**AN OVERVIEW OF THE PROVISIONS OF THE LAW ON PUBLIC PROCUREMENT WHICH ARE AMENDED OR SUPPLEMENTED**

**THE PRINCIPLE OF COST-EFFECTIVENESS, EFFICIENCY AND ENVIRONMENTAL PROTECTION**

**ARTICLE 6**

THE CONTRACTING AUTHORITY/ENTITY SHALL PROCURE GOODS, SERVICES OR WORKS OF APPROPRIATE QUALITY, TAKING INTO ACCOUNT THE INTENT, PURPOSE AND VALUE OF PUBLIC PROCUREMENT, I.E., ECONOMICAL SPENDING OF PUBLIC FUNDS AND MINIMAL IMPACT ON THE ENVIRONMENT.

**Article 45**

Communication and data exchange in the public procurement procedure is carried out by electronic means on the Public Procurement Portal, in accordance with this article and the instructions for using the Public Procurement Portal from Article 184 of this law.

Communication and exchange of data referred to in paragraph 1 of this article are considered to be:

1) drafting and sending for publication the advertisement on public procurement and their amendments;

2) electronic availability of descriptive and competitive documentation and amendments to that documentation;

3) inviting business entities to submit bids and applications, to negotiate or dialogue;

4) communication between ordering parties and business entities regarding additional information and clarifications required for the preparation and submission of an offer or application;

5) submission and opening of bids, applications, plans and designs;

6) communication between ordering parties and bidders regarding the submission, additions or clarifications of bids, applications and correction of calculation errors;

7) communication between ordering parties and bidders in connection with the submission of evidence on the fulfillment of the criteria for the qualitative selection of an economic operator;

8) publication and delivery of decisions that the contracting authority/entity is obliged to publish and deliver, in accordance with this law;

9) communication between the Public Procurement Office and contracting authorities/entities in connection with Article 62, para. 2. and 3. of this law;

10) submission of requests for the protection of rights AND OTHER SUBMISSIONS IN THE PROCEDURE FOR THE PROTECTION OF RIGHTS and publication of the decisions of the Republic Commission for the Protection of Rights in Public Procurement Procedures.

Communication and data exchange by electronic means on the Public Procurement Portal, related to the submission of part of the offer, application, plan or design, are not mandatory if:

1) due to the specialised nature of procurement, the use of electronic means requires special tools, equipment or file formats that are not generally available or are not supported through generally available applications;

2) applications that support file formats suitable for the description of offers use file formats that cannot be processed by any other open or generally available application or are subject to a proprietary licence protection system, so the customer cannot download or use them remotely;

3) the use of electronic means requires specialised office equipment that is not widely available to contracting authorities/entities;

4) certain items such as samples, projects, models and the like cannot be submitted by electronic means;

5) it is necessary to submit original documents that cannot be submitted by electronic means;

6) the provisions of this law governing public procurement for defence and security purposes are applied to procurement.

Communication, in the cases referred to in paragraph 3 of this article, takes place by mail, courier service, or by combining them with electronic means.

The contracting authority/entity is not obliged to use electronic means to the extent that it is necessary to use means other than electronic ones, due to a violation of the security of electronic means or due to the protection of particularly sensitive information, including confidential data from Article 39 of this law, which require a level of protection that cannot to be sufficiently secured with electronic tools and devices that are either generally available to business entities or may be available to them in another way, through an alternative means of access.

If free, unlimited and unhindered direct access to the tender documentation cannot be provided by electronic means for the reasons prescribed in para. 3 and 5 of this Article, the contracting authority/entity shall determine in the public invitation the manner in which the tender documentation is taken over, i.e., the measures required for the purpose of protection of confidential data.

The contracting authority/entity must explain the reasons for the use of means of communication other than electronic means in the tender documentation and in the report on the public procurement procedure, in accordance with para. 3 and 5 of this article.

**Commission for Public Procurement**

**Article 92**

The public procurement procedure is carried out by the public procurement commission appointed by the contracting authority/entity.

