

Transparent Public Procurement Rating



Armenia

Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Armenia was prepared by [National Center of Public Policy Research](#) in 2019.

The Project – Transparent Public Procurement Rating – is implemented by the Institute for Development of Freedom of Information (IDFI) in partnership with a network of organizations and procurement specialists from more than 30 countries



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Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

Limitations

Public procurement systems vary significantly by country. The TPPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)
- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

Acceptance act – A document signed by parties through which they agree on the terms by which a bargain is concluded.

Bid – Price offered by a tender participant during the bidding procedure.

Bid Security – A refundable amount of money paid by tender candidates validating their participation in a tender.

Coordination – Providing assistance to economic operators and procuring entities to engage in procuring activities.

Day – In the context of this methodology a day implies a calendar day.

Economic Operator – business or other organization which supplies goods, works or services.

Legal entity of public law (LEPL) (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

Machine-readable – A data format that can be processed (i.e. extract, transform and process) by a computer.

Monitoring – Data collection and analysis.

State non-commercial legal entity – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

Non-competitive procedure (direct procurement) – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

Notice of intended procurement – A call for participation in an open tender issued by procuring entities.

Open tender – A type of tender, in which any economic operator can request participation.

Post-tendering phase – procurement processes after the selection of a tender winner.

Pre-tendering phase – procurement processes leading up to the publication of a notice of intended procurement.

Procurement regulatory body – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

Procuring entity – A state budget and local government entity (including their respective LEPLs and state owned companies).

Public procurement annual plan – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

Tender – A type of public procurement procedure that involves bidding.

Tender application – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

Tender candidate – An economic operator willing to participate in a tender.

Tender commission – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

Tender documentation – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

Tender participant – An economic operator that has been allowed to participate in a tender.

Tendering phase – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

TPPR Methodology Indicators

Transparency Environment

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point]	0	
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	
3.	Public officials are required by law to file asset declarations. – [1 point]	0	
4.	The country has adopted legal provisions ensuring the right to request public information. – [1 point]	1	
5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	1	

Indicators by Procurement Process

General Characteristics of the Procurement System

#	Indicator	Score	Relevant Article and Law (if applicable)
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1.	<p>Public Procurement Legislation (PPL), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>The RA Law on Procurements</p> <p>Comment 1. Since 2011 Armenia is a full member of WTO Government Procurement Agreement (including revisions).</p>
2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>The RA Law on Procurements, Article 4.</p> <p>All the PPL acts are available free of charge on procurement portal (procurement.am).</p> <p>Comment 3. The key laws are available even in English (http://procurement.am/en/page/laws_international_contracts)</p>
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [1 point]</p> <p>Point Distribution</p> <p>a) All state budget entities – [0.2]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p>	<p>The RA Law on Procurements, Article 2, part 1, points 1 and 2.</p> <p>According to this article PPL applies to the following list of contracting authorities;</p> <p>1) public administration and local self-government bodies, state or community institutions provided for by the Constitution of the RA and laws of the RA;</p> <p>2) Central Bank of the RA</p> <p>3) state or community non-commercial organizations;</p>

	b) Local government entities – [0.2] c) Legal Entities of Public Law (LEPL) – [0.2] d) State owned companies – [0.2] e) State non-commercial legal entities – [0.2] <i>Uniformity of the Legislative Framework</i>	d) 0.2 e) 0.2	4) organizations with more than 50% of state or community shares; 5) foundations established or associations (unions) formed by the state or community, or state or community non-commercial organization, or organizations with more than 50% of state or community shares; 6) legal persons having received means in the form of donation or grant from the state or community, or from state or community non-commercial organizations, or organizations with more than 50% of state or community shares — as regards procurement carried out at the expense of means received in the form of donation or grant; 7) foundations restructured through reorganization of state or community non-commercial organizations or organizations with more than 50% of state or community shares; 8) public organizations; ¹
4.	The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [1 point] Point Distribution a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5] b) PPL clearly lists or refers to all exemptions. – [0.5] <i>Uniformity of the Legislative Framework</i>	Overall: 1 Components: a) 0.5 b) 0.5	The RA Law on Procurements, Article 2, part 1, point 2, paragraph 1, Article 53 In particular, the provisions of PPL shall not apply, where a public organization aims to acquire: (1) goods to be resold or leased out to a third party, provided that the organization concerned enjoys no special or exclusive right to sell or to lease out the subject matter of such contracts, and other organizations may freely realize (sell) or lease out similar goods under the same conditions together with the organization concerned;

