interested persons must declare before the contracting authority their interest to the procurement/s.
2. Where applicable, it is indicated if the public procurement is intended only for specialized undertakings or cooperation of disabled people or people in disadvantaged position, or will be fulfilled on programmes for creating protected jobs.
3. Terms for receiving invitation for production of offers or for participation in the negotiations.
4. Term for supply or closure or term of the procurement for services and - if possible – initial date.
5. Address to which the interested persons send their written announces for expressed interest.
6. Term of receiving applications of interest.
7. Language or languages, admissible for provision of applications or offers.
8. Economic and technical conditions and financial and technical guarantees, required from the suppliers.
9. Type of the procedure for awarding procurement (restricted procedures, notwithstanding that in them a dynamic system has been included for purchases or negotiation procedures).
10. Where applicable, the special conditions, applicable to fulfillment of the procurement contract.
11. Where applicable, indicate whether:
   a) electronic submission of offers or participation application sill be required/admitted;
   b) electronic procurement will be applied;
   c) electronic voicing will be used;
   d) electronic payment will be accepted.
12. name and address of the body, responsible for the appeal, and where applicable, for the mediation procedures. Exact information about the terms for submission of an appeal and the e-mail address of the office, from where such information may be received.
13. The criterion, which will be applied for awarding the procurement. Apart from the cases, in which the economically most profitable offer is determined only on the basis of the price, indications for the “economically most profitable offer”, as well as their reference weight, or – where applicable – their sequence in meaning, where they will not be contained in the invitation for confirmation of interest.

PART B

INFORMATION, WHICH AT LEAST MUST BE CONTAINED IN THE PROCUREMENT NOTICE

A. Open Procedure

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.
2. Major activity.
3. Where applicable, it is indicated if the public procurement is intended only for specialized undertakings or cooperation of disabled people; for persons, whose major purpose is the social and professional integration of disabled people, or people in disadvantaged position, or will be fulfilled on programmes for creating protected jobs.
4. Object of the procurement (for supplies, construction or services; where applicable – indicate whether it is a framework agreement or dynamic system for purchases), description (codes on CPV). Where applicable, it is indicated whether supply offers are require for purchase, leasing, rent or financial leasing or combination of them.

5. Code of administrative-territorial unit on NUTS for the major location of the construction works in construction or code of administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.

6. For supplies and construction:
   a) nature and quantity of goods – subject to the procurement (codes on CPV), including all the options for further procurements and if possible, the prognosis schedule for use of these options, as well as the number of renewals, if such are envisaged; in repeated procurements, as far as possible – also prognosis schedule of the follow up participation invitations in procedure for the goods or nature and scope of the services and total nature of the construction – subject of a procurement (codes on CPV);
   b) it is indicated if the supplies may submit offers for some and/or for all required goods.
   If in procurements for construction the construction works or the procurement are divided into several separate positions, they shall be arranged in value and the possibility shall be indicated to send offers for one or for several, or for all the positions;
   c) for construction procurements: information about the purpose of the construction or the procurement, where the last includes drawing up designs.

7. For services:
   a) nature and volume of the services – subject of the procurement, including all the options for further procurements and if possible – the prognosis schedule for use of these option, as well as number of the renewals, if such are envisaged; in repeated procurements, if possible and a prognosis schedule of further participation invitations in procedures for the services – subject to the procurement;
   b) it is indicated whether the fulfillment of the service has been kept for a certain profession under legal, legislative or administrative provisions;
   c) reference to the relevant legal, legislative or administrative provision;
   d) it is indicated whether the legal persons must indicate the names and the professional qualification of the staff, who will be responsible for the fulfillment of the service;
   e) it is indicated whether the suppliers of services may submit offers for a part of the relevant services.

8. Where possible, it is indicated if there is a permit for submission of variants.

9. Term for supply or finish or term of the procurement for services and if possible – the initial date.

10. E-mail address or internet address, at which unlimited and complete free direct access shall be provided to the procurement documentation. Where there is no unlimited and compete direct free access – an instruction how access to the procurement documentation may be received.

11. Information about the offers:
   a) final term for receiving offers or initial offers in the cases, where a dynamic system for purchases is introduced;
   b) address, to which they are to be sent;
   c) language/s in which they must be drawn.
   d) where appropriate, persons, who are authorized to be present at the offer opening;
   e) date, time and place of opening.

12. Where applicable – all required deposits and guarantees.

13. Basic conditions in relation to financing and payment and/or reference to the provisions, containing them.

14. Where appropriate, a requirement for establishing a legal person by a partnership – participant, who has been awarded with the procurement.
15. Minimal economic and technical conditions, which the participant, who will be awarded with the procurement, must meet.
16. Term within the frames of which the participant is bound with his offer.
17. Where applicable, special conditions, applicable to the fulfillment of the procurement.
18. Criterion, which will be applied for awarding the procurement. Apart from the cases, in which the economically best offer is determined only on the basis of the price, the indicators for economically best offers shall be indicated, as well as their relevant weight or, where appropriate, their sequence in significance.
20. Name and address of the body, responsible for the appeal, and where applicable, about the mediation procedures. Exact information about the terms for submission of appeals or if needed – the name, address, tel., No and fax No and the e-mail address of the department, where such information may be received.
21. Date of submission of the notice by the sector contracting authority.
22. Any other significant information.