If the estimated value of the public procurement does not exceed the amount of RSD 3,000,000, the contracting authority/entity is not obliged to appoint a commission for public procurement, in which case the public procurement procedure is carried out by a person appointed by the contracting authority/entity.

The commission must have an odd number of members, and at least three members.

IN THE PUBLIC PROCUREMENT COMMISSION, ONE MEMBER MUST BE A PUBLIC PROCUREMENT OFFICER WITH A HIGHER EDUCATION IN UNDERGRADUATE ACADEMIC STUDIES IN THE SCOPE OF AT LEAST 240 ECTS POINTS OR MASTER’S ACADEMIC STUDIES, SPECIALIST ACADEMIC STUDIES, SPECIALIST VOCATIONAL STUDIES, I.E., UNDERGRADUATE STUDIES FOR THE DURATION OF AT LEAST FOUR YEARS OR SPECIALIST STUDIES AT A UNIVERSITY OR A PERSON WHO OBTAINED A CERTIFICATE FOR A PUBLIC PROCUREMENT OFFICER BY THE DATE OF ENTRY INTO FORCE OF THIS LAW.

A person who has appropriate professional knowledge in the field that is the subject of public procurement is appointed as a member of the commission, when necessary.

The members of the public procurement commission, that is, the person referred to in paragraph 2 of this article, may be persons who are not employed by the contracting authority/entity, if the contracting authority/entity does not have employed persons with appropriate professional knowledge.

The Public Procurement Commission, i.e., the person referred to in paragraph 2 of this article, undertakes all actions in the procedure, and in particular prepares public procurement advertisements, tender documentation, performs expert evaluation of bids and applications, prepares reports on the public procurement procedure, performs the necessary communication in the procedure public procurement in accordance with the provisions of this law and undertakes the necessary actions in the event of a request for the protection of rights.

The Public Procurement Commission, i.e., the person referred to in paragraph 2 of this article, ensures the legality of the procedure.

**Article 124**

Technical and professional capacity is proven by submitting one or more pieces of evidence, namely:

1) a list of works performed during a period of no more than five years before the deadline for submission of bids, i.e., applications with certificates of satisfactory execution and outcome of the most important works, and if necessary to ensure the appropriate level of competition, contracting authorities/entities may indicate that take into account proof of relevant works performed in a period longer than five years;

2) a list of deliveries of relevant goods or services provided during the period of no more than three years before the deadline for submission of bids, i.e., applications, with amounts, dates and names of beneficiaries, and if necessary to ensure the appropriate level of competition, the contracting authorities/entities may indicate that proof of relevant goods or services delivered or provided in a period longer than three years will be taken into account;

3) DATA ON TECHNICAL PERSONS OR BODIES, REGARDLESS OF WHETHER THE TECHNICAL PERSONS ARE EMPLOYED OR WORKING IN THE ECONOMIC OPERATOR, ESPECIALLY IN REGARDS TO THE RESPONSIBILITY FOR QUALITY CONTROL, AND IN THE CASE OF A PUBLIC WORKS PROCUREMENT CONTRACT IN REGARDS TO THE PERFORMANCE OF WORKS;

4) a description of the technical means and measures used by the economic operator to ensure quality and the means for study and research at its disposal;

5) educational and professional qualifications of service providers or contractors or their management staff, provided that these qualifications are not evaluated within the criteria for awarding the contract;

6) data on supply chain management and monitoring systems that the economic operator will be able to use when executing the contract;

7) declarations of the economic operator on the acceptance of the quality control that will be carried out by the contracting authority/entity or an authorized body in the country in which the economic operator is established, which will carry out control on behalf of the contracting authority/entity, with regard to the production or technical capacities of the economic operator and, if necessary, the means for study and research which it has and the quality control measure it will apply, if the goods or services delivered are of a complex nature or are necessary for a specific purpose;

8) data on environmental protection management measures, which the economic operator will be able to apply during the execution of the contract;

9) statements about the average annual number of employees of service providers and contractors and the number of management staff in the last three years before the deadline for submitting bids, i.e., applications;

10) statement about the tools, operating or technical equipment available to the service provider or contractor for the performance of the contract;

11) data on the part of the contract that the economic operator intends to subcontract if the relevant criterion for qualitative selection proves the use of subcontractor capacity;

12) with regard to goods that are the subject of public procurement:

(1) samples, descriptions or photographs, the authenticity of which must be confirmed if requested by the customer;

(2) certificates of official institutions or agencies for quality control whose competence is recognised, which confirm the conformity of goods with clearly defined technical specifications or standards.