¹ Predominantly natural monopolies, in particular utility companies,

			<p>(2) goods, services or works for the purpose of implementing relevant activities in a third country and under conditions which shall not imply the use thereof within the territory of the RA;</p> <p>(3) goods, services or works for the purpose of implementing activities other than the relevant activities. In cases the contract covers different types of activities and at least one of them is a relevant activity, but it is objectively impossible to determine which type of activity the contract is mainly intended for, the procurement shall be carried out according to the provisions of PPL.</p>
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [1] • PPL determines a separate state body responsible for managing public procurement. – [0.75] • PPL assigns this function to a subordinated public body(ies). – [0.5] • There is no responsible state body. – [0] <p><i>Uniformity of the Legislative Framework</i></p>	0.5	<p>Comment: PPL assigns this function to a subordinated state body (Ministry of Finance). The RA Law on Procurements, Article 2, part 1, point 13</p> <p>Comment 2. Ministry of Finance is an Authorized body- a state body of the executive power of the RA, which develops and implements the policy of the Government of the RA in the field of public financial management;</p>

6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Comment: The authorized body carries out the regulation and coordination of the procurement process. The RA Law on Procurements, Article 16 (Regulation and co-ordination of procurement process)</p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Legislation provides for a mechanism of consultation with the private sector. – [0.25] b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25] c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5] <p><i>Accountability and Integrity</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.25 b) 0.25 c) 0 	<p>Comment: Protocol Decision (Decision N52) “On Amending the April 18, 2002 Protocol Decision of the Armenian Government and Approving the Model Procedures of the Public Council Affiliated to the Minister of the Republic of Armenia”. By this Protocol Decision public councils in all ministries shall be established and these councils, in which NGOs, media and other civil society organizations shall be included, shall consult the relevant minister and other highest officials of the ministry on the policy and legislation issues.</p> <p>http://www.irtek.am/views/act.aspx?aid=83455&m=%27%27&sc=%20</p> <p>Comment 2: In addition, each legal act should be posted in a special portal (e-draft.am). Each person can submit a comment or suggestion regarding concrete legal act</p> <p>https://www.arlis.am/documentview.aspx?docid=57300</p>
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [1 point]</p>	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 	<p>Comment: The law stipulates that public procurement can be carried out electronically (The RA Law on Procurements, Article 5, part 1, point 2 and Article 8), and that communication between contracting authorities and tender participants can be carried out electronically (The RA Law on</p>

	<p>Point Distribution</p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [0.5]</p> <p><i>Efficiency</i></p>	b) 0.5	<p>Procurements, Article 8, part 2 and 3,</p> <p>Comment: Article 18 (electronic auction)), but the Law does not recognize electronic means as primary method of conducting procurement. Moreover, the law has a restrictive norm, which says, that e- procurement participation fee can be set by the Government (The RA Law on Procurements, Article 8, part 5).</p> <p>Comment: Secondary legislation² establishes the list of goods, works and services acquired through electronic auction; In addition there is a special official point https://eauction.armeps.am/en/public/tender/</p>
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [1 point]</p> <p><i>Efficiency</i></p>	1	<p>Comment: www.procurement.am (The RA Law on Procurements, Article 2, part 1, point 14)</p>
10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [1 point]</p> <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	1	<p>Comment: The electronic means must be non- discriminatory, generally available to any possible participant and must be interoperable with the means of general use of information and communication technologies. The RA Law on Procurements, Article 8, part 3</p> <p>The following rules shall apply in a mandatory manner to the means for submission and receipt of bids electronically:</p> <p>(1) information on the specifications (including the coding) necessary for submission of bids electronically shall be</p>

² Decision of the RA No 534-N of 18 May 2017 «On approving the procedure for holding an electronic auction and the list of goods, works and services acquired through electronic auction» <http://www.irtek.am/views/act.aspx?aid=89815>

