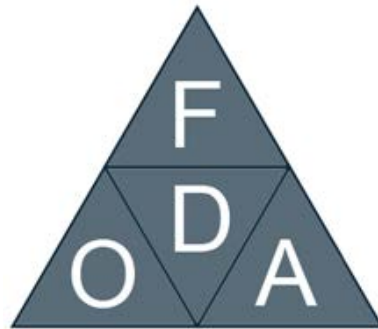


Transparent Public Procurement Rating



Kyrgyzstan Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Kyrgyzstan was prepared by the Forum on Official Development Assistance (FODA).

The Project – [Transparent Public Procurement Rating](#) – is implemented by the Institute for Development of Freedom of Information (IDFI) in Partnership with Transparency International Ukraine (TI-Ukraine), Transparency International Azerbaijan (TI-Azerbaijan), Expert-Grup (Moldova), Freedom of Information Center of Armenia (FOICA) and SYMPA/BIPART (Belarus).



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The opinions expressed in this draft document belong to the Institute for Development of Freedom of Information (IDFI) and its partner organizations, and do not reflect the positions of Open Society Institute Budapest Foundation (OSI). Therefore, this organization is not responsible for the content of this report.

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.

About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#).

The project was funded by Open Society Institute Budapest Foundation (OSI) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#) together with 5 partner organizations from each country in the Eurasian region covered by the project:

Armenia – [Freedom of Information Center of Armenia](#)

Azerbaijan – [Transparency International \(TI\)](#)

Belarus – [BIPART](#)

Moldova – [Expert-Grup](#)

Ukraine – [Transparency International \(TI\)](#)

In its initial stage, the TPPR project only covers the Eastern Partnership (EaP) Region; however, it plans to scale the methodology up to larger regions in the future.

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 procurement 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]	1	In accordance with Part 1 of Article 20 of the Law of the Kyrgyz Republic "On State Registration of Legal Entities, Branches (Representative Offices)", information contained in the state register (the unified state register of legal entities, branches) is open to general public. Electronic database of legal entities, branches (representative offices) - http://register.minjust.gov.kg/register/SearchAction.seam?logic=and&cid=5944093
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	In accordance with Article 125 of the Budget Code of the Kyrgyz Republic, the law on the republican budget, the law on the budget of the Social Fund, the law on the budget of the Mandatory Medical Insurance Fund, and the approved budgets of local

			<p>self-government bodies, budgets are posted on official websites of government agencies. According to Part 2 of Article 10 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity develops a public procurement plan in physical and monetary terms for the next financial year or another planning period and places it on the public procurement portal. The reference to the approved laws on the republican budget - http://minfin.kg/ru/novosti/byudzheth/zakony.html</p> <p>Links to the "Open Budget" Portal in which information on the execution of the republican budget and local budgets is published online - https://budget.okmot.kg/en/ https://map.okmot.kg/en/</p> <p>Link to public procurement plans of budget institutions - http://zakupki.gov.kg/popp/view/plan/before-sign.xhtml</p> <p>A reference to public procurement plans for non-budgetary institutions (state-owned companies) - http://zakupki.gov.kg/popp/view/plan/listCompany.xhtml</p>
3.	Public officials are required by law to file asset declarations. – [1 point]	1	<p>In accordance with paragraph 10 of the Resolution of the Government of the Kyrgyz Republic, "The Regulations on the Procedure for Declaring Income, Expenses, Obligations and Property of State and Municipal Employees", public officials are not subject to disclosure and publication of the information contained in the declaration, with the exception of summary information on incomes, expenditures, property and liabilities, contained in the declaration of civil servants specified in Article 1 of the Law of the Kyrgyz Republic "On declaration of incomes, expenses, liabilities and property of persons who replace or occupy the state administrative and municipal positions ": 1) persons who hold political, special public positions; 2) persons holding administrative public offices; 3) servicemen, law enforcement officers and diplomatic services; 4) persons who hold political and administrative municipal offices; 5) the Chairman of the National Bank of the Kyrgyz</p>

			<p>Republic and his deputies. The reference to summary information contained in the declarations of civil servants -</p> <p>http://www.mkk.gov.kg/contents/view/id/615/pid/95</p> <p>According to Part 1 of Article 26 of the Law of the Kyrgyz Republic "On Conflict of Interest", information contained in declarations of personal (private) interests, with the exception of cases established by legislation on the protection of personal data, is posted on the official website of the state body, local government, institution, organization or enterprises where the persons specified in Article 6 of this Law are carrying out their activities.</p>
4.	<p>The country has adopted legal provisions ensuring the right to request public information. – [1 point]</p>	1	<p>Law of the Kyrgyz Republic "On access to information under the jurisdiction of state bodies and local self-government bodies of the Kyrgyz Republic". This law regulates relations related to the access of individuals and legal entities to information held by state bodies and local self-government bodies.</p> <p>Law of the Kyrgyz Republic "On the procedures of consideration of citizen petitions." This law regulates the realization of the right of everyone to apply to state bodies and local self-government bodies enshrined in the Constitution of the Kyrgyz Republic, as well as the procedure for considering citizens' requests by state bodies, local governments and officials.</p>
5.	<p>Legislation includes provisions regulating whistleblower protection. – [1 point]</p>	0	<p>In accordance with Article 10 of the Law of the Kyrgyz Republic "On Combating Corruption", information on a person assisting in the fight against corruption is a state secret and is provided only upon written requests of state bodies authorized to fight corruption or courts in the manner established by the legislation of the Kyrgyz Republic . It should be noted that in this law there is no detailed procedure for protecting whistleblowers.</p>

Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
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>Law of the Kyrgyz Republic "On Public Procurement".</p> <p>Commentary: The PPL of the Kyrgyz Republic includes 1 additional law and 23 by-laws.</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>A reference to the PPL of the Kyrgyz Republic - http://zakupki.gov.kg/popp/home.xhtml?cid=1</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>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p>	<p>In accordance with Article 3 of the Law of the Kyrgyz Republic "On Public Procurement", public procurement is the acquisition by the procuring entity of goods, works, services and consulting services using methods established by this Law, financed in whole or in part from public funds: funds of the republican and local budgets for carrying out activities procuring entities and</p>