B. Restricted Procedures

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.
2. Major activity.
3. Where applicable, it is indicated if the public procurement is intended only for specialized undertakings or cooperation of disabled people; for persons, whose major purpose is the social and professional integration of disabled people, or people in disadvantaged position, or will be fulfilled on programmes for creating protected jobs.
4. Object of the procurement (supplies, construction or services, where applicable, indicate if it is a framework agreement), description (codes on CPV). Also it is indicated if offers for supply through purchase, leasing, rent or financial leasing is required, or combination of them.
5. Code of administrative-territorial unit on NUTS for the major location of the construction works in construction or code of administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.
6. For supplies and construction:
   a) nature and quantity of goods – subject to the procurement (codes on CPV), including all the options for further procurements and if possible, the prognosis schedule for use of these options, as well as the number of renewals, if such are envisaged; in repeated procurements, as far as possible – also prognosis schedule of the follow up participation invitations in procedure for the goods or nature and scope of the services and total nature of the construction – subject of a procurement (codes on CPV);
   b) it is indicated if the supplies may submit offers for some and/or for all required goods. If in procurements for construction the construction works or the procurement are divided into several separate positions, they shall be arranged in value and the possibility shall be indicated to send offers for one or for several, or for all the positions;
   c) for construction procurements: information about the purpose of the construction or the procurement, where the last includes drawing up designs.
7. For services:
   a) nature and volume of the services – subject of the procurement, including all the options for further procurements and if possible – the prognosis schedule for use of these option, as well as number of the renewals, if such are envisaged; in repeated procurements, if possible and a prognosis schedule of further participation invitations in procedures for the services – subject to the procurement;
b) it is indicated whether the fulfillment of the service has been kept for a certain profession under legal, legislative or administrative provisions;

c) reference to the relevant legal, legislative or administrative provision;

d) it is indicated whether the legal persons must indicate the names and the professional qualification of the staff, who will be responsible for the fulfillment of the service;

e) it is indicated whether the suppliers of services may submit offers for a part of the relevant services.

8. Where possible, it is indicated if there is a permit for submission of variants.

9. Term for supply or finish or term of the procurement for services and if possible – the initial date.

10. Where appropriate, a requirement for establishment of a legal person by a partnership participant, who has been awarded with the procurement.

11. Information about the participation applications:
   a) deadline for receiving the participation applications;
   b) address, at which they are sent;
   c) language/s in which they are to be drawn.

12. Deadline for submission of the invitation for provision of offers.

13. Where applicable – all required deposits and guarantees.

14. Basic conditions in relation to financing and payment and/or reference to the provisions, containing them

15. Information about the current condition of the interested person and the minimal economic and technical conditions, which must be met.

16. Criterion, which will be applied with awarding the procurement. Apart from the cases, in which the economically best offer is defined only on the basis of the price, the indicators for the economically best offer are to be indicated, as well as their reference weight or where applicable, their sequence in significance.

17. Where applicable – the special conditions, applicable to fulfillment of the procurement.


19. Name and address of the body, responsible for the appeal, and eventually, the mediation procedures. Exact information about the terms for appeal or, the name, address, tel.N, fax No and the e-mail address of the office, which may give such information.

20. Date of submission of the notice by the sector contracting authorities.

21. any other significant information.

C. Negotiation Procedures

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.

2. Major activity.

3. Where applicable, it is indicated if the public procurement is intended only for specialized undertakings or cooperation of disabled people; for persons, whose major purpose is the social and professional integration of disabled people, or people in disadvantaged position, or will be fulfilled on programmes for creating protected jobs.

4. The nature of the procurement (supplies, construction or services; where applicable, indicate if it is a framework agreement), description (codes on CPV). Where applicable, it is indicated if offers are required for supply through purchase, leasing, rent or financial leasing or combination of them.

5. Code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of
supply or fulfillment in supplies of services.

6. For supplies and construction:
   a) nature and quantity of the goods – subject of the procurement (CPV), including all options for further procurements and if possible, prognosis schedule for use of these options, as well as number of renewals, if such are envisaged; with repeated procurements, as far as possible – and prognosis schedule of the following participation invitations in a procedure for supply or nature and scope of the services and general nature of the construction - subject to procurement (CPV);
   b) it is indicated if the supplies may submit offers for some and/or for all required goods. If in procurements for construction the construction works or the procurement are divided into several separate positions, they shall be arranged in value and the possibility shall be indicated to send offers for one or for several, or for all the positions;
   c) for procurement for construction: information about the purpose of the construction or of the procurement, where the latter also includes drawing up designs.

7. For services:
   a) nature and volume of the services – subject of the procurement, including all the options for further procurements and if possible – the prognosis schedule for use of these option, as well as number of the renewals, if such are envisaged; in repeated procurements, if possible and a prognosis schedule of further participation invitations in procedures for the services – subject to the procurement;
   b) it is indicated whether the fulfillment of the service has been kept for a certain profession under legal, legislative or administrative provisions;
   c) reference to the relevant legal, legislative or administrative provision;
   d) it is indicated whether the legal persons must indicate the names and the professional qualification of the staff, who will be responsible for the fulfillment of the service;
   e) it is indicated whether the suppliers of services may submit offers for a part of the relevant services.

8. Where possible, it is indicated if there is a permit for submission of variants.

9. Term for supply or finish or term of the procurement for services and if possible – the initial date.

10. Where appropriate, a requirement for establishment of a legal person by a partnership participant, who has been awarded with the procurement.

11. Information about the participation applications:

11. Information about the participation applications:
   a) dead line for receiving the participation applications;
   b) address, at which they are sent;
   c) language/s in which they are to be drawn.

12. Where applicable – all required deposits and guarantees.

13. Basic conditions in relation to financing and payment and/or reference to the relevant provisions.

14. Information about the current state of the interested person and minimal economic and technical conditions, which must be met

15. Criterion, which will be applied in awarding the procurement. Apart from the cases, in which economically the best offer is determined only on the basis of the price, the indicators for the economically best offer, as well as their relevant weight or where applicable – their sequence in significance.

16. Where applicable – the names and addresses of already chosen participants by the contracting authority.

17. Where applicable – the special conditions, applicable to the fulfillment of the procurement.

19. Name and address of the body, responsible for the appeal, and eventually, the mediation procedures. Exact information about the terms for appeal or, the name, address, tel.N, fax No and the e-mail address of the office, which may give such information.
20. Date of submission of the notice by the sector contracting authorities.
21. Any other significant information.

