

GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

No 526-N of 4 May 2017

ON APPROVING THE PROCEDURE FOR ORGANISATION
OF THE PROCUREMENT PROCESS AND REPEALING DECISION
OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA
NO 168-N OF 10 FEBRUARY 2011

Taking as a basis points 1, 4, 6, 7, 8, 12, 16, 17 of part 1 of Article 5 and Article 17 of the Law of the Republic of Armenia “On procurement”, the Government of the Republic of Armenia hereby **decides to:**

(preamble amended by N 104-N of 8 February 2018)

1. Approve:
 - (1) the procedure for organisation of the procurement process, according to Annex No 1;
 - (2) the list of goods, works and services acquired in closed periodic tenders, according to Annex No 2.
2. Establish that:
 - (1) procurement shall be carried out outside the territory of the Republic of Armenia:
 - a. through single source procurement, where the price of the goods, works or services to be procured within the scope of the given procurement procedure does not exceed seventy-fold of the procurement base unit;

- b. through the procedure approved by the head of the given state administration body, where the price of the goods, works or services to be procured within the scope of the given procurement procedure exceeds seventy-fold of the procurement base unit. Moreover, the approved procedures must comply with the objectives and principles defined by Article 3 of the Law of the Republic of Armenia “On procurement”;
 - (2) contracting authorities shall independently publish in the bulletin information — as provided for by the legislation of the Republic of Armenia — about the procurement processes organised for the purpose of carrying out procurement for their needs, as prescribed by the Minister of Finance of the Republic of Armenia;
 - (3) the requirements of this Decision shall not extend to procurement processes initiated and incomplete, as well as contracts concluded and effective before entry into force of this Law;
 - (4) the framework agreements concluded as of the day of entry into force of this Decision shall be considered as rescinded.
3. Decision of the Government of the Republic of Armenia No 168-N of 10 February 2011 “On organisation of the procurement process” shall be repealed from the moment of entry into force of this Decision.
4. This Decision shall enter into force on the tenth day following the day of its official promulgation.

Prime Minister
of the Republic of Armenia

K. Karapetyan

22 May 2017 Yerevan

**Annex No 1
to Decision
of the Government
of the Republic of Armenia
No 526-N of 4 May 2017**

**PROCEDURE
FOR ORGANISATION OF THE PROCUREMENT PROCESS**

I. GENERAL PROVISIONS

1. This Procedure shall regulate the relations pertaining to the procedure for procurement planning, approval of descriptions of a subject of procurement, preliminary control over procurement, implementation, management of contracts and financing thereof, the procedure for formation and functioning of the evaluation commission, and the procedure for application of procurement procedures provided for by this Law and peculiarities thereof, as provided for by part 1 of Article 5 of the Law of the Republic of Armenia “On procurement” (hereinafter referred to as “the Law”), shall define the concept of “affiliated persons”, the cases of limitation for participation of affiliated persons in procurement procedures, as well as the main terms of the invitation and the contract.
2. The contracting authority shall bear liability for including the main terms in the invitation and in the contract, as well as for fulfilling the requirements defined by the legislation of the Republic of Armenia on procurement for contracting authorities.

3. In each individual case, by justifying the particularity of the procurement process, the contracting authority may apply to the Government of the Republic of Armenia (submitting the relevant draft decision of the Government of the Republic of Armenia in the manner prescribed) requesting the permission of the latter to carry out the procurement without observing one or more of the conditions prescribed by this Procedure, by applying or not applying any other substituting condition(s).

In such case, the Government of the Republic of Armenia, taking into account the particularity of the procurement process, may decide to permit the contracting authority to organise the procurement process without observing one or more of the conditions prescribed by this Procedure, by applying any other substituting condition(s), where necessary.

This point shall not apply to the cases provided for by paragraph (i) of subpoint 1 of point 32 and point 43 of this Procedure, as well as to the cases when the condition(s) is prescribed by law or derives from the requirement of the law.

Moreover, the condition provided for by this point may be applied unless an invitation is published or provided to the bidder, except for the case of organising the procurement under point 1 of part 1 of Article 23 of the Law.

(point 3 edited by N 1593-N of 13 October 2022)

II. PROCUREMENT PROCESS

4. The procurement process is a set of processes (functions) which are as follows:
 - (1) procurement planning;
 - (2) organisation of the procurement process (including approval of the descriptions of a subject of procurement);

- (3) conclusion of a contract;
- (4) implementation and management of the contract.

III. PERSONS RESPONSIBLE FOR PROCUREMENT PROCESS

- 5. The head of the contracting authority, as well as the following persons with respect to the competences reserved thereto, shall be responsible for each procurement process:
 - (1) the procurement co-ordinator;
 - (2) the responsible subdivision;
 - (3) the evaluation commission.
- 6. The head of the contracting authority:
 - (1) as provided for by paragraph “a” of point 1 of part 1 of Article 2 of the Law shall be:
 - a. the Secretary General of the body or the Deputy Secretary General authorised thereby, except for the Staff to the President of the Republic of Armenia, the Staff of the National Assembly of the Republic of Armenia, the Staff of the Prime Minister of the Republic of Armenia and the Ministry of Defence of the Republic of Armenia, where the head of the contracting authority may be, instead of the head of staff or the Minister, the official authorised thereby;
 - b. the head of the body or the official authorised by the latter, where the given body does not have a “Staff” State Administration Institution;

- c. within local self-government bodies — the head of community or the official authorised by the latter;
 - d. within state or community administrative institutions — the head of an institution;
- (2) the head of the executive body within the organisations referred to in paragraphs “c”, “d”, “e”, “f” and “g” of point 1 of part 1 of Article 2 of the Law.

(point 6 edited by No 516-N of 2 May 2019, amended by No 1096-N of 22 August 2019, supplemented by No 1422-N of 10 October 2019, edited by No 414-N of 25 March 2021)

7. The head of the contracting authority:

- (1) shall define:
 - a. a procurement co-ordinator;
 - b. a responsible subdivision;
 - c. an evaluation commission, except for the cases provided for by this Procedure;
 - d. a schedule for organising the procurement processes;
- (2) except for the cases provided for by this Procedure:
 - a. shall conclude a contract;
 - b. shall approve the protocol of the procurement procedure.

(point 7 supplemented by No 414-N of 25 March 2021)

8. The procurement co-ordinator shall:

- (1) be responsible for the organisation and co-ordination of the procurement process of the contracting authority;

- (2) provide an opinion on documents approved by the contracting authority within the framework of procurement, ensure compliance of the procurement procedure and the documents related thereto with the terms defined by the legislation of the Republic of Armenia on procurement;
 - (3) exercise powers of the secretary of the evaluation commission;
 - (4) draw up the protocol of the given procurement procedure and the procurement contract and submit them to the head of the contracting authority for approval.
9. In case of procurement defined by the head of a state administration body, where a state institution carrying out programmes operates within the system of a state administration body acting as a contracting authority, the office carrying out programmes shall exercise the powers of a procurement co-ordinator.
10. Within the meaning of this Procedure, construction projects shall include all types of construction works being carried out on the basis on the design documents approved and having passed expert examination as prescribed by the legislation of the Republic of Armenia.
11. The responsible subdivision shall:
 - (1) draw up and approve the procurement bid;
 - (2) follow the process of fulfilment of obligations assumed by the party to the contract (contractor, supplier, etc.) under the contract and, based on the results thereof, submit to the head of the contracting authority recommendations for applying sanctions provided for by the contract;
 - (3) accept the result of implementation of the contract;

- (4) present the candidacy of the person (persons) who is/are nominated to be included within the composition of the evaluation commission;
- (5) submit, where necessary, a proposal to make amendments and supplements to the procurement plan. Where the procurement procedure organised in the form of electronic auction is declared as not having taken place based on the ground provided for by subpoint 1 or 4 of part 1 of Article 37 of the Law, the given procurement may be carried out through other procurement procedure taking into account the requirements prescribed for the application of the given form of procurement.

(point 11 supplemented by N 1593-N of 13 October 2022)

12. The following may be defined as a responsible subdivision:

- (1) the relevant structural subdivision, the subordinate body or the organisation operating in the field of coordination of the contracting authority;
- (2) the established professional group of the contracting authority, the composition of which may also include representatives of other bodies or organisations;
- (3) the official of the contracting authority, where the given contracting authority lacks relevant structural subdivisions.

(point 12 edited by No 414-N of 25 March 2021)

13. The powers of a responsible subdivision may not be reserved to the procurement co-ordinator. The person (persons) of a responsible subdivision participating in the design of a procurement bid must have the professional capacity to describe the subject of procurement, which shall be determined based on the type of subject of procurement.

14. The evaluation commission shall:
- (1) approve the texts of the procurement or prequalification notice and of the invitation, except for the text of prequalification notice in the closed periodic tender;
 - (2) make changes in the texts of the procurement notice and the invitation, or of pre-qualification notice;
 - (3) provide clarifications on the procurement procedure;
 - (4) open and evaluate the bids;
 - (5) determine the successful bidder (bidders) of the procurement procedure;
 - (6) declare the procurement procedure as not having taken place.
15. The procurement co-ordinator, as well as the representative or employee thereof may not be included within the composition of the evaluation commission in the capacity of a member of the commission. The member of the evaluation commission must have the professional capacity required for evaluating the qualification and proposals of the bidders, which shall be determined in accordance with the subject of procurement. Moreover, where representatives of the staff of the contracting authority lack necessary professional capacities, a relevant expert (specialist) shall be invited to be included within the composition of the commission.

IV. PROCUREMENT PLANNING

16. The subject of procurement must be included in the procurement plan in order to initiate a procurement process. The day that the demand for procurement has arisen shall be the day of publication of the procurement plan approved or modified in case of procurement not containing state

secret, and in case of procurement containing state secret — the day of approval of or modification to the procurement plan. Where financial resources are earmarked for an additional procurement not included in the initial procurement plan during the given year, a supplement shall be made to the procurement plan.

17. The legal ground for organisation of the procurement process shall be the availability of a procurement plan approved, and in cases provided for by the legislation of the Republic of Armenia on procurement — also published in accordance with the defined requirements.
18. In case of carrying out procurement pursuant to part 6 of Article 15 of the Law, the subject of procurement shall be included in the procurement plan without making a note on the total planned (predicted) procurement price, provided that a relevant supplement is made to the procurement plan after financial resources are earmarked. Moreover, within two working days following the day when the relevant financial resources are earmarked, the contracting authority shall, as prescribed, make a modification to the procurement plan and shall, within fifteen working days from the day that the modification is made to the procurement plan, send notification about conclusion of an agreement for the supply of goods, performance of works or provision of services provided for by the contract and the draft agreement to be concluded to the person having concluded the contract.

(point 18 amended by N 1593-N of 13 October 2022)

19. Financial resources for the procurement of construction projects shall be earmarked on the basis of the design documents approved and having passed expert examination as prescribed by the legislation of the Republic of Armenia, except for cases where no development and expert examination of design documents are required for performance of construction works concerned pursuant to the legislation of the Republic of Armenia.

Moreover, at the expense of funds from the State Budget of the Republic of Armenia:

- (1) procurement of construction projects containing state secret and with an estimated value of up to AMD 70 million to be procured for the needs of the Ministry of Defence of the Republic of Armenia, the National Security Service of the Republic of Armenia the External Intelligence Service of the Republic of Armenia, including procurement of services for development, expert examination of design documents, for designer and technical supervision required for implementation of those projects shall be respectively carried out by the Ministry of Defence of the Republic of Armenia, the National Security Service of the Republic of Armenia, the External Intelligence Service of the Republic of Armenia and the state bodies, under whose use and under the use of whose subordinate organisations the given property is;
- (2) procurement of services for the development and expert examination of design documents and for designer and technical supervision required for implementation of construction projects shall be carried out by the body (bodies) developing and implementing the policy of the Government of the Republic of Armenia in the construction sector, and procurement for construction projects (construction works) — by the state bodies, under whose use and under the use of whose subordinate organisations the given property is, except for cases provided for by sub-points 1, 5 of this point;
- (3) procurement of services — exceeding the estimated value of AMD 70 million — for the development and expert examination of design documents, for designer and technical supervision required for the construction projects of reinforcement, repair, restoration of

immovable monuments of the archaeological, historical, urban, architectural and monumental art, provided for by the Law “On Conservation and utilization of the historical environment and the immovable monuments of the history and culture” may be carried out by the body (bodies) developing and implementing the policy of the Government of the Republic of Armenia in the field of culture.