	<p>a) All state budget entities – [0.2]</p> <p>b) Local government entities – [0.2]</p> <p>c) Legal Entities of Public Law (LEPL) – [0.2]</p> <p>d) State owned companies – [0.2]</p> <p>e) State non-commercial legal entities – [0.2]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>d) 0.2</p> <p>e) 0.2</p>	<p>capital investments; means defined by the law on the budget as "extra budgetary funds", joint-stock companies where the state or municipal share is more than 50 percent of funds and other economic entities created from public funds; funds provided as foreign aid on the basis of the ones entered in accordance with the law by virtue of international treaties to which the Kyrgyz Republic is a party, unless otherwise provided by the contract; credit funds guaranteed and secured by the state.</p> <p>In accordance with Article 3 of the Law of the Kyrgyz Republic "On Public Procurement", procuring entities (buyers) are state or municipal organizations that have the status of a legal entity, joint-stock companies in which the state and (or) local governments, together or individually, own 50 or more percent of shares, and other economic entities created at the expense of public funds.</p>
4.	<p>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]</p> <p>Point Distribution</p> <p>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5]</p> <p>b) PPL clearly lists or refers to all exemptions. – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>In accordance with Article 3 of the Law of the Kyrgyz Republic "On Public Procurement", state bodies, budget institutions, local governments and state enterprises are obliged to purchase in accordance with the law (concepts: public procurement and procuring entity (buyer)).</p> <p>The Law of the Kyrgyz Republic "On Public Procurement" does not regulate public procurement directly related to: 1) national security; 2) defense; 3) protection of state secrets; 4) natural disasters.</p> <p>These government purchases are regulated by the Decree of the Government of the Kyrgyz Republic "On Approving the Procedure for Procurement of Goods, Works and Services Related to National Defense, National Security, Protection of State Secrets, Information Security and Disaster Relief"</p>
5.	PPL determines a separate state body	0.75	According to Article 9 of the Law of the Kyrgyz

	<p>(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>		<p>Republic "On Public Procurement", an authorized state body for public procurement has been established whose functions are:</p> <ol style="list-style-type: none"> 1) development of draft normative legal acts for the functioning of the public procurement system, including procurement procedures; 2) coordination and regulation of the activities of procuring entities in the implementation of procurement of goods, works, services and consulting services; 3) application of penal sanctions in case of violations by the authorized state body on state purchases, auditors and other bodies, as well as on the results of the consideration of complaints by the inter-ministerial commission; 4) formation and maintenance of unified republican registries of procuring entities, contracts for public procurement and a database of unreliable and unfair suppliers (contractors); 5) assistance to procuring entities in the procurement of goods, works, services and consulting services, training and counseling; 6) ensuring openness and publicity of procurement procedures, including publication of the complaints reviewed on the public procurement portal; 7) compilation of statistical and analytical information on public procurement; 8) introduction of best practices and innovative technologies in the public procurement system.
6.	PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as	1	According to Part 1 of Article 9 of the Law of the Kyrgyz Republic "On Public Procurement", the authorized state body compiles statistical and

	<p>opposed to regulation and control) of public procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>analytical information on public procurement conducted.</p> <p>Link to the analytical reports on public procurement - http://zakupki.gov.kg/popp/home.xhtml?cid=1</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>The order of the Ministry of Finance of the Kyrgyz Republic "On approval of the Expert Council on Public Procurement" established a mechanism for consultations with the civil sector. The expert council included 2 MPs, 2 representatives of business associations, representative of the National Institute for Strategic Studies under the Government, and NGO representative.</p> <p>However, the Law on Public Procurement does not contain provisions on mechanisms for consultation with all interested representatives of civil society.</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>Point Distribution</p> <ul style="list-style-type: none"> a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5] b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [0.5] <p><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>In accordance with Article 10 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity places a protocol of opening envelopes with competitive applications, a protocol of procurement procedures and information on the results of the tender on the public procurement portal, with the exception of electronic procurement, where protocols are generated and posted on the web -Portal system automatically.</p> <p>According to Article 15 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity, during the tender, places an announcement about the tender and the entire</p>

		<p>package of bidding documents developed in accordance with Article 14 of this Law on the public procurement portal.</p> <p>According to point 6 of the Order of the Ministry of Finance of the Kyrgyz Republic "On approval of the Regulation on the rules of electronic public procurement" organization and conduct of public procurement in the electronic format of goods, works, services "provide for the following procedures on the Web portal:</p> <ul style="list-style-type: none"> • Registration of procuring entities and suppliers (contractors); • Formation and publication of the annual public procurement plan; • Formation of tender documentation, as well as the formation and approval of the composition of the competitive commission; • Approval of the tender documentation by the tender commission and publication of the announcement of electronic procurement; • Clarification by the procuring entity of the provisions in the bidding documents to suppliers (contractors); • Formation of a competitive bid by suppliers (contractors); • Submission of competitive bids by suppliers (contractors); • Opening of competitive bids of participants of the competition by the procuring entity and publication of the protocol of opening bids; • Evaluation and comparison of competitive bids by the competitive commission and determination of the winner; • Based on the results of e-procurement, the
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			<p>procurement department's decision on the decision of the tender commission on awarding a contract or other decision on the competition in accordance with the provisions of the Law and publication of the results of the competition on the Web portal.</p> <p>According to article 18 of the Order of the Ministry of Finance of the Kyrgyz Republic "On approval of the Regulation on the rules of electronic public procurement" organization and conduct of public procurement in electronic format of goods, works, services "supplier (contractor) no later than 5 (five) working days before the expiry of the deadline for submission of competitive bids may request clarification of tender documentation from the procuring entity through the Web portal. The procuring entity shall, not later than 3 (three) business days, publish on the Web portal the text of clarification of the provisions of the tender documentation, without disclosing the source of the request.</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>Article 3 of the Law of the Kyrgyz Republic "On Public Procurement"</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>In accordance with Part 1 of Article 4 of the Law of the Kyrgyz Republic "On Public Procurement", domestic and foreign suppliers (contractors) should be given equal opportunities to participate in procurement proceedings, with the exception of parts 2 and 3 of this article</p> <p>Pursuant to Part 2 of Article 4 of the Law on Public Procurement "When purchasing goods that are produced in the Kyrgyz Republic by domestic suppliers, the procuring entity may grant privileges for the proposed price of up to</p>

			20 percent when assessing bids".
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> <ul style="list-style-type: none"> a) PPL should not allow domestic preferences. – [1/5] b) Participation of any candidate or group of candidates is based on qualification. – [1/5] c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5] d) State owned companies are not given any preference. – [1/5] e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5] <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>Overall: 3/5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 1/5 c) 1/5 d) 0 e) 1/5 	<p>Commentary to point "a":</p> <p>Pursuant to Paragraph 2 of Article 4 of the Law on Public Procurement "When purchasing goods that are produced in the Kyrgyz Republic by domestic suppliers, the procuring entity may grant privileges for the proposed price of up to 20 percent when assessing bids".</p> <p>Commentary to point "b":</p> <p>According to paragraph 15 of the Order of the Ministry of Finance of the Kyrgyz Republic "On approval of the Regulation on the rules of electronic public procurement", depending on the subject of procurement, the procuring entity shall establish: technical requirements for goods, work, services, content of bids and qualifications for suppliers (contractors) agreement conditions. There are no restrictions on the participation of suppliers in the tender in the legislation of the Kyrgyz Republic.</p> <p>Commentary to point "c":</p> <p>According to paragraph 26 of the Order of the Ministry of Finance of the Kyrgyz Republic "On Approval of the Regulation on the Rules for Electronic Public Procurement", when a new user completes an electronic registration form on the Web portal, users need to study and accept the terms of the user agreement, as well as the privacy policy when working in the system. In case of refusal, the user is not allowed to the registration process.</p> <p>"Privacy Policy" of the Ministry of Finance of the Kyrgyz Republic specifies the conditions for processing the personal information of the</p>