PART C

INFORMATION, WHICH AT LEAST MUST CONTAIN THE NOTICE FOR AWARDING THE PROCUREMENT

Section I

Information for Publication in the EU Official Journal

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.
2. Major activity.
3. Object of the procurement (for supplies, construction or services with codes on CPV; where applicable, indicate if it is a framework agreement).
4. The least summary of the nature and quantity of the goods, construction or services, subject of the procurement.
5. a) form of the participation invitation in a procedure (notice for existence of qualification system, periodical notice, invitation for production of offers);
   b) date or other date and information for publication of the notice in EU Official Journal;
   c) in procurements, awarded through conducting a negotiation procedure without preliminary participation invitation, indicate the relevant reason for its conducting.
6. Procedure for awarding the procurement (open, restricted or negotiation).
7. Number of received offers, indicating:
   a) number of offers, submitted by the participants – SMEs;
   b) number of offers, submitted by foreign participants;
   c) number of received offers electronically.
In multiple awarded procurements (separate positions, framework agreements with multiple contractors) this information is provided for each awarded procurement.
8. Date of signing the contract/s or of the framework agreement/s after taking the decision for awarding the procurement/s or signing an agreement.
10. For each awarded procurement – name, address, including code of the administrative – territorial unit on NUTS, of tel. and fax N, e-mail address and internet address of the awarded participants, including:
   a) information, if the awarded participant is a small or medium enterprise;
   b) information if the procurement is awarded to a partnership participant. Name of the partnership, as well as its members.
11. Where applicable, the date of the awarded procurement is indicated or may be awarded to subcontractors.
12. The paid price/s under the lowest and highest offer, accounted with awarding the procurement.
13. Information for termination of the procedure, where applicable.
14. Name and address of the body, responsible for the appeal and where applicable – for the
mediation procedures. Exact information about the terms for submission of an appeal or in case of need – the name, address, tel. and fax No and the e-mail address of the office, where such information may be received.

15. Non-obligatory information:
   a) value and part of the procurement, which is awarded to subcontractors or may be awarded to third persons;
   b) awarding criteria.

Section II

Information, not Intended for Publication

1. Number of awarded procurements (in case that one procurement is divided among several contractors).
2. Value of each of the awarded procurements.
3. State of origin of the goods or service (in the Community or outside the Community; if the latter – distributed in third countries).
4. Which awarding criteria has been applied?
5. Is the procurement awarded to a participant, proposed a variant?
6. Were there removed offers under exceptionally low price?
7. Date of sending the announcement by the sector contracting authority.

PART D

INFORMATION TO BE CONTAINED AT LEAST IN THE NOTICE FOR AMENDMENT OF A PUBLIC PROCUREMENT CONTRACT

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.
2. Major activity.
3. Codes on CPV.
4. Code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.
5. Description of the public procurement before and after the amendment: nature and volume of the construction, nature and quantity or value of the supplies, nature and volume of the services.
6. Where applicable – increasing the price as a result of the amendment.
7. Description of the circumstances, lead to the need of amendment.
8. Date of the decision for awarding the procurement.
9. Where applicable – name, address, including code of the administrative – territorial unit on NUTS, tel. and fax N, e-mail address and internet address of the new contractor/s.
10. Information of the public procurement, related to a project and/or programme, financed by EU funds.
11. Name and address of the body, responsible for the appeal and where applicable – for the mediation procedures. Exact information about the terms for submission of an appeal or in case of need – the name, address, tel. and fax No and the e-mail address of the office, where such information may be received.

PART E
THE LEAST INFORMATION TO BE CONTAINED IN THE NOTICE FOR VOLUNTARY TRANSPARENCY

1. Name and data of the contracting authority.
2. Description of the contract subject, which is to be signed by the contracting authority.
3. Reason, under which the contract is signed and grounds for its application.
4. Name and data of the selected contractor.

PART F

THE LEAST INFORMATION TO BE CONTAINED IN THE NOTICE FOR A PROJECT COMPETITION

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.
2. Major activity.
3. Codes on CPV.
4. Type of the competition – open or restricted.
5. In case of an open competition – the deadline for receiving the projects.
6. In a restricted competition:
   a) planned number of participants;
   b) where applicable – the names of already selected participants;
   c) selection criteria of the participants;
   d) term for receiving participation applications.
7. Where applicable – indicate if the participation is kept for a certain profession.
8. Criteria, to be applied in assessment of the projects.
9. Where applicable – the names of the selected panel members.
10. It is indicated if the panel decision is obligatory of the body.
11. Where applicable, number and value of the awards.
12. Where applicable, data about the payment for all participants.
13. It is indicated if the awarded participants may award follow up procurements.
14. Name and address of the body, responsible for the appeal and where applicable – for the mediation procedures. Exact information about the terms for submission of an appeal or in case of need – the name, address, tel. and fax No and the e-mail address of the office, where such information may be received.
15. Date of submission of the notice.
16. Any other significant information.

PART G

THE LEAST INFORMATION TO BE CONTAINED IN THE NOTICE FOR RESULTS FROM PROJECT COMPETITION

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.
2. Basic activity.
3. Description of the project (CPV codes).
4. Total No of participants.
5. Number of foreign participants.
6. The ones, won the competition.
7. Where applicable, awards.
8. Other information.
9. Reference to the project competition notice.
10. Name and address of the body, responsible for the appeal and where applicable – for the mediation procedures. Exact information about the terms for submission of an appeal or in case of need – the name, address, tel. and fax No and the e-mail address of the office, where such information may be received.

15. Date of submission of the notice.

Annex No 6 to Art. 23, Para. 7, p. 2, letter "a"

PART A

THE LEAST INFORMATION TO BE CONTAINED IN THE PUBLIC PROCUREMENT NOTICE FOR SOCIAL AND OTHER SPECIFIC SERVICES

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No e-mail address and internet address of the public contracting authority.
2. Code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.
3. Short description of the public procurement, CPV codes.
4. Conditions for participation, including:
   a) where applicable, indicate if the procurement is intended only for specialized enterprises or cooperation of disabled people, for persons, whose basic purpose if the social and professional integration of disabled people, or people in disadvantaged position or will be fulfilled on programmes for creating protected jobs;
   b) where applicable, indicate if the service fulfillment is kept for a certain profession under legal, legislative or administrative provisions.
5. Term/s for establishing relation with the public contracting authority in view to participation.
6. Short description of the basic characteristics of the awarding public procurement procedure, which will be applied.