- (4) procurement of services — exceeding the estimated value of AMD 70 million — for the development and expert examination of design documents, for designer and technical supervision required for the construction projects of construction, reconstruction, restoration, fastening and renovation of water systems prescribed by the Water Code of the Republic of Armenia may be carried out by the body (bodies) developing and implementing the policy of the Government of the Republic of Armenia in the water sector;
- (5) procurement of services — exceeding the estimated amount of AMD 70 million — for the development and expert examination of design documents, for designer and technical supervision required for the implementation of programmes for construction, capital renovation, reconstruction (restoration, improvement) of state automobile roads for common use, as well as for construction works shall be carried out by the authorised state body in the road sector.

(point 19 supplemented, amended by No 1422-N of 10 October 2019, supplemented by No 1275-N of 30 July 2020, amended, supplemented by No 130-N of 27 January 2022, edited by No 1918-N of 9 November 2023)

V. ORGANISATION OF PROCUREMENT PROCESS

20. For the purpose of organising the procurement process, the following shall be defined in writing within five working days following the day when the demand for procurement has arisen:

- (1) a responsible subdivision, and
- (2) a procurement co-ordinator;
- (3) a schedule for organising the procurement processes. In case of procurement carried out for the needs of the Ministry of Defence of the Republic of Armenia, the schedule envisaged by this sub-point shall be approved within 20 working days following the day when the demand for procurement arises. Moreover, in case of procurement carried out at the expense of the funds of the State Budget, following the approval of the mid-term expenditure programme by the Government of the Republic of Armenia, measures shall be undertaken to organise the procurement processes and to conclude contracts before the beginning of the budget year, based on point 2 of part 6 of Article 15 of the Law. Where the full funds required for procurement of the construction project are envisaged in the approved mid-term expenditure programme, the procurement process shall be organised pursuant to the regulation set forth in this sub-point of the Law — in the full value envisaged by the design documents.

(point 20 supplemented by No 1422-N of 10 October 2019)

21. Where no other term is envisaged by the schedule for organising the procurement processes, the responsible subdivision shall, within twenty working days following the day when the demand has arisen:

- (1) draw up and approve the procurement bid, which shall include:

- a. descriptions of the subject of procurement. In case of procurement of goods, the necessity for submission of information concerning the trademark, the tradename, the model and the producer proposed by the bidder shall also be indicated, and in the stage of implementation of the contract — the necessity for submission of the letter of guarantee or the certificate of compliance from the producer of goods or the representative thereof, where they are applicable for the given good. Moreover, at the stage of implementation of the contract the bidder having concluded it shall not be required to submit the certificate of the country of origin;
- b. ***(subpoint repealed by No 1422-N of 10 October 2019)***
- c. ***(subpoint repealed by No 1422-N of 10 October 2019)***
- d. in case of single source procurement, the data of the person (persons) (potential bidder) (name, location, e-mail, if possible) to whom the invitation for the given procurement shall be sent. Where the procurement is carried out on the ground provided for by point 2 of part 1 of Article 23 of the Law, the number of persons being presented (potential bidder) may not be less than three, except for the case of arranging the procurement procedure through the e-procurement system. Moreover, in case of applying point 2 of part 1 of Article 23 of the Law, where the written consent of the head of the contracting authority is available, the invitation shall be provided only to the person referred to in the procurement bid (potential bidder). The power of the head of the contracting authority provided for by this paragraph, as well as the power thereof to approve (make amendments and supplements to) the procurement plan shall be

exercised by the head of the body prescribed by part 1 of Article 2 of the Law, and in case of contracting authorities having an status of a legal person — by the head of the executive body.

- e. the required volume of the subject of procurement and the procurement price;
- f. the time limits, including the deadlines for the supply of goods, performance of works or provision of services;
- g. possibility of allocating an advance payment and the maximum amount thereof;
- h. the time limit for supply of goods, performance of works or provision of services under the contract to be concluded, and in case of the stage-by-stage implementation of the contract — the time limit for the first stage, which must not be less than 20 calendar days. Moreover, the calculation of the time limit set under this paragraph shall be made from the day of entry into force of the condition of exercise of the rights and obligations of parties envisaged by the contract, except for the case where the selected bidder agrees to implement the contract within a shorter term. This paragraph shall not apply in case of construction works carried out under the design documents having passed the expert examination or in case of single source procurement. In case of arranging the procurement procedure on the ground of part 6 of Article 15 of the Law, the calculation of the time limit for supply of goods, performance of works or provision of services under the contract to be concluded shall be done in calendar days and the calculation shall start from the day of the entry into force of the agreement provided for by point 18 of this Procedure;

- i. in case of consultancy services, as well as arranging the procurement procedure in the form of two-staged tender, the criteria for evaluation of bids, the minimum and maximum points, as well as the qualification criteria for the bidder and the documents to be submitted with the bid for their evaluation. Moreover, in case of procurement of services for the development and (or) the technical supervision of the design documents required for construction projects, the criterion set for the price condition may not be less than twenty points and more than thirty points;
- (2) where the procurement procedure is organised:
 - a. on the basis of point 1 of part 6 of Article 15 of the Law, in case of procurement of goods or works or services, except for procurement of services for elaboration, expert examination and technical supervision of construction projects, including design documents, the bid shall also present one unit price fixed by the contract (transaction) concluded for the purpose of organising the procedure or acquiring such a good or work or service during the year preceding it, where there is such a contract (transaction). Where there is no such a contract, a note about that shall be made in the bid, whereas the price shall not be fixed;
 - b. based on point 2 of part 6 of Article 15, the total price for the goods, works or services (total planned (predicted) procurement price) shall also be presented in the bid;
- (3) the list of persons (candidates) nominated for the purpose of being included within the composition of the evaluation commission, according to the priority of inclusion of those persons within the composition of the

commission, making a note on the candidacy of the chairperson of the commission.

(point 21 edited, amended, supplemented by No 104-N of 8 February 2018, supplemented, edited by No 516-N of 2 May 2019, edited, amended by No 1422-N of 10 October 2019, supplemented by No 778-N of 21 May 2020, edited by No 414-N of 25 March 2021, No 727-N of 19 May 2022, amended, edited, supplemented by No 1593-N of 13 October 2022)

22. When defining the descriptions of the subject of procurement, it is necessary to take into account the fact that more than one potential bidder need to meet those criteria, except for the procurements carried out in the cases agreed with the head of the contracting authority on the ground provided for by subpoint 4 of point 23 of this Procedure, and provided for by paragraph (d) of subpoint 1 of point 21 of the same Procedure. When using references in case of procurement of goods, the tradename, model and producer of the goods offered as equivalent shall be presented.

(point 22 supplemented by No 516-N of 2 May 2019, edited by No 1422-N of 10 October 2019, No 1593-N of 13 October 2022)

23. When organising the procurement procedure, besides the conditions provided for by Section 3 of the Law, it is necessary to take into account the fact that:

- (1) where the procurement price does not exceed the procurement base unit, the procurement may be carried out on the basis of point 4 of part 1 of Article 23 of the Law, irrespective of the fact whether the subject of procurement is included in the list of procurement being carried out through an electronic auction or in a centralised manner, or through a closed periodic tender. Where the price of the good, work or service for final consumption included in the groups of

goods, works and services referred to in the second level of the single procurement nomenclature does not exceed one hundred thousand drams, the procurement may be carried out based on point 4 of part 1 of Article 23 of the Law, irrespective of the fact whether the subject of procurement is included in the list of procurement being carried out through an electronic auction or in a centralised manner, or through a closed periodic tender;

- (2) where the price of the good, work or service for final consumption included in the groups of goods, works and services referred to in the second level of the common procurement vocabulary does not exceed eighty-fold of the procurement base unit, the acquisition of the subject of procurement may be carried out in the manner of price quotation, provided that it must not be included in the list of procurement being carried out through an electronic auction or in a centralised manner, or through a closed periodic tender;
- (3) procurement is carried out from the commodity, labour or service exchanges through the procedure for acquisition, every time in the cases and as prescribed by the Government of the Republic of Armenia;
- (4) the following procurement may be carried out on the basis of point 1 of part 1 of Article 23 of the Law, on the ground of existence of the special or exclusive right:

1.	supply of natural gas and technical maintenance of gas consumption systems
2.	energy supply
3.	supply of irrigation, drinking water (through water pipelines), technical and industrial water
4.	acquisition — on the basis of the legal regulation or administrative norm granted by the competent body — of the given good, work or service from the person acting as the sole supplier (contractor, executor) of the goods, works or services to be procured
5.	acquisition of goods, works and services necessary for providing military equipment, armament, ammunition and defence technology, services necessary for ensuring governmental and operational

communication, as well as immovable property for military needs, containing state secret
6. designer supervision by those developing urban development documents
7. lease of immovable property provided that the need may not be met by way of use, on a free-of-charge basis, of areas deemed to be as state or community ownership
8. hospital care, including unaffordable diagnostic examinations
9. ambulatory polyclinic medical care
10. acquisition of goods, works and services for the purpose of receiving delegations and organising visits abroad, except for the acquisition of air tickets from air transport agents
11. (point repealed by No 1422-N of 10 October 2019)
12. goods, works and services required for ensuring protocol expenditures, accommodation, food and transport services for officials provided for by part 2 of Article 5 of the Law of the Republic of Armenia “On ensuring the safety of persons subject to special state protection”, including special hardware and software support in the field of technical maintenance, communication services, safety devices and equipment, including their service, and repair of vehicles, provision of military equipment, armament, ammunition and defence technology
13. (point repealed by No 516-N of 2 May 2019)
14. postal service
15. acquisition of technical maintenance services, including accessories required for services for the subject of procurement from the person having produced the subject of procurement or acting as the sole representative thereof
16. (point repealed by No 516-N of 2 May 2019)
17. acquisition of goods produced, works performed and services provided by the foundation provided for by Article 8 of the Law of the Republic of Armenia “On Penitentiary Service” for the needs of the Penitentiary Service, provided that the prices of the goods, works and services to be procured are equal to or lower than the market prices thereof
18. acquisition of services for insurance of vehicles in compliance with the requirements and minimum tariffs set by the “Armenian Motor Insurers’ Bureau” Union of Legal Entities
19. acquisition — electronically — of air tickets offered through a public offer in the electronic system for purchase of air tickets or on the official websites of organisations carrying out air transportation
20. acquisition of community-owned immovable property
21. services for granting international rating
22. goods are acquired from an organisation definitively winding up its entrepreneurial activities or bankruptcy liquidators or administrators, based on an agreement with creditors or through such a procedure
23. ensuring the implementation of forensic medical examinations and genetic expert examinations based on the decisions of law enforcement authorities of the Republic of Armenia; expert examinations of corpses, living persons, materials of biological origin aimed at revealing the causes of deaths
24. technical support to analytical activities related to the statistical reports of the healthcare sector of the Republic of Armenia
25. services on drawing up the report on the national health accounts

26. services on drawing up the annual report on evaluation of the healthcare sector of the Republic of Armenia
27. services on drafting of normative documents in the healthcare sector
28. <i>(point repealed by No 516-N of 2 May 2019)</i>
29. <i>(point repealed by No 516-N of 2 May 2019)</i>
30. services on certification of professional activities in the healthcare sector
31. services on receipt, customs clearance and distribution of cargoes provided as humanitarian aid in the name of the Ministry of Health of the Republic of Armenia
32. services on professional training of the employees in the sector of aviation
33. acquisition of goods, works and services within the framework of organisation of cultural and/or artistic and creative events (productions, shows, exhibits, concerts, festivals, movie production, production of television programmes, radio programmes), except for construction works
34. acquisition of cultural values
35. services of issuance, reopening and repurchase of bonds
36. acquisition of services from the state or community institution for the needs of self-government body
37. banking services
38. acquisition of goods, works and services from the state or community non-commercial organisation where the objective of establishment of the given organisation — the basic subject matter of activities provided for by the statute — is the supply of goods, performance of works or provision of services constituting the subject of procurement, to the founder or to the non-commercial organisations established thereby
39. acquisition from a commercial organisation with more than fifty per cent of participation of the state and the community of such goods, works and services which cannot be carried out by other economic entities
40. Acquisition of services for the purpose of implementing energy-saving measures and introducing renewable energy systems from state-founded funds within the framework of programmes accepted or approved by the decision of the Government of the Republic of Armenia, in return whereof making instalment payments for a period of 5 years or more is envisaged.

