

RULES FOR THE IMPLEMENTATION OF THE PUBLIC PROCUREMENT LAW

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Chapter One GENERAL PROVISIONS

Article 1. These rules regulate the conditions and order for the implementation of the Public Procurement Law (PPL), including:

1. dispatch and publication of information on public procurement;
2. the circumstances which are entered in the Public Procurement Register;
3. the rules for the conduct of electronic auction;
4. exchange of information among the persons involved in the procedures for the award of public contracts;
5. designation of observers and the rules for their work;
6. types of commodity exchange goods, the supply thereof can be performed on the basis of a negotiated procedure without publication of notice.

Article 2. (1) The persons under Art. 7, items 5 and 6 of the PPL have the virtue of contracting entities only when they perform the activities under Art. 7a – 7e of the PPL.

(2) The contracting authorities under Art. 7, Items 3 – 6 of the PPL inform the Public Procurement Agency, hereafter referred to as the “Agency”, for the acquisition or loss of the virtue of contracting authority within a seven-day period from the date the grounds for this arose.

Chapter Two PROVISION OF INFORMATION ON PUBLIC PROCUREMENT

Section I Dispatch of Information to the State Gazette and the Official Journal of the European Union

Article 3. (1) The contracting authorities shall send to the State Gazette for publication on its Internet site the following:

1. prior information notices for the award of public contracts;
2. contract notices;
3. design contest notices;
4. qualification system notices under Art. 105, Para 1 of the PPL;
5. periodic indicative notices being calls for competition under Art. 109, Para 1 of the PPL;
6. notices under Item 2 for extension of the deadline for the receipt of tenders and requests to participate;
7. simplified notices under Art. 93h, Para 1 of the PPL;
8. notification for the publication of prior information notices on the buyer’s profile.

(2) When the public contracts have values according to Art. 45a of the PPL, the notices and notification under Para 1 shall be sent to the State Gazette after their dispatch to

the Official Journal of the European Union.

(3) In case of discrepancy between the information published in the State Gazette and the Official Journal of the European Union, the information published in the Official Journal shall be considered to be valid.

Article 4. (1) The notices and notification under Art. 3, Para 1 shall be prepared according to the standard forms under Art. 19, Para 7 of the PPL and shall be dispatched on a magnetic, optic or other carrier enabling reproduction or by electronic means.

(2) The notices under Art. 3, Para 1, Items 2 – 6 shall be sent to the State Gazette and respectively to the Official Journal of the European union within a seven-day period from the date of the decision of the contracting authority.

Section II

Dispatch of Information to the Agency. Buyer's Profile

Article 5. (1) The contracting authorities under Art. 7, items 1 – 4 of the PPL shall send to the executive director of the Agency the following:

1. information from decisions for:
 - a) opening of procedure for the award of public procurement contracts;
 - b) extension of the deadline for the receipt of tenders and the deadline for the receipt of requests to participate;
 - c) termination of the procedure for the award of public contracts;
 - d) selection of the candidates who will be invited to submit tenders – in the cases of restricted procedure and competitive dialogue;
 - e) selection of candidates who will be invited to take part in the negotiations in the negotiated procedure with publication of notice or in the dialogue in the procedure of competitive dialogue;
2. prior information notices for public contracts;
3. notification for the publication of prior information notices on the buyer's profile;
4. contract notices;
5. simplified notices under Art. 93h, Para 1 of the PPL;
6. design contest notices
7. invitation for participation in negotiated procedure without publication of notice, except in the cases under Art. 90, Para 1, Item 11 and 12 of the PPL;
8. information on conducted design contests;
9. contract award notices and information on concluded framework agreements;
10. information on the value of the performed public contracts or on pre-term termination of public contracts and the payments made, if there are any;
11. information on the extension of the validity of a dynamic purchasing system and on the pre-term termination of the validity of a dynamic purchasing system;
12. information under Art. 44, Para 8 of the PPL;
13. information on the claims received for the previous month under Art. 120 of the PPL;
14. copies of decisions and rulings of the Supreme Administrative Court, issued in connection with the appeal of acts of the Commission for the Protection of Competition.

(2) The contracting entities under Art. 7, items 5 and 6 of the PPL shall send to the executive director of the agency in addition to the information under Para 1, the following:

1. notices for the establishment of qualification systems under Art. 105, Para 1 of the PPL;

2. periodic indicative notices being calls for competition under Art.109, Para 1 of the PPL;

3. invitation to participate under Art. 114, Para 1 of the PPL.

(3) The contracting authorities shall send information to the executive director of the Agency under Para1, Item 10 when:

1. the exact value of the contract is not determined at its conclusion;

2. the value of the sums paid on the contract does not correspond the value provided at its conclusion;

3. the contract is terminated pre-term.