**Article 131**

The contracting authority/entity cannot demand from business entities or restrict business entities to entrust a part of the public procurement contract to a subcontractor or to hire certain subcontractors, unless otherwise determined by a special regulation or international agreement.

An economic operator that intends to entrust the execution of part of the contract to a subcontractor is obliged to state in the offer:

1) which part of the contract he intends to entrust to the subcontractor (by subject or in quantity, value or percentage);

2) data on subcontractors;

3) that the contracting authority/entity will directly pay the subcontractor for the part of the contract that he executed, if the subcontractor demands that the claims due be paid directly.

The data referred to in paragraph 1 must be specified in the public procurement contract, if the economic operator entrusted a part of the public procurement contract to a subcontractor.

In the case referred to in paragraph 2, point 3) of this article, the contracting authority/entity is obliged to immediately pay due claims to the subcontractor for the part of the contract that he executed.

If there is no provision for immediate payment of due claims to the subcontractor for the part of the contract that he executed, the contracting authority/entity is obliged, after payment, to ask the economic operator with which he concluded the contract to provide him with proof and a statement from the subcontractor that he has paid the subcontractor his claims within 60 days.

If the economic operator with which it concluded the contract does not submit the evidence and statement of the subcontractor within the period referred to in paragraph 5 of this article, the contracting authority/entity is obliged to submit to the Public Procurement Office a proposal for the initiation of misdemeanor proceedings WITHIN 30 DAYS.

The economic operator is fully responsible to the contracting authority/entity for the performance of contractual obligations, regardless of the participation of subcontractors.

**Article 132**

In the public procurement procedure, the contracting authority/entity awards the contract to the most economically advantageous bid, which it determines on the basis of one of the following criteria:

1) prices, or

2) costs by applying the cost efficiency approach, such as the life cycle cost in accordance with Article 134 of this law or

3) the ratio of price and quality, that is, cost and quality, which is evaluated on the basis of criteria, including qualitative, ecological and/or social aspects, related to the subject of the public procurement contract, which in particular may include:

(1) quality, including technical features, aesthetic and functional features, availability, solution for all users, social, environmental and innovative features, trade and terms of trade;

(2) the organisation, qualifications and experience of the personnel entrusted with the performance of the contract, when the quality of the personnel can have a significant impact on the level of success of the performance of the contract, or

(3) after-sales service and technical assistance, delivery terms, such as delivery date, delivery process and delivery time or performance time.

The contracting authority/entity may determine the price or cost element in the form of a predetermined price or cost, so that the most economically advantageous offer is determined on the basis of quality criteria.

IN THE CASE OF AWARDING A CONTRACT FOR THE PUBLIC PROCUREMENT OF COMPUTER PROGRAMME DEVELOPMENT SERVICES, ARCHITECTURAL SERVICES, ENGINEERING SERVICES, TRANSLATION SERVICES OR ADVISORY SERVICES, THE CONTRACTING AUTHORITY/ENTITY SHALL DETERMINE THE MOST ECONOMICALLY ADVANTAGEOUS OFFER BASED ON THE CRITERIA FROM PARAGRAPH 1, ITEMS 2) OR 3) OF THIS ARTICLE.

**Article 133**

The contracting authority/entity is obliged to determine in the tender documentation the criteria for the award of the public procurement contract.

The criteria for awarding contracts must be described and evaluated, must not be discriminatory, must be related to the subject matter of the public procurement contract, and must enable effective competition.

Contract award criteria are considered to be related to the subject matter of a public procurement contract if they relate to the goods, works or services that are the subject of that contract, in all respects and at any stage of their life cycle, including factors related to a specific process production, performance of works, delivery of goods or provision of services, i.e. trading them or to a specific process of some other phase of their life cycle, and in the event that these factors are not part of their material content.

