Pursuant to Article 49, paragraph 2 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19), the *(enter the name and position the manager and name of the contracting party)* enacts the following:

# RULES ON THE DETAILED REGULATION OF PUBLIC PROCUREMENT PROCEDURES, PROCUREMENTS TO WHICH THE LAW DOES NOT APPLY AND PROCUREMENTS OF SOCIAL AND OTHER SPECIAL SERVICES

# *(Enter the name of the contracting authority)*

# Subject matter

Article 1

This Rulebook regulates in more detail the way of planning, conducting public procurement procedures and monitoring the execution of public procurement contracts, the way of planning and implementing procurements to which the Law on Public Procurement (hereinafter referred to as: the Law) does not apply, as well as procurements of social and other special services, as a special procurement regime, *(enter the name of the contracting authority).*

# Terms

Article 2

Certain terms used in this Rulebook shall have the following meanings:

1. Public procurement is a procurement based on a contract on the public procurement of goods, services or works that is procured by one or more public contracting entities from economic entities selected by those contracting entities, regardless of whether the goods, services or works are intended for public purposes, i.e., the procurement of the basis of the contract on the public procurement of goods procured by one or more sectoral contracting entities from private entities selected by those contracting entities, provided that the goods, services or works are intended for the performance of some sectoral activity;
2. Procurement is the procurement that is exempt from the application of the Law, i.e., procurement to which the provisions of the Law do not apply, except for the principles of the Law in a manner that is appropriate to the circumstances of the specific procurement and that is carried out in accordance with the provisions of this rulebook;
3. Procurement of social and other special services is public procurement of services listed in Annex 7 of the Law, for which the Law prescribes a special procurement regime;
4. The procurement plan is a record of all procurements to which the provisions of the Law do not apply, the execution of which is planned by the contracting authority on an annual basis and which contains the elements prescribed by this rulebook.

Other terms used in the rulebook have the meaning specified in Article 2 of the Law.

# Objectives of the rulebook

Article 3

The objectives of this rulebook are to ensure the implementation of public procurement procedures in accordance with the Law and by-laws adopted for the purpose of implementing the Law, the implementation of procurement procedures to which the Law does not apply in accordance with the principles prescribed by the Law, ensuring the timely procurement of goods, services and works in an economical and efficient manner. way, and in accordance with the objective needs of the contracting authority.

# The method of planning public procurements and procurements to which the provisions of the Law do not apply

Basic provisions

Article 4

The Contracting Authority adopts the annual public procurement plan, which contains the data prescribed by the Law.

The public procurement plan consists of all public procurements whose implementation is planned in the current budget year.

The Contracting Authority also enacts an annual procurement plan to which the provisions of the Law do not apply, which contains the data prescribed by this rulebook.

The procurement plan consists of all procurements to which the provisions of the Law do not apply, based on the exceptions prescribed in Articles 11-21 of the Law and acquisitions whose estimated value is lower than the thresholds prescribed by Article 27, paragraph 1 of the Law, the implementation of which is planned in the current year.

**Planning criteria**

Article 5

When planning each public procurement, as well as procurements to which the provisions of the Law do not apply, the following criteria are particularly taken into account:

1. whether the subject matter of procurement is in the function of carrying out activities and in accordance with the planned goals defined in the relevant documents (regulations, standards, annual business program, adopted action plans and other planning documents, protocols, etc.);
2. whether the technical specifications and quantities of a specific item of procurement correspond to the actual needs of the contracting authority, that is, the end user;
3. whether the estimated value of the public procurement is appropriate with regard to the objectives of the procurement, taking into account the technical specifications, the necessary quantities and the state of the market;
4. whether additional costs are created during procurement, what is the amount and what is the nature of those costs;
5. whether there are other possible solutions to satisfy the same need and what are the advantages and disadvantages of those solutions compared to the existing ones;
6. inventory status, monitoring and analysis of indicators related to the consumption of goods (daily, monthly, quarterly, annually, etc.);
7. collection and analysis of existing information and databases on selected bidders and concluded contracts;
8. monitoring and comparing the costs of maintenance and use of existing equipment in relation to the costs of purchasing new equipment, the profitability of the investment, the profitability of overhauling the existing equipment, etc.;
9. environmental advantages of the procurement object, energy efficiency and life cycle costs (acquisition cost, use and maintenance costs, as well as disposal costs after use);
10. risks and costs in case of non-implementation of the procurement procedure of goods, services or works, as well as the costs of alternative solutions.

