Pursuant to Article 105, paragraph 7 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19),

The Public Procurement Office enacts the following

Instruction on how to send and publish public procurement notices

The instruction was published in the “Official Gazette of the Republic of Serbia”, no. 93/2020 of 1 July 2020, when it came into force, except for the provisions of item 5 of this Instruction, which apply from the date of accession of the Republic of Serbia to the European Union.

1. This Instruction regulates the manner of sending and publishing public procurement notices, as well as other issues of importance for publishing public procurement notices.

2. Public procurement advertisements shall be published on standard forms, the content of which is determined by the regulation governing the content of standard forms for publishing public procurement notices through the Public Procurement Portal.

Public procurement advertisements shall be published through the Public Procurement Portal.

3. The Public Procurement Portal enables contracting authorities to electronically compile and send for publication public procurement advertisements on standard forms.

Electronic compilation of public procurement advertisements involves entering data via an application on the Public Procurement Portal.

Contracting authorities shall enter the required information from the standard forms for publishing public procurement notices in the fields provided for that purpose, which offer a choice between the offered options or require the entry of information.

The contracting authority enters accurate and true data.

After entering the data required for compiling the advertisement, the contracting authority through the Public Procurement Portal creates an advertisement on public procurement on a standard form and sends it for publication on the Public Procurement Portal.

After entering the data required for compiling the public procurement announcement referred to in Article 105, paragraph 1, items 1) –4) of the Law on Public Procurement, in public procurement procedures whose estimated value is equal to or greater than 5,000,000 dinars, the contracting authority sends advertisements for publication on the Portal of Official Gazettes of the Republic of Serbia and the database of regulations, in the form available on the Public Procurement Portal.

Advertisements referred to in paragraph 6 of this item, which the procuring entity publishes on the Portal of the Official Gazettes of the Republic of Serbia and the database of regulations, shall not be sent via the Public Procurement Portal.

4. The public procurement announcement shall be published on the Public Procurement Portal on the next day from the day of sending the advertisement if the advertisement was compiled and sent for publication by 8 pm.

Irrespective of the day of compiling the public procurement advertisement, the contracting authority may choose the day of sending the advertisement for publication, which may be the same or the next day from the day of compiling the advertisement.

The day of compiling, the day of sending and the day of publishing the public procurement announcement can be a working day or a non-working day.

Corrections or withdrawals of public procurement notices as well as the accompanying documentation, if any, are possible no later than 8 pm on the day preceding the day of publication of the public procurement announcements.

Notwithstanding paragraph 1 of this item, the notification on the submitted request for protection of rights shall be published on the Public Procurement Portal on the same day when it was sent for publication.

5. Public procurement notices for public procurements whose estimated value is equal to or greater than the amount of European thresholds shall also be published in the “Official Journal of the European Union”.

The data referred to in paragraph 1 of this item shall be sent to the Publications Office of the European Union, and shall be published free of charge on standard forms.

Compilation and sending of advertisements referred to in paragraph 1 of this item for publication in the “Official Journal of the European Union” is carried out exclusively through the Public Procurement Portal, in accordance with item 4 of this Instruction.

The day of sending the announcement referred to in paragraph 1 of this item for publication on the Public Procurement Portal shall be considered the day of sending the announcement on public procurement for publication in the “Official Journal of the European Union”.

The contracting authority is informed through the Public Procurement Portal about the receipt of the announcement, the publication of the announcement, the date of sending and the date of publication of the announcement about the public procurement.

The public procurement notice sent for publication to the Publications Office of the European Union shall not be published on the Public Procurement Portal before its publication in the “Official Journal of the European Union”.

Notwithstanding paragraph 6 of this item, the public procurement notice shall be published on the Public Procurement Portal if the contracting authority is not notified of the publication of the announcement within 48 hours of receiving the notice of receipt of the announcement in accordance with paragraph 5 of this item.

The public procurement advertisement published on the Public Procurement Portal contains only data from the advertisement sent to the Publications Office of the European Union or published on the profile of the contracting authority and states the date of sending the advertisement to the Publications Office of the European Union or the date of publication on the contracting authority’s profile.

The advertisement referred to in paragraph 1 of this item shall be published in the “Official Journal of the European Union” in its entirety in the Serbian language and Cyrillic alphabet, and only that text of the advertisement shall be the authentic text of the public procurement advertisement.

Important elements of public procurement advertisements are published in all official languages ​​of the European Union.

The contracting authority that intends to publish in the “Official Journal of the European Union” a public procurement notice for public procurement whose estimated value is less than the amount of European thresholds, shall act in accordance with this point.

This point does not apply to the notice on the implementation of the negotiated procedure without publishing a public invitation and the notice on the submitted request for protection of rights.

6. Each public procurement advertisement, related documentation, as well as other documents that are published, remain publicly available on the Portal for review and download to the Users of the Portal for at least five years from the date of publication of the public procurement advertisement, after which they are archived.

Each public procurement advertisement and related documentation are available in the archives of the Public Procurement Portal for review and download by the competent authorities for at least five years from the date of publication.

7. Public procurement advertisement for public procurement procedures initiated in accordance with the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 124/12, 14/15 and 68/15), contracting authorities shall publish on the Public Procurement Portal whose work in accordance with the provisions of that law.

8. This Instruction shall enter into force on 1 July 2020, except for the provisions of item 5 of this Instruction which shall apply from the date of accession of the Republic of Serbia to the European Union.

Number 011-00-55/2020-1

In Belgrade, dated 1 July 2020

Acting Director,

**Sandra Damčević**, personally signed