The contracting authority/entity determines the criteria in a way that will enable him to subsequently objectively check and evaluate the bids, as well as check the data submitted by the bidders, in order to assess the extent to which the bids meet the criteria for awarding the contract, and in case of doubt, the bidders are obliged to check the accuracy of the data and evidence submitted by bidders.

In the procurement documentation, the contracting authority/entity determines the relative importance of weights for each criterion for awarding the contract, and specifically states the methodology for assigning weights for each criterion, except when the criterion is only price.

Weights can be expressed by specifying a range with a corresponding maximum difference.

When weighting is not possible for objective reasons, the contracting authority/entity specifies the criteria for awarding the contract in descending order of importance.

In the procurement documentation, the contracting authority/entity specifies MAY DETERMINE reserve criteria on the basis of which he will award the contract in a situation where there are two or more offers that are equal after applying the criteria.

When evaluating bids, the ordering party is obliged to apply only those criteria that are contained in the procurement documentation in the way they are described and evaluated.

**ARTICLE 134A**

THE PUBLIC PROCUREMENT OFFICE PRESCRIBES THE TYPES OF GOODS, SERVICES AND WORKS FOR WHICH CONTRACTING AUTHORITIES/ENTITIES ARE OBLIGED TO APPLY ENVIRONMENTAL ASPECTS WHEN DETERMINING TECHNICAL SPECIFICATIONS, CRITERIA FOR THE SELECTION OF AN ECONOMIC OPERATOR, CRITERIA FOR AWARDING CONTRACTS OR CONDITIONS FOR THE EXECUTION OF PUBLIC PROCUREMENT CONTRACTS.

**Article 147**

The contracting authority/entity makes a decision to suspend the public procurement procedure if:

1) there are demonstrable reasons, which could not have been foreseen at the time of the initiation of the procedure and which make it impossible for the procedure to be completed;

2) there are demonstrable reasons due to which the need of the contracting authority/entity for the procurement in question has ceased, which is why it will not be repeated during the same budget year, that is, in the next six months;

3) circumstances become known which, if they had been known earlier, would have caused a significant change in the content of the procurement documentation;

4) no offer or application has been submitted;

5) no candidate meets the criteria for the qualitative selection of an economic operator;

6) in public procurement whose estimated value is less than the amount of the European thresholds, in all bids the offered price is equal to or higher than the amount of the European thresholds;

7) did not receive a predetermined number of candidates or offers for concluding a framework agreement, except in the case referred to in Article 66, paragraph 8 of this law;

8) after reviewing and expertly evaluating the bids, determine that all bids are unacceptable.

THE CONTRACTING AUTHORITY/ENTITY SHALL MAKE THE DECISION TO SUSPEND THE PUBLIC PROCUREMENT PROCEDURE WITHIN 30 DAYS FROM THE EXPIRATION OF THE DEADLINE FOR SUBMISSION OF BIDS, UNLESS THE CONTRACTING AUTHORITY/ENTITY HAS SPECIFIED A LONGER PERIOD IN THE TENDER DOCUMENTATION.

In the case of suspension of the procedure before the deadline for submitting bids, the Public Procurement Portal permanently disables access to bids or applications, and the ordering party returns unopened bids, applications and other documents that were not submitted through the Public Procurement Portal to bidders.

The decision on the suspension of the public procurement procedure must be explained, it must contain, in particular, data from the report on the public procurement procedure, that is, the reasons for the suspension of the procedure and instructions on the legal remedy.

The contracting authority/entity is obliged to publish the decision on the suspension of the procedure on the Public Procurement Portal within three days from the date of adoption.

In the decision to suspend the public procurement procedure, the contracting authority/entity is obliged to decide on the costs of preparing the offer from Article 138, paragraph 2 of this law.

If the publication of certain data from the decision on the suspension of procedure would be against the provisions of this law or otherwise be against the general interest, if it would cause damage to the justified business interests of a certain economic operator or could lead to the violation of competition on the market, those data from the decision will not be published.