**Participants in procurement planning**

Article 6

Representatives of all organisational units of the contracting authority participate in the planning of public procurements and procurements to which the Law does not apply.

The process of drawing up a public procurement plan and procurements to which the Law does not apply is initiated by the responsible person of the contracting authority by giving an order to the head of the organisational unit whose responsibility is public procurement.

**Method of expressing and determining the needs**

Article 7

The head of the organisational unit whose responsibility is public procurement submits a request for the statement of needs for the following year to the heads of all other internal organisational units of the contracting authority.

All internal organisational units of the contracting authority shall submit in writing data on the needs for the following year, within the deadline specified in the request for expressing the needs.

The needs must be expressed in appropriate quantitative units, described characteristics, quality, with the expressed dynamics of needs and an explanation of the reasons and expediency of the procurement.

After collecting the expressed needs, the head of the organisational unit in whose jurisdiction are public procurement affairs consolidates them and checks them in relation to the criteria for planning.

If inconsistencies with the planning criteria are observed during the check, the organisational units whose expressed needs have identified inconsistencies are notified in writing about them and invited to eliminate them within a certain period.

After checking the stated needs, the organisational unit in charge of public procurement determines the proposal of the contracting authority's real needs and submits it to the responsible person of the contracting authority, and if necessary to other persons determined by the responsible person of the contracting authority.

The responsible person of the contracting authority decides on the actual needs of the contracting authority for goods, services and works.

**Market research**

Article 8

Based on the established needs for goods, services and works for the implementation of the planned activities of the contracting authority, the organisational unit whose competence is public procurement and the organisational unit that is the beneficiary of subject matter of the procurement, i.e., that expressed the need for procurement in the planning process, determine the specifications of the required goods and services and works.

The established specifications are the basis for market research.

Article 9

The market research is carried out by the organisational unit that is the beneficiary of the procurement subject matter, that is, that expressed the need for procurement in the planning process and/or other experts who, on the proposal of this organisational unit, designates the responsible person of the contracting authority.

Market research is conducted for the purpose of preparing the public procurement procedure and informing business entities about the contracting authority's plans and requirements related to procurement.

Article 10

Market research is carried out by collecting data from available databases and advertisements, via the Internet (price lists and catalogues of economic entities, websites of institutions responsible for collecting and publishing relevant data on market trends), examining previous experiences in procurement of the same procurement subject matter, examining the experiences of other contracting authorities, by collecting data through the Public Procurement Portal, surveys and questionnaires and in other suitable ways depending on the specifics of the subject of procurement, the quantity and type of goods, services and works.

A report is drawn up on the conducted market research, which in particular contains data on prices and their movement on the market, the availability of the necessary goods, services and works, their quality and warranty period, maintenance conditions, distribution channels, a list of potential suppliers for each item of procurement with

their characteristics, a description of the state of competition on the market of the subject matter of procurement and other relevant data.

All documents created during the market research (documents and information collected using electronic means of communication, e-mails exchanged with market participants, other contracting authorities, minutes, etc.) are attached to the report on the conducted market research and are kept together with it.

**Establishing the estimated value**

Article 11

Based on the results of the market research, the estimated value of the required items of procurement is determined for the purpose of drafting a proposal for a public procurement plan and a procurement plan.

**Preparation of proposals for public procurement plans and procurements to which the Law does not apply**

Article 12

All organisational units of the contracting authority are obliged to provide professional assistance and necessary explanations to the organisational unit in charge of public procurement affairs when preparing proposals for public procurement plans and procurement plans to which the Law does not apply.

Organisational unit whose responsibility is public procurement affairs in the process of preparing a public procurement plan proposal:

* determines the type of subject matter of public procurement;
* determines the type of public procurement procedure for each public procurement;
* determines the CPV designation of the subject matter of public procurement from the general dictionary of procurement;
* proposes that certain procurements be carried out together with other contracting authorities, i.e., proposes to the responsible person of the contracting authority to make a decision authorising the other contracting authority to carry out the public procurement procedure on behalf and for the account of the contracting authority or undertake certain actions in that procedure;
* proposes the implementation of reserved public procurement, if it is expedient and justified;
* performs other tasks on the order of the responsible person of the contracting authority.