			<p>supplier. At the same time, the Ministry of Finance of the Kyrgyz Republic takes necessary and sufficient organizational and technical measures to protect the user's personal information from unauthorized or accidental access, destruction, modification, blocking, copying, distribution, as well as from other illegal actions of third parties. A link to the page for registering procuring entities and suppliers on the public procurement website - https://trade.okmot.kg/uac/view/user/registration/role-choice.xhtml</p> <p>Commentary to point "d":</p> <p>Pursuant to Paragraph 2 of Article 4 of the Law on Public Procurement "When purchasing goods that are produced in the Kyrgyz Republic by domestic suppliers, the procuring entity may grant privileges for the proposed price of up to 20 percent when assessing bids".</p> <p>Commentary on item "e":</p> <p>According to paragraph 24 of the Order of the Ministry of Finance of the Kyrgyz Republic "On Approval of the Regulation on the Rules for Conducting Electronic Public Procurement", the procuring entity shall fix the deadline for submitting bids, which must be at least 3 (three) weeks after the announcement of tenders, if the tender is announced in a one-stage and two-stages . When conducting a tender by a simplified method and a method to reduce the price, the submission deadline is not less than one week. The web portal does not automatically accept bids submitted after the deadline for submitting bids.</p>
12.	PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA	0	<p>According to the Government Agreement on Public Procurement of the WB (Hereinafter referred to as GPA), the minimum threshold for the filing of tenders is 10 days (if all the</p>

	<p>standard - Article XI) for candidates to prepare and submit tender application. – [1 point]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>conditions specified in Article XI are satisfied) from the date of publication of the notification of the proposed procurement. The PPL of the Kyrgyz Republic does not comply with this standard due to the availability of two methods of procurement.</p> <p>Purchase by the simplified method is carried out within 7 days (article 24 of the Order of the Ministry of Finance of the Kyrgyz Republic "On approval of the Regulation on the rules of electronic public procurement"), and by direct contracting method it is granted only 2 days (part 2 of Article 21 of the Law of the Kyrgyz Republic "On Public Procurement "And article 60 of the Order of the Ministry of Finance of the Kyrgyz Republic" On approval of the Regulation on the rules for electronic public procurement ").</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>In accordance with Part 1 of Article 10 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity assigns responsibility for procurement to one of its divisions.</p>
14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>In accordance with Part 1 of Article 9 of the Law of the Kyrgyz Republic "On Public Procurement", the function of the authorized state body for state procurement includes the imposition of penalties in case of violations by procurers, auditors and other bodies.</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> Source: OECD Methodology</p>	1	<p>In accordance with Article 6 of the Law of the Kyrgyz Republic "On Public Procurement", state, municipal employees and employees of procuring entities and members of the competition commission are prohibited from:</p> <ol style="list-style-type: none"> 1) to exert any influence on the decision in the public procurement in the interests of either party to the procurement; 2) participate as suppliers (contractors) or be

			<p>affiliated with them in procurement, regulated by this Law;</p> <p>3) be an affiliated person.</p> <p>In case of violation of the provisions of this part by employees of procurement organizations or members of the procurement commission, they are held liable in accordance with the procedure established by the legislation of the Kyrgyz Republic, and the procurement procedures are suspended or terminated upon the decision of the procuring entity or court.</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including 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>	0.75	<p>In accordance with Part 1 of Article 48 of the Law of the Kyrgyz Republic "On Public Procurement", bidders have the right to file a complaint through the public procurement portal to an independent inter-ministerial at any stage of the procurement procedure.</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 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>Commentary to point "a":</p> <p>In accordance with Part 1 of Article 48 of the Law of the Kyrgyz Republic "On Public Procurement", bidders have the right to file a complaint through the public procurement portal to an independent inter-ministerial at any stage of the procurement procedure.</p> <p>In accordance with Part 7 of Article 49 of the Law, the Independent Interd-ministerial Commission may consider the complaint after</p>

	<p>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> <p><i>Uniformity of the Legislative Framework</i></p>		<p>the conclusion of the procurement contract for compliance with the requirements of the legislation in the field of public procurement.</p> <p>Commentary to point "b":</p> <p>In accordance with Part 3 of Article 49 of the Law of the Kyrgyz Republic "On Public Procurement", an independent inter-ministerial shall promptly notify the procuring entity of receipt of the complaint and suspend the procurement procedure for ten days.</p> <p>Commentary to point "c":</p> <p>In accordance with Part 2 of Article 32 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity, from the date of publication of information on the public procurement web portal, about the selection of the winner signs a contract with the winning supplier (contractor) after seven working days in cases of one-stage and two-stage tenders and in after two working days during the simplified procurement.</p>
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>According to paragraph 1 of Article 49 of the Law of the Kyrgyz Republic "On Public Procurement" for objective consideration of the complaints the Government of the Kyrgyz Republic creates an independent inter-ministerial commission to deal with complaints and protests, which consists of representatives of the public, certified specialists in the field of public procurement. An independent inter-ministerial commission is guided by the Regulation approved by the Government of the Kyrgyz Republic.</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 style="text-align: right;"><i>Transparency</i></p>	0.5	<p>According to Part 1 of Article 48 of the Law of the Kyrgyz Republic "On Public Procurement", bidders have the right to file a complaint through the public procurement portal to an independent inter-ministerial commission at any stage of the procurement procedure.</p> <p>Link to the database on complaints - http://zakupki.gov.kg/popp/view/services/complaints/complaints-list.xhtml</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 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>According to Part 3 of Article 49 of the Law of the Kyrgyz Republic "On Public Procurement", an independent inter-ministerial commission immediately notifies the procuring entity of receipt of the complaint and suspends the procurement procedure for ten days. An independent inter-ministerial commission shall consider a complaint with the participation of the procuring entity and the participant who filed the complaint. An independent inter-ministerial commission within seven working days issues a written reasoned decision and places a decision on the public procurement portal.</p> <p>Link to the database on complaints - http://zakupki.gov.kg/popp/view/services/complaints/complaints-list.xhtml</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] c) Estimated value of procurements. – [0.25] d) Source of funding. – [0.25] <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 0.75</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0.25 c) 0.25 d) 0.25 	<p>In accordance with Part 2 of Article 12 of the Law of the Kyrgyz Republic "On Public Procurement", the procurement plan should contain information on the subject of public procurement, its quantity and the expected prices and terms of procurement.</p> <p>The Order of the Department of Public Procurement under the Ministry of Finance of the Kyrgyz Republic "On Approval of the Form of Public Procurement Plans" of January 21, 2015 No. 10 / p</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] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>According to Part 2 of Article 10 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity develops a public procurement plan in physical and monetary terms for the next financial year or another planning period and places it on the public procurement portal.</p> <p>Link to procurement plans: http://zakupki.gov.kg/popp/view/plan/before-sign.xhtml http://zakupki.gov.kg/popp/view/plan/listCompany.xhtml</p>
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget</p>	1	<p>According to part 6 of Article 114 of the Budget Code of the Kyrgyz Republic, the purchase of goods (works, services) by the recipients of budgetary funds is carried out in accordance</p>