PART B

THE LEAST INFORMATION TO BE CONTAINED IN THE NOTICE FOR PRELIMINARY INFORMATION ABOUT SOCIAL AND OTHER SPECIFIC SERVICES

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, e-mail address and internet address of the public contracting authority.
2. Short description of the public procurement, including prognosis for total value of the procurement and CPV codes.
3. As far as known:
   a) Code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.
   b) Schedule for supply or provision of supplies, construction or services and term of action of the public procurement contract;
   c) Participation conditions, including:
aa) where applicable, indicate if the procurement is intended only for specialized enterprises or cooperation of disabled people, for persons, whose basic purpose if the social and professional integration of disabled people, or people in disadvantaged position or will be fulfilled on programmes for creating protected jobs;

bb) where applicable, indicate if the service fulfillment is kept for a certain profession under legal, legislative or administrative provisions.

c) short description of the basis characteristics of the procedure for awarding public procurement, which will be applied.

4. Indication of a fact, that the interested persons must declare before the public contracting authority their interest in the procurement/s and the term for receiving the notices for confirmation of interest, as well as an address, at which the notices are sent for confirmation of interest.

PART C

THE LEAST INFORMATION TO BE CONTAINED IN THE NOTICE FOR AWARDING A PROCUREMENT FOR SOCIAL OR OTHER SPECIFIC SERVICES

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, e-mail address and internet address of the public contracting authority.

2. Short description of the public procurement, including prognosis for total value of the procurement and CPV codes.

3. Code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.

4. No of received offers.

5. Paid price or the highest or lowest offered price.

6. For each awarded public procurement – name and address, including the NUTS code of administrative-territorial unit, address of the e-mail and internet address of the won participant/s.

7. Any other relevant information.

Annex No 7 to Art. 23, Para. 7, p. 2, letter "b"

THE LEAST INFORMATION TO BE CONTAINED IN THE PROCUREMENT NOTICES FOR SOCIAL AND OTHER SPECIFIC SERVICES, AWARDED BY SECTOR CONTRACTING AUTHORITIES

PART A

NOTICE FOR PROCUREMENT

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.

2. Basic activity.

3. Description of the services, or categories of services, of additional construction and supplies, which are awarded, by indicating the quantities or their values and CPV codes

4. Code of the administrative-territorial unit on NUTS for the basic location of the provided services.

5. Where applicable, indicate if the procurement is intended only for specialized enterprises or cooperation of disabled people, for persons, whose basic purpose if the social and professional integration of disabled people, or people in disadvantaged position or will be fulfilled on programmes
for creating protected jobs.

6. Basic conditions, which must be fulfilled by the interested persons in view to their participation, or where applicable, e-mail address where detailed information may be received.

7. Term for establishing contacts with the contracting authority in view to participation.

8. Any other relevant information.

PART B

PERIODIC INDICATIVE NOTICE

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, e-mail address and internet address of the sector contracting authority.

2. Short description of the procurement, including CPV codes.

3. As far as they are known:
   a) Code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.
   b) schedule for supply or provision of goods, construction or the services and contract term;
   c) participation conditions, including:
      aa) where applicable, indicate if the procurement is intended only for specialized enterprises or cooperation of disabled people, for persons, whose basic purpose if the social and professional integration of disabled people, or people in disadvantaged position or will be fulfilled on programmes for creating protected jobs.
      bb) where applicable, indicate if the fulfillment of the service is kept for a certain profession under legal, legislative or administrative provisions;
   c) short description of the major characteristics of the procurement awarding procedure, which will be applied.

4. Indicate the fact, that the interested persons must declare before the contracting authority their interest to the procurement/s and the terms for receiving the notices for expressing interest, as well as address, where the notices for expressing interest are to be sent.

PART C

NOTICE FOR EXISTING OF QUALIFIED SYSTEM

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, e-mail address and internet address of the sector contracting authority.

2. Short description of the public procurement, including the CPV codes.

3. As far as already known:
   a) code of the administrative-territorial unit on NUTS for the basic location of the construction works in construction or code of the administrative-territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.
   b) supply schedule or provision of supplies, construction or services and contract term;
   c) participation conditions, including:
      aa) where applicable, indicate if the procurement is intended only for specialized enterprises or cooperation of disabled people, for persons, whose basic purpose if the social and professional integration of disabled people, or people in disadvantaged position or will be fulfilled on programmes for creating protected jobs.
      bb) where applicable, indicate if the fulfillment of the service is kept for a certain profession under legal, legislative or administrative provisions;
d) short description of the major characteristics of the procurement awarding procedure, which will be applied.

4. Indicate the fact, that the interested persons must declare before the contracting authority their interest to the procurement/s and the terms for receiving the notices for expressing interest, as well as address, where the notices for expressing interest are to be sent.

5. term of action of the qualification system and procedure for its renewal.

PART D

NOTICE FOR AWARDING PROCUREMENT

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.

2. Basic activity.

3. Short description of the nature and the quantity of services and where applicable – of the provided additional construction and supplies.

4. Reference information about the publication of the notice in the EU Official General.

5. Number of received offers.

6. Name and address of the selected participant/s.

7. Any other relevant information.

Annex No 8 to Art. 34, Para. 1, p. 1

INVITATIONS, SENT BY PUBLIC CONTRACTING AUTHORITIES FOR PRODUCTION OF OFFERS, FOR PARTICIPATION IN A DIALOGUE, FOR NEGOTIATION OR FOR CONFIRMATION OF INTEREST

Section I

Minimal Contents of the Invitations, Sent by Public Contracting Authorities for submission of Offers or for Participation in Negotiations or Dialogue

1. Reference to the published notice.

2. Deadline for receiving offers, address to be sent the offers and language/s, in which the offers must be drawn up.

3. In competition dialogue – date and address, determined for start of the consultation and the language/s which will be used.