The organisational unit referred to in paragraph 2 of this Article, in cooperation with the organisational unit that is the beneficiary of the procurement subject matter, i.e., that expressed the need for procurement, in the process of preparing the public procurement plan proposal:

* decides on the division of public procurement items into parties;
* proposes the duration of the contract;
* determines the estimated value of the public procurement, as well as the estimated value of each lot if the subject of the public procurement is formed by lots;
* determines the estimated value of the framework agreement, dynamic procurement system and innovation partnership;
* determines the approximate time for starting the public procurement procedure.

The organisational unit referred to in paragraph 2 of this article, in the process of preparing the procurement plan to which the Law does not apply, checks the existence of grounds for exemption and determines the type of procurement subject matter, while in cooperation with the organisational unit that is the beneficiary of the procurement subject matter, that is, which has expressed the need for procurement, determines the estimated value of the procurement, the estimated time of initiation of the procurement procedure, the duration of the contract, and performs other tasks at the behest of the responsible person of the contracting authority.

**Adoption and publication of the public procurement plan and adoption of the procurement plan to which the Law does not apply**

Article 13

The organisational unit whose responsibility is public procurement issues submits a prepared proposal for a public procurement plan and procurements to which the Law does not apply to the responsible person of the contracting authority, for approval.

The proposal of the public procurement plan contains all the data stipulated by the Law.

After the adoption, the Public Procurement Plan is prepared on the Public Procurement Portal (hereinafter referred to as: the Portal).

After entering the data, the Public Procurement Plan is sent for publication.

The Procurement Plan to which the Law does not apply contains, in particular, the following information:

* type of procurement subject matter;
* procurement subject matter and designation from the general procurement dictionary;
* legal basis for exemption from the application of the Law;
* estimated procurement value;
* approximate time of initiation of the procedure.

The contracting authority publishes the procurement plan to which the Law does not apply on its website.

After the adoption and publication of the Public Procurement Plan, as well as after the adoption and publication of the Procurement Plan to which the Law does not apply, the organisational unit responsible for public procurement shall inform the managers of all other organisational units of the contracting authority.

# Communication in the public procurement procedure

Article 14

Communication and data exchange in the public procurement procedure is carried out by electronic means on the Portal in the manner determined by Article 45 of the Law and the Instructions for the Use of the Public Procurement Portal (“Official Gazette of the Republic of Serbia”, No. 93/20).

In cases where the Law stipulates that communication and exchange of data by electronic means on the Portal is not mandatory, in accordance with Article 45, paragraph 3 of the Law, the submission of parts of bids, applications, plans or designs (hereinafter referred to as: parts of bids) is done through the registry office, where mail is received, filed, distributed and delivered to the organisational units of the contracting authority.

In exceptional, especially justified cases, when the communication between the contracting authority and business entities in the public procurement procedure in accordance with Article 46 of the Law is carried out orally, the recording of the oral communication shall be done by means of an audio recording, and if this is not possible, the persons who carried out the oral communication shall to make an official note or minutes without delay, in which the content of the oral communication is entered.

Article 15

In the registry office, mail is received by an employee in charge of receiving mail, in accordance with the schedule of working hours.

Received mail is recorded in the appropriate records on the same day it was received and under the date it was received and is immediately delivered to work.

Received parts of bids in the public procurement procedure, as well as amendments and revocations of these parts of the bids, are recorded at the moment of receipt and on each part of the bid, i.e., changes, additions or revocation of a part of the bid, the date and exact time of receipt must be indicated.

If the employee in charge of receiving mail determines irregularities when receiving part of the offer (e.g., part of the bid was not marked as part of the offer, which is why it was opened by the employee in charge of receiving mail, an open or damaged envelope, a box with samples, etc. was delivered), he or she is obliged is to make a note about it and submit it to the public procurement commission, i.e., to the person appointed by the contracting authority in accordance with Law (hereinafter referred to as: the person conducting the procurement).

The received parts of the bids are kept by the employee in charge of receiving mail, in closed envelopes until the bids are opened, when they are handed over to the public procurement committee, i.e., the person conducting the procurement.