	<p>formulation process in a fiscal year. – [1 point]</p> <p><i>Efficiency</i></p> <p>Source: OECD Methodology</p>		<p>with the current legislation of the Kyrgyz Republic.</p> <p>Pursuant to Part 1 of Article 12 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity shall, within a month after approval of the republican budget, develop a public procurement plan for a period of not less than one year on the basis of the budget or cost plan and place it on the public procurement web portal.</p>
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>According to Part 3 of Article 114 of the Budget Code of the Kyrgyz Republic, the conclusion by budget institutions of contracts, contracts, agreements subject to execution at the expense of budgetary funds, including income from the provision of paid services, is made within the limits of budgetary obligations brought to them and taking into account accepted and unfulfilled budget obligations.</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	<p>According to part 3 of Article 10 of the Law of the Kyrgyz Republic "On Public Procurement", the tender commission of the procuring entity performs the following functions:</p> <p>1) approves the specified criteria in the tender documentation;</p> <p>2) conducts opening of envelopes with competitive applications, with the exception of electronic procurement, where the opening is carried out by the system automatically within the time specified in the tender documentation;</p> <p>3) compiles and signs the protocol for opening envelopes with competitive tenders and sends it to the procurement department to post on the web portal, except for electronic procurement where bids are automatically opened by the web portal and the envelope</p>

			<p>opening protocol with competitive tenders are automatically generated and posted on a web portal;</p> <p>4) assess the bids, using the procedures and criteria provided by the tender documentation, in accordance with this Law, prepare an evaluation report on the results of the competition indicating the winners' rankings;</p> <p>5) decide on the issue of determining the winner or another decision based on the results of procurement procedures.</p> <p>According to part 4 of Article 10 of the Law of the Kyrgyz Republic "On Public Procurement", the composition of the tender commission must include at least three persons. One of the members of the competitive commission should be a procurement specialist who has a confirmatory certificate. All procurement specialists of the procuring entity must have confirmatory certificates. Specialists of the procurement department of the procuring entity who are not members of the tender commission can not make decisions when determining the winner of the tender.</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p><i>Efficiency</i></p>	1	<p>According to Article 3 of the Law of the Kyrgyz Republic "On Public Procurement", the threshold amount is the amount of the sums (minimum and maximum) by which the choice of the method of public procurement for each item of expenditure for one year is determined. The size of the threshold and the method of their application are established by the Government of the Kyrgyz Republic</p> <p>According to Part 1 of Article 19 of the Law of the Kyrgyz Republic "On Public Procurement", a simplified method is used for procurement of ready-made (off-the-shelf) goods that do not</p>

			<p>require special manufacturing, works and services with a specific description for an amount less than the maximum threshold amount.</p> <p>Pursuant to Part 4 of Article 21 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity has the right to independently conduct procurement through the direct conclusion of an agreement in the case of procurement of goods, works and services for each item of expenditure once a year to the minimum threshold amount.</p> <p>The Resolution of the Government of the Kyrgyz Republic "On Approval of Threshold Amounts in the Conduct of Procurement of Goods, Works and Services" specifies minimum and maximum thresholds for procuring entities.</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>Commentary to point "a":</p> <p>In accordance with paragraph 22 of the Order of the Ministry of Finance of the Kyrgyz Republic "On approval of the Regulation on the rules of electronic public procurement" public procurement in electronic format is carried out by the following methods:</p> <ul style="list-style-type: none"> • one-stage; • two-stage; • Simplified; • to lower the price; • Direct conclusion of the contract. <p>Commentary to point "b":</p> <p>According to Part 4 of Article 21 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity has the right to independently conduct purchases through</p>

			<p>direct contracting in the following cases:</p> <ol style="list-style-type: none"> 1) Additional purchase of goods that do not exceed 15 percent of the value of the contract, concluded on the basis of the tender held while preserving the price and technical specifications; 2) Implementation of additional construction works or services not exceeding 25 percent of the cost of the contract concluded on the basis of a tender related to the expansion of previously initiated works or an increase in volume, and the involvement of the same contractor will ensure the economy and compatibility of results with respect to the quality of previously performed work or services; 3) Acquisition of goods, works and services for each item of expenditure once a year to the minimum threshold amount; 4) procurement of goods from enterprises and institutions of the penal-executive system; 5) purchase of goods, works and services from manufacturers or from a particular supplier (contractor) that has intellectual or exclusive rights with respect to these goods, works and services, and there is no possibility of applying another method of procurement; 5¹ procurement for the execution of a creative project or creative activity in the field of culture and art; 6) acquisition of goods, works and services for the localization of consequences of force majeure circumstances that require immediate restoration; 7) if the tenders were declared invalid and the re-holding of the tender, taking into account the revised requirements of the bidding documents, did not lead to
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			<p>the conclusion of the contract;</p> <p>8) the emergence of an urgent need to conduct purchases of daily consumed goods in connection with circumstances that the procuring entity did not foresee, provided that the tender is compulsorily held within a month from the date of the occurrence of the specified circumstances;</p> <p>9) early elections or referendums;</p> <p>10) procurement of goods, works and services by foreign institutions of the Kyrgyz Republic to ensure their activities in the territory of a foreign state;</p> <p>11) purchase of goods, works and services to support the activities of the President of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic, the Prime Minister of the Kyrgyz Republic, including organizing events with the participation of these persons, as well as procurement related to the provision of visits by foreign delegations to level of heads of state, heads of government, parliament speakers, heads of foreign affairs agencies, international organizations, as well as persons equated to them</p> <p>12) procurement of goods, works and services by local governments to ensure their activities up to one million soms within one year.</p> <p>According to Part 3 of Article 2, the Law of the Kyrgyz Republic "On Public Procurement" does not regulate public procurement directly related to: 1) national security; 2) defense; 3) protection of state secrets; 4) natural disasters.</p> <p>Such procurement is regulated by the Decree of the Government of the Kyrgyz Republic "On Approving the Procedure for</p>
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			Procurement of Goods, Works and Services Related to National Defense, National Security, Protection of State Secrets, Information Security and Disaster Relief."
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>According to Part 4 of Article 4 of the Law of the Kyrgyz Republic "On Public Procurement", in case of granting benefits to domestic suppliers (contractors), the procuring entity should provide for the size of benefits in the bidding documents and in the announcement of the forthcoming tender.</p> <p>In Article 21 of the Law of the Kyrgyz Republic "On Public Procurement" there is no rule on disclosing the grounds for using a non-competitive procurement procedure.</p>
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 	0	<p>According to Part 4 of Article 21 of the Law of the Kyrgyz Republic "On Public Procurement", the Procuring Entity has the right to independently conduct purchases through direct contracting in the following cases:</p> <ul style="list-style-type: none"> 1) the additional purchase of goods that do not exceed 15 percent of the value of the contract, concluded on the basis of the tender held while preserving the price and technical specifications; 2) Implementation of additional construction works or services not exceeding 25 percent of the cost of the contract concluded on the basis of a tender related to the expansion of previously initiated works or an increase in volume, and the involvement of the same contractor will ensure the economy and compatibility of results with respect to the quality of previously performed work or services; 3) Acquisition of goods, works and services for each item of expenditure once a year to the

