Pursuant to Article 154, paragraph 6 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23) and Article 17, paragraph 4 and Article 24, paragraph 2 of the Law on Government (“Official Gazette of the Republic of Serbia”, Nos. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68/12 - Constitutional Court, 72/12, 7/14 - Constitutional Court, 44/14 and 30/18 - as amended),

the Minister of Finance enacts the following

RULEBOOK

on the manner of supervising the execution of public procurement contracts

Article 1

This rulebook regulates in detail the way of supervising the performance of public procurement contracts.

Article 2

Supervision over the execution of public procurement contracts is carried out by the organizational unit in the Ministry of Finance, which performs the tasks of budget inspection (hereinafter referred to as: budget inspection).

Article 3

Supervision over the execution of public procurement contracts, in order to ensure the legal and purposeful use of public funds and the achievement of public interest, is carried out by the budget inspection in accordance with the competences established by law.

Article 4

On the basis of inspection of own registers and data available to the budget inspection, the entities subject to inspection supervision who concluded the contract on public procurement as contracting authorities are determined, after which the entities and contracts on public procurement are selected, the execution of which will be carried out by the budget inspection.

The selection of entities and contracts subject to inspection supervision is made on the basis of the percentage of contract implementation, changes to contracts, even geographical distribution, type of user of public funds, the value of all concluded contracts and the number of concluded contracts.

The selection of entities and contracts subject to inspection supervision is also carried out by the method of random selection.

Article 5

The budget inspection supervises the execution of public procurement contracts, which may include:

1. procurement of goods;
2. service provision;
3. execution of works.

The inspection supervision begins when the budget inspector hands the responsible person of the entity where the supervision is performed an order for inspection supervision, the content of which is prescribed by the law regulating the position and procedure of inspection in the area of ​​the budget system.

The budget inspector shall determine whether the entity subject to inspection supervision has, by means of a special act, more closely regulated the way of planning, conducting the public procurement procedure and monitoring the execution of the public procurement contract (method of communication, rules, obligations and responsibilities of persons and organizational units), the way of planning and implementing procurements on which the law does not apply, as well as the procurement of social and other special services in accordance with the Law on Public Procurement (hereinafter referred to as: the Law).

Article 6

The entity subject to inspection supervision, in accordance with the budget inspector’s request, submits for inspection all the necessary documentation from which the facts that are essential for the supervision procedure can be determined.

The documentation referred to in paragraph 1 of this article includes:

1. public procurement contract and/or framework agreement;
2. documentation on procurement and the selected offer;
3. amendments to the contract and/or framework agreement;
4. invoices, i.e. temporary and/or final payment certificates, i.e., documentation that calculates the compensation for the delivery of goods, for the provision of services and for the completed construction and investment works;
5. proof of settlement of obligations;
6. other documentation necessary for the establishment of facts during the supervision of the execution of the contracts in question (shipping notes, receipts, records, calculation sheet of the construction book, construction diary, auxiliary records, etc.).

In the inspection supervision procedure, on the basis of the obtained documentation, the budget inspector determines whether the public procurement contract in question has been performed in accordance with the agreed conditions, which are specified in the procurement documentation and the selected offer, i.e. determines whether the supervised entity during the execution of the contract on public procurement of goods, services or works in accordance with the Law and by-laws adopted in accordance with the Law.

Article 7

After the inspection, the budget inspector prepares a report on the inspection, in which he enters all the actions undertaken in the inspection procedure and the established factual situation, in accordance with the law regulating the position and procedure of inspection in the area of ​​the budget system.

Article 8

If actions and illegalities are determined during the inspection supervision procedure for which there are grounds for suspicion of a committed criminal offence or an economic offence, the budget inspector submits a criminal report, i.e., a report for an economic offence to the competent public prosecutor’s office or a notification with evidence that there are grounds for suspicion of a committed criminal offence, that is, economic crime, in accordance with the law regulating the position and procedure of inspection in the area of ​​the budget system.

If actions and illegalities that are punishable as a misdemeanour according to the law or another regulation are determined during the inspection supervision procedure, the budget inspector submits a request for initiation of misdemeanour proceedings to the competent court, in accordance with the law regulating the position and procedure of the inspection in the area of ​​the budget system.

Article 9

This law shall enter into force on the eighth day from the date of its publication in the “Official Gazette of the Republic of Serbia”, and shall apply from 1 January 2024.

Number 000374870 2023 10520 026 008 012 001

In Belgrade, dated 1 December 2023

Minister,

Siniša Mali, **personally signed**