Receipt of partial bids is confirmed by the signature of the member of the public procurement commission, that is, the person conducting the procurement, in a separate record of received partial bids.

Employees who had access to the data on the submitted parts of the bids are obliged to keep the names of business entities, bidders, candidates, as well as the data on the submitted parts of the bids, as a business secret, until the bids are opened.

# The manner of conducting the public procurement procedure

# Conditions for initiating the procedure

# Article 16

The request for the initiation of the public procurement procedure is submitted in writing by the organisational unit of the contracting authority that is the beneficiary of the procurement subject matter, that is, that expressed the need for procurement during the planning process.

The organisational unit referred to in paragraph 1 of this article shall check the validity of the estimated value of the public procurement before making a request to start the public procurement procedure and shall state the data on the result of the check in the request itself.

The request for the initiation of the public procurement procedure is submitted to the organisational unit whose competence is public procurement affairs in a timely manner, taking into account all the actions that are necessary to be undertaken in order to enable the initiation of the procedure within the period indicated in the Public Procurement Plan for the initiation of the procedure.

The organisational unit responsible for public procurement prepares a proposal for a decision on the implementation of the public procurement procedure.

**Making a decision on the implementation of the public procurement procedure**

Article 17

The decision on the implementation of the public procurement procedure, which contains all the necessary elements prescribed by the Law, is made by the responsible person of the contracting authority.

**Implementation of the public procurement procedure**

Article 18

The Commission for Public Procurement, i.e., the person conducting the procurement, conducts the public procurement procedure through the Portal in the manner prescribed by the provisions of the Law and by-laws adopted for the purpose of implementing the Law.

During the implementation of the open procedure for the public procurement of goods and services whose estimated value is lower than 10,000,000.00 dinars and the public procurement of works whose estimated value is lower than 30,000,000.00 dinars, the public procurement commission, i.e. the person conducting the procedure simultaneously with by sending a public call for publication via e-mail on the Portal, sends an invitation to submit a bid to economic entities that, according to the contracting authority’s knowledge, are capable of performing the procurement.

Data on business entities referred to in paragraph 2 of this article shall be submitted to the public procurement commission, i.e., to the person conducting the procurement, by the organisational unit of the contracting authority that is the beneficiary of the procurement subject matter, i.e., that expressed the need for procurement during the planning process.

# Obligations and responsibilities of persons and organisational units of the contracting authority

Article 19

... *(enter the name of position of the responsible person at the contracting authority)* is responsible for making the decision on the implementation of the public procurement procedure, the decision ending the public procurement procedure and the conclusion of the contract on public procurement.

The organisational unit responsible for the implementation of public procurement procedures and the organisational unit that is the beneficiary of the procurement subject matter, that is, that expressed the need for procurement in the planning process, are responsible for determining the estimated value of public procurement.

The public procurement commission, i.e., the person conducting the procurement, ensures the legality of the public procurement procedure.

Acts in the public procurement procedure are prepared by the public procurement commission, i.e., the person conducting the procurement.

The criteria for the qualitative selection of a business entity in the public procurement procedure are determined by the public procurement commission, i.e., the person conducting the procurement, in accordance with the technical specification.

The technical specifications of the public procurement of goods and services are determined by the public procurement commission, i.e., the person conducting the procurement, on the proposal of the organisational unit that is the beneficiary of the procurement, i.e., which expressed the need for procurement in the planning process.

In case of need, the commission for public procurement, i.e., the person conducting the procurement, in order to prepare the technical specification, may seek the advice of independent experts, competent authorities or other economic entities, provided that this does not violate the principles of ensuring competition and prohibition of discrimination and equality of economic entities.

Technical specifications, as a mandatory part of the tender documentation, are determined in a way that will enable the real needs of the contracting authority to be met while at the same time enabling a wide range of business entities to submit acceptable offers.

Technical specifications must not be set in such a way as to give advantage to a certain bidder or group of bidders, that is, to prevent the participation of other bidders in the procedure.

The technical specification for the public procurement of works consists of complete technical documentation that is necessary for business entities to make an offer in the procedure of public procurement of works.