(4) The documents under Para 1, Items 2 – 6, 8 and 9 and Para 2, Items 1 and 2 shall be drawn up according to the approved standard forms under Art. 19, Para 7 of the PPL.

(5) The information under Para 1, Items 1, 10, 11 and 13 shall be prepared according to standard forms approved by the executive director of the Agency.

Article 6. (1) The documents under Art. 5, Para 1, Items 1, 2, 4 – 12 and Para 2 shall be sent to the executive director of the Agency in one of the following ways:

1. on paper, and magnetic, optic or other carrier enabling reproduction of information without the use of electronic signature, or;

2. on paper and by electronic mail without the use of electronic signature, or;

3. by electronic means using electronic signature, or;

4. on magnetic, optic or other carrier enabling reproduction of information using electronic signature.

(2) The notification under Art. 5, Para 1, Item 3 shall be sent by electronic means using electronic signature and the information under Art. 5, Para 1, Item 13 shall be sent on paper or by electronic means with using electronic signature.

(3) When sending documents under Art. 5, Para 1 and 2, the contracting authorities with opened accounts shall indicate the number of their account in the Public Procurement Register, and in the case of an already opened procedure – also the unique identification number of the public contract in the Public Procurement Register.

(4) In case the contracting authority does not have the data under Para 3, it shall indicate its name and number and the date of the decision for opening of the procedure for public contract award, to which the documents sent refer.

(5) The contracting authorities shall indicate the information under Para 3 and 4 in the accompanying letter and also on the duly inscribed magnetic, optic or other carrier and when the document is sent by electronic mail – in the section “Subject” of the electronic message sent.

Article 7. (1) The contracting authorities shall send to the executive director of the Agency the documents under Art. 5, Para 1, Items 1, (a), (b), (d) and (e), Items 4, 6, 8, 9, 10, 11 and 14 and Para 2, Item 1 and 2 within a seven-day period from the date of:

1. the issue of the respective decision – in the cases under Art. 5, Para 1, Item 1, (a), (b), (d) and (e), Items 4, 6, 8 and 11 and under Para 2, Items 1 and 2;

2. the conclusion of the contract or of the framework agreement – in the cases under Art. 5, Para 1, Item 9

3. completion of the performance of the contract or of its termination – in the cases under Art. 5, Para 1, Item 10;

4. announcement of the decisions and rulings of the Supreme Administrative Court – in the cases under Art. 5, Para 1, Item 14.

(2) The contracting authorities shall send to the executive director of the Agency the

information under Art. 5, Para 1, Item 13 up to the 10th day of the next month.

(3) The invitation under Art. 5, Para 2, Item 3 shall be sent to the executive director of the Agency simultaneously with its dispatch to all candidates.

Article 8. The Commission for Protection of Competition shall send to the Agency certified copies of the following:

1. rulings under Art.122, Para 3 of the PPL – in the day of imposition of the interim measure;

2. decisions under Art. 122d and Art. 127a, Para 2 of the PPL – within a seven-day period from the announcement.

Article 9.(1) The contracting authorities that have created a buyer's profile are responsible for the accuracy and validity of the public procurement information published on it.

(2) The access to the buyer's profile is free and cannot be bound with the introduction of payments or other technical conditions.

Section III Statistical Reports

Article 10. (1) The contracting authorities prepare and present to the Agency annual statistical reports for the procedures for the award of public contracts that they have conducted.

(2) The statistical reports of the contracting authorities under Art. 7, Items 1 – 4 shall include information about:

1. number, objects, type and value of the announced procedures for the award of public contracts;

2. number and value of the concluded public contracts;

3. terminated public procurement procedures;

4. the amount of the resources spent for works, supplies and services for which the procedures, stipulated with the Ordinance under Art. 14, Para 7 of the PPL shall not be applied;

5. nationality of the contractor when it is a foreign persons;

6. other statistical information indicated in the standard forms.

(3) The contracting entities under Art. 7, Para 5 and 6 of the PPL shall include in their statistical reports information under Para 2, as well as information about the activity for which they acquire the virtue of contracting entities under the PPL.

(4) The statistical reports shall contain information about the previous calendar year and shall be drawn up according the standard forms under Art. 19, Para 7 of the PPL.

(5) The statistical reports shall be sent to the Agency the 31st March every year under the order of Art. 6, Para 1.

Article 11. The executive director of the Agency shall send to the European Commission annually by 31st October an annual statistical report with summarized data about the activities of the contracting authorities for the previous year.

Section IV
Announcement of Information by the Agency

Article 12. (1) The Agency shall disseminate the information related to the conduct of public procurement award procedures via its internet site.