			<p>available for interested bidders;</p> <p>(2) the electronic devices designed for receipt of bids electronically must guarantee the integrity and confidentiality of the received data, ensuring at least the following conditions:</p> <ul style="list-style-type: none"> a. the exact time and date for receipt of bids may be precisely determined; b. prior to the time limits defined for transmission of data, no one may have access to the transmitted data; c. unauthorized access may be clearly detected where the prohibition on access to the transmitted data has been violated; d. the time limits for opening the data received may be defined or modified only by authorized persons; e. access to the received data in different phases of the procurement procedure is possible only by a simultaneous action of at least two authorized persons (systems) and only after the time limit defined according to this point; f. the data received and opened according to the requirements of this part must remain accessible only to persons authorized to get acquainted with them.
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [1 point]</p> <p>Point Distribution</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p>	<p>Comment 1: Any person, regardless of being a foreign individual, organization or person without citizenship, has an equal right to participate in the procurement process (The RA Law on Procurements, Articles 3 (Point 3 of Part 2) and 7 (Part 1)). This comment is only related to sub-indicator a.</p>

	<p>a) PPL should not allow domestic preferences. – [1/5]</p> <p>b) Participation of any candidate or group of candidates is based on qualification. – [1/5]</p> <p>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5]</p> <p>d) State owned companies are not given any preference. – [1/5]</p> <p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0.2</p> <p>e) 0.2</p>	<p>Comment 2: The participant must fulfill the qualification criteria specified in the invitation, but the absence of qualification is not listed as a base for limitation of participation in procurement (The RA Law on Procurements, Article 6, point 3).</p>
12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	1	<p>Comment: The Law provides the minimum time periods for the submission of applications (The RA Law on Procurements, Articles 20, 21, 22, 24, 40)</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Comment: The Head of procuring entity defines a Procurement Coordinator (The RA Law on Procurements, Article 16, part 3). The head of the contracting authority shall appoint a procurement coordinator who shall be:</p> <p>(1) responsible for the organisation and co-ordination of the procurement process of the contracting authority;</p> <p>(2) give an opinion on documents approved by the contracting authority within the framework of procurement;</p> <p>(3) exercise powers of the secretary of the evaluation</p>

			<p>commission;</p> <p>(4) draw up the protocol of the given procurement procedure and the procurement contract and submit them to the head of the contracting authority for approval.</p> <p>4. A procurement coordinator may be:</p> <p>(1) a relevant subdivision of the contracting authority;</p> <p>(2) an official or officials;</p> <p>(3) an invited person — consultant or consultants.</p>
14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	0	<p>Comment: No administrative or criminal responsibility or fees or sanctions in that sense. The law only states responsibility for damage compensation</p> <p>Comment: For the purpose of detecting violations of the legislation on protection of economic competition in the procurement process, including cases of anticompetitive agreements and abuse of dominant position, the competent authority shall co-operate with the authorized body and the contracting authorities.</p>
15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [1 point]</p> <p><i>Accountability and Integrity</i></p> <p>Source: OECD Methodology</p>	1	<p>The RA Criminal Code, Articles 178, 187, 308, 311, 312)</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including</p>	1	<p>Comment: Every person has the right of appeal. The RA Law on Procurements, Article 46</p>

	<p>general public, tender participants and potential suppliers. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • PPL ensures the right to review, for general public, tender participants and potential suppliers. – [1] • PPL ensures the right to review, for tender participants and potential suppliers. – [0.75] • PPL ensures the right to review, for tender participants. – [0.25] • No one has the right to review. – [0] <p><i>Uniformity of the Legislative Framework</i></p>		<p>Comment: In addition there is an order of Minister of Finance on the procedures of complaint review³ (December 6, 2018 No 600-N) which gives NGOs a right to participate in hearings if the matter is not subject to state secret.</p>
17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3] b) A procurement contract cannot be awarded with a pending complaint. – [1/3] c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [1/3] <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>The RA Law on Procurements, Article 46, part 3 (for sub-indicator a)</p> <p>Part 1 of Article 51 of the Law. For sub-indicator b.</p> <p>Comment: The Law provides the minimum standstill period between publication of the contract award decision and the signing of the contract (The RA Law on Procurements, Article 10, part 3, 4 and 5). This is for sub-indicator c.</p>