The criteria for awarding the contract, as well as the methodology for assigning weights for each criterion, the way of stating, describing and evaluating the criteria in the tender documentation, are determined by the public procurement commission, i.e., the person conducting the procurement, at the proposal of the organisational unit that is the beneficiary of the procurement subject matter, i.e., which expressed the need for procurement in the planning process, taking into account the type of public procurement subject, its technical complexity, the duration of the contract, the value of the public procurement, etc.

The contract model is drawn up by the public procurement commission, i.e., the person conducting the procurement.

In the process of protecting the rights of the public procurement commission, that is, the person conducting the procurement, are responsible for acting within the deadlines and according to the procedure prescribed by law.

When determining technical specifications, criteria for the qualitative selection of a business entity and criteria for awarding a contract, drawing up a model contract, preparing a response to a request for additional information or clarification regarding procurement documentation, as well as in the case of a submitted request for the protection of rights, all organisational units the contracting authority is obliged to provide professional assistance within the scope of their competence upon written request of the public procurement commission, i.e., the persons conducting the procurement.

If the organisational unit referred to in paragraph 14 of this article does not respond to the written request for providing expert assistance, the public procurement commission, i.e., the person conducting the procurement, will inform the responsible person of the contracting authority about it, in order to take the necessary measures in order to effectively prepare and implement the public procurement procedure.

The Commission for Public Procurement, i.e., the person conducting the procurement, is responsible for monitoring the validity period of the financial security for the seriousness of the offer and acting in the event of the need to extend the validity period of the security until the conclusion of the public procurement contract.

After the conclusion of the contract, the organisational unit responsible for public procurement and the persons in charge of monitoring the execution of the specific contract are responsible for monitoring the validity period of the financial security for the performance of contractual obligations and acting in the event of the need to extend the validity period of the security.

The Commission for Public Procurement, i.e., the person conducting the procurement, is responsible for collecting evidence about bidders who submitted false data in the public procurement procedure necessary for checking the grounds for exclusion or criteria for the selection of a business entity, as well as bidders who were unable to submit evidence of fulfilment of criteria for the qualitative selection of a business entity in accordance with the Law.

Evidence referred to in paragraph 18 of this article is submitted by the public procurement commission, i.e., the person conducting the procurement to the organisational unit in charge of public procurement.

# Establishing confidentiality

Article 20

The responsibility for determining the confidentiality of data is ………………. *(Enter the name of the function of the responsible person of the contracting authority)*, who for each specific procurement provides information on confidential data to the members of the public procurement commission, i.e., to the person conducting the procurement.

# Procurements to which the Law does not apply

# Basic provisions

# Article 21

When conducting procurements to which the Law does not apply, the estimated value of which is lower than the amount of the thresholds prescribed in Article 27 of the Law, as well as when conducting procurements that are exempted from the application of the Law based on Articles 11-21 of the Law, the contracting authority is obliged to act in accordance with the principles regulated by the Law (the principle of efficiency and economy, the principle of ensuring competition and the prohibition of discrimination, the principle of transparency of the public procurement procedure, the principle of equality of economic entities and the principle of proportionality), and in the manner regulated by the Law.

**Purchases whose estimated value is less than the amount of the thresholds prescribed in Article 27 of the Law**

Article 22

The procurement procedure whose estimated value is less than the amount of the thresholds prescribed in Article 27 of the Law are implemented by the person in charge of implementation of the procurement procedure.

The person in charge of the contracting authority may decide to establish a commission for the purposes of implementing the specific procurement procedure.

The person responsible for the implementation of procurement procedures, i.e., the commission, if it is formed for the purposes of implementing a specific procurement procedure, draws up an invitation for the submission of bids, which is signed by the responsible person of the contracting authority.

If the organisational unit that is the beneficiary of the procurement subject matter, that is, which expressed the need for procurement in the planning process, determines that tender documentation is needed for the implementation of a certain procurement procedure, the person responsible for the implementation of procurement procedures, i.e., the commission, prepares the tender documentation.

Data on business entities that are capable of making a purchase, with an explanation of how they came to know about them, is submitted by the organisational unit that is the beneficiary of the procurement subject matter, i.e., that expressed the need for the purchase during the planning process, to the person responsible for the implementation of the procurement procedure, i.e., the commission.