4. indication of the documents, including certificates, which must be produced for proving and adding the indicated in EEDOP circumstances and information.

5. The criteria for awarding the procurement and the assessment indicators, their relevant weight or – these indicators, arranged in significance in a descending order, if they are not indicated in the notice for public procurement, the invitation for confirmation of interest, the technical specification or the description document. In public procurements, awarded by competition dialogue or partnership for innovations, the information under p. 2 shall be placed in the invitation for production of the offer.

Section II

Minimal Contents of the Invitations for Confirmation of Interest

1. Nature and quantity, including any options for additional procurements and if possible, the prognosis schedule for use of these options for renewal of the procurements; nature and quantity and
prognosis data for publication of further notices for competition procedures for construction, supplies or services, which will be proposed for provision of offers.

2. Type of procedure: restricted procedure or competition procedure with negotiation.

3. Where applicable - the date at which must begin or finish provision of supplies or fulfillment of construction or services.

4. If it is impossible to provide electronic access – the address and the deadline for submission of requests for receiving the public procurement documentation and the language/s, in which they must be drawn.

5. The address of the public contracting authority, which will award the public procurement.

6. The economic and technical requirements, guarantees and information, which is required by the interested persons.

7. In supply procurements – the way of acquiring or using the goods by purchase, leasing, rent or financial leasing with or without the right to buying.

8. The awarding criterion of the public procurement, assessment indicators of the offers, their weight or where applicable – the sequence of these indicators in significance, if this information is not contained in the notice for preliminary information, the documentation of the invitation of provision of offers or for negotiations.

Annex No 9 to Art. 34, Para. 1, p. 2

INVITATIONS, SENT BY THE SECTOR CONTRACTING AUTHORITIES FOR PRODUCTION OF OFFERS, FOR PARTICIPATION IN A DIALOGUE, FOR NEGOTIATION OR CONFIRMATION OF INTEREST

Section I

The minimal contents of the invitation for producing an offer for participation in dialogues or for negotiation must contain at least:

a) deadline for receiving the offers, address, to which they must be sent and the language/s in which they must be drawn up;

b) in a competition dialogue – the date and address, defined for the beginning of the consultations and the language/s which will be used;

c) reference to published invitation for participation in a procedure;

d) indication of the documents, which are to be attached;

e) criterion for awarding the procurement, where they are not indicated in the notice for qualification system, which is used for announcement the opening of the procedure;

f) the criteria for awarding the procurement, and where applicable – the assessment indicators, their relevant weight or where applicable – the sequence of these criteria, if this information is not contained in the procurement notice, for the qualification system or documentation.

Section II

The invitation for confirmation of interest contain at least the following information:

a) the nature and quantity, including all the options for additional procurements and if possible, prognosis schedule for the use of these option for renewal of the procurements; nature and quantity, the prognosis data for publication of future notices for competition procedures for construction, supplies or services, which will be proposed for provision of offers;

b) type of procedure for awarding the procurement (restricted or negotiation);

c) where applicable, the date, on which the supplies must begin or finish or fulfillment of
construction or services;

d) if not electronically – address and deadline for submission of application for the documentation of the procurement and the language/s, in which they must be drawn up;

e) the address of the sector contracting authority;

f) the economic and technical conditions, financial guaranties and information, which is required by the interested persons;

g) the form of the procurement contract, which is subject of the invitation for provision of offers: purchase, financial leasing, rent or leasing or combination of them; as well as

h) the criteria for awarding of the procurement, and where applicable – the assessment indicators, their weight or – the sequence of these indicators in significance, if this information does not contain in the indicative notice, the specifications or the invitation for provision of offers or participation in the negotiations.

Annex No 10 to Art. 115

LIST OF CONVENTIONS IN THE SOCIAL AREA AND IN THE AREA OF ENVIRONMENT


Annex No 11 to Art. 71, Para. 5
## RUN DURING THE WHOLE EXPLOITATION LIFE OF ROAD VEHICLES

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>automobiles (M1)</td>
<td>200 000 km</td>
</tr>
<tr>
<td>Light load vehicles (N1)</td>
<td>250 000 km</td>
</tr>
<tr>
<td>Heavy load vehicles (N2, N3)</td>
<td>1 000 000 km</td>
</tr>
<tr>
<td>Busses (M2, M3)</td>
<td>800 000 km</td>
</tr>
</tbody>
</table>

### Annex No 12 to Art. 130, Para. 3

### LIST OF EU LEGAL ACTS

#### A. Transfer or distribution of gas or heating energy

#### B. Production, transfer or distribution of electric energy

#### C. Production, transfer or distribution of drinking water

#### D. Contracting authorities in the area of the railway transport services

1. Freight transport

1. International railway transport

3. National railway transport

#### E. Contracting authorities in the area of civil railways, tram, trolleybus and bus lines

#### F. Contracting authorities in the area of postal services

G. Oil or gas production


H. Study and production of coal and other solid fuels

I. Contracting authorities in the area of equipment for marine or river port or for other terminals

J. Contracting authorities in the area of airport facilities

Annex No 13 to Art. 141, Para. 1

THE LEAST INFORMATION, TO BE CONTAINED IN THE NOTICE FOR QUALIFICATION SYSTEM

1. Name, identity N, (UIC/BULSTAT) address, including code of administrative-territorial unit of NUTS, No of telephone, e-mail address and internet address of the sector contracting authority, and where different – data for the office, from which additional information may be received.

2. Basic activity.

3. Where applicable, indicate if the public procurement is intended only for specialized undertakings or cooperation of disables people; for persons, whose basic purpose is the social professional integration of disabled people or people in disadvantage position or will be fulfilled on programmed for creating protected jobs.