³
http://gnumner.am/website/images/original/%D5%80%D6%80%D5%A1%D5%B4%D5%A1%D5%B6%D5%B6%D5%A1%D5%AD%D5%A1%D6%80%D5%A1%D6%80_600_%D5%86.pdf

18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL ensures the existence of an independent review body. – [0.7]</p> <p>b) The review body includes civil society members. – [0.3]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0.3</p>	<p>The RA Law on Procurements, Article 47.</p> <p>Comment: Procurement Complaint Appeal and Review Board (PCARB) can consist of up to 3 members, who are appointed for five years by the RA President upon nomination of the RA Prime Minister. It should be mentioned that considering the fact that only 2 members were involved in the complaint board on GoA adopted a decree (N567-N dated on 2018 May 17) according to which the number was fixed as 2 members. The member is not in labor relations with the Republic of Armenia and may not hold any other office or perform other paid work during his term, except for scientific, pedagogical and creative work.</p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0.5	<p>The RA Law on Procurements, Article 50, part 9</p> <p>Comment: Announcement about a complaint should be and are published in the webpage, but there is nothing in the Law about their formats (usually it is pdf or word format files). The announcements are in fact available in an electronic, machine-readable and free of charge way on www.gnumner.am</p>
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key</p>	0.5	<p>The RA Law on Procurements, Article 50, part 11</p>

	<p>information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		<p>Comment: Decisions of the Procurement Complaint Review Board should be and are published in the official webpage, but there is nothing in the Law about their formats (they are in pdf format).</p>
Pre-tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25] b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25] 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.25 b) 0 c) 0.25 	<p>Comment: The Law has provisions, which states, that procurement plan should be conducted, but only for procurements with state budget. funding. Secondary legislation clarifies that procurement plans must be approved by the procurement item, quantity, total price, the procurement method.</p> <p>Comment: The Law has provisions, which states, that procurement plan should be conducted. In addition, the data in pdf format is a consistent part of Law on State Budget (Appendix 12). The procurement plan with CPV codes are</p>

	<p>c) Estimated value of procurements. – [0.25]</p> <p>d) Source of funding. – [0.25]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>d) 0.25</p>	<p>available in CSV format for various type of procuring entities. Coding (based on CPVs) and other procurement planning procedures are regulated by secondary legislation in particular Government Decree on the procedures how to fill, adopt and publish procurement plans (GoA decree #390-N dates 13, 04, 2017)⁴.</p> <p>Procurement plans contain CPVs, estimated value and types of procurement together with source of funding.</p> <p>It doesn't have any dates with the range of week/month. But the procurement plans are updating frequently usually each quarter.</p>
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] 	<p>0.75</p>	<p>The RA Law on Procurements, Article 15, part 11</p> <p>Comment: The procurement plan being implemented at the expense of funds of the State Budget shall be approved based on the administrative and functional classification of budget expenditures.⁵ The contracting authority shall publish the procurement plan including the modifications thereto in the bulletin within two working days following the day of approval thereof, except for the procurement plan containing a state secret.</p>

⁴ <https://www.arlis.am/documentview.aspx?docID=112889>

⁵ The procurement plan containing a state secret shall include goods, works and services required for ensuring national security, protocol expenditures, accommodation, food and transport services for officials provided for by part 2 of Article 5 of the Law of the Republic of Armenia “On ensuring the safety of persons subject to special state protection”, including special hardware and software support in the field of technical maintenance and repair of vehicles, provision of military equipment, armament, ammunition and military-technical means

	<ul style="list-style-type: none"> Only on paper – [0.25] None – [0] <p style="text-align: right;"><i>Transparency</i></p>		<p>The next provision is PPL Article 5, point 11 which states that the form of the procurement plan, the procedure for completion, approval and publication thereof;</p> <p>This is regulated by secondary legislation (Government Decree # No 526-N adopted on 4 May 2017)⁶.</p> <p>According to this; The subject of procurement must be included in the procurement plan in order to initiate a procurement process. The day that the demand for procurement has arisen shall be the day of publication of the procurement plan approved or modified in case of procurement not containing state secret, and in case of procurement containing state secret — the day of approval of or modification to the procurement plan. Where financial resources are earmarked for an additional procurement not included in the initial procurement plan during the given year, a supplement shall be made to the procurement plan.</p> <p>Comment: Plans should and are published in the bulletin and also in the Procurement Accountability System (ARMEPS). Despite there is nothing in the legislation regarding their formats, but in ARMEPS it is possible to get the data on CSV format- https://armeps.am/ppcm/public/procurements</p>
3.	Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [1 point]	1	<p>Comment: Part 8 of Article 15 of the Law.</p> <p>Comment: The drafts and adopted annual budgets of each year include also expenses for procurement. The total amount</p>