(2) The Agency may announce information related to its activities also via catalogues, periodic bulletins, brochures, reports, research papers and other specialized publications in the field of public procurement.

Article 13 (1) Through its Internet site the Agency shall provide access to:

1. the Public Procurement Register;
2. the methodological guidelines issued by the executive director of the Agency under Art. 19, Para 2, Item 1 of the PPL;
3. the approved standard forms under Art. 19, Para 7 of the PPL;
4. the lists of contracting authorities maintained by the Agency;
5. list of experts that the contracting authorities may use as outside experts in the conduct of public procurement procedures;
6. information about the rulings and decisions of the Commission for the Protection of Competition and the Supreme Administrative Court;
7. other information related to public procurement.

(2) The list under Para 1, Item 5 may also include persons whose qualifications have been acquired or recognized by an EU member-state. The contracting authorities may use as experts also persons that have not been included in the list.

(3) The use of external experts under Para 1, Item 5 may be applied if the value of the service does not exceed the thresholds, stipulated with the Ordinance under Art. 14, Para 7 of the PPL.

Chapter Three
PUBLIC PROCUREMENT REGISTER

Section I
General Provisions

Article 14. (1) The Public Procurement Register (PPR), hereafter referred to as ‘the Register’, is an integrated electronic database that is maintained by officers designated by the Executive Director of the Agency.

(2) In the Register information shall be collected and stored regarding the public procurement and aiming at ensuring publicity and transparency about the process of the award of public contracts.

(3) The information about the circumstances subject to entry in the Register shall be submitted by the contracting authorities according to the provision of Article 6, Paragraph 1 and 2.

(4) The officers under Para 1 shall have the right to refuse entry of circumstances in the Register in the case the information is not provided in approved standard forms, the obligatory fields in them have not been filled in or the information is not provided in accordance with the provisions of Art. 6, Para 1 and 2. The refusal shall be communicated to the contracting authority within a seven-day period from the receipt of the information in the Agency.

Article 15. The Register is public. The access to the information included in it is free

of charge and is realized through the website of the Agency.

Section II Maintenance of the Register

Article 16. (1) An account shall be opened for every single contracting authority with a unique identification number under which all subsequent records shall be made under that account.

(2) The unique identification number is a five-digit number representing the serial number of the entry of the contracting authority in the Register.

Article 17. Every procurement procedure is entered in the Register under its own unique number consisting of three parts as follows:

1. first sector – the account number of the contracting authority;
2. second sector – the year of the decision for opening of the procurement procedure;
3. third sector – a four-digit number that represents an official number for the consecutive entry of public contract for the contracting authority in question for the corresponding year. This number is generated automatically by the electronic database.

Article 18. (1) The subsequent recording of new circumstances in connection with the account of a certain contracting authority shall be carried out without affecting any information from the previous records and shall be labeled as ‘official record’.

(2) When a recorded circumstance is deleted, in the corresponding field there is a note that the record has been deleted whereas information for the initial circumstance is preserved.

(3) Mistakes made in the entry process are subject to corrections carried out by the staff mentioned in Article 14, Paragraph 1. In this case the correct text is recorded in the corresponding field of the Register with clarification ‘technical edit’ or ‘operator’s mistake’. The corrections are carried out without affecting any information from the previous records except in cases when the wrong record is included in the account of another contracting authority.

(4) Spelling mistakes and technical errors made by the contracting authorities during the filling in of the approved forms are corrected by the officials mentioned in Article 14, Paragraph 1 by means of technical editing on the basis of request submitted by the corresponding contracting authority.

(5) The request under Paragraph 4 shall be submitted by post, by fax, by electronic means using electronic signature, or shall be communicated on the telephone not later than 5 days after the date of publication of the said standard form.

(6) When the request is communicated on the telephone, the contracting authority must confirm it in writing before the expiry of the time limit under Paragraph 5.

(7) It shall not be considered a correction of spelling mistake or technical error, a request which leads to a change of:

1. the type of the procedure;
2. the subject of the procurement;
3. the time limits and quantities stated in the notice.

Article 19. (1) The Register shall be kept and maintained in a way that guarantees protection of the information incorporated into the system against its deletion, unauthorized alteration and use.

(2) The protection of the information shall be secured by means of its regular and operational archiving.

Article 20. (1) In the Register information shall be kept concerning the records made during the last five years.

(2) After the expiry of the period under Paragraph 1 the information shall be archived under rules approved by the Executive Director of the Agency.

(3) As an exception, when concluded public contracts or framework agreements or dynamic purchase systems are valid for a period longer than five years, the information concerning them shall be archived after their completion.

