



GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

No 386-N of 6 April 2017

ON APPROVING THE PROCEDURE FOR CARRYING OUT
E-PROCUREMENT AND REPEALING DECISION OF THE GOVERNMENT
OF THE REPUBLIC OF ARMENIA NO 1370-N OF 5 DECEMBER 2013

Based on point 2 of part 1 of Article 5 of the Law of the Republic of Armenia "On procurement" (hereinafter referred to as "the Law"), the Government of the Republic of Armenia decides to:

1. Approve the procedure for carrying out e-procurement pursuant to the Annex.
2. Establish that:
 - (1) the below-mentioned contracting authorities provided for by paragraphs "a", "d", "e", and "g" of point 1 of part 1 of Article 2 of the Law shall carry out procurement through the e-procurement system through an open tender, except for the tender carried out in two stages, by way of price quotation and on grounds provided for by point 2 of part 1 of Article 23 of the Law:

- a. public administration bodies, state institutions provided for by the Constitution of the Republic of Armenia and the laws of the Republic of Armenia, "Garbage collection and sanitary cleaning" Community Institution;
- b. communities of the Republic of Armenia carrying out procurement through the e-procurement system prior to entry into force of this Decision;
- c. organisations with more than 50% of state shares, "Yerevani Avtobus", "Yerevantrans", "Nork-Marash" Medical Center, "Surb Astvatsamayr" Medical Center, and "Yerevan" Scientific Medical Center" Closed Joint-Stock Companies;
- d. foundations established or associations (unions) formed by the state;
- e. foundations or formed associations (unions) which have been established by the communities of the Republic of Armenia carrying out procurement through the e-procurement system prior to entry into force of this Decision;
- f. foundations established or associations (unions) formed by the organisations with more than 50% of state shares;
- g. foundations restructured through reorganisation of state non-commercial organisations or organisations with more than 50% of state shares;
- h. "Landscape Gardening and Environmental Protection" Community Non-Commercial Organization of Yerevan Municipality;

(2) the requirements of this Decision shall not apply to procurement processes initiated prior to entry into force of this Decision and still under way.

(point 2 edited, supplemented by No 2158-N of 24 December 2020, edited by No 142-N of 10 February 2022, No 1507-N of 7 September 2023)

3. Assign the Minister of Finance of the Republic of Armenia to approve the guideline for carrying out e-procurement within a twenty-day period from the day of entry into force of this Decision.
4. Repeal Decision No 1370-N of 5 December 2013 of the Government of the Republic of Armenia "On approving the procedure for carrying out e-procurement and supplementing Decision No 1904-N of 31 October 2002 of the Government of the Republic of Armenia and repealing Decision No 1916-N of 29 December 2011 of the Government of the Republic of Armenia".
5. This Decision shall enter into force on 25 April 2017.

Prime Minister
of the Republic of Armenia

K. Karapetyan

20 April 2017

Yerevan

Annex

to Decision of the Government
of the Republic of Armenia
No 386-N of 6 April 2017

PROCEDURE

FOR CARRYING OUT E-PROCUREMENT

1. This Procedure shall regulate relations pertaining to the carrying out of e-procurement.
2. The e-procurement system shall contain electronic equipment, tools and programmes which enable the exchange of data through remote control, remote communication and by electronic means. All equipment shall be installed in the place prescribed by the Minister of Finance of the Republic of Armenia.
3. In case of carrying out of e-procurement, the requirements of the legislation of the Republic of Armenia on procurement shall apply, having regard to the peculiarities prescribed under this Procedure.
4. The guideline for carrying out e-procurement shall be approved by the Minister of Finance of the Republic of Armenia.
5. The following concepts shall be used in this Procedure:
 - (1) system — a system ensuring the carrying out of e-procurement through the website of www.armeps.am;
 - (2) contracting authority (contracting authority in the system) — contracting authority carrying out the e-procurement who is registered in the system;

- (3) bidder (in the system — economic operator) — a bidder with the desire to participate in the e-procurement and registered in the system for the purpose of concluding a contract with the contracting authority;
 - (4) bid — proposal submitted electronically by the bidder based on the invitation;
 - (5) authorised body — Ministry of Finance of the Republic of Armenia;
 - (6) technical attendant — Ministry of Finance of the Republic of Armenia or the legal person chosen by the Ministry of Finance of the Republic of Armenia ensuring the technical maintenance of the system;
 - (7) users — employees of the contracting authority or persons authorised by the contracting authority that are entitled to exploit and use the system.
6. The e-procurement system shall provide the opportunity to encode the data of the bidders having submitted a bid and ensure the impossibility of decoding these data prior to opening of the bids.
 7. When participating in the procurement, the bidder shall be entitled to the following through electronic means:
 - (1) receive an invitation;
 - (2) receive a notification;
 - (3) submit a bid;
 - (4) submit a request for being provided with a clarification.
 8. E-procurement shall include the implementation of the procurement process by electronic means and the provision of notifications.
 9. Users of the system shall include:

- (1) head of the contracting authority (CAPC in the system) who shall register new users in the system and approve the report on evaluation through the system;
 - (2) evaluation commission (CAPO in the system);
 - (3) procurement co-ordinator (CAPCA in the system).
10. When arranging the procurement process through the e-procurement system, the evaluation commission shall be composed of at least five members — two opening members (OS in the system) and at least three evaluating members (ES in the system). Moreover, one of the evaluating members shall be the head of the commission (ESR in the system). The evaluation commission shall have a secretary (TC in the system) who shall not be a member of the commission.
11. For the purpose of being registered in the system and exploiting it, the contracting authority shall submit the following to the authorised body in writing:
 - (1) name of the contracting authority — in Armenian, Russian and English;
 - (2) business address of the contracting authority — in Armenian, Russian and English;
 - (3) name, surname, position, telephone number and e-mail address of the head.
12. The authorised body shall, within five working days following the day of receipt of the documents provided for under this Procedure, register the contracting authority in the system and provide the head of the contracting authority with the login and initial password registered in the system. Moreover:
 - (1) when logging into the system for the first time, the head of the contracting authority and the users determined by him or her shall be obliged to replace the provided initial password with a new password that must be

composed of at least 8 characters, including at least one letter and one digit within the 8 characters;

- (2) logins and initial passwords shall be provided to users by the head of the contracting authority;
 - (3) registration of the persons referred to in this point in the system shall be automatically deemed invalid, where they fail to log into the system within 30 calendar days starting from the day of registering in the system, or they log in, but fail to enter into the system the number that they have automatically received via e-mail after the confirmation of the registration. In this case, a new process of registration shall be carried out.
13. For the purpose of being registered in the system as a bidder, the bidder shall visit the website www.armeps.am and fill in the relevant information that is required, after which the bidder shall enter into the system the combination of the digit and/or letters received via e-mail (hereinafter referred to as "the information") for the confirmation of the registration. Upon correct entry of the information, the bidder shall be deemed registered in the system, of which the bidder shall automatically receive a notification. Registration of the bidder shall automatically be deemed invalid, where the bidder fails to log into the system within 30 calendar days starting from the day of registering in the system, or logs in, but fails to enter the information into the system. In this case, a new process of registration shall be carried out.
14. For the purpose of carrying out the procurement pursuant to this Procedure, the contracting authority shall publish the texts of the notice on the procurement procedure and the invitation in the system.

(point 14 edited by No 702-N of 19 May 2022)

15. The notice on procurement and the invitation approved by the evaluation commission shall mandatorily contain information on the implementation of

the procurement procedure by electronic means, as well as the submission of bids by electronic means.

16. ***(point repealed by No 702-N of 19 May 2022)***

17. In the system, the functions of opening members of the commission shall be hierarchical. The hierarchy shall be determined by the head of the evaluation commission. The first opening member of the evaluation commission shall submit for consideration by the second opening member the list of the bids subject to opening which the system has recognised as submitted (valid) bids, after which the second opening member shall approve the list of the bids submitted to him or her. After the approval, the protocol (report in the system) on opening of the bids shall be uploaded which shall be sent to the e-mails of the bidders through the system by the secretary of the commission on the day of opening the bids.

18. For the purpose of determining the bidders selected and declared as such, the head of the evaluation commission shall automatically draw up a protocol on the evaluation of bids which shall be confirmed in the system by the evaluating members of the commission, by making an indication thereof in the system.

(point 18 amended by No 702-N of 19 May 2022)

19. On the working day following the end of the session at which the selected bidder was determined, the secretary of the evaluation commission shall:

(1) indicate in the system the bidders evaluated as satisfactory by categorising them according to the evaluation results and the price proposals;

(2) send the protocol of the session of the commission on the evaluation results to the e-mails of the participants of the procedure through the system.

20. On the day of sending the notice of the contracting authority on conclusion of the contract to the selected bidder, the secretary of the evaluation commission

shall send a notice on provision of the offer on concluding a contract to the e-mail of the selected bidder through the system.

21. The bidder having received the offer of the contracting authority on conclusion of the contract shall accept or reject the offer made to him or her through the system.
22. On the working day following the conclusion of the contract, the secretary of the evaluation commission shall complete the procedure.
23. The contracting authority shall draw up a protocol on the procurement procedure as prescribed by the legislation of the Republic of Armenia on procurement.

(Annex edited, amended by No 702-N of 19 May 2022)

Minister-Chief
of Staff of the Government
of the Republic of Armenia

D. Harutyunyan