(5) Acquisition of goods, works and services — when carrying out procurements deemed urgent — required for the purpose of meeting the needs having emerged as a result of emergency situations or natural disasters in the territory of a foreign state, provided for by the Law “On protection of population in emergency situations”, of declaring martial law provided for by the Law of the Republic of Armenia "On the legal regime of martial law", establishing an enhanced working regime in the Armed Forces in cases provided for

by the legislation of the Republic of Armenia, as well as due to impossibility of replacing the goods, works and services of vital importance the supply, performance and provision whereof is terminated with alternative goods, works and services, or in case of goods — due to lack in the reserves, as well as for the state needs, may be carried out, irrespective of the fact whether or not financial allocations are earmarked for the given procurement, upon the written consent of the Prime Minister of the Republic of Armenia, provided that the amounts are earmarked in the given or the following budget years;

- (6) procurement of professional training, software development (maintenance) support, including where more than fifty per cent of the price of the contract to be concluded to that effect concerns hardware support, as well as procurement of services of development and (or) technical supervision of design documents required for implementation of construction projects shall be deemed consultancy services, and the acquisition thereof shall be carried out as prescribed by Article 44 of the Law. Moreover, in case of application of this subpoint, the prequalification procedure need not be applied;
- (7) the process of acquisition of services of expert examination of design documents required for implementation of construction projects shall be carried out by the contracting authority;
- (8) in order to qualify the procurement procedure as acquisition of goods, works or services, the larger share thereof in the price of the contract to be concluded is taken as a basis, except for construction works and procurement of services of repair of automobiles, devices and equipment.

(point 23 supplemented, amended by No 104-N of 8 February 2018, edited, supplemented, amended by No 409-N of 11 April 2019, edited, amended,

supplemented by No 516-N of 2 May 2019, No 1422-N of 10 October 2019, amended by No 778-N of 21 May 2020, amended, supplemented by No 727 of 19 May 2022, supplemented, edited, amended by No 1593-N of 13 October 2022, supplemented by No 684-N of 4 May 2023)

(point 40 of the list provided for by sub-point 4 of point 23 shall be in force until 31 December 2024, in accordance with point 2 of Decision No 684-N of 4 May 2023)

24. The responsible subdivision shall transfer the procurement bid, with subsequent numbering, to the procurement co-ordinator in writing on the day it approves it.

25. The procurement co-ordinator shall, within three working days following receipt of the procurement bid, evaluate compliance of drawing up of the procurement bid with the requirements defined by the legislation of the Republic of Armenia on procurement. Where inconsistency is recorded, the procurement bid shall be returned to the responsible subdivision, noting the recorded inconsistencies. The responsible subdivision shall correct and, within two working days, submit to the procurement co-ordinator the adjusted procurement bid. In case of disagreement with the recorded inconsistency, the responsible subdivision shall, within two working days, return the procurement bid to the procurement co-ordinator who shall, within the working day following receipt thereof, report to the head of the contracting authority in writing. On the day of receipt of the reporting notice, the head of the contracting authority shall:

- (1) assign the legal service of the contracting authority to provide a legal opinion within two working days. The legal service may require and receive additional materials to provide an opinion;
- (2) upon receipt of the legal opinion:

- a. assign the procurement co-ordinator to organise the process of conclusion of the contract, taking as a basis the submitted procurement bid, where the reporting notice with the legal opinion has been considered as groundless, or
- b. assign the responsible subdivision to review the procurement bid, according to the legal opinion.

VI. EVALUATION COMMISSION

26. For the purpose of organising the process of conclusion of the contract, the procurement co-ordinator shall — within three working days following the receipt of the written instruction or the procurement bid provided for by point 25 of this Procedure — draw up a draft order on formation of an evaluation commission and submit it to the head of the contracting authority in writing for approval and the head of the contracting authority shall approve it within two working days. As regards the evaluation commission:
 - (1) It shall be composed of at least three members and have a chairperson and a secretary which shall be prescribed by the act on formation of the commission. Where it is impossible for the chairperson to participate in the session of the commission, the candidate — following the candidate for the chairperson in the priority list of candidates to be included in the composition of the commission — present at the session shall preside over the session;
 - (2) It shall carry out its activities through sessions. The session of the commission shall have quorum if attended by two-thirds of the members of the commission. The bid opening session shall have quorum if attended by the secretary of the commission and at least two members of the commission;

- (3) Where the session does not have quorum, the secretary shall notify the contracting authority thereon in writing as soon as he or she becomes aware of it and the latter shall, in the following order:
 - a. suspend the procurement process for a period not exceeding two working days;
 - b. ensure the presence of the given member at the session of the commission or — based on the recommendation of the responsible subdivision — appoint a new member of the commission to substitute the given member;
 - c. decide on the date and time of the session which shall not be later than the deadline for suspension of the procurement procedure;
- (4) Its decision shall be considered adopted where more than half of the members present at the session of the commission have voted in favour of the given decision. Each member of the commission shall have one vote and shall cast an affirmative or a negative vote. In case of a tie vote, the chairperson of the commission and in the absence thereof — the person presiding over the session shall have the casting vote;
- (5) Its sessions shall be video- or audio-taped and recorded and as a result of each session the members of the commission present at the session and the secretary shall mandatorily sign the minutes of that session. The minutes shall form an integral part of the protocol of the procurement procedure;
- (6) Its members and the secretary shall be obliged to ensure the confidentiality of information marked by bidders as confidential and shall be held liable, as prescribed by the law of the Republic of

Armenia, for the damage caused to the bidders as a result of disclosing such information, except for the information subject to mandatory disclosure provided for by law;

- (7) Its extraordinary sessions shall be convened by the secretary upon the written assignment of the head of the contracting authority or upon the written request of at least one-thirds of the members of the commission within the time limits and according to the agenda indicated thereby. The secretary shall — at least six hours prior to the commencement of the session — inform the members of the commission in writing or electronically of the extraordinary session, the agenda and time limits thereof;
- (8) Non-performance of obligations by a member or the secretary, as well as interference by an official, who is not a member of the commission, in the activities of the commission shall constitute grounds for taking measures to subject the given member (official) to liability as prescribed by the law of the Republic of Armenia;
- (9) Its member shall be responsible for his or her decisions, as well as for the documents and requests approved by him or her, as well as for the substantiation of determination of the successful bidder of the procurement procedure;
- (10) Each of its members shall evaluate the submitted bids and reflect the results of the evaluation thereof in the evaluation sheets and approve them with his or her signature.

(point 26 edited by No 414-N of 25 March 2021)

27. Where the evaluation commission does not ensure compliance with the requirements of the legislation of the Republic of Armenia on procurement, the secretary shall notify the head of the contracting authority thereof in writing

on the day he or she becomes aware of it, and the head of the contracting authority shall:

- (1) on the day of receipt of the reporting notice:
 - a. issue an order to suspend the activities of the commission. Where no other time limit is provided for by the suspension order, the activities of the commission shall be suspended for a period of up to three working days;
 - b. assign the legal service of the contracting authority to provide a legal opinion prior to the end of the suspension period. The legal service may require and receive additional materials to provide an opinion;
- (2) may apply to the competent (specialised) bodies for the purpose of receiving an expert opinion on the issue based on the written recommendation of the legal service. If this is the case, the period of suspension of the activities of the commission shall be extended until the working day following the day of receipt of the opinion, in respect of which the head of the contracting authority shall issue an order;
- (3) following the receipt of the legal opinion and upon an order:
 - a. the activities of the commission shall be resumed where the reporting notice with the legal opinion has been considered groundless, or
 - b. the evaluation commission shall be assigned to review the decisions of the commission according to the legal opinion. The reporting notice and the legal opinion shall be attached to the protocol.

28. Where no new order has been issued prior to the end of the period of suspension of the activities of the commission, the activities of the commission shall be considered resumed. The copies of the documents related to the suspension of the activities of the commission shall be attached to the protocol of the procurement procedure.
29. The commission shall be considered dissolved on the day of the expiry of the standstill period in case the procurement procedure is declared as not having taken place, and in case of conclusion of the contract - on the day following it.

(point 29 edited by No 727-N of 19 May 2022)

30. Pursuant to Article 23 of the Law, where a procurement is carried out and no evaluation commission is formed, the powers of the evaluation commission shall be exercised by the head of the responsible subdivision, and where an expert group has been formed — by this group, and the powers of the secretary of the commission shall be exercised by the procurement co-ordinator.

VII. CONCLUSION OF CONTRACT

31. The secretary shall — within three working days following the formation of the evaluation commission — convene the first session of the evaluation commission. As a result of the session and based on the procurement bid, the commission shall approve:
 - (1) the text of the procurement or prequalification notice;
 - (2) the text of the invitation;
 - (3) the date, time and venue of the next session of the commission.
32. The invitation shall also envisage that:

- (1) the bidder shall submit the following:
- a. a written request to participate in the procurement procedure by indicating the email address, taxpayer identification number, the address of activities and the telephone number;
 - b. a confirmation approved by him or her on his or her compliance and that of persons affiliated thereto with the eligibility requirements prescribed by the invitation;
 - c. a confirmation approved by him or her — in case of being declared a selected bidder, within the time limits prescribed by Article 35 of the Law — on the obligation to submit a qualification security. No qualification security shall be submitted where the selected bidder or as the official representative thereof — the organization producing the goods being supplied by the latter within the scope of the procedure concerned, has a credit rating — as of the date of opening the bids — at least the same as the sovereign rating granted to the Republic of Armenia by the international reputable organizations (Fitch, Moodys, Standard & Poor's). Where in the procurement bid the procurement price of the goods, work or service subject to procurement within the framework of the procedure concerned:
 - does not exceed the eighty-fold of the base unit of procurement, the amount of the qualification security shall be equal to the fifteen per cent and in case of exceeding — the thirty per cent of the procurement price;
 - does not exceed the twenty-five-fold of the procurement base unit, the qualification security shall be submitted as a unilaterally approved statement, in the form of penalty or

- cash, except for procurement of services of development, expert examination and technical supervision of design documents required for implementation of construction projects, in case whereof the security shall be submitted as a guarantee or cash provided for by this paragraph;
- exceeds the twenty-five-fold of the procurement base unit, the qualification security shall be submitted in the form of bank guarantees or cash;
 - is less than the price of the contract to be concluded, the amount of the qualification security shall be calculated against the price of the contract;
- d. a price proposal;
- e. in cases provided for by the invitation — a security bid, the amount of which shall be equal to five percent of the procurement price, and in case of arranging the procedure based on point 2 of part 6 of Article 15 of the Law or arranging the procedure based on points 1 or 2 of part 6 of Article 15 of the Law upon the written assignment of the Prime Minister of the Republic of Armenia — to five percent of the total planned (predicted) procurement price. Where the price proposal of the bidder exceeds the total procurement price (planned or predicted procurement price), the amount of the bid security shall be equal to five per cent of the price proposal. Where the procurement procedure is arranged electronically, the bid security in the form of a bank guarantee shall be submitted as a printed (scanned) copy of the original of the guarantee, provided that the original thereof shall be submitted to the Evaluation