4. Purpose of the qualification system (description of goods, services or construction or categories of them, for which procurements will be awarded by the system- CPV codes). Code of the administrative territorial unit NUTS for the major location of the construction works in construction or code of administrative – territorial unit on NUTS for the basic place of supply or fulfillment in supplies and services.

5. Conditions, which must be met by the interested persons for their qualification in compliance with the system and methods for check of the fulfillment of each condition. In case that the description of these conditions and methods for check is a volume one and is based on documents, accessible for the interested persons, it is enough to produce a summary of the basic conditions and methods with reference to the relevant documents.

6. Term of action of the qualification system and procedure for its renewal.

7. Indication of the fact, that the notice is used for announcing the opening of the procedure.

8. Address, at which additional information and documentation about the qualification system may be received and (in case, that is different from the addresses in p. 1.).

9. Name and address of the body, responsible for the appeal, and for the mediation procedures. Correct information about the terms for submitting an appeal or – the name, address, tel. and fax No and the e-mail address of the office, where such information may be received.

10. Criteria, which will be applied with awarding the procurement. Apart from the cases, where the best economical offer is determined on the basis of the price, the indicators of the economically the best offer are indicated, as well as their reference weight or their sequence in significance, where not specifications are indicated or they will not be in the invitation for production of offers or for negotiation participation.

11. Where applicable it is indicated:
   a) if it is required/admitted electronically submission of offers or participation applications.
   b) if electronic procurement will be applied,
   c) if electronic invoicing will be used,
d) if electronic payment will be accepted.
12. Any other relevant information.

### Annex No 14 to Art. 151

<table>
<thead>
<tr>
<th>N of category</th>
<th>Subject</th>
<th>Reference CPV No</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Maintenance and repair services</td>
<td>500000000-5, from 50100000-6 to 508840000-5 (with exception of 50310000-1 to 50324200-4 and 50116510-9, 50190000-3, 50229000-6, 50243000-0) and from 51000000-9, 51900000-1</td>
</tr>
<tr>
<td>2</td>
<td>Services related to external military assistance</td>
<td>75211300-1</td>
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<tr>
<td>3</td>
<td>Defence services military-defence services and in the area of civil defence</td>
<td>752200000-4, 75221000-1, 75222000-8</td>
</tr>
<tr>
<td>4</td>
<td>Detective and security services</td>
<td>from 79700000-1 to 79720000-7</td>
</tr>
<tr>
<td>5</td>
<td>Road transport services</td>
<td>600000000-8, from 60100000-9 to 601830000-4 (with exception of 60160000-7, 60161000-4) and from 64120000-3, 64121200-2</td>
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<td>6</td>
<td>Air transport services, transport of passengers and freights without transportation of post</td>
<td>604000000-2, from 60410000-5 to 60424120-3 (without 60411000-2, 60421000-5), from 60440000-4 to 60445000-9 and 60500000-3</td>
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<td>7</td>
<td>Transport of post on land and air</td>
<td>601600000-7, 60161000-4, 60411000-2, 60421000-5</td>
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<tr>
<td>8</td>
<td>Railway carriage services</td>
<td>from 60200000-0 to 60220000-6</td>
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<tr>
<td>9</td>
<td>Water transport services</td>
<td>from 606000000-4 to 60653000-0, and from 63727000-1 to 63727200-3</td>
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<td>10</td>
<td>Additional and assistance transport services</td>
<td>from 631000000-0 to 63111000-0, from 63120000-6 to 63121100-4, 63122000-0, 63512000-1 and from 63520000-0 to 63700000-6</td>
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<td>11</td>
<td>Communication services</td>
<td>from 642000000-8 to 64228200-2, 72318000-7, and from 72700000-7 to 72720000-3</td>
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<td>12</td>
<td>Financial services: insurance services</td>
<td>from 665000000-5 to 66720000-3</td>
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<td>13</td>
<td>IT services and related services</td>
<td>from 50310000-1 to 50324200-4, from 72000000-5 to 72920000-5 (without 72318000-7 and from 72700000-7 to 72720000-3), 79342410-4, 9342410-4</td>
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<tr>
<td>14</td>
<td>Scientific and research and development activity services and assessment tests</td>
<td>from 730000000-2 to 734360000-7</td>
</tr>
<tr>
<td>15</td>
<td>Accountancy, auditors services and keeping books</td>
<td>from 79210000-9 to 79212500-8</td>
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<td>16</td>
<td>Consultation services on management and related services</td>
<td>from 73200000-4 to 73220000-0, from 79400000-8 to 79421200-3 and 79342000-3, 79342100-4, 79342300-6, 79342320-2, 79342321-9, 79910000-6, 79991000-7, 98362000-8</td>
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<td>17</td>
<td>Architecture services; engineering services and integrated engineer services; civil engineering services; park architecture; related services in scientific and technical consultations; technical tests and analysis services</td>
<td>from 71000000-8 to 71900000-7 (without 71550000-8) and 79994000-8</td>
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<td>18</td>
<td>Cleaning buildings services and property management</td>
<td>from 70300000-4 to 70340000-6 and from 90900000-6 to 90924000-0</td>
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<tr>
<td>19</td>
<td>Pipe services and trash collection. Hygiene and similar services</td>
<td>from 90400000-1 to 90743200-9 (with the exception of 712200-3), from 90910000-9 to 90920000-2, and 50190000-3, 50229000-6, 50243000-0</td>
</tr>
<tr>
<td>20</td>
<td>Training and simulation services in the defence and security area</td>
<td>80330000-6, 80600000-0, 80610000-3, 80620000-6, 80630000-9, 80640000-2, 80650000-5, 80660000-8</td>
</tr>
</tbody>
</table>