**Article 152**

The public procurement contract, that is, the framework agreement, is concluded in writing with the bidder to whom the contract, that is, the framework agreement, was awarded.

The contracting authority/entity is obliged to deliver the contract on public procurement, that is, the framework agreement to the bidder within ten days from the expiration of the deadline for submitting a request for the protection of rights.

If the bidder refuses to conclude a contract on public procurement, that is, a framework agreement, the ordering party can conclude a contract, that is, a framework agreement with the next most favourable bidder.

IN THE CASE REFERRED TO IN PARAGRAPH 3 OF THIS ARTICLE, THE CONTRACTING AUTHORITY/ENTITY WILL PERFORM A REPEATED PROFESSIONAL EVALUATION OF THE BIDS AND MAKE A DECISION ON THE AWARD OF THE CONTRACT, THAT IS, THE CONCLUSION OF THE FRAMEWORK AGREEMENT.

The public procurement contract, that is, the framework agreement, must be concluded in accordance with the conditions specified in the procurement documentation and the selected offer.

The contract based on the framework agreement is concluded in writing, and the purchase order can have the same legal effect, if it contains all the essential elements of the contract.

Obligations assumed by the contracting authority/entity in the public procurement contract must be contracted in accordance with the regulations governing the budget system, that is, the disposal of financial resources.

**ARTICLE 152A**

THE CONTRACTING AUTHORITY/ENTITY SHALL PUBLISHE THE DATA ON ALL CONTRACTS CONCLUDED ON THE PUBLIC PROCUREMENT PORTAL AFTER THE PUBLIC PROCUREMENT PROCEDURE HAS BEEN CARRIED OUT, ON ALL CHANGES TO CONTRACTS BASED ON ART. 156 - 161 OF THIS LAW, AS WELL AS DATA ON CONTRACTS/ORDER ORDERS CONCLUDED OR ISSUED IN ACCORDANCE WITH ARTICLE 27 OF THIS LAW.

THE DATA ON CONTRACTS CONCLUDED AFTER THE IMPLEMENTATION OF THE PUBLIC PROCUREMENT PROCEDURE AND DATA ON CONTRACTS/ORDERS CONCLUDED OR ISSUED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 27 OF THIS LAW ARE PUBLISHED WITHIN THE DEADLINE REGULATED BY ARTICLE 109, PARAGRAPH 1. AND 2. OF THIS LAW.

DATA ON CONTRACT AMENDMENTS PURSUANT TO ART. 156, 159 AND 161 OF THIS LAW ARE PUBLISHED WITHIN THE DEADLINE REGULATED BY ARTICLE 155, PARAGRAPH 2 OF THIS LAW.

THE PUBLIC PROCUREMENT OFFICE FURTHER REGULATES THE MANNER OF PUBLICATION AND THE TYPES OF DATA, IN TERMS OF PARAGRAPHS 2. AND 3. OF THIS ARTICLE.

**Article 154**

The public procurement contract is executed in accordance with the conditions specified in the procurement documentation and the selected offer.

The contracting authority/entity is obliged to control the execution of the public procurement contract in accordance with the conditions specified in the procurement documentation and the selected offer.

Namely, the contracting authority/entity cannot make significant changes to the public procurement contract.

An amendment to the contract is considered essential in the event that it results in a change in the character of the contract in a material sense in relation to the contract that was originally concluded, i.e., if the nature of the originally concluded contract would be significantly changed, whereby an essential modification of the contract always exists when one or more of the following conditions:

1) the amendment introduces conditions that, if they had been part of the original public procurement procedure, would have enabled the inclusion of other candidates in relation to those who were originally selected or the acceptance of a different offer in relation to the initially accepted one or would have enabled greater competition in the preceding public procurement procedure conclusion of the contract;

2) the amendment changes the economic balance of the contract in favour of the economic operator with which the contract was concluded in a manner not provided for in the original contract;

3) the amendment significantly increases the scope of the contract;

4) change of the economic operator with which the public procurement contract was concluded, except in the cases referred to in Article 159 of this law.

THE MINISTRY OF FINANCE SHALL MORE CLOSELY REGULATE THE METHODS OF CONDUCTING SUPERVISION AND OVERSEES THE EXECUTION OF PUBLIC PROCUREMENT CONTRACTS.