Commission before 17:00 in Yerevan time of the working day following the expiry of the deadline for submission of bids — with a letter attached thereto, unless otherwise assumed from the model form of the guarantee established by the individual legal act of the authorised body. The bid security shall be returned within five working days following the day of conclusion of the contract. In case of declaring the procurement procedure as not having taken place, the bid security shall be returned within five working days following the expiry of the standstill period, where the results of the procurement procedure are not appealed. In case of a complaint, the bid security shall be returned within five working days following the entry into force of the final judicial act of the court on upholding the decision of the Evaluation Commission on declaring the procurement procedure as not having taken place. Where the procurement procedure is arranged based on point 2 of part 6 of Article 15 of the Law, the bid security shall be returned to the person having concluded the contract within five working days following the day of conclusion of the agreement provided for by point 18 of this Procedure;

- f. in case of procurement of goods — the technical specification of goods proposed thereby, and in cases envisaged by the invitation — also the trademark, the tradename, the mark of the proposed goods and the producer thereof (hereinafter referred to as the full description of the goods);
- g. a statement on the unfair competition, absence of abuse of the dominant position and an anti-competitive agreement within the framework of the given procurement process;

- h. a statement on the absence of concurrent participation of affiliated persons prescribed by this Procedure in the given procurement procedure;
 - i. in the case of a legal person having the obligation to submit a declaration on real beneficiaries on the basis of the Law of the Republic of Armenia “On state registration of legal persons, state record-registration of subdivisions of legal persons, institutions and individual entrepreneurs” — a link to the website containing information about the real beneficiaries of a legal person participating in the procurement process, and in the case of other legal persons — a declaration on the real beneficiaries of a legal person participating in the procurement process, in the manner and as prescribed on the basis of part 6 of Article 60.3 of the Law of the Republic of Armenia “On state registration of legal persons, state record-registration of the subdivisions, institutions and individual entrepreneurs”. Moreover, where the bidder is declared a selected bidder, the information provided for by this paragraph shall be published in the bulletin together with the statement regarding the decision on conclusion of the contract;
 - j. in case of procurement of consultancy services — the documents required by the invitation for evaluation of bids;
- (2) the bidder shall submit the price proposal in the form of a calculation composed of the general components of the price (the total sum of the cost price and the expected profit) and the value added tax. In the calculation of the components of the price no particulars or any other details shall be required or submitted. Where the bidder must pay value added tax for the transaction concerned to the State Budget of the

Republic of Armenia, the amount due for that tax type shall be earmarked in the price proposal in a separate line. Evaluation and comparison of the price proposals of the bidders shall be performed without calculating the amount of tax referred to in this subpoint; Moreover, the bid of the bidder shall not be subject to rejection where:

- a. the columns “cost” and “value added tax” of the price proposal are filled in only with figures, and the “total price” column is filled in both with letters and figures or only with letters;
- b. there is an inconsistency between the amounts indicated with letters or figures in the columns “cost” and “value added tax” of the price proposal, whereas the total sum of either of the amounts indicated in letters or figures corresponds to the amount indicated with letters in the column “total price”;
- c. the number of the lot in the price proposal is indicated inaccurately, whereas the name of the subject of procurement is filled in correctly;
- d. the lumas of the amounts indicated with letters or figures in the columns of “cost”, “value added tax” and “total amount” of the price proposal are rounded to five decimal places, down to the integer, and five decimal places and higher — up to the integer;
- e. in the columns of “cost” and “value added tax” of the price proposal, the amounts are filled in both with figures and letters, and they correspond to each other, whereas in the column of “total price” unnecessary words are filled in, which results in a non-existent figure. Moreover, in the case specified in this paragraph the evaluation commission, while evaluating the bid, shall take as a basis the total sum of the amounts filled in with letters in the columns of “cost” and “value added tax”;

- f. in the columns of the price proposal, in the amounts filled in with letters the lumas are filled in with figures;
- (3) in case of procurement of construction projects, the bidder shall also submit:
- a. completed bill of quantities and estimate approved by him or her, taking into account the maximum shares prescribed by the bill of quantities attached to the invitation, as per estimate sections of works. Moreover, the share shall be applied to the total price proposal made by the bidder, taking into consideration that the deviation may not be more or less than 10 per cent of the share prescribed by the bill of quantities attached to the invitation for the given section. Sections of works may not be artificially merged or separated;
 - b. technical specifications, trademarks, trade names, marks, producers and guarantee periods of devices and equipment complying with the technical specifications prescribed by the proposed design documents attached to the invitation, proposed by him or her. The draft contract concluded with the selected bidder shall include the devices and equipment introduced in the bid by him or her;
- (4) if requested, the secretary of the commission shall provide forthwith the copies of the bid of any bidder to another bidder having made such a request. Where it is impossible to fulfil the request, the person having made the request shall immediately be provided with the documents included in the bid which he or she shall examine on site and shall have the right to photograph them and return to the secretary during the session without interfering with the normal course of activities of the commission;

- (5) an indication of allocation of an advance payment and its maximum amount, provided that the selected bidder may refuse the proposed advance payment or a part thereof. Moreover, the amount of the advance payment may not exceed 30 per cent of the price proposed by the selected bidder, except for the procurement carried out based on subpoint 4 of point 23 of this Procedure;
- (6) the contract to be concluded may be implemented by concluding an agency or a subcontractor agreement. Another bidder having submitted a bid for the purpose of participating in the given procedure may not be a party to the agency or subcontractor agreement. Where the agreement is anticipated to be implemented through an agency or a subcontractor, the bidder shall also submit in the bid the copy of the agency or subcontractor agreement and data on the person who is a party thereto;
- (7) the bidders may participate in the procurement procedure as a joint venture (as a consortium). In such case:
 - a. the bid shall also include a joint venture agreement;
 - b. the invitation provides that none of the parties to the joint venture agreement may submit separate bid for the same procedure. In case of non-compliance with the requirement of this paragraph, both the bids submitted as joint venture and those submitted separately shall be rejected at the bid opening session;
 - c. where the joint venture agreement provides that the common affairs of the bidders are administered by an individual bidder of the joint venture agreement, the bid shall be submitted, and in case a contract is concluded, payments shall be made to that

bidder. Where the joint venture agreement provides that in administration of common affairs each bidder shall be entitled to act on behalf of all bidders, and where a contract is concluded, the payments based thereon shall be made to the bidder having submitting the bid;

- (8) where the contract price is fixed, the bidder shall submit the price proposal in one figure — by the total price proposed for the implementation of the contract;
- (9) where the price of the goods, works or services (total planned (predicted) procurement price) subject to procurement within the framework of the given procedure under the procurement bid does not exceed the twenty-five-fold of the procurement base unit, no bid security shall be submitted and the contract security shall be submitted as a unilaterally approved statement, in the form of penalty or cash. Moreover, the amount of the contract security shall be ten percent of the procurement price of the goods, works and services provided for by the contract. Where the procurement price of the goods, works and services provided for by the contract is less than the price of the contract to be concluded, the amount of the contract security shall be calculated against the contract price. In case of procurement of services of elaboration, expert examination and technical supervision of the design documents required for construction projects, the contract security shall be submitted in the form of a bank guarantee or cash. Where the procurement price of the goods, work or service subject to procurement within the framework of the given procedure exceeds the twenty-five-fold of the procurement base unit, both the bid security and the contract security shall be submitted in the form of a bank guarantee or cash. In case of

arranging the procurement procedure based on point 2 of part 6 of Article 15 of the Law, where the total planned (predicted) procurement price exceeds the twenty-five-fold of the procurement base unit, the bid security shall be submitted in the form of a bank guarantee or cash. Where a bid security in the amount exceeding the amount prescribed by paragraph (e) of subpoint 1 of this point has been submitted by the bidder,, the bid shall be deemed complying with the requirements of the invitation and shall not be subject to rejection;

- (10) where the procurement procedure has been arranged based on part 6 of Article 15 of the Law and at the moment when the competence to conclude a contract has arisen, no financial resources have been earmarked, the qualification and contract securities shall be submitted as a unilaterally approved statement, in the form of penalty or cash. Where at the moment when the competence to conclude a contract has arisen, the prescribed financial resources exceed the twenty-five-fold of the procurement base unit but additional financial resources are required for the full implementation of the contract, the qualification and contract securities shall — in terms of the allocated financial resources — be submitted in the form of a bank guarantee or cash, and in terms of the required financial resources — as a unilaterally approved statement, in the form of penalty or cash;
- (11) the notifications are being sent electronically by sending the information via e-mail, except for the procurements containing state secret in case of which the notifications are sent in a paper format. The e-mail addresses of the contracting authority and the bidder are envisaged to be indicated in the invitation and the bid. In case of electronic exchange of information (documents), the sender thereof

shall confirm the information (documents) by an electronic digital signature, and shall send the certificate — placed in the identification card issued as prescribed by the Law of the Republic of Armenia “On identification cards” — or the information (documents) in the form of a printed (scanned) copy of the confirmed original document. Where the procurement procedure is arranged through the e-procurement system, the bidders that are residents of the Republic of Armenia shall confirm the documents, to be confirmed by them and included in the bid, by an electronic digital signature, whereas the bidders that are not residents of the Republic of Armenia shall submit those documents in the form of a printed (scanned) copy of the confirmed original documents;

- (12) the secretary of the commission shall send the proposal to conclude a contract and the draft contract to be concluded to the bidder electronically. In case of procurement of goods, the full description of the goods submitted in the bid by the selected bidder shall be included in the draft contract;
- (13) the draft contract approved by the selected bidder shall be submitted to the contracting authority in writing and the notice on its submission shall be registered in the document circulation system. The draft contract shall be approved by the head of the contracting authority within two working days following the day such competence has arisen;
- (14) concurrent participation of affiliated persons — prescribed by this Procedure — in the procurement procedure (in the same lot) shall be prohibited;
- (15) ***(subpoint repealed by No 727-N of 19 May 2022)***

- (16) the qualification security shall not be reimbursed to the person having submitted it where he or she has violated the obligation provided for by the contract which has resulted in the unilateral rescission of the contract;
- (17) where the procurement procedure is arranged in lots, the bids shall be evaluated and the selected bidder shall be determined according to separate lots. Where within the framework of the procurement procedure arranged in lots:
- a. the bidder submits bids for more than one lot, he or she may submit either a bid security for each lot separately or one bid security for all of the lots. In case of submitting one bid security, its value shall be calculated against the total sum of procurement prices of the submitted lots, taking into account the requirements of paragraph (e) of subpoint 1 of this point;
 - b. the bidder is declared selected in terms of more than one lot, he or she may submit a contract and a qualification security either for each lot separately or for all of the lots. In case of submitting one contract or one qualification security, its value shall be calculated against the total sum of procurement prices of submitted lots, taking into account the requirements of paragraph (c) of subpoint 1 of this point and subpoint 9 of the same point;
 - c. the bidder is deprived of the right to conclude a contract regarding any lot, the bid security shall be paid only in the amount of the security calculated against that lot;
 - d. the contract is rescinded in terms of a specific lot in case of non-implementation or improper implementation of the concluded contract, the qualification and contract securities shall be paid only in the amount of the sum calculated against that lot.

