

OFFICIAL TRANSLATION

2141-N/07.12.2023/EN/H/12.01.2024

"TRANSLATION CENTRE OF THE MINISTRY OF JUSTICE
OF THE REPUBLIC OF ARMENIA"

STATE NON-COMMERCIAL ORGANISATION

HAYK MELKUMYAN

ACTING DIRECTOR

12 JANUARY 2024



GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

No 2141-N of 7 December 2023

ON MAKING AMENDMENTS AND SUPPLEMENTS TO DECISION
OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA No 1183-N OF 28 JULY 2022

Guided by Article 33 and part 1 of Article 34 of the Law of the Republic of Armenia
"On regulatory legal acts", the Government of the Republic of Armenia hereby
decides:

1. To make the following amendments and supplements to the Procedure approved by point 1 of Decision of the Government of the Republic of Armenia No 1183-N of 28 July 2022 “On approving the procedure for public-private partnership, the procedure for creating and managing the database on the public-private partnership projects, defining the sectors of public services provided within the scope of public-private partnership projects, subdivision of public-private partnership, the form of the report on implementation of public-private partnership projects and the time limit for the submission thereof and repealing Decision of the Government of the Republic of Armenia No 1241-N of 20 September 2012”:

(1) in the 4th sentence of point 13, the words “five working days” shall be replaced with the words “two working days”;

(2) the Procedure shall be supplemented with point 31.1 which shall read as follows:

“31.1. The draft decision of the Government, provided for by point 30 of this Procedure, shall not be required in case the following conditions are met concurrently:

(1) a technical and economic rationale complying with the requirements defined by this Procedure exists, unless its preparation has been done at the expense of the state or community budget expenditures of the Republic of Armenia;

(2) the project is approved by the consultative body formed and operating as prescribed by point 16 of Article 7 of the Law of the Republic of Armenia “On the structure and operation of the Government” in the given field.”;

(3) in point 50:

- a. the 2nd sentence of sub-point 2 and the 2nd sentence of sub-point 4 shall be amended to read as follows:

“The documents provided for by this sub-point shall be submitted with Apostille certification (in case of documents sent from countries having ratified the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and if the state is not a member to the Convention the legalisation of documents is done through the consular channels).”;
 - b. the 1st sentence of sub-point 4, the words “the agreement on consortium” shall be [replaced] with the words “[original of the agreement on consortium or]”;
- (4) the Procedure shall be supplemented with point 50.1 which shall read as follows:

“50.1. If the documents provided for by this point are envisaged by the private partner selection procedure, they may be submitted electronically as provided for by points 90.1 and 123.1 of this Procedure.”;
 - (5) in point 61, the words “The submitted (qualification) bids” shall be replaced with the words “In case the (qualification) bids are submitted in hard copy, they”;
 - (6) the Procedure shall be supplemented with point 63.1 which shall read as follows:

“63.1. Where the private partner selection procedure provides for an electronic form of submission of qualification bids and bids, no register shall be maintained.”;

(7) sub-point 9 of point 69 shall be supplemented with the words “except for the case where the private partner selection procedure provides for an electronic form of submission of qualification bids (in case of one-stage open procedure — bids)” after the words “(in case of one-stage open procedure — bids)”;

(8) point 73 shall be supplemented with the following sentence:

“Upon decision of the evaluation commission, the information provided for by sub-point 7 of point 34 of this Procedure may be removed fully or partially from the technical and economic study of the PPP project provided to the qualified bidder or made otherwise inaccessible for the bidder.”;

(9) point 78 shall be amended to read as follows:

“78. In case of participating in the private partner selection procedure in a consortium, the qualification bid shall not imply an unconditional guarantee for implementation provided in the format envisaged by the request for qualification by the participants of the consortium, unless otherwise provided for by the request for qualification.”;

(10) the Procedure shall be supplemented with point 90.1 which shall read as follows:

“90.1. The private partner selection procedure may provide for an electronic form of submission of qualification bids (in case of one-stage open procedure — bids) with the use of electronic mail or electronic platform, in which case the provisions of points 79-83, 86, sub-points 2 and 3 of point 89 and sub-points 3 and 4 of point 90 of this Procedure shall not apply. The peculiarities of the process of electronic submission, completion, modification and withdrawal of qualification bids (in case of one-stage open procedure — bids) shall be defined by the private partner selection

procedure and their confidentiality must be ensured until the day and time of the session for opening the qualification bids (in case of one-stage open procedure — bids). In case of using the electronic procedure, the private partner selection procedure shall also define the technical procedure for removing (deleting) rejected, as well as withdrawn qualification bids from the electronic mail box or the platform in cases provided for by points 77 and 87 of this Procedure. In any case, when using the electronic procedure of submission of qualification bids (in case of one-stage open procedure — bids), the private partner selection procedure must ensure the existence of mechanisms for verification of the compliance of the documents submitted in accordance with this Procedure with the originals.”;

(11) point 97 shall be amended to read as follows:

“97. Where inconsistencies with regard to the requirements of the request for qualification are recorded in the qualification bid of the bidder during the session of the evaluation commission, the commission shall have the right to suspend the session for five to ten working days, and the Secretary shall notify the bidder about it the same day, offering to correct the inconsistency before the end of the term of suspension. The detected inconsistencies shall be described in detail in the notification sent to the bidder.”;

(12) the Procedure shall be supplemented with point 123.1 which shall read as follows:

“123.1. The private partner selection procedure may provide for an electronic procedure of submission of bids with the use of electronic mail or electronic platform, in which case the provisions of points 106-110, 113, sub-points 2 and 3 of point 116 and sub-points 3 and 4 of point 117, sub-points 2 and 3 of point 122 and

sub-points 3 and 4 of point 123 of this Procedure shall not apply. The technical peculiarities of electronic submission, completion, modification and withdrawal of bids shall be defined by the private partner selection procedure and their confidentiality must be ensured until the day and time of opening the bids. In case of using the electronic procedure of submission of bids, the private partner selection procedure shall also define the technical procedure for removing (deleting) rejected, as well as withdrawn bids from the electronic mail box or the platform in cases provided for by points 105, 114, 120, 121, 145 and 146 of this Procedure. In any case, when using the electronic form of submission of bids, the private partner selection procedure must ensure the existence of mechanisms for verification of the compliance of the documents submitted in accordance with this Procedure with the originals.”;

(13) in the 1st sentence of point 129, the words “five working days” shall be replaced with the words “ten working days”.

2. This Decision shall enter into force on the tenth day following the day of its official promulgation.

PRIME MINISTER

OF THE REPUBLIC OF ARMENIA

Yerevan

N. PASHINYAN

8 December 2023

CERTIFIED

BY ELECTRONIC SIGNATURE