**Article 183**

The public procurement portal is a unique information system that enables:

1) drafting, sending for publication and publication of public procurement advertisements on standard forms; making procurement documentation available and publication and delivery of decisions in public procurement procedures, as well as publication of public procurement plans;

2) sending public procurement advertisements on standard forms to the Publications Office for publication in the Official Journal of the European Union;

3) free, unrestricted and direct access, search, viewing and download of public procurement announcements and procurement documentation to all interested parties;

4) submission of offers, applications, plans and projects to business entities;

5) opening of bids, applications, plans and projects;

6) communication and data exchange between contracting authorities/entities and business entities, in accordance with the provisions of this law;

7) communication and exchange of data between the Public Procurement Office and contracting authorities/entities, in accordance with Article 62, paragraph 2. and 3. of this law;

8) submission of requests for the protection of rights, other communication and exchange of documentation between the bidder, the contracting authority/entity and the Republic Commission for the Protection of Rights in Public Procurement Procedures;

9) keeping records of registered entities;

10) management of the database published and exchanged on the Public Procurement Portal;

11) access to the database of the Office for Public Procurement, the Republic Commission for the Protection of Rights in Public Procurement Procedures, the State Audit Institution, the COMMISSION FOR THE PROTECTION OF COMPETITION and the Republic Public Prosecutor’s Office for the purposes of performing tasks within their jurisdiction.

The use of the Public Procurement Portal is available to all users free of charge.

DURING THE REGISTRATION OF BUSINESS ENTITIES ON THE PUBLIC PROCUREMENT PORTAL, THE BASIC INFORMATION IS ENTERED, INCLUDING DATA ABOUT USERS OF THE PUBLIC PROCUREMENT PORTAL, NAMELY: FIRST NAME, SURNAME, UNIQUE CITIZEN REGISTRATION NUMBER OR PERSONAL IDENTIFICATION NUMBER (FOR FOREIGN BUSINESS ENTITIES).

DURING REGISTRATION, A SCANNED, READ OR PHOTOGRAPHED IDENTIFICATION DOCUMENT (ID CARD OR PASSPORT) REQUIRED TO VERIFY THE USER ACCOUNT AND, IF NECESSARY, CONFIRM THE AUTHORIZATION OF THE USER TO WORK ON THE PUBLIC PROCUREMENT PORTAL ON BEHALF OF THE ECONOMIC OPERATOR THAT IS REGISTERING IS UPLOADED.

**Article 213**

THE REQUEST FOR THE PROTECTION OF RIGHTS SHALL BE SUBMITTED ELECTRONICALLY THROUGH THE PUBLIC PROCUREMENT PORTAL SIMULTANEOUSLY TO THE CONTRACTING AUTHORITY/ENTITY AND THE REPUBLIC COMMISSION.

**Article 219**

Upon receipt of the request for the protection of rights, the ordering party determines:

1) whether proof that the fee was paid in accordance with Article 225 of this law was submitted with the request for the protection of rights;

2) whether the request for the protection of rights was submitted within the deadline;

3) whether the applicant has the capacity to sue;

4) whether the request for the protection of rights has content from Article 217, paragraph 1 of this law.

If the request for the protection of rights does not contain the content from Article 217, paragraph 1 of this law, so that further action is impossible as a result, the ordering party will without delay invite the applicant to complete the request for the protection of rights within three working days, at which time the applicant will requires him to indicate in what way he is obliged to act in order to eliminate the established deficiencies and what are the consequences of failure.

If proof that the fee from Article 225 of this law has been paid is not submitted along with the submitted request for the protection of rights, the ordering party will reject such a request by decision without first inviting the applicant to supplement the request.

If the applicant who has a place of residence or domicile, i.e., headquarters abroad, in the request for the protection of rights, does not appoint a representative to receive letters in the Republic of Serbia and provide all the information necessary for communication with the designated person, the contracting authority/entity will reject such a request by decision without calling the applicant to complete the request.