	<p>significant inconvenience or substantial duplication of costs for the procuring entity.</p> <p>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.</p> <p>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.</p> <p>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 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>minimum threshold amount;</p> <p>4) procurement of goods from enterprises and institutions of the penal-executive system;</p> <p>5) purchase of goods, works and services from manufacturers or from a particular supplier (contractor) that has intellectual or exclusive rights with respect to these goods, works and services, and there is no possibility of applying another method of procurement; 5 1 procurement for the execution of a creative project or creative activity in the field of culture and art;</p> <p>6) acquisition of goods, works and services for the localization of consequences of force majeure circumstances that require immediate restoration;</p> <p>7) if the tenders were declared invalid and the re-holding of the tender, taking into account the revised requirements of the bidding documents, did not lead to the conclusion of the contract;</p> <p>8) the emergence of an urgent need to conduct purchases of daily consumed goods in connection with circumstances that the procuring entity did not foresee, provided that the tender is compulsorily held within a month from the date of the occurrence of the specified circumstances;</p> <p>9) early elections or referendums;</p> <p>10) procurement of goods, works and services by foreign institutions of the Kyrgyz Republic to ensure their activities in the territory of a foreign state;</p> <p>11) purchase of goods, works and services to support the activities of the President of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic, the Prime Minister of the Kyrgyz Republic, including organizing events with the participation of these persons, as well as procurement related to the provision of visits by foreign delegations to level of heads of state, heads of government, parliament speakers, heads of foreign affairs agencies, international</p>
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			<p>organizations, as well as persons equated to them</p> <p>12) procurement of goods, works and services by local governments to ensure their activities up to one million soms within one year.</p>
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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> <ul style="list-style-type: none"> 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] b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8] c) CPV codes (or other classificatory system of a similar nature). – [1/8] d) Estimated value of the goods or services to be procured. – [1/8] e) The time-frame for delivery of goods or services or the duration of the contract. – [1/8] f) The procurement method that will be used. – [1/8] g) The address (where applicable) and any final date for the submission of requests 	<p>Overall: 7/8</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/8 b) 1/8 c) 0 d) 1/8 e) 1/8 f) 1/8 g) 1/8 h) 1/8 	<p>In accordance with Part 2 of Article 14 of the Law of the Kyrgyz Republic "On Public Procurement", the tender documentation necessarily contains the following information:</p> <ul style="list-style-type: none"> 1) instructions for the preparation of bids; 2) qualification of suppliers (contractors) in accordance with Article 27 of this Law; 3) documentary evidence, which must be submitted by the suppliers (contractors) to confirm their qualifications; 4) detailed description of the subject of procurement, technical, quality characteristics of the goods, works or services purchased, including technical specifications, design estimates for the entire volume of construction, state expertise in design and engineering solutions, plans, drawings and sketches; quantity of goods; services to be provided; the place where goods are to be delivered, work is done or services are provided; 5) terms of the contract; 6) a description of all the criteria that are used in the evaluation of bids by the procuring entity, including the weight of these criteria, which

	<p>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><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>must be expressed in monetary terms, and the provision of benefits in accordance with Article 4 of this Law. Criteria for evaluating medicinal products should include criteria that ensure the greatest clinical safety and therapeutic effectiveness for the patient, proven in the prescribed way, and the least risk of adverse reactions;</p> <p>7) the provisions defined by the procuring entity as necessary, which will be included in the written contract;</p> <p>8) description of lots of goods, works and services for which bids can be submitted, if suppliers (contractors) are allowed to submit bids for individual lots of goods, works or services to be procured;</p> <p>9) the price (in national currency), which must contain other elements, except the cost of the goods, works or services purchased, such as transportation and insurance costs, customs duties and taxes, and others;</p> <p>10) the currency of the tender: when submitting bids in foreign currency - the way of comparing the prices of bids expressed in foreign currency, the way to determine the exchange rate;</p> <p>11) the form, amount and other basic conditions for guaranteeing the bid and performance of the contract, as well as the validity of such guarantees or the requirement to sign a declaration guaranteeing the tender application;</p> <p>12) address, place and deadline for submitting bids;</p> <p>13) a description of the procedure for explaining the provisions of the bidding documents requested by the supplier (contractor), information on the date of the pre-competition meeting, if any;</p>
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2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Payment conditions – [0.2] b) Information about bid security (if required) – [0.2] c) Source of funding – [0.2] d) Payment information for multi-year contracts – [0.2] e) Draft of contract – [0.2] <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.4</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.2 b) 0.2 c) 0 d) 0 e) 0 	<p>Commentary to point "a":</p> <p>According to paragraph 15.2. Order of the Ministry of Finance of the Kyrgyz Republic on approval of the "Standard tender documentation for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price" payment to the Supplier for the delivered goods must be made in accordance with the contract in the form and terms specified in the Special Conditions of the Treaty.</p> <p>Commentary to paragraph "b": in accordance with Part 12 of Article 24 of the Law of the Kyrgyz Republic "On Public Procurement", the supplier (contractor) has the right to change or withdraw its bid before the deadline for submitting the tender application, without losing the right to return the guarantee of its competitive bid.</p> <p>Commentary to clause "e": In accordance with Part 2 of Article 14 of the Law of the Kyrgyz Republic "On Public Procurement", the tender documentation necessarily contains information about the general and specific terms of the procurement contract and the form of the contract, as well as any conditions</p>

			<p>for entry into force contract of purchase, including registration of the contract in an authorized state body in accordance with Article 51 of this Law, and the estimated period that will be required for registration.</p> <p>Commentary on item "e":</p> <p>According to the Order of the Ministry of Finance of the Kyrgyz Republic on approval of the "Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for lowering prices", special conditions of the contract are included in the tender documentation (Appendix No. 4).</p> <p>In the special conditions of the contract are indicated:</p> <ul style="list-style-type: none"> - Guaranteeing the performance of the contract; - Technical control and testing; - Supplies and transportation, documentation; - Payment; - Penalties; - Settlement of disputes;
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></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>According to Part 1 of Article 27 of the Law of the Kyrgyz Republic "On Public Procurement", in addition to the legal competence for concluding an agreement, the procuring entity, in conducting public procurement, establishes the following requirements in competitive documents using standard tender documents approved by the Government of the Kyrgyz Republic to the level of qualifications of suppliers (contractors) including:</p> <p>1) work experience and completed deliveries of</p>

	Source: EBRD Methodology		<p>goods, works and services;</p> <p>2) availability of financial opportunities, absence of losses, availability of sufficient working capital;</p> <p>3) technical capabilities, availability of necessary equipment, qualified personnel, licenses (if the activity is licensed);</p> <p>4) information on tax arrears and insurance premiums in the Kyrgyz Republic.</p> <p>In accordance with Parts 3 and 4 of Article 27 of the Law of the Kyrgyz Republic "On Public Procurement", any requirement established in accordance with this article is set forth in prequalification documents and (or) in tender documentation, applies equally to all suppliers (contractors). The procuring entity does not establish any other criteria, requirements or procedures for the qualifications of suppliers or contractors other than those provided for in this Law. The procuring entity evaluates the qualifications of the suppliers (contractors) in accordance with the qualification criteria and procedures set forth in the prequalification documents and / or in the bidding documents. The procuring entity should not establish criteria, requirements or procedures that discriminate against suppliers or contractors.</p>
4.	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	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Commentary to point "a":</p> <p>According to paragraph 11 of the "Regulations on the rules of electronic public procurement" for the formation of tender documentation, with respect to the development and evaluation of technical requirements for goods, work and services purchased, the procuring entity may involve an expert commission and / or an expert</p>