Article 21. Any information for entry in the Register that has been received on a paper carrier, shall stored for a five-year period, counting from the year of the receipt of the document in the records-filing unit of the Agency, after the period has elapsed, the information shall be archived or destroyed according to the provisions of the Law for the State Archive Fund.

Section III Circumstances that are Subject to Entry in the Register

Article 22. (1) In the Register are recorded:
1. the identification data about the contracting authority:
a) the unique identification number of the contracting authority under Article 16;
b) the BULSTAT code;
2. the unique number of the public contract in accordance with Article 17;
3. the filled-in standard forms according to Article 19, Paragraph 7 of the PPL, as follows:

a) Prior information notices;
b) Periodic indicative notices being calls for competition under Art. 109, Para 1 of the PPL;

c) Contract notices;
d) Design contest notices;
e) Qualification system notices under Art. 105, Para 1 of the PPL;
f) Simplified contract notices according to Article 93h, Paragraph 1 of the PPL;
g) Notification for published prior information notices in the buyer's profile;
h) information regarding the awarded public contracts or the concluded framework agreements as well as the conducted design contests;

4. the information about the decisions of the contracting authorities:
a) reference number, date and legal grounds for the decision for opening procurement procedure and reasons, if required;

b) reference number, date, legal grounds and reasons for the decision for termination of the procurement procedure; in cases of termination due to insufficient financial resources of the contracting authority – the lowest price offered by a ranked tenderer;

c) reference number and date of the decision for extension of the time-limit for receipt of tenders in open procedure and for the receipt of requests to participate in restricted procedure and negotiated procedure with publication of notice, as well as the respectively extended time-limit;

5. filled in standard forms under Art. 5, Para 5 which provide information about:
a) procurement contracts and framework agreements that have been terminated pre-term;

b) pre-term termination or extension of the validity of dynamic purchasing system.
(2) In cases with public contracts awarded under the provisions of the Ordinance

under Art. 14, Para 7 of the PPL, the corresponding circumstances under Paragraph 1 shall be recorded in the Register.

(3) All the changes in the circumstances mentioned in Paragraphs 1 and 2 are also subject to entry in the Register.

Chapter four PROCEDURES FOR THE AWARD OF PUBLIC CONTRACTS

Section I Requirements to the Candidates, Tenderers and Contractors

Article 23. (1) The candidates, tenderers and contractors are obligated to inform the contracting authority for all changes in the circumstance under Art. 47, Para 1, 2 and 5 of the PPL within a seven-day period from their occurrence.

(2) The contracting authorities shall indicate the circumstance under Art. 47, Para 2 of the PPL in the contract notice, and in the case of negotiated procedure without the publication of notice – in the invitation to participate in the procedure.

Article 24. (1) The candidates or tenderers – legal persons or sole traders, shall also attach to their requests to participate or tenders certificates for current legal registration and for the foreign legal persons – an equivalent document of judicial or administrative body in the state where they are established.

(2) When the tender provides for subcontractors, it shall indicate the subcontractors, the value, the percentage of the total value and the particular part of the object of the public contract, including the lots, which will be performed by every subcontractor.

(3) When the object of the public contract requires its performance in stages, the tender shall indicate the particular stages and the time limits for the performance of every stage.

Section II Obligations of the Contracting Authorities

Article 25. 1) The decisions of the contracting authorities, with exception of the decisions under Art. 25, Para 1 of the PPL, must also contain:

1. number and date of the decision for opening of the procedure for the award of the public contract or the design contest;

2. date and serial number of the published contract notice, except in the cases of negotiated procedure without publication of notice.

(2) The decisions of the contracting authorities shall be motivated, except for the decisions for opening of procedure for award of public contract through open or restricted procedure.

Article 26. (1) The contracting authorities cannot change the conditions declared by them and other parameters of the public contracts with the exception of the cases of extension of the time limits for the receipt of tenders or requests to participate.

(2) Any change of the time limit for the receipt of tenders or request to participate must be published on the Internet site of the State Gazette and it must be entered in the Public Procurement Register.

Article 27. When the contracting authority has used a particular currency in the

indication of the estimated value of the public procurement in the notice, it shall be obligated to use the same currency in all cases when indicating the value of the respective public contract.

Article 28. The commission shall open the envelopes inscribed “price tendered” only of the participants whose tenders have been admitted to examination.

Article 29. (1) When a member of the commission for the conduct of a public procurement procedure is suspended due to the presence of circumstances under Art. 35, Para 1 of the PPL and he/she cannot be substituted by a reserve member, the contracting authority shall appoint a new member.

(2) In the cases under Para 1 her/his evaluation of the tenders shall not be taken into account.

Section III. Rules for the Conduct of Some Procedures

Article 30. (1) In the cases of discrepancies between the description of the object of the public contract and the code according to the Public Procurement Nomenclature indicated in the notice, the information in the description of the public contract shall be considered to be valid.