⁶ On approving the procedure for organisation of the procurement process and repealing decision of the Government of the RA No 168-N of 10 February 2011

	<p><i>Efficiency</i></p> <p>Source: OECD Methodology</p>		of procurement is mentioned in one of the Articles of that Law.
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>Part 6 of Article 15 of the Law stipulates initiation of procurement process “before foreseeing necessary financial resources”. It also provides that the signed contract shall become void, if such resources remain unavailable within 6 months after signing the contract. The mentioned Part also defines the situations, under which such procedures can be initiated.</p> <p>Comment: PPL Article 15, part 8</p> <p>Financial resources for carrying out procurement shall be earmarked under relevant items of economic classification of budget expenditures for the acquisition of goods, works and services. Earmarking of financial resources under other items of economic classification of budget expenditures shall be prohibited, where procurement is to be carried out at the expense of those resources.</p>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	The RA Law on Procurements, Article 26

6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p><i>Efficiency</i></p>	1	<p>The RA Law on Procurements, Article 22, parts 1, Article 23, part 1, point 4</p> <p>Comment: In addition Armenia is a full member of WTO GPA, which means that additional accountability applies for thresholds for different types of procurement.</p>
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Comment: The RA Law on Procurements Article 18 points 3 and 5 states that the preferable form of procurement is open tender.</p> <p>Point 3. Procurement shall be carried out under the procedure for electronic auctions, where the subject of procurement is included in the list provided for by point 14 of part 1 of Article 5 of this PPL.</p> <p>Point 5. The preferable form of procurement shall be the open tender, where the subject of procurement is not included in the list provided for by point 14 of part 1 of Article 5 of PPL, and in case of procurement containing state secret — in the list provided for by point 15 of the same part. Procurement may be carried out in other forms, exclusively in cases provided for by PPL.</p> <p>Comment. Despite this our monitoring indicates that the share of open tender is very low.</p>
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	0	<p>Comment. According the best practice like (WTO GPA) contracting authority must provide proper justification for using a non-competitive procedure, but this is not highlighted</p>

			in PPL.
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [1 point]</p> <ul style="list-style-type: none"> a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist. b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity. c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering. d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for 	0.5	<p>Comment: There are additional exceptions based on the procurement price and place (The RA Law on Procurements, Article 23, parts 4 and 5)</p> <p>Comment:</p> <p>Procurement may be carried out from single source (non-competitive procedure), where:</p> <ul style="list-style-type: none"> (1) it is possible to acquire goods, works or services only from single source, which is preconditioned by the copyright and related rights thereof, existence of the special or exclusive right; (2) due to emergency or other unforeseen situation, an urgent need for procurement has arisen and, due to emergency or other unforeseen situation the use of other procurement forms is impossible in terms of the time limits, provided that it has been objectively impossible to foresee such need; (3) by carrying out procurement of goods from any source, the contracting authority decides to carry out additional procurement of goods from the same source, which have not been included in the initial contract, but due to objectively unforeseen circumstances have become necessary for the performance of the initial contract, provided that: <ul style="list-style-type: none"> a. the contract of additional goods supply may not be technically or economically separated from the initial contract without causing major inconvenience to the contracting authority, and

	<p>routine purchases from regular suppliers. – [1]</p> <p>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i> Source: GPA Standard</p>		<p>b. the price thereof does not exceed 10% of the total price of the initial contract. Moreover, additional procurement from the same source, by applying this point, may be carried out once, and the price of additional goods may not be more than provided for by the contract;</p> <p>(4) the procurement price does not exceed the procurement base unit;</p> <p>(5) the procurement is carried out outside the territory of the Republic of Armenia.</p>
Tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [1/8]</p> <p>b) A description of the procurement, including the nature and the quantity of</p>	<p>Overall: 7/8</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p>	<p>The RA Law on Procurements, Article 27, part 2, Article 28, part 1</p> <p>It is considered that having Estimated value of the goods or services to be procured in the tender documentation will decrease competition.</p>