	<p>point]</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></p> <p style="text-align: right;">Source: EU Standard</p>		<p>in the relevant field.</p> <p>According to paragraph 12 of the Regulation "Experts (expert commission) assess the technical characteristics for compliance with the requirements of the tender documentation offered by suppliers (contractors) of goods, works and services and submit an expert opinion, and experts do not have the right to vote when the decision is taken by the competitive commission. The expert opinion (expert commission) is taken into account by the competitive commission in the event that it is made within the limits of the requirements provided by the tender documentation. "</p> <p>Commentary to point "b":</p> <p>According to Part 5 of Article 6 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity cannot conclude a procurement agreement or framework agreement with the supplier (contractor) whose employee was responsible for the preparation of specifications or bidding documents or the supplier (contractor) for the past two years was an employee of this procuring entity.</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>Pursuant to Part 1 of Article 15 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity, during the tender, places an announcement about the tender and the entire package of bidding documents developed in accordance with Article 14 of this Law on the public procurement portal.</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>Pursuant to Part 5 of Article 23 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity may make changes in the tender documentation without changing the subject of procurement by changing the technical specifications or changing the basic requirements by issuing supplements in time allowing the suppliers (contractors) to timely take into account the changes made to the tender documentation in the preparation of their bids, and in time to send their bid, but in any case not later than three working days before expiration of the deadline for submission of tenders.</p> <p>Information on the change of the tender documentation is published on the web portal of public procurement with notification of tender candidates about changes being obligatory.</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] <p><i>Transparency</i></p>	0.5	<p>According to Part 10 of Article 28 of the Law of the Kyrgyz Republic "On Public Procurement", when electronic procurement is made, report on bid opening is automatically generated by the system and posted on a web portal.</p> <p>The report is formed from competitive bids of suppliers, which includes the following information:</p> <ol style="list-style-type: none"> 1) the name and address of each supplier (contractor) whose application was opened; 2) the price and currency of the tender application, information on the proposed discount, if the subject of procurement is divided into lots - the price of each lot; 3) the form, the size of the guarantee provision of the bid; 4) the validity of the offer; 5) the name of the organization that issued a

			<p>certificate of debt for taxes and insurance premiums in the Kyrgyz Republic, reference numbers;</p> <p>6) availability of all required documents.</p>
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 style="text-align: right;"><i>Transparency</i></p>	0.5	<p>According to paragraph 10 of the Order of the Ministry of Finance of the Kyrgyz Republic on approval of the "Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for lowering prices", the tender application includes the bid price. Prices listed in the price table should include all costs: all taxes, duties, fees collected in accordance with the legislation of the Kyrgyz Republic, as well as costs associated with delivery and other costs for the performance of contractual obligations specified in the contract.</p> <p>The prices offered by the Bidder must remain fixed for the duration of the contract and must not be changed under any circumstances. The competitive bid, allowing to adjust prices, will be considered as not meeting the conditions of the competition, and will be rejected in accordance with part 27 of this instruction.</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] 	0.5	<p>According to Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", in carrying out procurement procedures, the procuring entity shall draw up a protocol of procurement procedures in which the decision to conclude a procurement contract should be reflected.</p> <p>The protocol of procurement procedures is signed by all members of the tender commission and transferred to the procurement department.</p> <p>The procuring entity shall post a record of the procurement procedures on the public procurement web portal within three working days, which includes information relating to the procurement procedures, except confidential. When carrying out electronic procurement, the protocol is formed by the system independently</p>

	<i>Transparency</i>		on the web portal of public procurement.
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><i>Competitiveness and Impartiality</i> Source: EU Standard</p>	1	<p>According to paragraph 10 of the Order of the Ministry of Finance of the Kyrgyz Republic on approval of the "Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price" technical specifications in no case may contain an indication of:</p> <p>a) a trademark;</p> <p>b) trademarks;</p> <p>c) the name of the country and place of origin of the goods, or the name of the manufacturer.</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><i>Efficiency</i></p>	1	<p>Paragraph 35 of the Regulation on the rules for electronic public procurement:</p> <p>If the supplier (contractor) makes sure that the competitive bid for participation in electronic procurement is in the form of a bank guarantee, the bank guarantee is submitted electronically (scanned copy), and the original one - within three days at the request of the procuring entity.</p> <p>If the supplier (contractor) makes sure that the bid for participation in electronic public procurement in monetary terms is paid to the bank account of the procuring entity or to the cashier, the supplier must provide an electronic (scanned) copy of the payment document confirming the guarantee money contribution.</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p>	<p>Overall: 2/3</p> <p>Components:</p>	<p>Commentary to paragraph "a": According to Part 1 of Article 6 of the Law of the Kyrgyz Republic "On Public Procurement", state, municipal employees and employees of</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 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>	<p>a) 1/3</p> <p>b) 0</p> <p>c) 1/3</p>	<p>procuring entities and members of the tender commission are prohibited from:</p> <p>1) to exert any influence on the decision in public procurement in the interests of either party to the procurement;</p> <p>2) participate as suppliers (contractors) or be affiliated with them in procurement, regulated by this Law;</p> <p>3) be an affiliated person.</p> <p>In case of violation of the provisions of this part by employees of procurement organizations or members of the tender commission, they are held liable in accordance with the procedure established by the legislation of the Kyrgyz Republic, and the procurement procedures are suspended or terminated upon the decision of the procuring entity or court.</p> <p>Commentary to clause "c": According to Part 1 of Article 6 of the Law of the Kyrgyz Republic "On Public Procurement", state, municipal employees and employees of procuring entities and members of the competitive commission are not allowed to exert any influence on the decision in public procurement in the interests of either party to the procurement.</p> <p>According to Part 4 of Article 6 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity can not enter into a contract or a framework agreement on procurement with a supplier or contractor whose founder and / or participants are persons holding political, state, municipal offices, special state positions and their close relatives.</p> <p>Pursuant to Part 5 of Article 6 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity can not conclude a procurement agreement or framework agreement with the supplier (contractor) whose</p>
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			employee was responsible for the preparation of specifications or tender documents or the supplier (contractor) for the past two years was an employee of this procuring entity.
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><i>Competitiveness and Impartiality</i></p>	1	<p>Pursuant to Part 7 of Article 29 of the Law of the Kyrgyz Republic "On Public Procurement", during the evaluation, the procuring entity rejects the tender application if:</p> <ol style="list-style-type: none"> 1) the supplier (contractor) that submitted this competitive bid does not meet the qualification requirements established in the tender documentation; 2) suppliers (contractors) did not sign the declaration guaranteeing the bid, or did not provide guarantee support for the tender application (if required by the condition of the tender documentation); 3) suppliers (contractors) are in arrears in taxes or on insurance premiums on state social insurance and social payments; 4) the technical parameters proposed in the tender application do not correspond to the technical specification of the tender documentation; 5) competitive bid essentially does not meet the requirements of the tender documentation.
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> <ol style="list-style-type: none"> a) To all tender candidates; and – [0.5] b) Give additional adequate time (either by extending or restarting the time) to 	<p>Overall: 0.5</p> <p>Components:</p> <ol style="list-style-type: none"> a) 0.5 b) 0 	<p>Commentary to point "a":</p> <p>According to Part 5 of Article 23 and Part 7 of Article 24 of the Law of the Kyrgyz Republic "On Public Procurement" and Clause 20 of the Order of the Ministry of Finance of the Kyrgyz Republic "On Approval of the Regulation on Electronic Procurement Procedures" "The procuring entity in case of changes to technical specifications or changes in basic requirements may, not less than 3 (three) working days before the deadline for the submission of bids,</p>