The contracting authority/entity will reject the request for the protection of rights with a decision if it was submitted by a person who does not have the capacity to sue or if it was submitted in an untimely manner, as well as if the requester does not act within the period referred to in paragraph 2 of this article, i.e., if he does not supplement the request for the protection of rights in accordance with a call for supplement.

If there are deficiencies in the content of the submitted request for the protection of rights submitted on behalf of the applicant by a representative from the ranks of lawyers that prevent further action, the ordering party will reject such a request by decision without first inviting the applicant to supplement the request.

The resolution referred to in paragraphs 3-6 of this Article, the contracting authority/entity submits it to the applicant and the Republic Commission within three days from the date of adoption.

The applicant may submit an appeal against the resolution referred to in paragraphs 3-6 of this Article to the Republic Commission within three days from the date of receipt of the decision.

THE APPEAL IS SUBMITTED ELECTRONICALLY THROUGH THE PUBLIC PROCUREMENT PORTAL SIMULTANEOUSLY TO THE NATIONAL COMMISSION AND THE CONTRACTING AUTHORITY/ENTITY.

After receiving a copy of the appeal, the contracting authority/entity shall, within three days, submit to the Republic Commission the necessary documentation from the public procurement procedure in order to decide on the appeal.

**Article 227**

The Republic Commission is obliged to decide on the request for the protection of rights with a decision within 30 days from the day of receipt of the complete documentation that is required to determine the factual situation and make a decision.

The Republic Commission is obliged to decide on the appeal against the orderer's decision within eight days from the day of receipt of the complete documentation required for determining the factual situation and making a decision.

The deadline referred to in paragraph 1 of this article can exceptionally be extended by 15 days, about which the requester and the ordering party will be notified along with the explanation of the extension of the deadline.

THE REPUBLIC COMMISSION WILL MAKE A DECISION REFERRED TO IN PARA. 1. AND 2. OF THIS ARTICLE TO THE CONTRACTING AUTHORITY/ENTITY, THE APPLICANT AND THE SELECTED BIDDER WITHIN TEN DAYS FROM THE DATE OF ADOPTION ELECTRONICALLY THROUGH THE PUBLIC PROCUREMENT PORTAL, WHEREBY THE DAY WHEN THE DECISION WAS DELIVERED THROUGH THE PUBLIC PROCUREMENT PORTAL TO THE MENTIONED PERSONS IS CONSIDERED THE DAY OF RECEIPT OF THE DECISION FROM PARTIES THEREOF, IN ACCORDANCE WITH THE LAW.

The decision of the Republic Commission, after it has been delivered to the parties in the proceedings, is published on the website of the Republic Commission and on the Public Procurement Portal.

The contracting authority/entity is obliged to inform all participants in the procedure about the decision of the Republic Commission.

**Article 236**

A fine of RSD 100,000 to RSD 1,000,000 will be imposed on the contracting authority/entity for a misdemeanor, if:

1) it makes a division of the procurement subject matter into several procurements with the aim of avoiding the application of the provisions of this law or the corresponding rules of the public procurement procedure (Art. 29–35);

2) PROCURES GOODS, SERVICES OR WORKS WITHOUT PREVIOUSLY CONDUCTED PUBLIC PROCUREMENT PROCEDURE, UNLESS PERMITTED BY THIS LAW (ARTICLE 51);

3) it procures goods, works or services by applying a negotiated procedure without publishing a public invitation, without meeting the legally prescribed conditions for applying that procedure (Article 61);

4) it does not set deadlines for submitting bids or applications in accordance with this law (Articles 52-56 and Articles 58, 60 and 63);

~~5) it does not publish the public procurement plan (Article 88);~~

6) it does not act in accordance with the provisions of Article 90 of this law;

~~7) it does not publish tender documents in accordance with the provisions of this law (Article 95);~~

8) it does not publish advertisements from Article 105, paragraph 1, items 6), 8) and 11) of this law;

9) it concludes a contract on public procurement with a bidder where there are grounds for exclusion from Article 111, paragraph 1, items 1) and 2) of this law, and there is no basis for applying the provisions of Article 111, paragraph 3 and Article 113 of this law;