(2) In the cases of discrepancy between the place of performance of the public contract indicated in words and the code according to the Nomenclature for territorial units for statistical purposes in Bulgaria (NUTS) entered in the notice, the place of performance indicated in words shall be considered to be valid.

Article 31. (1) When the contracting authorities use electronic auction under Art. 16b, Para 1 of the PPL, they shall indicate this circumstance in the public contract notice.

(2) The conduct of electronic auction shall be based on:

1. new prices, when the criterion for evaluation of the tenders is the lowest price;
2. new prices and/or new values of the indicators of the tenders indicated in the documents, when the criterion for evaluation is the economically most advantageous tender.

(3) When electronic auction is used, the documents shall also include:

1. the indicators of the tender, the values of which shall be the object of the electronic auction, these indicators must be quantifiable and it must be possible to express them in numbers or percentages;
2. minimum and/or maximum values of the indicators under Item 1 that can be proposed;
3. the information that will be provided to the tenderers in the course of the electronic auction, as well as when it will be provided;
4. information related to the order of conduct of the electronic auction;
5. the circumstance whereto the tenderers may submit new offers, including the minimum step for change of the indicators;
6. information related to the use of electronic equipment, as well as the conditions and technical requirements for connecting with it.

Article 32. (1) Before the conduct of electronic auction, the commission shall perform an initial evaluation of the tenders.

(2) The evaluation under Para 1, as well as the evaluation during the electronic auction shall be performed according to the criterion under Art. 37, Para 1 of the PPL, stipulated in the notice.

Article 33. (1) After the conduct of the initial evaluation of the tenders under Art. 32 the contracting authority shall send an invitation for participation in electronic auction simultaneously to all participants whose tenders meet the requirements set.

(2) The invitation shall be sent by electronic means with the use of electronic signature and shall contain:

1. proposal to the tenderers to present new prices or new values of the indicators according to the criteria for evaluation of the tenders;
2. the order for connecting with the electronic equipment used;
3. date and time of the beginning of the electronic auction;
4. the way for ending the electronic auction.

(3) When the criterion for the evaluation of the tenders is the economically most advantageous tender, the invitation under Para 1 shall also include:

1. initial evaluation of the said tender performed according to Art. 32, Para 1;
2. the mathematical formula that will be used in the electronic auction for the purpose of automatic re-ranking on the basis of the new prices and/or values provided: the formula shall include the weight of all indicators which determine the economically most advantageous tender as indicated in the public contract notice or in the documents.
3. the numerical units for determining the values of the separate indicator, necessary for the calculation of the formula.

(4) When the criterion for evaluation of tenders is the economically most advantageous tender and the contracting authority has indicated the possibility for submitting variants, every variant shall be evaluated separately according to the formula under Para 3, Item 2.

(5) The electronic auction may be conducted in successive stages.

(6) The electronic auction cannot start earlier than two work days after the date of dispatch of the invitations.

(7) The conduct of electronic auction shall be organized in a way providing every tenderer with the opportunity to check its place in the ranking at any moment.

(8) The tenderers may be given information on the prices or values proposed by the other tenderers in the course of the auction, provided that this is indicated in the documents.

(9) The number of tenderers may be announced at every stage of the electronic auction.

(10) The provision of information under Para 8 and 9 cannot lead to disclosure of the tenderers at whichever stage of the electronic auction.

Article 34. (1) The electronic auction shall end:

1. with the coming of the date and time indicated in the invitation, or
2. when after the expiry of the period indicated in the invitation, no new offers have been received, or
3. when all stages of the electronic auction indicated in the invitation have been completed.

(2) After the completion of the electronic auction, the commission shall draw up a protocol for the conduct of the auction which shall include the following:

1. members of the commission;
2. list of the tenderers;
3. results of the evaluation and ranking of the candidates;
4. date of drawing up the protocol.

(3) The contracting authority shall select the contractor and shall conclude a public contract with it under the order of Art. 73 and 74 of the PPL.

Article 35. In the competitive dialogue the commission shall conduct a dialogue separately with every candidate and may discuss offers made by other candidates only with their written permission.

Article 36. (1) In the notice for opening of procedure of competitive dialogue, the contracting authority may indicate that the dialogue with the candidates will be conducted in stages, provided that there is a sufficient number of offers in order to guarantee real competition.

(2) In the cases under Para 1, reduction of the number of tenders shall be performed after their submission in writing by the candidates and their evaluation according to criteria indicated in the notice and/or in the descriptive document.

Article 37. In the notice or in the descriptive document in the procedure of competitive dialogue, the contracting authority may provide for prizes or payments to the candidates that have participated in the dialogue.