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**Annex No 15 to Art. 151**

<table>
<thead>
<tr>
<th>Category N</th>
<th>Subject</th>
<th>CPV reference N</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Hotel and restaurant services</td>
<td>From 55100000-1 to 55524000-9 and from 98340000-8 to 98341100-6</td>
</tr>
<tr>
<td>22</td>
<td>Additional and assistance transport services</td>
<td>from 63000000-9 to 63734000-3 (without 63711200-8, 63712700-0, 63712710-3), from 63727000-1 to 63727200-3 and 98361000-1</td>
</tr>
<tr>
<td>23</td>
<td>Legal services</td>
<td>from 79100000-5 to 79140000-7</td>
</tr>
</tbody>
</table>
Services, related to job hiring and provision of staff

| 24 | from 79600000-0 to 79635000-4 (without 79611000-0, 79632000-3, 79633000-0) and from 98500000-8 to 98514000-9 |
| 25 | Social and health services | 79611000-0 and from 85000000-9 to 85323000-9 (without 85321000-5 and 85322000-2) |
| 26 | Other services |

Annex No 16 to Art. 156, Para. 2
NOTICES FOR PROCUREMENTS IN THE DEFENCE AND SECURITY AREAS

PART A

PRELIMINARY INFORMATION NOTICE

The least information to be contained in the preliminary informative notices:

1. Name, address, fax and e-mail address of the contracting authority and – if different – of the office where additional information may be received, and in procurements for services and construction – the office where information about the taxes may be received, environment protection, employment and work conditions and labour protection, applicable where the procurement will be fulfilled.

2. Where applicable, it is indicated if the procurement is intended only for specialized undertakings or cooperation of disabled people or restricted to protected undertakings or will be fulfilled on programmes for creation of protected jobs.

3. For the construction procurement: nature and scope of the works, place of fulfillment; if the construction is to be divided in several separate positions – the basic characteristics of these positions; assessment of the price scope of the envisaged works; reference CPV No according to the nomenclature.

4. For supply services: nature and quantity or value of goods, which are to be provided; reference CPV No of the nomenclature.

5. For service procurements: envisaged total value for each of the categories of services, CPV reference No of the nomenclature.

6. For procurement for services in categories: close date for opening the procedures for awarding procurement/s.

7. If applicable, it is to be indicated if a framework agreement is envisaged.

8. Where applicable – other information.

9. Date of sending the notice.

PART B

PROCUREMENT NOTICES

The least information to be contained in the procurement notices:

Restricted procedures, agreement procedures with publication of the notice for procurement and competition dialogue:

1. Name, address, tel. and fax N, e-mail address of the contracting authority.

2. Where applicable, it is indicated that it is intended only for specialized undertakings or cooperation of disabled people or restricted to protection undertakings or will be fulfilled on
programmes for creating protected jobs.

3. Selected awarding procedure.

4. Where applicable, the reasons for use of an accelerated procedure (in restricted procedure and negotiation procedure).

5. Where needed, it is indicated if a framework agreement is envisaged.


7. Type of procurement.

8. Place of fulfillment of construction, place and supply of goods or for provision of services.

9. Depending on the public procurement subject:
   a) construction procurements:
      aa) description, scope and volume of the construction, as well as general description of the construction; indicate the possibilities for additional construction and if known – schedule for the additional construction, as well as the number of eventual renewal of the procurement – if any; if the procurement is divided in separate positions – description of them; reference CPV No of the nomenclature,
      bb) information for the expected final result of the construction or the procurement, where the latter includes also drawing up designs,
      cc) in the framework agreement the prognosis term is indicated, the eventual total value of the construction and the action term of the agreement and if possible – the value and periods of procurements, which the contracting authority envisages to award;
   b) supplies procurements:
      aa) description, quantity or volume of goods to be supplied, and indication if offers are required for supplies by purchasing, renting, financial leasing or leasing, or with, or without the right to buy or combination of them, nomenclature reference N; quantity of the goods to be supplies, where the possibilities are indicated for additional purchases and if known, preliminary schedule of these additional purchases, as well the number of eventual renewals; referent CPV No of the nomenclature,
      bb) in regular and renewal procurements for a certain period it is to be indicated the schedule for follow up procurements, which the contracting authority is to award,
      cc) in a framework agreement it is indicated the planned term of its action, eventual total value of supplies for the action term of the agreement and if possible, the value and frequency of procurement, which the contracting authority intends to award;
   c) service procurements:
      aa) category and description of the service; reference CPV N; quantity of services to be provided; the possibilities for additional procurements and preliminary schedule of these additional procurements, as well as the number of possible repeating procurements, if any; in regular and repeated procurements for a certain period, also the schedule for follow up procurements for service, which the contracting authority envisages to award;

In case of a framework agreement, the planned term of its action is indicated, eventual total value of the services for the action term of the agreement and the value of the period of procurements, which are intended to be awarded,

bb) it is indicated if the service fulfillment is kept under legal, legislative or administrative provisions for a certain profession;

Reference to a relevant legal, legislative or administrative provision,

cc) indicate if the participants must give the names and the professional qualification of the staff, responsible for the service fulfillment.

10. Where the procurements are divided of separate positions, the possibility for the participants to submit offers is indicated for one, for all or only for some of them.

11. Restriction of prohibition of variants.

12. Where applicable – selection criteria in relation to personal state of the subcontractors,
which may lead to their removal, as well as the needed information, proving that they do not fall in the cases for removal. The information and all the needed formalities for assessment of the minimal economic and technical capacity, required from the subcontractors.

   Eventual required minimal level of capacity.

13. Term of finalization of construction, supplies, services or continuation of the procurement. If possible, final date for starting the construction or for the supplies or services.

14. Where possible, certain conditions, which must be met by the fulfillment of the procurement.

15. Information on the participation applications:
   a) final date for receiving participation applications;
   b) address, where they must be sent;
   c) language/s in which they must ne drawn up.

16. Conditions for financing and payment and/or references to relevant texts.

17. Where applicable – requirement for establishment of a legal person, where the participant, selected for contractor is a partnership of natural and/or legal persons.

18. Selection criteria in relation to personal state of the participants, which may lead to their removal, as well as the needed information, proving that they do not fall in the cases for removal. The information and all the needed formalities for assessment of the minimal economic and technical capacity, required from the subcontractors. Eventual required minimal level of this capacity in their various aspects.