- (18) where the bidder has been included in the lists provided for by parts 5 and 6 of part 1 of Article 6 of the Law after the submission of the bid, his or her bid concerned shall not be subject to rejection;
- (19) where the confirmation of the bidder of the fact that he or she is eligible to participate in the procurement provided for by the invitation is qualified as not complying with the reality, or the bidder does not, in the manner and within the time limits prescribed by the invitation, submit the documents provided for by the invitation or the selected bidder does not submit the qualification or the contract security or the person having concluded the contract for the purpose of concluding the agreement does not replace the qualification or the contract security submitted in the form of a fine, that circumstance shall be deemed as violation of the obligation assumed within the framework of the procurement process;
- (20) where the procurement procedure is arranged based on point 1 of part 6 of Article 15 of the Law, the bidder shall not submit a bid security;
- (21) bids shall be evaluated within fifteen working days from the day the deadline for submission thereof expires. Where the number of lots of the procurement procedure exceeds seventy-five lots, the bids shall be evaluated within twenty working days from the day the deadline for submission thereof expires;
- (22) a clarification regarding the invitation shall not be provided to the bidder where the inquiry concerns the compliance of technical specifications of goods, works or services proposed by him or her with the technical specifications provided for by the invitation;

(23) in case of procurement of services of repair of automobiles, devices and equipment, the invitation shall also prescribe the maximum unit price for the provision of each type of service, and the bidder shall submit the price proposal, taking into account the total sum of those maximum prices, considering that the payments for the services provided within the framework of the contract being concluded shall be made in accordance with the following formula:

$$SP=BP/NP_xS_xQ, \text{ where:}$$

1. SP is the sum paid for provision of individual types of services established by the contract;
2. BP is the aggregate price proposed by the selected bidder;
3. NP is the total sum of the maximum unit prices prescribed for provision of the service;
4. S is the maximum unit price of the service provided;
5. Q is the quantity of the service provided;

(24) ***(point repealed by No 727-N of 19 May 2022)***

(25) everyone shall be entitled to — before expiry of the deadline prescribed for making modifications in the invitation — submit to the secretary of the evaluation commission through an electronic mail justifications in terms of requirements for ensuring competition and non-discrimination provided for by law, of the descriptions of the subject of procurement prescribed by the invitation, without indicating name and surname. In case the submitted justifications are deemed admissible, the evaluation commission shall, within the prescribed time limit, make modifications in the invitation based thereon;

(26) the security provided for by paragraph (c) of subpoint 1 of this point shall be reimbursed to the person having submitted it within five working days after the contracting authority fully accepts the outcome of implementation of the contract, except for:

- a. the provision of services of technical supervision over the implementation of construction projects, in case whereof the security shall be reimbursed to the person having submitted it within the period prescribed by Article 35 of the Law where he or she fully performs the obligations assumed by the contract;
- b. the case where the contract is to be implemented stage-by-stage, and the implementation of each stage is not directly interconnected with the final outcome to be received in compliance with the requirements set under the contract. In case this paragraph applies, when the contracting authority accepts the outcome of each stage, the sum shall be decreased in the proportion calculated against the sum for that stage;

Moreover, where the contracts for procurement of goods, works and services are concluded based on part 6 of Article 15 of the Law, the qualification security submitted for the agreement (agreements) concluded for the given year within the framework of the financial allocations available is subject to return of in case that agreement (agreements) is properly performed by the executor in full and its result is fully accepted by the contracting authority. Later, in case of unilateral termination due to non-fulfilment of the contract by the executor, the latter shall be charged the full qualification security submitted for the unfulfilled part of the contract.

- (27) the contract security shall be reimbursed to the person having submitted it within the period prescribed by Article 35 of the Law where he or she fully performs the obligations assumed by the contract;
- (28) in case of consultancy services, as well as arranging the procurement procedure in the form of two-staged tender — the criteria for evaluation of bids, the minimum and maximum points given thereto, as well as the documents to be submitted with the bid by the bidder.

(point 32 supplemented, edited, amended by No 104-N of 8 February 2018, edited, supplemented, amended by No 516-N of 2 May 2019, edited by No 1422-N of 10 October 2019, edited, supplemented by No 778-N of 21 May 2020, edited, amended by No 414-N of 25 March 2021, edited by No 1421-N of 2 September 2021, edited, supplemented, amended by No 727-N of 19 May 2022, edited, supplemented by No 1593-N of 13 October 2022)

33. The contract (draft) shall also provide that:

- (1) a party to the contract shall bear responsibility for non-performance or improper performance of obligations of the agent or the subcontractor;
- (2) where the agent or the subcontractor change during the period of implementation of the contract, a party to the contract shall inform the contracting authority thereon in writing by providing the copy of the agency or subcontractor agreement and the data on the person who is a party thereto within five working days following the occurrence of the change;
- (3) in case of joint venture (consortium), the bidders shall be held jointly and severally liable. Moreover, where a member of the consortium leaves the consortium, the contract of the contracting authority

concluded with the consortium shall be rescinded unilaterally and the sanctions provided for by the contract shall be imposed against the members of the consortium;

- (4) penalties and fines shall be prescribed by the contract for non-performance or improper performance of the obligations assumed by the person having concluded the contract (the contractor). The amount of the fine may not be less than 0.5 percent of the total price of the contract, and the amount of penalties — not less than 0.05 percent of the total price of the contract. Moreover, the fine shall be calculated also in case when the supply of goods, performance of works or provision of service provided for by the contract is carried out within the time limits prescribed by the contract, but the responsible subdivision does not accept the result of the contract. The penalty shall be calculated in working days against the price of the unimplemented part of the contract. Where:
 - a. the contract has been concluded based on point 6 of Article 15 of the Law, the fine shall be calculated against the price of the agreement concluded for the purpose of supply of goods, performance of works or provision of services, within the scope whereof the non-implementation or improper implementation of the obligations assumed has been fixed;
 - b. the procurement procedure has been arranged in lots, and the contract concluded with the selected bidder includes more than one lots, the fine shall be calculated against the total price set by the contract for the lot concerned;
- (5) payments for procurements, including the allocation of an advance payment, shall be carried out taking into account the conditions

provided for in the model form of the contract approved by the authorised body and in case of existence of the grounds prescribed by the contract, the contracting authority shall be obliged to ensure — when making the payments — the calculation and offset of penalties and fines with the amounts subject to payment with regard to the party to the contract;

- (6) where during the guarantee period prescribed for the outcome of implementation of the construction projects or its individual component, shortcomings of the performed works have been detected, the contractor shall be obliged to eliminate the shortcomings at his or her expense within a reasonable time limit prescribed by the contracting authority;
- (7) in case of procurement of services, construction projects which do not require design documents or goods constituting fixed assets, the guarantee period shall be the period of 365 calendar days following the day of acceptance of the service, work or goods by the contracting authority. Where deficiencies of the provided services, performed works or supplied goods have been detected during the guarantee period, the party to the contract shall be obliged to eliminate the deficiencies at his or her expense within a reasonable time limit prescribed by the contracting authority;
- (8) where as a result of control or supervision over compliance with the requirements of the Law or as a result of examination of the appeals as prescribed by law it is concluded that in the procurement process, prior to the conclusion of the contract, the party to the contract had submitted false documents (information and data) or the decision on declaring him or her a selected bidder does not comply with the legislation of the Republic of Armenia, the contracting party shall —

upon the emergence of these grounds — shall unilaterally rescind the contract where pursuant to the legislation of the Republic of Armenia on procurement the detected deficiencies, having emerged prior to the conclusion of the contract, would have constituted a ground for not concluding the contract. Moreover, the contracting authority shall not bear the risk of losses or lost profit the party to the contract suffers as a result of unilateral rescission of the contract, and the latter shall be obliged to compensate for the losses suffered by the contracting party through his or her fault as prescribed by the law of the Republic of Armenia and to the extent to which the contract has been rescinded. In case of emergence of the grounds provided for by this point the bodies exercising control and/or supervision, while in other cases — the contracting authority shall notify the law-enforcement authorities thereof, introducing the grounds to them and to the bidder having concluded a contract;

- (9) the contract may not be modified as a result of failure by the Parties to partially fulfil the obligations or may not be fully rescinded upon mutual consent of the parties, except for cases of reduction of financial allocations required for carrying out the given procurement as prescribed by the legislation of the Republic of Armenia. Moreover, mutual consent by the parties on failure by the parties to the contract to partially fulfil the obligations or on full rescission needs to be obtained prior to reduction of the financial allocations required for carrying out the given procurement as prescribed by the legislation of the Republic of Armenia. Furthermore, it shall be prohibited to earmark financial resources for the purpose of acquisition of the same goods, works or services during the same budget year;
- (10) when developing the design documents, the project designer shall:

- a. draw up the technical specifications of the materials and (or) devices and equipment used for implementation of the construction project — in accordance with the requirements of Article 13 of the Law;
 - b. define minimum requirements for the guarantee periods of the object of the contract, its individual parts (structures, etc.) and the materials and (or) devices and equipment to be used;
 - c. define the calendar schedule for performance of individual types of works;
 - d. submit the design documents to the contracting authority electronically or in a paper format, in Armenian and Russian;
- (11) where design deviations are detected during the performance of construction works, the designer shall pay the contracting authority a fine in the amount of the loss having occurred as a result of each detected deviation. Furthermore:
- a. deviation shall mean the occurrence of works of additional volume exceeding ten per cent of the initial project during the performance of works, and the amount of the fine is equal to twenty-five per cent of the cost of works of additional volume;
 - b. losses shall mean such design deviations which result in the change of actually completed works (demolition, restoration works, etc.) and the performance of additional works, and the amount of the fine is equal to fifty per cent of the cost of actually completed works having resulted in losses;
- (12) where the contract has been concluded on the bases of part 6 of Article 15 of the Law, but no financial resources are earmarked for

the given year or the amount of the earmarked financial resources is less than the contract price, the contract shall provide that

- in the future, the supply of goods, performance of works and provision of services shall be carried out by way of concluding a contract;
- the calculation of the six-month envisaged by the same part of the law for the provision of financial means for concluding each subsequent agreement shall start from the end of the execution of the previous agreement.

Where the amount of financial resources allocated for the implementation of the contract exceeds the twenty-five-fold of the procurement base unit, the contracting authority shall conclude the contract where the qualification and contract securities submitted in the form of penalty by the person having concluded the contract in the amount of the earmarked financial resources is substituted by a guarantee or cash, having regard to the requirements of paragraph “b” of subpoint 17 of point 32 of this Procedure. Moreover, a party to the contract shall conclude the agreement, and in the event of substitution of the securities — shall also submit new securities to the contracting authority within fifteen working days following the receipt of notification on conclusion of the agreement. Otherwise, the contract shall be unilaterally rescinded by the contracting authority;

- (13) the contract concluded with the person exercising quality control over the implementation of the construction works shall specify the guarantee periods of the object of the contract and its individual parts and provide that where deficiencies are detected during that period, the person exercising quality control shall — in case of non-

performance or improper performance of his or her obligations provided for by the contract — pay the contracting authority a fine in the amount of the expenses actually incurred by the contractor or the contracting authority for the elimination of the detected deficiencies;

(14) for the purpose of subjecting the design documents necessary for the implementation of construction projects to urban development expert examination, the contract concluded with the person shall provide that where design deviations occur during the implementation of construction projects the person shall pay the contracting authority a fine in the amount of the loss occurred as a result of each deviation detected. Moreover:

a. deviation shall mean the occurrence of works of additional volume exceeding ten per cent of the initial design during the performance of works, and the amount of the fine is equal to twenty-five per cent of the cost of works of additional volume;

b. losses shall mean such design deviations which result in the change of actually completed works (demolition, restoration works, etc.) and the performance of additional works, and the amount of the fine is equal to fifty per cent of the cost of actually completed works having resulted in losses;

(15) in the event of commencing liquidation or insolvency proceedings during the validity of the securities, the person having submitted the qualification and contract securities shall be obliged to submit a written notice thereon to the contracting authority in advance;

(16) where the contracting authority does not accept or reject the outcome of the contract within the time limit prescribed by the contract, it shall be considered accepted, and the contracting authority shall — on the

working day following the deadline prescribed by the contract — provide the delivery and acceptance protocol, confirmed thereby, to the party to the contract. Moreover, the fact of delivering the outcome of the contract to the contracting authority shall be established by a mutually confirmed document with the indication of the date the document has been drawn up;

- (17) the notification on full or partial unilateral rescission of the contract on the ground of non-performance or improper performance of the obligations assumed by the person having concluded the contract shall be published by the contracting authority in the bulletin with the indication of the day of publication. The person having concluded the contract shall be considered duly notified of the unilateral rescission of the contract on the day following the day of publication of the notification in the bulletin. On the day the notification on full or partial unilateral rescission of the Contract is published in the bulletin, it shall also be sent to the electronic mail of the person having concluded the contract;
- (18) in case of procurements entailing obligations at the expense of the funds of the State Budget of the Republic of Armenia, the registration of the given transaction by the authorised body shall constitute a condition for the performance of the rights and obligations of the parties provided for by the contract, except for procurements provided for by points 1, 2, 3, 7, 10, 12, 14, 18, 19, 21 and 37 of the list of subpoint 4 of point 23 of this Procedure;
- (19) in case of procurement of construction projects:
 - a. the contractor shall perform the works provided for by the contract, and the person providing services for technical

inspection shall inspect compliance of those works in accordance with urban development regulatory technical and approved design estimate documentations;

- b. the contracting authority shall impose sanctions against the person performing construction works and the person providing services for technical inspection for every recorded case of failure to observe the requirements defined under the urban development regulatory technical and approved design estimate documentations, including the rules for proper organisation, furnishing of and safety equipment of the construction site.