Article 38. (1) In the cases under Art. 90, Para 1, Item 11 and Art. 103, Para 2, Item 9 of the PPL, when the object of the public contract is the supply of goods, determined according to a list in the Annex to the Rules for implementation of the PPL, the public contract shall be concluded on the commodity exchange, on a separate commodity exchange auction under the order of the Law for the commodity exchanges and market-places.

(2) The list under Para 1 shall include:

1. code according to the Public Procurement Nomenclature;
2. name of the goods.

Article 39. In the decision for opening of negotiated procedure without publication of notice the contracting authorities shall also indicate the persons who will be invited to take part in the negotiation, except in the cases under Art. 90, Para 1, Item 11 and Art. 103, Para 2, Item 9 of the PPL.

Section IV

Exchange of Information between the Participants in the Process of the Award of Public Procurement Contracts

Article 40. (1) Reduction of the time limits under Art. 64, Para 3, Art. 76, Para 2, Art. 83b, Para 2, Art. 86, Para 2, Art. 104, Para 2, Art. 104a, Para 2 of the PPL shall be allowed only when the notice is completed online or is entered directly in the Public Procurement Register in XML format by an authorized user, identified by electronic signature.

(2) In the cases under Para 1 the notice shall be sent ex officio to the State Gazette by the officers under Art. 14, Para 1.

Article 41. (1) When the contracting authority provides for the opportunity for the receipt of tenders by electronic means or requests to participate by electronic means, by fax or by telephone, it shall indicate this circumstance in the contract notice or in the contract documents.

(2) The tenders and requests to participate which are sent by electronic means, shall be drawn up according to the requirements of the PPL for the electronic document and the electronic signature.

(3) The requests to participate received by fax and by telephone shall be entered by an officer authorized by the contracting authority in a register which includes the following:

1. registration number;
2. date and time of the receipt of the telephone call or the fax message;

3. information about the person submitting the request;

4. description of the document received by fax;

(4) The register under Para 1 shall be kept in electronic format and on paper.

Article 42. (1) When sending the requests to participate by fax, the candidates are obligated to tune in the fax machine in a way that allows the contracting authority to receive:

1. the number from which the request to participate is received;

2. date and time of dispatch;

(2) The requests to participate which do not include the information under Para 1, shall not be considered to be in order and shall not be entered into the register under Art. 41, Para 3.

(3) The request to participate received by fax shall be kept by the contracting authority together with the documents for the conduct of the procedure.

Article 43. In the cases under Art. 58a, Para 5 of the PPL, the decisions sent by fax, they shall be considered for regularly submitted, if they have been sent to the fax number indicated by the addressee and an automatically generated message confirming the dispatch has been received.

Article 44. (1) The contracting authorities shall be obligated to guarantee confidentiality of the information included in the requests to participate that have been received by fax or telephone.

(2) The authorized persons under Art. 41, Para 3 shall sign declaration under Art. 35, Para 3 of the PPL.

(3) In the case of occurrence of one of the circumstances under Art. 35, Para 1 of the PPL, with regard to the persons under Para 2, they shall be obligated to inform immediately the contracting authority, who shall designate another person.

Article 45. (1) When tenders or requests to participate are submitted by electronic means, the contracting authority shall be obligated to guarantee:

1. the integrity of the information provided;

2. the confidentiality of the tenders or requests to participate up to the moment of their opening.

(2) The tenders and requests sent by electronic means shall be accepted by the contracting authority after it has been confirmed by an electronic message to the sender, that they have been registered in its electronic system.

Article 46. (1) When the contracting authority provides the opportunity for the receipt of tenders or requests to participate by electronic means, it must have at its disposal the necessary equipment and software to allow for them to be received without disclosure of their contents. In this case, visible must be only the information Under Art. 41, Para 3, necessary for the tender or request to participate to be entered in the register.

(2) The tenders or requests to participate received under the order of Para 1 shall not be opened until the day set for their examination by the commission.

(3) The contracting authority shall authorize an officer who shall register and keep the requests to participate or tenders received by electronic means. The officer shall sign a declaration under Art. 35, Para 3 of the PPL.

Article 47. (1) The price offered as part of a tender submitted by electronic means, shall obligatorily be sent following the order for submission of the whole tender, with a separate electronic message, accompanied with a clarification that it is part of the respective tender.

(2) The price offer shall be entered in the Register under Art. 46, Para 1 and it shall be opened by the commission after examination of the tenders.

Section V
Public Procurement Contracts.

Article 48. (1) The persons selected as contractors must meet the requirements under Art. 47, Para 1, 2 and 5 of the PPL by the time of the conclusion of the public contract.