	<p>the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [1/8]</p> <p>d) Estimated value of the goods or services to be procured. – [1/8]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. – [1/8]</p> <p>f) The procurement method that will be used. – [1/8]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>c) 1/8</p> <p>d) 0</p> <p>e) 1/8</p> <p>f) 1/8</p> <p>g) 1/8</p> <p>h) 1/8</p>	
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <p>a) Payment conditions – [0.2]</p> <p>b) Information about bid security (if required) – [0.2]</p> <p>c) Source of funding – [0.2]</p> <p>d) Payment information for multi-year contracts – [0.2]</p> <p>e) Draft of contract – [0.2]</p>	<p>Overall: 0.6</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0</p> <p>d) 0</p>	<p>The RA Law on Procurements, Article 27, part 2, Article 28, part 1</p> <p>Comment: The invitation shall contain:</p> <p>(1) reference to the notice published, in addition to which the invitation is provided;</p> <p>(2) code of the tender;</p> <p>(3) instructions for preparation of bids;</p> <p>(4) qualification criteria, eligibility requirements and the procedure for evaluation thereof;</p> <p>(5) descriptions of the subject of procurement;</p> <p>(6) the procedure for evaluation of bids and for selection of a selected bidder;</p>

	Competitiveness and Impartiality	e) 0.2	<p>(7) the draft contract;</p> <p>(8) where procurement is carried out in lots and bidders are allowed to submit bids only for one part of goods, works and services to be procured — the conditions and procedure therefor;</p> <p>(9) the procedure for calculation of the price proposed by the bid including exchange rate thereof, where the price is quoted in foreign currency;</p> <p>(10) a note that the proposed price in addition to the value of goods, works and services also includes the costs for transportation, insurance, duties, taxes and other charges and may not be less than the cost price thereof. Calculation of the proposed price shall be presented in the bid;</p> <p>(11) requirements for the bid security and the contract security;</p> <p>(12) conditions including the form, venue, time limit for submission of bids, the language and validity of the bid;</p> <p>(13) the procedure for receiving clarifications on the procurement process, information on meetings to be held with the bidders, as well as the name and surname of the secretary of the evaluation commission;</p> <p>(14) form, venue, day and time of bid opening;</p> <p>(15) references to the provisions of this Law and other legal acts on the given procurement;</p> <p>(16) conditions for submitting the proposal on conclusion of a contract;</p> <p>(17) the right of the bidder to appeal against the actions (inaction) related to the procurement process or the adopted</p>
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			<p>decisions and the procedure thereof;</p> <p>(18) grounds for rejection of the bid;</p> <p>(19) information on preparation, submission, opening and evaluation of the bid, as well as other necessary information on procurement.</p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [1/3] b) Financial position. – [1/3] c) Grounds of restriction for participation. – [1/3] <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EBRD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>The RA Law on Procurements, Article 6.</p>
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [1 point]</p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>Part 4 of Article 16 provides that the procuring entity can invite consultant(s) to serve (perhaps based on service contract – is not specified by law) as procurement coordinator(s) for that entity. Such consultants shall necessarily be certified procurement coordinators (see Part 5 of the same Article), meaning that they shall undergo special qualification training conducted by the Ministry of Finance and pass the tests</p>