Moreover, the cases and the sanctions subject to imposition in case of detection thereof shall be established exhaustively and without the possibility of ambiguous interpretation.

(point 33 supplemented by No 104-N of 8 February 2018, edited, amended, supplemented by No 516-N of 2 May 2019, edited by No 1422-N of 10 October 2019, amended by No 414-N of 25 March 2021, edited by No 1593-N of 13 October 2022, edited, supplemented by No 1885-N of 8 December 2022)

34. Within two working days following the day of approval of the texts of the procurement notice and the invitation or the prequalification notice, the secretary shall:
 - (1) publish in the bulletin the texts of the procurement notice and the invitation or the prequalification notice, as prescribed by the Minister of Finance of the Republic of Armenia. Moreover, the texts of the notice and invitation, as well as protocols of the sessions of the evaluation commission, notices on concluding a contract, concluded contract and declaring the procedure as not having taken place shall

be published also in the Russian language. In case of possibility of multiple (ambiguous) interpretations of the materials published in the Russian language, the Armenian text shall be taken as a basis;

- (2) in case of arrangement of the procurement procedure in a paper format, send electronically the invitation to the potential bidder (bidders) of the given procurement procedure where the procurement is carried out through the procedure provided for by Article 23 of the Law, and in cases provided for by this Procedure — also publish the materials in Armenian and Russian in the bulletin as prescribed by the Minister of Finance of the Republic of Armenia;
- (3) take measures as prescribed by the Government of the Republic of Armenia to conclude the contract where the procurement is carried out from the exchanges.

(point 34 edited by No 1422-N of 10 October 2019)

35. The secretary shall — upon the decision of the evaluation commission — take additional measures to extend the scope of the bidders and encourage competition among them for the purpose concluding the contract and take the following actions as regards the information on the procurement process:
 - (1) publish the procurement or prequalification notice also in the mass media, including by electronic means;
 - (2) provide (send) the invitation to the potential bidders of the procurement process determined by the evaluation commission.
36. For the purpose of receiving the invitation in hard copy, the bidder shall submit a written request to the contracting authority. The copy of the document issued by the bank certifying the payment of the sum required for the provision of the invitation shall be enclosed with the request for

receiving the invitation in hard copy where the procurement notice provides for a payment for the provision of the invitation in hard copy. The contracting authority shall ensure the provision of the invitation in hard copy on the day following the day of receipt of such a request. Where a request has been made for electronic provision of the invitation, the contracting authority shall ensure the electronic provision of the invitation on a free-of-charge basis within the working day following the day of receipt of the request.

37. For the purpose of provision of services pertaining to the copying and delivery of the invitation, the contracting authority shall conclude a service contract where these works are not performed through the resources of the contracting authority.
38. Prior to the bid opening session, the officials of the contracting authority shall be prohibited from providing to other persons information on persons having made a request for provision of an invitation or having received an invitation. The provision of clarifications or other information with regard to the procurement procedure by these officials to other persons in a manner not provided for by the legislation of the Republic of Armenia on procurements shall constitute grounds for taking measures to subject that person to liability as prescribed by law.
39. Except for procurements carried out through the e-procurement system, the secretary of the evaluation commission shall register the bids in the register according to the order of receipt by indicating in the register the number, date and time of the registration. A statement of information thereon shall be issued at the request of the bidder. The bids submitted after the deadline for submission of bids shall not be registered in the register and shall be returned by the secretary within two working days following the day of their receipt. The printed (scanned) copy of the original

of the register shall be published in the bulletin along with the protocol provided for by subpoint 1 of point 43 of this Procedure.

40. At the session of bid opening and evaluation:

- (1) the chairperson (person presiding over the session) shall declare the session open and announce the procurement price prescribed by the procurement notice. The secretary of the commission shall provide information on the records made in the register and send the bid register, other documents forming an integral part thereof and the registered bids to the chairperson of the commission;
- (2) having sent the documents referred to in subpoint 1 of this point to the chairperson (person presiding over the session), the commission shall evaluate:
 - a. the compliance of the preparation and submission of the envelopes containing the bids with the prescribed procedure and open the evaluated bids that are in compliance with the prescribed procedure;
 - b. the availability of the required (prescribed) documents in each of the opened envelopes and the compliance of preparation thereof with the requisites defined in the invitation;
- (3) the chairperson of the commission shall announce the price proposals — expressed in one figure — of the bidders having submitted the bids, taking as a basis the amount written in letters;
- (4) the commission shall reject the bids which lack a price proposal and/or the bid security or where they have been submitted in a manner not complying with the requirements of the invitation, except for the case provided for by point 41 of this Procedure. Where the

procurement is carried out through an electronic system, the price proposal included in the system and approved by the bidder shall be taken as a basis;

- (5) the Commission shall determine and announce the selected and bidders and those not recognised as such from among the bidders having submitted bids evaluated as complying with the requirements of the invitation. In case of procurement of goods the Commission shall also evaluate the compliance of full descriptions of the submitted goods with the requirements of the invitation. In case of equality of the lowest proposed prices:
 - a. in order to determine the selected bidders and those not recognised as such, simultaneous negotiations shall be conducted with all the bidders having presented equal prices at the session of the Commission where all the bidders (representatives having the relevant powers) are present at the session;
 - b. the session of the Commission shall otherwise be suspended and the secretary of the evaluation commission shall concurrently — within one working day — electronically notify all the bidders having presented equal prices of the conditions, durations, date, time and venue of the simultaneous negotiations on reduction of prices;
 - c. the negotiations shall be conducted not earlier than the second day following the day of sending the notification and not later than the fifth working day following the day of sending the notification;

- d. the price proposal of each bidder submitted at the given time shall be made available for other bidder(s) and the bidder shall be able to review his or her price proposal prior to the end of the deadline set for the negotiations;
 - e. at the time of expiry of the deadline set for the negotiations, the selected bidders and those not recognised as such shall be determined and announced based on the prices submitted by the bidders present at it. Where the prices presented by the bidders remain equal as a result of negotiations, the procurement procedure shall be declared as not having taken place based on point 1 of part 1 of Article 37 of the Law;
- (6) where the prices of the bidders having submitted bids evaluated as complying with the requirements of the invitation exceed the procurement price, the evaluation commission may declare the bidder having submitted the lowest price proposal as a selected bidder, provided that the rights and obligations of the parties to the contract being concluded with the latter shall take effect in case additional financial resources in the amount exceeding the procurement price are earmarked and an agreement is concluded between the parties on the basis thereof.

Moreover, the agreement shall be concluded within fifteen working days after additional financial resources are earmarked, by extending the time limits for the supply of goods, performance of works or provision of services for a period from the day the contract is concluded to the day the agreement is concluded. The contract concluded under this paragraph shall be rescinded where additional financial resources are not earmarked within sixty calendar days after the conclusion.

The requirements of this paragraph shall not be applied in case of carrying out procurement through an electronic auction, as well in case when only one bid has been evaluated as complying with the requirements of the invitation;

- (7) in case of consultancy services, as well as arranging the procurement procedure in the form of two-staged tender, the bidder having received the highest score shall be declared as the selected bidder. In case of equality of scores given to the bidders:
- a. in order to determine the selected bidders and those not having been declared as such, simultaneous negotiations shall be conducted with all the bidders having received equal scores at the session of the Commission where all the bidders (representatives having the relevant powers) are present at the session;
 - b. the session of the Commission shall otherwise be suspended and the secretary of the evaluation commission shall concurrently — within one working day — electronically notify all the bidders having received equal scores of the conditions, durations, date, time and venue of the simultaneous negotiations on reduction of prices;
 - c. the negotiations shall be conducted not earlier than the second day following the day of sending the notification and not later than the fifth working day following the day of sending the notification;
 - d. the price proposal of each bidder submitted at the given time shall be made available for other bidders and the bidder shall be able to review his or her price proposal prior to the end of the deadline set for the negotiations;

- e. at the time of expiry of the deadline set for the negotiations, the selected bidders and those not recognised as selected shall be determined and announced based on the prices submitted by the bidders present at it. Where the prices presented by the bidders remain equal as a result of negotiations, the procurement procedure shall be declared as not having taken place based on point 1 of part 1 of Article 37 of the Law.

(point 40 supplemented by No 104-N of 8 February 2018, edited by No 1422-N of 10 October 2019, supplemented by No 778-N of 21 May 2020, edited by No 414-N of 25 March 2021, edited, amended, supplemented by No 727-N of 19 May 2022, edited, supplemented by No 1593-N of 13 October 2022)

- 41. Where as a result of the evaluation conducted at the session of bid opening and evaluation, inconsistencies with regard to the requirements of the invitation are detected in the bid of the bidder, including the cases where the documents included in the bid and approved by the bidder that is a resident of the Republic of Armenia or a part thereof are not confirmed by electronic signature, the commission shall suspend the session for one working day, and the secretary of the commission shall electronically notify the bidder thereof on the same day, suggesting him or her to eliminate the inconsistency prior to the end of the suspension period. The detailed description of the inconsistencies detected shall be given in the notification sent to the bidder.

(point 41 supplemented by No 516-N of 2 May 2019, edited by No 1422-N of 10 October 2019, No 727-N of 19 May 2022)

- 42. Where the bidder eliminates the detected inconsistency within the time limit prescribed by point 41 of this Procedure, his or her bid shall be evaluated as satisfactory. The bid shall otherwise be evaluated as unsatisfactory and

rejected, including where the bidder does not submit the original of the bid security within the time limits prescribed by paragraph "e" of part 1 of point 32 of this Procedure, and the bidder holding the next place shall be declared as a selected bidder.

(point 42 edited by No 1422-N of 10 October 2019, amended by No 778-N of 21 May 2020)

43. No later than on the working day following the end of the session of bid opening and evaluation, the secretary of the commission shall:

- (1) publish in the bulletin the printed (scanned) copy of the original of the minutes of the session of bid opening and evaluation and the summary on the discussion of the justifications received based on subpoint 25 of point 32 of this Procedure which includes also information on the date of receiving the justifications and electronic mail addresses. Where justifications are not submitted, relevant indications thereon shall be made in the minutes of the session of the commission. Moreover, a detailed description of the detected inconsistencies and the grounds for rejection of the bids based thereon shall be given in the minutes of the session of the commission;
- (2) publish in the bulletin the printed (scanned) copies of the originals of the statements on absence of conflict of interests signed by him or her and the members of the evaluation commission present at the bid opening and evaluation session, except for procurement carried out based on points 1, 2, 3, 4 and 20 of the list approved by subpoint 4 of point 23 of this Procedure.