The invitation to submit bids with the bid form, i.e., with tender documentation if it has been prepared for a specific procurement procedure, is sent to the addresses of at least three economic entities that, according to the contracting authority’s knowledge, are capable of performing the procurement, except in justified situations when the subject of procurement on the market offers only one business entity.

The invitation to submit bids, the bid form, that is, the tender documents contain all the data and requirements necessary for the preparation of bids, implementation and execution of procurement.

The contracting authority will publish the invitation to submit bids, the bid form, or tender documentation on its website.

Bids are submitted in the manner and within the time limit specified in the invitation to submit bids, electronically or through the registry office.

The contracting authority can negotiate the price with the bidders who have submitted bids.

Purchases whose estimated value is less than the amount of the thresholds prescribed in Article 27 of the Law, the contracting authority may conclude a contract or framework agreement with the selected bidder or issue a purchase order.

Procurements that are exempted from the application of the Law based on Article 11-21 of the Law

Article 23

Procurements that are exempted from the application of the Law based on Article 11 are carried out by the contracting authority in procurement procedures established by an international agreement, i.e., by international organisations, within the meaning of paragraph 1, items 1) and 2) of the aforementioned article, that is, in procurement procedures determined by an international organisation or financial institution, in the sense of paragraph 2 of the same article of the Law.

For purchases that are exempted from the application of the Law based on Articles 12, 14 and 16, and whose estimated value is equal to or greater than 5,000,000.00 dinars, the person responsible for the implementation of procurement procedures or commissions, if the responsible person of the contracting authority is trained for the needs of the implementation of the procurement, prepare tender documents that contain all data and requirements necessary for the implementation and execution of the procurement in accordance with the regulations, depending on the subject matter of the procurement.

The invitation to submit bids and tender documents for procurement from paragraph 2 of this article are published on the website of the contracting authority, and the person responsible for the implementation of procurement procedures, i.e., the commission, simultaneously with the publication, sends invitations and tender documents to the addresses of business entities that, according to the knowledge of the contracting authority, are capable of making the procurement.

For procurements whose estimated value is below the amount referred to in paragraph 2 of this article, the person responsible for the implementation of the procedure or the committee draws up an invitation to submit bids, which is signed by the responsible person of the contracting authority and which is sent to the addresses of economic entities that, according to the knowledge of the contracting authority, are capable of performing the procurement.

In the case of the need for purchases that are exempt from the application of the Law based on Article 12, paragraph 1, item 11) and Articles 13, 17 and 18, the contracting authority does not publish the invitation and tender documentation on its website, regardless of the estimated value of the procurement, but addresses directly the holder of the exclusive right, i.e., the related entity for the purpose of concluding the contract.

For procurements that are exempted from the application of the Law based on Art. 20-21 of the According to the law, the ordering party directs the call for tenders to economic entities that, according to his knowledge, are capable of performing the procurement.

Bids are submitted in the manner specified in the call for bids and tender documentation, electronically or through the registry office.

The contracting authority can negotiate the price with the bidders who have submitted bids.

After the implementation of the procurement procedure, which is exempted from the application of the Law based on Article 11 of the Law, depending on the value of the procurement, the nature and purpose of the procurement subject, the contracting authority may conclude a contract or framework agreement with the selected bidder or issue a purchase order.

The contracting authority may decide to, in accordance with Article 109, paragraph 5 of the Law, publish a notice for voluntary prior transparency, for procurements carried out based on the provisions of Articles 11-21 of the Law, and may also publish a notification on the contract award.

# Social and other special services

Article 24

The contracting authority can award a contract or framework agreement for social and other special services listed in Annex 7 of the Law, in accordance with the provisions of the Law and this Rulebook.

In the case of the need to procure services from paragraph 1 of this article, the contracting authority shall conduct an open procedure, a restrictive procedure, a competitive procedure with negotiation or a negotiation procedure without publishing a public invitation.

The contracting authority is obliged to act in accordance with the principles of public procurement, especially the principle of transparency of the public procurement procedure, the principle of ensuring competition and prohibition of discrimination, the principle of equality of economic entities and the principle of economy and efficiency in the process of awarding contracts and framework agreements.

The contracting authority determines appropriate deadlines for submission of bids and applications, especially taking into account the complexity of the procurement subject and the time required to prepare applications and bids.