<p>Point Distribution</p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [0.5]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>after concluding that training. Procurement coordinator or procurement coordination unit usually is part of the procuring entity's staff.</p> <p>Comment</p> <p>According to secondary legislation GoA decree #526-N dated May 4, 2017 "on Approving the procedure for organization of the procurement process and repealing decision of the Government of the RA"</p> <p>In particular point 10 states that "construction projects shall include all types of construction works being carried out on the basis on the design documents approved and having passed expert examination as prescribed by the legislation of the RA.</p> <p>Point 15 states that procurement coordinator, as well as the representative or employee thereof may not be included within the composition of the evaluation commission in the capacity of a member of the commission. The member of the evaluation commission must have the professional capacity required for evaluating the qualification and proposals of the bidders, which shall be determined in accordance with the subject of procurement. Moreover, where representatives of the staff of the contracting authority lack necessary professional capacities, a relevant expert (specialist) shall be invited to be included within the composition of the commission.</p> <p>According to point 27</p> <p>Where the evaluation commission does not ensure compliance with the requirements of the legislation of the RA on procurement, the secretary shall notify the head of the contracting authority thereof in writing on the day he or she becomes aware of it, and the head of the contracting authority shall:</p>
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			<p>2) may apply to the competent (specialized) bodies for the purpose of receiving an expert opinion on the issue based on the written recommendation of the legal service. If this is the case, the period of suspension of the activities of the commission shall be extended until the working day following the day of receipt of the opinion, in respect of which the head of the contracting authority shall issue an order;</p> <p>Finally according to point 30, where a procurement is carried out and no evaluation commission is formed, the powers of the evaluation commission shall be exercised by the head of the responsible subdivision, and where an expert group has been formed — by this group, and the powers of the secretary of the commission shall be exercised by the procurement coordinator.</p> <p>Despite the expert can be involved in each stage there is no clear statement in PPL regarding conflict of interest situations</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] 	0.5	<p>The RA Law on Procurements, Article 27, part 1</p> <p>Comment: Notice should be published in the bulletin (www.procurements.am), but there is nothing in the Law about their formats.</p> <p>Comment: Our monitoring states that there is no single format and they are electronic but not machine-readable</p>

	<i>Transparency</i>		
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0.5	<p>The RA Law on Procurements, Article 29, part 4</p> <p>Comment: Amendments should be published in the bulletin (www.procurements.am), but there is nothing in the Law about their formats.</p>
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] 	0.5	<p>The RA Law on Procurements, Article 20, part 1, Articles 27 and 28</p> <p>Comment: The information should be published in the bulletin (www.procurements.am), but there is nothing in the Law about their formats.</p>

	<i>Transparency</i>		
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0.25	<p>Comment: PPL states, that protocol of the bid opening session should be published in the bulletin (www.procurements.am), but there is nothing mentioned about the information about the bids included in protocols (The RA Law on Procurements, Article 33, part 8)</p>
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0.25	<p>Comment: PPL states, that protocol of the tender evaluation session should be published in the bulletin (www.procurements.am), but there is nothing mentioned about the information contained in tender commission decisions included in protocols (The RA Law on Procurements, Article 34, part 9)</p> <p>There is Order of Minister of Finance on the samples of protocols http://gnumner.am/website/images/original/233462.pdf</p>

10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EU Standard</p>	1	<p>The RA Law on Procurements, Article 13, part 5</p> <p>Point 11 of Part 1 of Article 28, which provides that the bid invitation shall include also the requirements to bid security</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	0	<p>The RA Law on Procurements, Article 32</p> <p>Comment: PPL does not mention about the refund of a bid security, but exhaustively mentions the cases (3) when a bid security is paid</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement</p>	<p>Overall: 0.33</p> <p>Components:</p> <p>a) 0</p> <p>b) 1/3</p> <p>c) 0</p>	<p>The RA Law on Procurements, Article 33, part 7, Article 49, part 2</p> <p>Article 33 relates to the members of the tender commission, and Article 49-to the members of the Procurement Complaints and Appeal Review Board</p> <p>Comment: In addition, there is no any clear unit who will verify that the declarations of persons responsible for procurement decision-making are proper and true.</p>

	<p>procedure. – [1/3]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [1/3]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [1/3]</p> <p style="text-align: right;"><i>Accountability and Integrity</i> Source for a): EU Standard Source for b): OECD Methodology</p>		
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	1	The RA Law on Procurements, Article 34, part 1
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [1 point]</p> <p>Point Distribution</p> <p>a) To all tender candidates; and – [0.5]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>The RA Law on Procurements, Article 29, parts 4 and 5</p> <p>Comment 1: PPL states, that modifications should be transmitted to all tender candidates in case of closed procurements, and in case of open procurements all modifications should be published in the bulletin (www.procurements.am)</p> <p>Comment 2: Deadline to submit applications are counted from</p>