19. For framework agreement: number, or maximum number of participants, which are to take part in them, envisaged term for its action.

20. In a procedure of competition dialogue or negotiation procedure with publication of a notice for procurement it is indicated the use of step-by step procedure, in order to decrease the number of the decision, which are to be discussed or of the offers, which are to be negotiated.

21. In case of a restricted procedure, negotiation or competition dialogue, where it is used the possibility for decreasing the number of applicants, invited to produce an offer, to participate in a competition dialogue or to negotiate: the minimal number, maximum envisaged number of applicants and objective criteria, which are to be applied for selection of this number of applicants.

22. The criterion, which is to apply in awarding the procurement: indicators, defining the economically best offer, as well as their relevant weight or indicators, arranged according to their significance in a descending order, are to be indicated, where they are not included in the specifications, or in a competition dialogue procedure – in the description document.

23. Where applicable – date/s of publication of the preliminary information notice or an application, that such a notice is not published.

24. Date of submission of the notice.

PART C

NOTICE FOR AWARDED PROCUREMENT

The least information, which the notice for an awarded procurement must contain:

1. Name and address of the contracting authority.

   Selected procedure for awarding the procurement. In negotiation procedure without publication of a notice for procurement – grounds.

2. Depending on the subject of the public procurement:
   a) in construction procurements; description and volume of the services;
   b) in supplies procurements: description and quantity of supplied goods, distributed suppliers; reference CPV N;
   c) in service procurements: category of service and description; reference CPV N; quantity of
the bought services.

3. Date of awarding the procurement.
4. Criterion for awarding the procurement.
5. Number of received offers.
6. Name and address of the classified economic operators.
7. Paid price or the highest, or lowest offered price.
8. Value of the approved offer/s or of the highest and lowest offer, taken in consideration in awarding the procurement.
9. If applicable – the part of the procurement, which will be awarded to subcontractors, as well as its value.
10. If applicable – the motives, defining the framework agreement with term not longer than 7 years.
11. Information for termination of the procedure, where applicable.
12. Date of publication of the procurement notice.
13. Date of sending the current notice.

PART D

Notices for voluntary transparency must contain the following least information:
1. Name and data for the contracting authority.
2. Description of the contract subject, which the contracting authority intends to sign.
3. Grounds on which the contract is to be signed and motive for their application.
4. Name and data for selected contractor.

Annex No 17 to Art. 167, Para. 2

INVITATION FOR PRODUCTION OF OFFERS, FOR PARTICIPATION IN NEGOTIATIONS, OR FOR DIALOGUE

Minimal contents of the invitations:
1. Address of the e-mail or internet address, to which will be unlimited and complete direct free access to the documents for the procurement or of the description document and all the document or name or address of the office, where these documents may be received.
   Where unlimited and complete free access is not available, instruction for the way, in which access may be received to the documentation for the public procurement.
2. Data about the office, where additional information may be received.
3. Reference to the published notice for the procurement.
4. Deadline for receiving the offers, address, where the offers must be sent and the language/s in which the offers must be drawn up. In case of a procedure of a competition dialogue, this information will be contained in the invitation for provision of the offer.
5. In the competition dialogue – the date and address, defined for the start of the consultation, language/s to be used.
6. Indication of the documents, including certificates, which are to be produced for evidence and addition of the indicated EEDOP circumstances and information.
7. Criterion for awarding the procurement, and where applicable – the assessment indicators and their reference weight or where applicable – these indicators, arranged according to significance in descending order, if not indicated in the procurement notice, documentation for procurement or the described documents.

Annex No 18 to Art. 175, Para. 2

THE LEAST INFORMATION TO BE CONTAINED THE NOTICED FOR PROCUREMENTS FOR SUBCONTRACTORS
1. Name, address, fax No and electronic address of the participant, won the procurement and of the office, if they are different, where additional information may be received.

2. Place of fulfillment of the construction, place of supply of the goods or for provision of services.

3. Description, quantity, scope and volume of construction, as well as general description of the work; reference CPV N.

4. Description of the goods, which must be supplied, indicating if offers for supply are required by purchase, renting, financial leasing or leasing with the right to purchasing or combination of them, reference CPV N.

5. Category and description of the service; referent CPV N.

6. Obligatory terms for finalization of the construction.

7. Name and address of the body, where specification and additional information may be required:
   a) term for receiving participation applications and receiving the offers;
   b) address, where they must be sent;
   c) language/s in which must be written.

8. Required deposits or guaranties.

9. Objective criteria, which will be applied for selection of subcontractors, related to their person state or assessment of their offer.

10. Other information

11. Date of submission of the notice.

Annex No 19 to Art. 178, Para. 1

THE LEAST INFORMATION, WHICH MUST BE CONTAINED IN THE PUBLIC COMPETITION NOTICE

1. Name and address of the contracting authority.

2. Subject of the procurement, prognosis value and source of financing.

3. Short description of the procurement subject, quantity and volume.

4. Data for separate position, where applicable.

5. Requirements to the personal state of the participants.

6. Selection criteria, referred to the possibility of exercising the professional activity, economic and financial state and the technical and professional abilities.

7. Awarding criteria, and assessment indicators of the offers.

8. Additional information and other requirements to the fulfillment of the procurement, where applicable.

9. Term of submission and place for receiving the offers.

10. Date and time and place of opening the offers.

11. Separate positions.


Annex No 20 to Art. 187, Para. 1

THE LEAST INFORMATION, TO BE CONTAINED IN THE NOTICE

1. Name of the contracting authority.

2. Object, subject and short description of the procurement.

3. Conditions, which are to be met by the participants, also requirements for financial and economic conditions, technical abilities and qualification.

4. Term for submission of the offers.

5. Validity term of the offers.

6. Awarding criterion, including the assessment indicators and their weight.
7. Date and time of opening the offers.
8. Separate positions, where applicable.
9. Other relevant information.