(2) The contracting authority shall terminate the procedure or shall select for contractor the tenderer ranked on second place, when the tenderer selected for contractor refuses to conclude the contract. The failure to appear within the time period set by the contracting authority, unless due to objective reasons shall also be considered for a refusal.

(5) When the contracting authority selects as a contractor the tenderer ranked on second place, it shall invite him/her in writing to conclude the public contract within a three-day period from the establishment of the circumstances under Para 2.

Article 49. (1) When the selected contractor is a non-personified group of natural and/or legal persons and the contracting authority has not provided in the notice the requirement for the establishment of a legal person, the public contract shall be concluded after the contractor presents before the contracting authority a certified copy of the declaration for tax registration and BULSTAT registration of the established group.

(2) In the cases under Para 1, if the group consists of foreign natural and/or legal persons, they shall present an equivalent document for registration in the country where they are established.

Chapter Five
OBSERVERS AT THE CONDUCT OF PUBLIC PROCUREMENT
PROCEDURES

Article 50. (1) When the executive director of the Agency designates on his/her initiative observers, he/she shall inform the contracting authority about this no later than ten days before the final date for the receipt of tenders or requests to participate in the respective procedure.

(2) The contracting authority may request that observers be present at a procedure conducted by it. In this case it shall send a request to the executive director of the Agency at least fourteen days before the commission starts its work.

(3) In the cases under Art. 2 the executive director of the Agency shall dispatch or refuse to dispatch observers and informs the contracting authority for his/her decision within a three-day period from the receipt of the request.

Article 51. (1) The observers shall be present at the work of the commission and have the right:

1. to free access to all documents connected with the conducted procedure;
2. to require reports and make extracts and copies of documents related to the conducted procedure.

(2) The observers shall be obligated:

1. to keep confidential the circumstances that have come to their knowledge in or in connection with the performance of their official duties.
2. to reflect objectively and accurately the facts and circumstances that they have established.

(3) The observers shall sign a declaration under Art. 35, Para 3 of the PPL.

(4) In the case of occurrence of one the circumstances under Art. 35, Para 1 of the PPL, the observers shall be obligated to inform immediately the executive director of the Agency.

(5) In the cases under Para 4 the executive director shall designate other observers.

(6) The observers do not have the right to take part in the work of the commission or to consult it.

(7) Within a period of one calendar year one and the same observer cannot take part in more than one procedure conducted by the same contracting authority.

Article 52. The contracting authority is obligated to inform the Agency at least three days beforehand about the date:

1. on which the commission will start its work;
2. for the conduct of every next session of the commission.

Article 53. When the observers establish a substantial violation of the PPL in the work of the commission, they shall inform in writing the contracting authority and the executive director of the Agency on the day the violation was established or on the next day at the latest.

Article 54. (1) Within a three-day period from the completion of the work of the commission, the observers shall draw up a report to the executive director of the Agency.

(2) When there have been established violations of the PPL, the respective proves are attached to the report, as well as extracts and certified copies of documents.

(3) The report under Para 1 may also include recommendations..

Article 55. (1) Within a three-day period from the receipt of the report of the observer, the executive director of the Agency shall draw up a statement regarding the work of the commission and shall send it to the contracting authority.

(2) When the statement under Para 1 includes recommendations for correction of violations, the contracting authority within a one-month period shall inform the executive director of the Agency for the measures taken by him, when he agrees with the recommendations made.

(3) In the cases when the statement under Para 1 includes conclusions of violations made, a copy of it shall be send the Commission for the Protection of Competition.

Chapter five ADMINISTRATIVE-PENAL PROVISIONS

Article 56. For violation of the Rules for the Implementation, the persons that have allowed the violation to be committed shall be punished under Art. 32 of the Law for the Administrative Violations and Penalties.

Article 57. (1) The statements for the establishing of the violations under the Rules for the Implementation shall be drawn up by officers of the Agency for State Financial Inspection within a time limit of six months form the day on the which the perpetrator is established but not later than three years from the commitment of the violation.

(2) The penal statements shall be issued by the minister of finance or by officers authorized by him.

(3) The establishing of the violations, the issue, appeal and execution of the penal statements shall be performed by the order of the Law for the Administrative Violations and Penalties.

Final provision

§. The Rules for Implementation shall be approved on the ground of § 150, Para 1 of Transitional and Final Provisions of the Law for Amendment of the Public Procurement Law.