Appropriate deadlines for submitting bids and applications cannot in any case be shorter than .............. *(The contracting authority enters the appropriate deadline)* days from the day of sending the public call for publication, i.e., sending the call for submission offer, in the case of a negotiation procedure without publication of a public invitation.

In the case of social and other special services, the estimated value of which is less than

15,000,000 dinars, the contracting authority acts in accordance with the provisions of this rulebook that refer to procurements whose estimated value is less than the amount of the thresholds prescribed in Article 27 of the Law. Law.

# Funds for the implementation of public procurement contracts, framework agreement or purchase order

Article 25

After making a decision on awarding a contract, framework agreement or issuing a purchase order, and before concluding a contract, framework agreement or issuing a purchase order, the head of the organisational unit in whose jurisdiction are financial affairs agrees that the contracting authority has secured funds for the realisation of a specific public procurement, i.e., procurement.

# Manner of monitoring the execution of a public procurement contract

Rules of communication with the other contracting party in connection with the execution of the contract

Article 26

Communication with the other contracting party (hereinafter referred to as: the selected bidder), in connection with the execution of the public procurement contract, takes place in writing, that is, by mail, e-mail or fax.

Communication with the selected bidder in connection with the execution of the public procurement contract can be carried out by the members of the commission for qualitative and quantitative reception or a person authorised by the responsible person of the contracting authority.

Immediately after the conclusion of the contract on public procurement, the contracting authority informs the selected bidder about the contact information of the person from the previous paragraph of this Article.

In exceptional cases, when written communication is not possible due to technical impossibility, and reasons of urgency dictate that communication regarding the execution of the contract be carried out without delay, communication with the selected bidder can also be done orally, and a written note is drawn up and signed without delay members of the commission for qualitative and quantitative reception, i.e., a person authorised by the responsible person of the contracting authority and an authorised representative of the bidder.

Designation of persons for monitoring the execution of public procurement contracts

Article 27

After the conclusion of the contract on public procurement, the person in charge of the contracting authority makes a decision on the formation of the commission for receiving goods and services.

The decision on the formation of the commission for the reception of goods and services determines the tasks of the commission.

During the education of the committee for the acceptance of goods and services, the person in charge of the contracting authority is obliged to take care that the professional competence of the members of the committee is logically related to the nature and specifics of the subject matter of the contract.

The commission referred to in paragraph 1 of this Article shall also perform other necessary actions in connection with monitoring the execution of public procurement contracts.

The responsible person of the contracting authority by decision forms a commission for the acceptance of works, after the conclusion of the contract, i.e., after obtaining a positive report of the commission for the technical inspection of the works (if it is about works for which the regulations governing the field of planning and construction stipulate the obligation of a technical inspection of the works),

formed by the competent authority, in accordance with the regulations governing the field of planning and construction.

Criteria, rules and method of checking the quantity and quality of delivered goods, provided services or performed works

Article 28

The commission for receiving goods and services, i.e., works, checks:

* whether the quantity of delivered goods, services provided or works performed corresponds to the contracted amount;
* whether the type and quality of delivered goods, provided services or performed works correspond to the agreed, that is, whether they are in accordance with the required technical specifications and the selected offer.

Checking the quality and quantity of contracted works, during execution and after completion of works, is carried out by providers of expert supervision and technical inspection services.

Document on the completed receipt of goods, services or works Article 29

The members of the commission for the receipt of goods, services or works draw up a record of the receipt of goods, services or works, which confirms the receipt of a certain quantity and the requested type of goods, services or works, receipt of the necessary documentation (contract, delivery note, test report, certificates, etc.), as well as that the delivered goods, services or works correspond in all respects to the agreed.

The minutes shall be signed by the members of the commission referred to in paragraph 1 of this Article and the authorised representative of the selected bidder and shall be made in two identical copies, of which one copy shall be retained by each contracting party.

The minutes of receipt of goods, services or works make an integral part of the documentation for the execution of the contracted financial obligations of the contracting authority, as a contracting party.

Rules of procedure in the case of complaints related to the execution of the contract Article 30

In the case when, during the reception of goods, services or works, it is determined that the quantity or quality of the delivery does not correspond to the agreed upon, the reception commission will not perform the reception and draw up a record of receipt, but rather draw up and sign a complaint record, in which it is stated that the delivery is not in in accordance with the contract.