	<p>allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>change the bidding documents and place information about the change on the Web portal with mandatory notification to all bidders and is binding on them. At the same time, the subject of procurement does not change. "</p> <p>Commentary to point "b":</p> <p>Pursuant to Part 5 of Article 23 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity may make changes in the tender documentation without changing the subject of procurement by providing additional time, allowing suppliers (contractors) to timely make relevant changes. Information on the change of the bidding documents is published on the web portal of public procurement with obligatory notification to all bidders and is binding on them.</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>	0	<p>According to Part 4 of Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity prepares a protocol of procurement procedures and places it on the public procurement web portal within three working days, which includes information related to procurement procedures, except confidential. When carrying out electronic procurement, the protocol is made by the system independently on the web portal of public procurement.</p> <p>Pursuant to Part 1 of Article 32 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity shall, within three working days, publish information on the selection made with the name of the supplier (contractor) that won the tender, the prices of the bid submitted to it on the public procurement portal.</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> <ul style="list-style-type: none"> a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] *** b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5] <p>*** If a) is not applicable, b) equals [1 point].</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>Commentary to point "a":</p> <p>Pursuant to Part 1 of Article 25 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity may conduct prequalification procedures in cases of public procurement of complex, expensive or highly specialized types of goods, works and services when conducting procurement procedures.</p> <p>Pursuant to part 8 of the above article of the law, the procuring entity shall notify each supplier (contractor) about the results of the prequalification selection process within three working days from the date of the decision.</p> <p>Commentary to point "b":</p> <p>Pursuant to Part 1 of Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", in carrying out procurement procedures, the procuring entity shall draw up a protocol of procurement procedures in which information should be provided on the basis for rejecting all bids in the event of their rejection.</p> <p>It should be noted that this paragraph indicates only the possibility of rejecting all submitted bids in which there is no winner of the competition.</p>
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 – [<p>Overall: 1/3</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 0 c) 0 	<p>According to Part 9 of Article 29 of the Law of the Kyrgyz Republic "On Public Procurement", the tender commission determines the winning bid, which essentially meets the requirements of the tender documentation:</p> <ul style="list-style-type: none"> 1) with the lowest price, if the only criterion is price; 2) with the lowest estimated value, taking into account the established criteria, if the

	<p>1/3]</p> <p><i>Efficiency</i></p> <p>Source: EU Standard</p>		<p>competitive documentation provides, along with the price and other evaluation criteria.</p> <p>Commentary to point "a":</p> <p>According to paragraph 21 of the "Methodical Instructions for the Evaluation of Bids", other than the price, other evaluation criteria should be specified in the bidding documents, including the time period for providing quality assurance of the goods (works, services).</p> <p>According to Appendix No. 4 "Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price", the Special Conditions of the Agreement include the section "Guarantee".</p>
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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>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>Overall: 0.6</p> <p>Components:</p> <p>a) 0.1</p> <p>b) 0.1</p> <p>c) 0</p> <p>d) 0.1</p> <p>e) 0.1</p> <p>f) 0</p>	<p>Commentary to point "a":</p> <p>According to Article 14 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity in the tender documentation indicates the address:</p> <ul style="list-style-type: none"> - place and deadline for submitting bids; - the name, title, position and address of one or more officials or employees of the procuring entity that are authorized to directly communicate with suppliers (contractors), as well as ways of maintaining communication.

<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>g) 0</p> <p>h) 0.1</p> <p>i) 0</p> <p>j) 0.1</p>	<p>The above information is stored on the public procurement web portal upon successful completion of the tender.</p> <p>Commentary to paragraph "b":</p> <p>According to Part 1 of Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", the procurement subject for each lot is reflected in the procurement procedure protocol.</p> <p>Commentary to paragraph "d":</p> <p>According to Part 1 of Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", the price and other basic conditions of each competitive bid are reflected in the protocol of procurement procedures.</p> <p>Commentary to paragraph "e":</p> <p>According to Part 1 of Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", the procurement procedure is reflected in the protocol of procurement procedures and the basis for its selection, in case of application of the framework agreement procedure, an explanation of the reasons and circumstances that the procuring entity was guided by application of the framework agreement procedure.</p> <p>Commentary to item "e":</p> <p>Article 51. Public Procurement Contract</p> <p>Within five working days from the date of signing the contract, the procuring entity shall post on the public procurement web portal information that includes the following information:</p> <p>1) the name and legal address of the supplier</p>
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			<p>(contractor);</p> <p>2) the date of the tender;</p> <p>3) the subject of public procurement;</p> <p>4) the unit price in the national currency;</p> <p>5) the total amount of public procurement under the contract.</p> <p>According to Part 2 of Article 32 of the Law of the Kyrgyz Republic "On Public Procurement", the procuring entity signs the contract with the winning supplier or contractor from the date of publication of information on the public procurement portal on the selection made, unless the procurement procedures were suspended by an independent inter-ministerial commission in accordance with Chapter 4 of this Law on time:</p> <p>1) after seven working days during the competition by one-stage and two-stage methods;</p> <p>2) after two business days during the tender process by a simplified method and a method to reduce the price.</p> <p>Commentary to the item "F":</p> <p>According to clause 9 of the "Standard tender documentation for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price", the supplier must deliver goods on time and to the destination specified in the List of Purchased Goods and Related Services and must provide the documentation specified in the Special terms of the contract. Taking into account the special conditions of the contract, the transportation of the Goods to the place specified by the Buyer is carried out and paid by the Supplier, as well as the costs associated</p>
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			<p>with it are included in the Contract Value</p> <p>Commentary to paragraph "h":</p> <p>According to Part 1 of Article 30 of the Law of the Kyrgyz Republic "On Public Procurement", the price and other basic conditions of each competitive bid are reflected in the protocol of procurement procedures.</p> <p>Commentary to paragraph "and": According to Part 2 of Article 51 of the Law of the Kyrgyz Republic "On Public Procurement", within five working days from the date of signing the contract, the procuring entity places on the public procurement web portal information that includes the following information:</p> <ol style="list-style-type: none"> 1) the name and legal address of the supplier (contractor); 2) the date of the tender; 3) the subject of public procurement; 4) the unit price in the national currency; 5) the total amount of public procurement under the contract. <p>Commentary to item "k":</p> <p>Not applicable to the Kyrgyz Republic. Complaints are received electronically through the web portal of government procurement.</p> <p>Article 48. Right to complaint</p> <p>The participants of the tender have the right to file a complaint through the web portal of government procurement to an independent inter-ministerial commission at any stage of the procurement procedure.</p>
2.	PPL stipulates that the information on	Overall: 0	