Annex to Art. 38, Para 1

Code under the CPV	Description
01111100-9	Wheat
01111110-2	Durum wheat
01111120-5	Soft wheat
01111200-0	Maize
01111300-1	Rice
01111400-2	Barley
01111500-3	Rye
01111600-4	Oats
01121210-6	Beans
01121211-3	Broad beans
01121212-0	Green beans
01121213-7	Runner beans
02130000-4	Fuel wood
10000000-3	Coal, peat and other coal-related products
10100000-4	Coal and coal-based fuels
10110000-7	Coal
10120000-0	Coal-based fuels
10121000-7	Hard coal
10122000-4	Briquettes
10123000-1	Solid fuels
10124000-8	Fossil fuels
10125000-5	Wood fuels
14430000-4	Evaporated salt and pure sodium chloride.
14440000-7	Road salt
15111140-2	Beef carcasses
15112100-7	Fresh poultry
15113300-6	Pork carcasses
15411200-4	Cooking oil
15511100-4	Pasteurized milk
15612100-2	Wheat flour
15612110-5	Wholemeal flour
15612120-8	Breadmaking flour
15612130-1	Plain flour
15612150-7	Pastry flour
15612190-9	Self-raising flour
15831200-4	White sugar
15872400-5	Salt
20161100-3	Treated poles
20210000-1	Wooden boards and panels
21232300-1	Envelopes
23110000-1	Light and medium oils and derivate products
23111000-8	Kerosene and aviation fuel
23111100-9	Aviation kerosene

23111110-2	Kerosene jet type fuels
23111200-0	Unleaded petrol
23112000-5	Special spirits
23120000-4	Heavy oils and derivate products
23121000-1	Gas oils
23121100-2	Diesel oil
23121200-3	Diesel fuel
23122000-8	Fuel oils
23122100-9	Heating oil
23123000-5	Lubricating oils and lubricating agents
23123100-6	Motor oils
23123200-7	Compressor lube oils
23123300-8	Turbine lube oils
23123400-9	Gear oils
23123500-0	Reductor oils
23123600-1	Oils for use in hydraulic systems and other purposes
23123610-4	Liquids for hydraulic purposes
23123620-7	Mould release oils
23123630-0	Anti-corrosion oils
23123640-3	Electrical insulating oils
23123650-6	Brake fluids
23123700-8	White oils and liquid parafins
23123710-1	White oils
23123720-4	Liquid parafins
23130000-7	Petroleum oils and preparations
23132000-1	Light oils
23133000-8	Petroleum oils
23200000-9	Petroleum gases and other gaseous hydrocarbons, except natural gas
23210000-2	Propane and butane
23211000-9	Propane gas
23211100-0	Liquefied propane gas
23212000-6	Butane gas
23212100-7	Liquefied butane gas
24147200-8	Wood charcoal
24147300-9	Oils and products of the distillation of high-temperature coal tar, pitch and pitch tar
24331000-3	Printing ink
24661000-5	Greases and lubricants
24661100-6	Lubricants
24661110-9	Drilling mud
24661120-2	Silicon grease
24661130-5	Drilling fluids
27100000-6	Basic metals
27111000-6	Pig iron
27112000-3	Ferro-manganese products

27114000-7	Iron
27114100-8	Iron ingots
27115000-4	Steel
27120000-2	Steel alloy ingots
27140000-8	Bars and rods
27141000-5	Hot-rolled bars and rods
27152300-8	Hot-rolled railway materials
27152310-1	Rolled fishplates and sole plates
27152320-4	Rolled check rails
27152330-7	Rolled sleepers and cross-ties
27621100-5	Lead bars, rods, profiles and wire
27621200-6	Lead plates, sheets, strip and foil
27621300-7	Lead tubes, pipes and tube or pipe fittings
27621400-8	Lead powders and flakes
27622100-2	Zinc bars, rods, profiles and wire
27622200-3	Zinc plates, sheets, strip and foil
27622300-4	Zinc tubes, pipes and tube or pipe fittings
27622400-5	Zinc dust, powders and flakes
27623100-9	Tin bars, rods, profiles and wire
27623200-0	Tin plates, sheets, strip and foil
27623300-1	Tin tubes, pipes and tube or pipe fittings
27623400-2	Tin powders and flakes
27721000-5	Powders and flakes of copper
27722000-2	Copper bars, rods and profiles
27723000-9	Copper wire
27724000-6	Copper plates, sheets and strip
27521100-4	Powders and flakes of aluminium
27521200-5	Aluminium bars, rods and profiles
27521300-6	Aluminium wire
27521400-7	Aluminium sheets
27521500-8	Aluminium foil
27521600-9	Aluminium tubes, pipes and tube or pipe fittings
27521610-2	Aluminium tube or pipe fittings
27611000-1	Lead
27612000-8	Zinc
27613000-5	Tin
27821100-7	Nickel bars, rods, profiles and wire
27821200-8	Nickel plates, sheets, strip and foil
27821210-1	Nickel sheets
27821300-9	Nickel tubes, pipes and tube or pipe fittings
27821400-0	Nickel powders and flakes