The complaint record is also signed by the authorised representative of the selected bidder, who receives a copy of the record.

Complaint handling is governed by a contract, in accordance with the law governing contractual relationships and other regulations governing this area.

The Commission has the option of receiving a partial delivery, provided that this part of the delivery corresponds to the agreed quality and that the agreed payment is not conditional on the complete delivery.

The members of the commission and the authorised representative of the selected bidder, after removing the objections given during the receipt, sign the receipt minutes.

Rules of the procedure for performance of the contracted means of financial security

Article 31

The organisational unit responsible for public procurement deals with compliance with the contractual obligations of the selected bidder in terms of financial security.

After delivery of the contracted means of financial security, the organisational unit referred to in paragraph 1 of this article checks their correctness.

The means of financial security are handed over for safekeeping to the organisational unit in whose jurisdiction is the performance of financial affairs.

The organisational unit referred to in paragraph 1 of this article monitors the occurrence of circumstances that require an extension of the validity period of the submitted financial security funds and takes care of undertaking activities aimed at returning the financial security funds to the selected bidder.

In the event that the reasons for the realisation of the contracted means of financial security are determined, the organisational unit from paragraph 1 of this article checks the fulfilment of the conditions for the realisation of the contracted means of financial security.

If the conditions for the performance of the contracted means of financial security are met, the means in question is submitted to the bank for collection.

The organisational unit in whose jurisdiction is the performance of financial affairs keeps records of realised contracted means of financial security, on which it prepares an annual report.

Report on the execution of the contract, that is, the framework agreement

Article 32

On the basis of the records of qualitative and quantitative acceptance, drawn up by the commission from Article 28 of this rulebook, the organisational unit responsible for public procurement issues a report on the execution of the contract, i.e., the framework agreement, which contains a description of the course of contract execution, the percentage of contract execution, observed problems during the execution of the contract and possible proposals for measures to improve the planning procedure, preparation of the public procurement procedure and execution of the contract.

The report referred to in paragraph 1 of this article is submitted to the organisational unit that is the beneficiary of the procurement subject matter, that is, that expressed the need for procurement in the planning process and to the responsible person of the contracting authority.

The provisions of Articles 27 - 32 of this Rulebook also refer to the monitoring of the execution of contracts, framework agreements or purchase orders, which were concluded after the implementation of the procurement procedure to which the Law does not apply.

# Determining the indicators for evaluating the efficiency of the planning process, implementation of procedures and monitoring of contract execution

Article 33

The indicators on the basis of which the effectiveness of the planning procedure, implementation of public procurement procedures, procurement procedures to which the Law does not apply and monitoring of contract execution are evaluated are:

* number of suspended procedures;
* number of planned procedures that were not implemented;
* number of procedures in which no offer was submitted;
* number of procedures in which only one bid was submitted;
* number of submitted requests for the protection of rights;
* number of adopted requests for the protection of rights;
* number of public procurement procedures that were partially or completely annulled by the Republic Commission for the Protection of Rights in Public Procurement Procedures;
* number of terminated contracts;
* number of contracts in which the contracted collateral was implemented, etc.

Based on the established indicators in the public procurement procedures carried out during the year, the organisational unit responsible for public procurement works in cooperation with the managers of other organisational units of the contracting authority compiles an analysis of the effectiveness of the planning, implemented public procurement procedures and concluded contracts.

In the case of an increase in the number of established indicators, the efficiency analysis necessarily contains an explanation of the possible causes of the specific situation and a proposal for measures to improve the specified business processes of the contracting authority.

An efficiency analysis with a proposal for improvement measures is submitted to the responsible person of the contracting authority in order to take appropriate measures within his jurisdiction.

# Transitional and final provisions

Article 34

On the day of the start of application of this rulebook, it ceases to be valid ( *enter*

*name, number and date of the previous rulebook)*.

This regulation enters into force and begins to be applied on the following day from the day of its publication on the contracting authority’s notice board.

After entry into force, the rulebook is published on the contracting authority’s website.

Number:

Place and date:

Signature of the responsible person of the contracting authority