	<p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>the date of publication of modification in the bulletin (www.procurements.am)</p>
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [1 point]</p> <p><i>Transparency</i></p>	1	<p>The RA Law on Procurements, Part 9 of Article 34</p> <p>Comment: PPL states, that the protocol of the tender evaluation session should be transmitted to all tender candidates in case of closed procurements, and in case of open procurements the protocol should be published in the bulletin (www.procurements.am) no later than the following working day.</p>
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [1 point]</p> <p>Point Distribution</p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5]</p> <p>*** If a) is not applicable, b) equals [1 point].</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) n/a</p> <p>b) 1</p>	<p>The RA Law on Procurements, Article 9, part 1, point 8, part 4</p> <p>Comment: On request from the tender participant the copy of procurement procedure protocol (which includes justification, if the request is rejected) should be provided to tender participant within 5 working days.</p>

	<i>Transparency</i> Source: EU Standard		
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Life-cycle cost – [1/3] b) Best price-quality ratio – [1/3] c) Environmental and/or social costs – [1/3] <p><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 0.33</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 1/3 c) 0 	<p>The RA Law on Procurements, Article 34, part 2, point 2</p> <p>Comment: PPL states that in cases when evaluation criteria include both price and non- price criteria, then the first place winner is determined by the method, when the sum of proposed price and non-price criteria in total are the highest.</p> <p>Comment: PPL envisage contracting authorities to use MEAT criteria</p>
Post-tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [1 point]</p>	<p>Overall: 0.6</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.1 	<p>The RA Law on Procurements, Article 11, both part 1 and 2</p> <p>Comment: PPL states that the brief description of the subject the procurement the price should be published, but does not mention, whether the published information includes nature,</p>

	<p>Point Distribution</p> <p>a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [0.1]</p> <p>b) Subject of procurement. – [0.1]</p> <p>c) CPV codes (or other classificatory system of similar nature). – [0.1]</p> <p>d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [0.1]</p> <p>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1]</p> <p>f) Date of the signing of contract(s) or of framework agreement(s). – [0.1]</p> <p>g) Duration of the contract. – [0.1]</p> <p>h) Number of bids and their respective amounts received. – [0.1]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [0.1]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [0.1]</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>	<p>b) 0.1</p> <p>c) 0</p> <p>d) 0</p> <p>e) 0.1</p> <p>f) 0.1</p> <p>g) 0</p> <p>h) 0.1</p> <p>i) 0.1</p> <p>j) 0</p>	<p>extent, quantity or value of goods, works and services, or not.</p>
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2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [1 point]</p> <p>Point Distribution</p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [0.5]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [0.5]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>Comment: Procurement contracts are available upon request as a part of procurement procedure protocol (RA Law on Procurements, Article 9, part 4)</p>
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents.</p>	0	

	<p>– [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>		
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>	0	
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [1 point]</p>	0	

	<p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Transparency</i></p>		
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</p> <p>a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [0.5]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [0.5]</p> <p><i>Efficiency</i></p> <p>Source: OECD Methodology</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	<p>Comment: the Law mentions only about the Contract security mechanism, other issues of inspection of works and quality control are regulated by general principles of civil law and by the contracts</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p>	0	

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i> Source: OECD Methodology</p>	1	Comment: the issue is regulated principles of civil law, i.e. by the contracts (principle of freedom of contract)
10.	<p>PPL defines specific procedures for modifying contracts. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>RA Law on Procurements, Article 36, part 4</p> <p>Comment: PPL allows modifications only in the draft of contract with a condition, that modifications can't lead to a change in the characteristics of the procurement subject, including an increase in the price offered by the selected bidder</p>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p>	1	Comment: the issue is regulated principles of civil law, i.e. by the contracts (principle of freedom of contract)

	<i>Uniformity of the Legislative Framework</i>		
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • In electronic form for a period of at least 10 years. – [1] • In paper form for a period of at least 3 years. – [0.5] <p><i>Transparency</i></p>	0	<p>Comment: the Law only defines that maintenance of information regarding the procurement must be ensured via making appropriate documents and that the procuring entity should ensure existence and maintenance of the procurement relevant documents. The issue is regulated by legislation on the archives</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [0.5] b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [0.5] <p><i>Accountability and Integrity</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>There are relevant laws, which stipulate both internal (RA Law on Internal Audit) and external (RA Law on the RA Chamber of Control) control over procurement processes.</p>