	<p>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>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	<p>According to Part 2 of Article 51 of the Law of the Kyrgyz Republic "On Public Procurement", within five working days from the date of signing the contract, the procuring entity places information on the public procurement web portal, including the following information:</p> <p>1) the name and legal address of the supplier (contractor);</p> <p>2) the date of the tender;</p> <p>3) the subject of public procurement;</p> <p>4) the unit price in the national currency;</p> <p>5) the total amount of public procurement under the contract.</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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] 	0	<p>Pursuant to Part 1 of Article 53 of the Law of the Kyrgyz Republic "On Public Procurement", amending the concluded contract on public procurement, provided that the quality and other conditions that are the basis for selection of the supplier (contractor), are allowed, by mutual agreement of the parties in terms of reducing the price of goods, work , services and, accordingly, the amount of the contract, if</p>

	<ul style="list-style-type: none"> • 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>during the execution of the contract on public procurement the prices for similar purchased goods, works, services have changed in the direction of decrease.</p> <p>There is no requirement to publish changes to the procurement contract on the public procurement portal.</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 style="text-align: right;"><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> <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	

7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [0.5] b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [0.5] <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>According to paragraph 7 of the "Standard tender documentation for the purchase of goods in single-stage, two-stage, simplified methods and a method to reduce prices" the Buyer or its representatives may carry out technical control and / or testing of the Goods to confirm their compliance with the Technical Specifications of the Contract, if specified in the Bid Instruction Document. All costs of these tests are borne by the Supplier.</p> <p>In the Special Conditions of the Contract, what kind of inspections and tests are required by the Buyer are indicated, and also where they should be conducted. The Buyer shall, in writing and in a timely manner notify the Supplier of its representatives intended for these purposes.</p> <p>Technical control and testing may be carried out on the territory of the Supplier, at the place of delivery and / or at the final destination of the Goods. If they are carried out on the territory of the Supplier, the Buyer will be provided with all necessary facilities and assistance, including access to drawings and production information, without any additional costs on the part of the Buyer.</p> <p>If the Goods that have passed technical inspection or tests do not meet the Technical Specifications, the Buyer may refuse them and the Supplier shall either replace the rejected Goods, at no additional cost from the Buyer.</p> <p>The buyer has the right to inspect, test and, if necessary, to refuse the Goods after their delivery to the Kyrgyz Republic, if they have not passed the tests or parameters obtained after the test, do not comply with the required parameters of the Technical Specifications.</p> <p>According to item 4 of the "Standard tender documentation for the procurement of works in single-stage, two-stage and simplified methods":</p>
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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> <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	
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><i>Efficiency</i></p> <p>Source: OECD Methodology</p>	0	
10.	PPL defines specific procedures for modifying	0	Pursuant to Part 1 of Article 53 of the Law of the Kyrgyz Republic "On Public Procurement",

	<p>contracts. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>amending the concluded contract on public procurement, provided that the quality and other conditions that are the basis for selection of the supplier (contractor), are allowed, by mutual agreement of the parties in terms of reducing the price of goods, work , services and, accordingly, the amount of the contract, if during the execution of the contract on public procurement the prices for similar purchased goods, works, services have changed in the direction of decrease.</p>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>According to Article 55 of the Law of the Kyrgyz Republic "On Public Procurement", in the event of disputes and disagreements arising in connection with the performance of the concluded contract, the parties to the contract are entitled to lodge complaints with each other specifying the reasons.</p> <p>The party receiving the claim of the other party is obliged to review it and submit a response in writing within ten working days from the date of the claim.</p> <p>In case of rejection of the claim or failure to respond to it within the period provided for in part 2 of this article, the interested party is entitled to apply to the court.</p>
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>	0.5	<p>According to the List of Management Documents Formed in the Activity of Institutions, Organizations, Enterprises, indicating the periods of storage (Resolution of the RCC No. 346 of December 31, 2010)</p> <p>Documents (correspondence, protocols, acts, etc.) for holding a tender are kept:</p> <p>a) in institutions where the tender is held - 6 years;</p>

			<p>b) in controlling institutions - 3 years.</p> <p>However, it should be noted that the above-mentioned SCR Decree is obsolete. For example, the Law of the Kyrgyz Republic "On Public Procurement" does not use the term "tender" with respect to public procurement.</p> <p>The aforementioned list also specifies the terms of storage of contracts for the supply of materials (raw materials), products, equipment for state needs - 6 years.</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> <p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [0.5]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [0.5]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Commentary to point "a":</p> <p>According to Part 11 of Article 29 of the Law of the Kyrgyz Republic "On Public Procurement", each procuring entity is obliged to audit, before the procurement contract is concluded with the tender winner, to determine the compliance of purchases with the requirements established by this Law and other regulatory legal acts of the Kyrgyz Republic regulating state purchases, one tender (taking into account the total amount of all lots) exceeds five times the size of the maximum thresholds.</p> <p>According to Article 7 of the Law "On the Chamber of Accounts of the Kyrgyz Republic", the Chamber of Accounts is an independent supreme body of state audit.</p> <p>According to Article 7 of the Law of the Kyrgyz Republic "On the Chamber of Accounts of the Kyrgyz Republic" the main activities of the Chamber of Accounts include:</p> <ul style="list-style-type: none"> - Audit and audit of the effectiveness of the execution of the republican budget and the budget of local self-government; - Audit and audit of the efficiency of enterprises and organizations with a greater share of state

			<p>and / or municipal participation;</p> <ul style="list-style-type: none"> - audit and performance audit by special means; - conducting audit and audit of efficiency for giving opinions, answers to inquiries of public authorities and other organizations; <p>The Chamber of Accounts of the Kyrgyz Republic conducts an external audit of public procurement on the basis of the Guidelines for conducting public procurement audits approved by Resolution of the Council of the Chamber of Accounts of the Kyrgyz Republic No. 03-7 / 81 of February 25, 2016.</p> <p>Commentary to point "b":</p> <p>According to article 14 of the Internal Audit Law, the internal audit service has the following main responsibilities:</p> <ul style="list-style-type: none"> - develop strategic and annual internal audit plans based on risk assessment, taking into account the opinion of the head of the internal audit facility; - annually report to the head of the internal audit object on the work done according to the plan; - evaluate the reliability and sufficiency of financial, accounting, management and other information; - assess the compliance of the activities of the structural units of the internal audit object with regulatory legal acts, specified functions and approved business plans; - evaluate the effectiveness and compliance with the requirements for the use of resources, the adequacy of control over the use of resources and protection against losses; - provide a report on the results of the audit.
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