

**LAW**  
**OF THE REPUBLIC OF ARMENIA**

**ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE LAW OF THE  
REPUBLIC OF ARMENIA ON PROCUREMENT**

*Adopted on 23 March 2018*

**Article 1.** The words "Procurement Appeals Board", "Board" and "member of the Board" in the entire text of the Law of the Republic of Armenia HO-21-N of 16 December 2016 "On procurement" (hereinafter referred to as "the Law") in relevant case forms shall be replaced with the words "person examining procurement-related appeals" in relevant case forms.

**Article 2.** The words "or from the Central Bank of the Republic of Armenia," shall be deleted from sub-point "f" of point 1 of part 1 of Article 2 of the Law.

**Article 3.** The word "formal" shall be deleted from part 2 of Article 6 of the Law and the words "within the time limit prescribed by part 6 of Article 50 of this Law" shall be added after the words "Procurement Appeals Board" in this part.

**Article 4.** In Article 47 of the Law,

(1) part 2 shall read as follows:

"2. The person examining procurement-related appeals shall be a body carrying out unbiased and independent investigation, which is not interested in

the outcome of a certain procurement process and is protected from external influences while performing its obligations and exercising its rights. The person examining procurement-related appeals shall examine the appeals thoroughly and impartially. While exercising the powers provided for by this Law, the person examining procurement-related appeals shall be independent from the bidders of the procurement process, including the contracting authorities, as well as state and local self-government bodies and officials and shall be obliged to be guided solely by the legislation of the Republic of Armenia on procurement and apply it.";

(2) parts 3 and 4 shall be repealed;

(3) shall be supplemented with parts 7 and 8 which read as follows:

"7. The number of persons examining procurement-related appeals shall be defined by the decision of the Government.

8. The person examining procurement-related appeals shall hold office for a period of five years."

**Article 5.** Article 48 of the Law shall read as follows:

*"Article 48. Requirements for the person examining procurement-related appeals*

1. A citizen of the Republic of Armenia having higher education with specialisation in Economy and Management or Law, service record of at least five years in the field of public administration, or professional service record of at least seven years and having command of Armenian, may be appointed as a person examining procurement-related appeals.

2. The maximum age for exercising the powers of a person examining procurement-related appeals shall be 65."

**Article 6.** In Article 49 of the Law:

- (1) part 1 shall be repealed.
- (2) part 3 shall read as follows:

"3. Based on this Law and for the purpose of complying with the requirements thereof, the authorised body shall approve the procedure for activities of the person examining procurement-related appeals."

**Article 7.** In Article 50 of the Law:

- (1) the words "for appealing to the Board" in the title shall be replaced with the words "for filing an appeal to the person examining procurement-related appeals";
- (2) the words "of the Board" in part 5 shall be replaced with the words "convened for the purpose of examining the appeal";
- (3) the words ", which may be amended or abolished, including partially, only by the court." shall be added after the words "shall be legally binding" in part 6;
- (4) sub-point "c" of point 1 of part 7 shall be repealed;
- (5) the words ", indicating the date of publication" shall be added after the words "in the bulletin" in part 9;
- (6) part 11 shall read as follows:

"11. The person examining procurement-related appeals shall publish the decision in the bulletin within two working days following the adoption thereof by indicating the date of publication. In case of procurement containing state secret, the adopted decision shall be sent to the contracting authority, the authorised body and the parties involved in the appeal procedure within the time limit prescribed by this part. The decision adopted by the person examining procurement-related appeals shall enter into force on the day following the date

of its publication in the bulletin, and in case of procurement containing state secret — on the day following the date of its sending to the contracting authority, the authorised body and the parties involved in the appeal procedure."

**Article 8.** In Article 51 of the Law:

(1) the words "on the appeal" in part 1 shall be replaced with the words "based on the results of examination of the appeal", the words "till and including the day of publication of the decision adopted on the appeal in the bulletin" with the words "till the day on which the decision adopted based on the results of examination of the appeal enters into force";

(2) the words "within one working day from the day of making the decision" in part 2 shall be replaced with the words "on the working day following the day of adopting the decision".

**Article 9.** Parts 1 and 2 of Article 57 of the Law shall be repealed.

**Article 10.** Final part and transitional provisions

1. This Law shall enter into force on the day of assuming powers by the newly-elected President of the Republic of Armenia.

2. Where the decisions of members of the Procurement Appeals Board adopted on behalf of the Board prior to entry into force of this Law are appealed through judicial procedure or where a claim is filed on compensation of damages caused to persons as a result of such decisions, the member of the Board having adopted the decision on behalf of the Board shall act as a defendant in the court.

3. The decisions of members of the Procurement Appeals Board adopted on behalf of the Board prior to entry into force of this Law may be appealed through judicial procedure within two months upon entry into force of this Law.

**PRESIDENT  
OF THE REPUBLIC OF ARMENIA**

**S. SARGSYAN**

30 March 2018

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