10) it fails to submit a proposal for initiation of misdemeanor proceedings from Article 131, paragraph 6 of this law to the Public Procurement Office;

11) IT FAILS TO MAKE OR PUBLISH OR DELIVER DECISIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS LAW (ART. 146-148);

12) it concludes a contract on public procurement without fulfilling the conditions referred to in Article 151 of this law;

13) it does not act in the execution of public procurement contracts in accordance with Article 154, paragraph 1 of this law;

14) it makes changes to the concluded public procurement contract contrary to the provisions of this law (Art. 155–161);

15) it fails to provide the Office for Public Procurement with the required data and notifications that are important for monitoring (Article 180);

16) it does not record data on the value and type of public procurements or does not publish them within the prescribed period on the Public Procurement Portal or does not submit data on individual public procurement procedures or concluded contracts to the Public Procurement Office (Article 181);

17) it does not act in accordance with the decision of the Republic Commission (Article 226, paragraph 4, items 1) and 9));

18) it fails to submit a report on the implementation of the decision of the Republic Commission (Article 230);

19) IT FAILS TO ACT IN ACCORDANCE WITH ARTICLE 152A OF THIS LAW.

For the misdemeanor referred to in paragraph 1 of this article, the responsible person of the ordering party will be fined from RSD 30,000 to RSD 80,000.

A representative of the contracting authority/entity who participates in the public procurement procedure contrary to the provisions of this law on conflict of interest (Article 50) will be fined from RSD 30,000 to RSD 80,000 for a misdemeanor.

**ARTICLE 238**

ALL STATE AUTHORITIES RESPONSIBLE FOR CONTROLLING THE LEGALITY OF SPENDING PUBLIC FUNDS SUBMIT A REQUEST TO INITIATE MISDEMEANOR PROCEEDINGS WHEN, ACTING WITHIN THEIR JURISDICTION, THEY DETERMINE THAT A VIOLATION OF THIS LAW HAS BEEN COMMITTED, WHICH CAN BE THE BASIS FOR MISDEMEANOUR LIABILITY.

THE STATUTE OF LIMITATIONS FOR INITIATING AND CONDUCTING MISDEMEANOUR PROCEEDINGS SHALL BEGIN THREE YEARS AFTER THE DATE OF THE OFFENCE REFERRED TO IN ARTICLES 236 AND 237 OF THIS LAW.

**Article 244**

 The provisions of Article 14, paragraph 1, items 3) and 4) and Article 127, paragraph 2 of this law shall apply until the date of accession of the Republic of Serbia to the European Union.

PROVISIONS OF ARTICLE 183, PARAGRAPH 3. AND 4. OF THIS LAW APPLY TO BUSINESS ENTITIES REGISTERING FOR THE FIRST TIME ON THE PUBLIC PROCUREMENT PORTAL, AS WELL AS TO BUSINESS ENTITIES THAT ARE ALREADY REGISTERED.

BUSINESS ENTITIES REGISTERING FOR THE FIRST TIME PROCEED IN ACCORDANCE WITH ARTICLE 183, PARAGRAPH 3. AND 4. OF THIS LAW, WHICH IS APPLIED FROM THE DATE OF ENTRY INTO FORCE OF THIS LAW.

BUSINESS ENTITIES THAT ARE ALREADY REGISTERED ON THE PUBLIC PROCUREMENT PORTAL ARE OBLIGED TO RENEW THEIR APPLICATIONS BY ENTERING DATA AND UPLOADING THE EVIDENCE PROVIDED FOR IN ARTICLE 183, PARAGRAPHS 3. AND 4. OF THIS LAW.

**ARTICLE 20**

BY-LAWS FOR THE IMPLEMENTATION OF THIS LAW WILL BE ENACTED BY THE STARTING DAY OF THIS LAW.

**ARTICLE 21**

THIS LAW SHALL ENTER INTO FORCE THE EIGHT DAY AFTER ITS PUBLICATION IN THE “OFFICIAL GAZETTE OF THE REPUBLIC OF SERBIA” AND SHALL APPLY AS OF 1 JANUARY 2024.