(point 43 amended by No 104-N of 8 February 2018, No 516-N of 2 May 2019, edited by No 1422-N of 10 October 2019, No 414-N of 25 March 2021, No 727-N of 19 May 2022)

44. *(point repealed by No 1422-N of 10 October 2019)*
45. *(point repealed by No 727-N of 19 May 2022)*
46. *(point repealed by No 1422-N of 10 October 2019)*
47. *(point repealed by No 1422-N of 10 October 2019)*
48. *(point repealed by No 727-N of 19 May 2022)*
49. *(point repealed by No 1422-N of 10 October 2019)*
50. The contract with the selected bidder shall be concluded as prescribed by Articles 10 and 36 of the Law, where the document justifying the qualification security has also been submitted. Moreover, in case of procurement of goods, the full description of the goods shall be included in the contract in accordance with the proposal submitted by the selected bidder and evaluated as satisfactory by the evaluation commission. Where the price of the concluded contract exceeds the procurement base unit, in the statement on the concluded contract it shall also be indicated that in case of procurement not containing state secret within the period prescribed by the contract, both the bidders having submitted a bid for the purpose of participating in the procurement process concerned and non-governmental organisations and persons carrying out media activities having received state registration in the Republic of Armenia, and in the case of procurement containing state secret — the bidders having submitted a bid on the basis of an invitation to participate in the procurement procedure concerned, may submit to the contracting authority a written request to participate in the process of acceptance of the outcome of the concluded contract concerned, jointly with the responsible subdivision. The official e-mail address of the head of the responsible subdivision shall also be indicated in the statement. The following shall be attached to the written request:

- (1) the original of the power of attorney issued to a natural person.
Moreover:
 - a. the number of authorised natural persons may not be more than two;
 - b. the authorised natural person needs to personally perform the actions for which he or she is authorised;
- (2) original statements on the absence of conflict of interests signed by the person having submitted a request to participate in the process and the authorised natural person, as provided for by part 2 of Article 5.1 of the Law;
- (3) the e-mail addresses and telephone numbers through which the contracting authority may contact the person having submitted the request and the natural person authorised by the latter;
- (4) in the case of non-governmental organisations and persons carrying out media activities having received state registration in the Republic of Armenia — also the copy of the certificate of state registration.

(point 50 edited by No 1422-N of 10 October 2019, No 1059-N of 24 June 2021)

50.1. Within three working days following expiry of the period provided for by point 50 of this Procedure, the head of the responsible subdivision shall, from the e-mail address referred to in the statement of the concluded contract, forward a notice to:

- (1) the person having submitted a letter complying with the prescribed requirements in regard to the fact that the participation of the person in the process of acceptance of the outcome of execution of the contract is confirmed, publishing also in the bulletin the notice and

the copies reprinted from the originals of the statements on the absence of conflict of interests provided for by this point. Within the scope of participation in the process, change of the authorised natural person shall be carried out as prescribed by this point, based on the letter submitted to the contracting authority;

- (2) to the person having submitted a letter not complying with the prescribed requirements and in regard to the fact that the participation of the latter in the process of acceptance of the outcome of execution of the contract is not confirmed.

(point 50.1 supplemented by No 1059-N of 24 June 2021)

51. The contract price shall be fixed where the works prescribed by the contract are performed, the goods are supplied and the services are provided within a period of up to one year. Where neither in the invitation nor in the contract it is stated that the contract price is factor-based, the contract price shall be considered to be fixed, irrespective of the period of implementation of the contract.

(point 51 amended by No 1593-N of 13 October 2022)

52. Where the contract price is fixed:

- (1) the bidder may not be requested to submit justifications of the price proposal or any other information or documents;
- (2) the invitation may not provide for any limitations on the amount of the profit of the bidder;
- (3) in case of proper implementation of the contract, the benefits (savings) of or the damages incurred by the parties (selected bidder or contracting authority) shall be the benefits of or the damages incurred by the given party;

- (4) obligations of the parties to the contract towards third persons, including other transactions carried out by the bidder having concluded the contract within the framework of implementation of the contract and the obligations arising from them shall be outside the scope of regulation of the contract and may not affect the acceptance of the outcome of implementation of the contract. Relations pertaining to the performance of the transactions provided for by this subpoint and the fulfilment of the obligations arising from them shall be regulated by the norms regulating the relations pertaining to those transactions, and the person having concluded the contract with the contracting authority shall be responsible for them.
53. The contract price may be factor-based where that condition is provided for by the invitation and the contract, if:
- (1) the goods provided for by the contract are supplied, the services are provided and the works are performed within a period exceeding one year following the day of conclusion of the contract, with the possibility of changing only the prices provided for by the contract for a period exceeding one year;
 - (2) in other cases prescribed by the Government of the Republic of Armenia.

(point 53 amended by No 1593-N of 13 October 2022)

54. Where the contract price is factor-based, the invitation shall provide for:
- (1) all the conditions (hereinafter referred to as external factors), the modification of which may result in the change of the contract price;
 - (2) the procedure of changing the contract price as a result of changes in external factors.

55. Where the price of the contract concluded for state needs exceeds the procurement base unit, the modifications to that contract and the notice with regard thereto shall be published by the contracting authority in the bulletin as prescribed by the Minister of Finance of the Republic of Armenia within three working days from the day of introduction of the modification, and in case of procurements containing state secret, the modification shall be sent to the authorised body within three working days.
56. It shall be prohibited to make modifications to the contract and where the contract price is factor-based — also to any agreement attached to the contract concluded in the subsequent years, which result in the artificial change of the volumes of the goods, works and services to be procured or the price of the unit of the subject of procurement to be acquired or the contract price. Artificial changes shall include the following:
- (1) as long as the contract price remains unchanged, the reduction of volumes of the goods, works and services provided for by the contract or as long as the contract price is reduced — the disproportionate reduction of the volumes of the goods, works and services provided for by the contract which causes an increase of the acquisition price of the unit of the subject of procurement;
 - (2) increase of the volumes of the works or services provided for by the contract which exceeds the ten percent of the total price of the contract, except for the procurements mentioned in the list approved by subpoint 4 of point 23 of this Procedure. Volumes of the works or services provided for by the contract may increase only within the period for the performance of works or provision of services prescribed by the contract;

- (3) the substitution of the goods, works or services provided for by the contract by goods, works or services having other specifications which in monetary expression exceed the fifteen percent of the contract price. In case of construction works, the calculation of the percentage provided for by this subpoint shall not include the improvements of the actually completed works without changes in design documents against the volumes provided for by the initial estimate. Substitution within fifteen percent of the contract price may be carried out where there is an expert opinion issued by the responsible subdivision stating that the substitution will result in the effective implementation of the contract;
- (4) a single extension of the period prescribed by the contract for the supply of goods, performance of works or provision of services including those envisaged on a stage-by-stage basis, for a period of more than thirty calendar days but for no longer than the period prescribed by the contract, except for procurements prescribed by the procurement of scientific research and experimental design works for the purpose of meeting the military needs — containing state secret. Moreover, the time limit provided for by this subpoint may be extended until the expiry of the time limit initially prescribed by the contract at the suggestion of a party to the contract, provided that the demand of the contracting party for the use of the subject of procurement still exists, and the proposal has been made no later than at least 7 calendar days before the expiry of the time limit initially established by the contract;
- (5) the increase of the contract price where the technical specifications of the goods, works or services or the design assignments provided for by the contract remain unchanged;

- (6) the provision by the contract for an advance payment where the invitation did not provide for the possibility of allocation of an advance payment, except for the procurements included in the list approved by subpoint 4 of point 23 of this Procedure.

(point 56 amended, supplemented by No 516-N of 2 May 2019, edited by No 1422-N of 10 October 2019, amended by No 1593-N of 13 October 2022)

57. Each case of modification to the contract under the influence of factors not dependent on the parties to the contract shall be defined by the Government of the Republic of Armenia.

57.1. In each individual case, justifying the particularity of the execution and (or) management of the contract, the contracting authority may, when supplying goods, performing works or providing services provided for by the contract, apply to the Government of the Republic of Armenia (submitting the relevant draft decision of the Government of the Republic of Armenia in the manner prescribed) requesting the permission of the latter to prescribe conditions other than those provided for by point 56 of this Procedure in the contract or not to apply the conditions prescribed.

In such case, the Government of the Republic of Armenia, taking into account the particularity of the execution and (or) management of the contract, may — by its decision — permit to prescribe conditions other than those provided for by point 56 of this Procedure in the contract or not to apply the conditions prescribed.

This point shall not apply to the cases when the condition is prescribed by law or derives from the requirement of the law.

(point 57.1 supplemented by No 1593-N of 13 October 2022)

58. Where no contract is concluded as a result of the procurement procedure, the procedure shall be declared as not having taken place and a new

procurement procedure shall be arranged as prescribed by law. The procurement procedure arranged for the needs of the state and communities based on point 2 of part 1 of Article 37 of the Law may be fully or partially declared as not having taken place upon the decision of the Government of the Republic of Armenia or the council of elders of the community respectively, or in case of other contracting authorities — upon the decision of the head of the authorised body carrying out general administration and in case of funds — that of the Board of Trustees.

VIII. CONDITIONS FOR EVALUATING ELIGIBILITY FOR PARTICIPATION IN PROCUREMENT AND QUALIFICATION CRITERIA

59. The criterion “Eligibility for participation” for bidders, provided for by part 1 of Article 6 of the Law, shall be evaluated in the following manner:
- (1) where the bidder has submitted in the bid a written statement on compliance of his or her data with the eligibility requirements prescribed by the invitation, the given bidder shall be granted a right to participate in the procurement procedure;
 - (2) apart from the statement, no other documents may be required from the bidder, including the selected bidder, for the purpose of substantiation of the requirements provided for by subpoint 1 of this point.

(point 59 edited by No 1593-N of 13 October 2022)

60. The criterion “Compliance of professional activities with activities provided for by the contract” for the bidders, provided for by point 1 of part 3 of Article 6 of the Law, shall be defined and evaluated in case of arrangement of prequalification procedure in the following manner:

(1) the bidder shall submit in the bid the following information:

With regard to contracts properly performed within the year of submission of the bid and three years prior to it:		
subject		data on the contracting authority and data for contacting it;
1		2
Date:		
1.		
2.		
...		
Date:		
1.		
2.		
...		
Date:		
1.		
2.		
...		

(2) the bidder shall be considered to meet the requirement provided for by this point, where he or she has submitted in the bid the required information.

61. ***(point repealed by No 1422-N of 10 October 2019)***

62. ***(point repealed by No 1422-N of 10 October 2019)***

63. ***(point repealed by No 1422-N of 10 October 2019)***

64. ***(point repealed by No 1422-N of 10 October 2019)***

65. ***(point repealed by No 1422-N of 10 October 2019)***

66. ***(point repealed by No 1422-N of 10 October 2019)***

67. The evaluation commission may, in case of a reasoned decision, verify the authenticity of the data submitted by the bidder, using data received from

official sources or receiving a written opinion thereon by competent bodies. In case such enquiry is sent, the relevant state and local self-government bodies shall provide a written opinion within two working days following the day of receipt of the enquiry. If, as a result of verification of the authenticity of the data submitted by the bidder, the data are qualified as not corresponding to reality, then the bid of the given bidder shall be rejected.

(point 67 supplemented by No 1422-N of 10 October 2019)

IX. PROCEDURE FOR APPLYING THE PREQUALIFICATION PROCEDURE

68. The contracting authority shall arrange a prequalification procedure, where the procurement is carried out through:

- (1) tender in two stages;
- (2) closed targeted tender;
- (3) closed periodic tender;
- (4) price quotation containing state secret;
- (5) open tender or closed targeted tender for the purpose of procurement of consultancy services.

69. The prequalification procedure shall be arranged under the conditions provided for by Article 24 of the Law and pursuant to the following procedure for applying them:

- (1) where procurement is carried out based on point 3 of part 1 of Article 24 of the Law, the time limits envisaged for the submission of prequalification bids shall be at least 7 and maximum 15 calendar days;
- (2) ***(subpoint repealed by No 1422-N of 10 October 2019)***

- (3) in case of carrying out procurement through closed targeted or closed periodic tenders, the conditions, prescribed by the legislation of the Republic of Armenia for providing an invitation containing state secret to the prequalified bidder, shall be envisaged;
- (4) the bidder shall submit the bid as prescribed by the invitation, the evaluation of which shall be carried out within at most three working days from the day of expiry of the deadline for submission of bids.

(point 69 edited by No 104-N of 8 February 2018, amended by No 1422-N of 10 October 2019, No 727-N of 19 May 2022, No 1593-N of 13 October 2022)

70. Prequalification bid shall include the following documents confirmed by the bidder:

- (1) written application for participation in prequalification procedure;
- (2) written statement, confirmed by the bidder, on compliance of his or her data with the requirements envisaged for qualification criterion prescribed by the prequalification notice;
- (3) ***(subpoint repealed by No 1422-N of 10 October 2019)***
- (4) joint venture contract, where bidders participate in the prequalification procedure as a consortium;
- (5) prequalification bid may be submitted electronically, through an electronic letter addressed to the secretary of the evaluation commission;
- (6) prequalification bid of the bidder shall be evaluated as prescribed by the prequalification notice;
- (7) bidders included in the list of prequalified bidders shall be granted the right to further participation in the procurement process, and the invitation, together with the protocol on summarising the results of

their prequalification procedure drawn up by the evaluation commission, shall be provided electronically or in hard copy. In case of carrying out procurement through closed targeted and closed periodic tenders, the provision of the invitation to the bidders shall be carried out under the conditions prescribed by the prequalification notice.

(point 70 amended by No 1422-N of 10 October 2019)

X. PROCEDURE FOR APPLYING SINGLE SOURCE PROCUREMENT

71. In case of carrying out single source procurement, the requirements prescribed by Section 7 of this Procedure shall apply, taking account of the following peculiarities:
- (1) where the procurement is carried out on the grounds of point 2 of part 1 of Article 23 of the Law::
 - a. the invitation shall be sent to the bidders referred to in the procurement bid through simultaneous notification, also through publication thereof in the bulletin on the same day, except for the case provided for by paragraph "d" of subpoint 1 of point 21 of this Procedure;
 - b. the time limits for submission of bids shall be prescribed not earlier than two and not later than five working days following the day of sending the invitation;
 - c. the bidder shall submit, in the bid, an application for participating in the procurement procedure, a joint venture contract if the bidders participate in the procurement procedure as a consortium, a price proposal, documents, provided for by the invitation, supporting the

- eligibility for participation, full description of goods in case of procurement of goods;
- d. the bidder shall submit the bid to the secretary (procurement coordinator) as prescribed by the invitation — in a closed envelope, where the procurement process is paper-based;
 - e. in case of procurement containing state secret, the invitation shall not be published in the bulletin;
 - f. the selected bidder shall submit a qualification and contract (advance payment) security;
- (2) where the procurement is carried out based on point 3 of part 1 of Article 23 of the Law or subpoint 5 of point 23 of this Procedure:
- a. the bidder shall not submit a bid security;
 - b. the selected bidder shall submit a qualification and contract (advance payment) security, where the procurement is carried out based on point 3 of part 1 of Article 23 of the Law;
 - c. the bid of the bidder shall include a price proposal, a full description of goods in case of procurement of goods, and, in case the procurement is carried out based on paragraph “a” of subpoint 5 of point 23 of this Procedure, also a statement confirmed thereby on compliance with the eligibility for participation prescribed by the invitation;
- (3) where the procurement is carried out based on points 1, 4 or 5 of part 1 of Article 23 of the Law, the bidder shall:
- a. not submit a bid security, or qualification and contract securities, and shall submit advance payment security in the case provided for by the invitation;

- b. submit only a price proposal.

(point 71 amended by No 104-N of 8 February 2018, amended, supplemented, edited by No 1422-N of 10 October 2019, edited by No 414-N of 25 March 2021, amended, edited by No 1593-N of 13 October 2022)

72. If the procurement is carried out based on point 4 of part 1 of Article 23 of the Law or subpoint 4 of point 23 of this Procedure, in case the price of the contract to be concluded does not exceed the base unit of procurement and is subject to performance at the point of conclusion of the contract, then the conclusion of a written contract shall not be mandatory, and the transaction may be carried out based on other documents (invoice, etc.) provided for by the legislation of the Republic of Armenia. Where procurement is carried out based on points 1, 2 or 3 of the list approved by subpoint 4 of point 23 of this Procedure, the payments based on the concluded contract may be made on the basis of the invoices approved by the contracting authority.

(point 72 amended by No 1422-N of 10 October 2019, supplemented by No 778-N of 21 May 2020)

73. In the cases provided for by subpoints 2 and 3 of point 71 of this Procedure, the bid shall be submitted to the secretary (procurement coordinator) as prescribed by the invitation, with a letter confirmed by the bidder. The bid may also be submitted electronically, through a letter addressed to the secretary.

XI. PROCEDURE FOR APPLYING PROCUREMENT PROCEDURE THROUGH CLOSED PERIODIC TENDER

74. The head of the contracting authority shall — within three working days following the day of including the subject of procurement in the list of goods, works and services acquired through closed periodic tender:

- (1) appoint the secretary of the given procurement process;
 - (2) approve the text of the prequalification notice submitted by the secretary;
 - (3) publish the text of the prequalification notice in the bulletin on the day following the day of approval thereof. The prequalified notice published in the bulletin shall have effect for an unlimited term. Moreover, the conditions prescribed by the legislation of the Republic of Armenia for providing an invitation to the prequalified bidder shall be prescribed by the prequalification notice.
75. The prequalification notice shall not include descriptions of procurement, and the subject of procurement shall be described in the invitation according to its definition referred to in the list of goods, works and services acquired through closed periodic tender.
76. Following the publication of the prequalification notice, the person willing to participate in the procurement process shall submit to the contracting authority a written application in hard copy or electronically for the purpose of being registered as a potential bidder. The application and the documents attached thereto shall be evaluated by the secretary of the procurement process.
77. Within three working days following the day when the application drawn up in the prescribed manner was filed with the contracting authority or received electronically, if the bidder meets the conditions for provision of the invitation, prescribed by the prequalification notice and the legislation of the Republic of Armenia, then the head of the contracting authority shall conclude an initial contract with the bidder. The contracting authority shall publish the initial contract in the bulletin on the working day following the conclusion thereof.

78. The initial contract shall also stipulate that:
- (1) the submission of a bid by the bidder having concluded it shall not be mandatory;
 - (2) the bid shall be submitted within seven calendar days following the day of notification;
 - (3) the bidder may terminate the initial contract by notifying the contracting authority thereof in writing or electronically. The termination of the initial contract shall not automatically terminate the contracts concluded previously based thereon. The initial contract shall terminate on the third working day following the day of filing the application related thereto with the contracting authority. Meanwhile, the contracting authority shall remove from the bulletin the initial contract concluded with the given bidder.
79. The following conditions shall apply when carrying out procurement through closed periodic tender:
- (1) the process of submission, evaluation of bids, determination of the selected bidder and conclusion of the contract shall be carried out under the conditions prescribed by this Procedure;
 - (2) in case of procurement of goods, the contract (draft) shall define that the contracting authority shall — before the expiry of each sixth month of the period from the day of entry into force of the contract until the end of the time limit for the supply of the goods in full volume — organise a new procedure for the acquisition of such goods according to the requirements prescribed for carrying out procurement through closed periodic tenders. If, as a result of that procedure, the minimum unit price formed in the prescribed manner is lower, in respect of a certain commodity, than the price prescribed

by the contract, then the contracting authority shall conclude a new contract with regard thereto with the selected bidder, prescribing the circumstance of receiving a relevant notification thereon from the contracting authority as a condition for the entry into force of the rights and obligations of the parties. As a result of the new procedure, the contracting authority shall — on the working day following the day of conclusion of the contract — submit to the party to the valid contract a requirement for supplying goods at a price lower than the formed price and the draft on the modification of the contract to be concluded. Where a party to the valid contract does not sign and submit to the contracting authority the modification of the contract within two working days, the contracting authority shall unilaterally rescind, in that respect, the valid contract without applying the measures of liability provided for by the contract against the party thereto, and shall notify the party to the new contract of the entry into effect of the rights and obligations of the parties.

XII. PROCEDURE FOR APPLYING PROCUREMENT THROUGH PRICE QUOTATION

80. In case of carrying out procurement through price quotation, the conditions prescribed by Section 7 of this Procedure shall apply, taking account of the fact that the time limit envisaged for the submission of the bids must not be less than seven and more than fifteen calendar days, which shall be calculated from the day of publishing of the procurement notice and invitation in the bulletin, and in case of procurement containing state secret, from the day of provision of the prequalified bidders with the invitation.

XIII. PROCEDURE FOR APPLYING TENDER IN TWO STAGES

81. In case of arrangement of a tender in two stages:
- (1) the secretary of the commission shall simultaneously provide (send) the invitation to all the bidders electronically within three working days following the day of approval of the protocol on the summarisation of the results of the prequalification procedure by the evaluation commission;
 - (2) under the invitation, characteristics of the subject of procurement shall be defined as initial versions of performance-related or functional descriptions.
82. Bids shall be submitted in two stages. The time limit envisaged for the submission of the first stage bids must not be less than five calendar days calculated from the day of the provision of the invitation. The first stage bid not containing the price proposal shall include the proposals of the bidder on performance-related or functional descriptions of the subject of procurement submitted in the invitation (proposal on descriptions). With the view to substantiating the proposal on descriptions, the bidder may, through the first stage bid, submit supporting documents, information, opinions, and other materials.

(point 82 amended by No 1593-N of 13 October 2022)

83. The bidder shall submit the first stage bid in a letter addressed to the secretary of the evaluation commission in hard copy or electronically, before the expiry of the time limit for the submission of the first stage bids, provided for by the invitation.
84. The secretary of the evaluation commission shall:

- (1) within one working day following the day of expiry of the time limit for the submission of first stage bids, refer the copies of the bids to the responsible subdivision;
- (2) not later than within three working days following the day of expiry of the time limit for the submission of first stage bids, invite all the qualified bidders for concurrent negotiations. The secretary of the evaluation commission shall send to the bidders the notification on arranging negotiations electronically, indicating the conditions, venue, date and time of holding the negotiations, not later than three working days before the day of holding the negotiations. Other persons may also be invited for negotiations in the capacity of advisors. Separate negotiations with the bidder having submitted a proposal on descriptions shall be prohibited. As a result of negotiations, a written protocol shall be drawn up, which shall be signed by the participants of the negotiations. The protocol shall be part of the protocol of the procurement procedure.

(point 84 amended, supplemented by No 1593-N of 13 October 2022)

85. As a result of negotiations, the responsible subdivision shall approve and submit — within one working day following the day of approval — to the secretary of the evaluation commission the revised procurement bid which shall include:

- (1) the final performance-related or functional descriptions of the subject of the procurement which must be submitted with sufficient accuracy, allowing bidders and the contracting authority to have a precise understanding of the subject of the contract;
- (2) ***(subpoint repealed by No 1422-N of 10 October 2019)***
- (3) ***(subpoint repealed by No 1422-N of 10 October 2019)***

- (4) the time limit for evaluation of bids of bidders, which may not exceed ten working days. Moreover, the calculation of the time limit shall be carried out from the day of expiry of the deadline for submission of bids.

(point 85 supplemented by No 104-N of 8 February 2018, amended by No 1422-N of 10 October 2019, No 1593-N of 13 October 2022)

86. The secretary of the evaluation commission shall:

- (1) evaluate and ensure, according to this Procedure, the compliance of the revised procurement bid with the requirements prescribed by the legislation of the Republic of Armenia on procurement;
- (2) within three working days following the day of receipt of the revised procurement bid, simultaneously send the second stage invitation (the final invitation) electronically, together with a letter attached thereto, to all the bidders having submitted the first stage bids and offer to submit the second stage bid.

(point 86 edited by No 1593-N of 13 October 2022)

87. The time limit envisaged for the submission of the second stage bids must not be less than twenty calendar days calculated from the day of sending the final invitation to the prequalified bidders. The second stage bids may, upon the written agreement of all bidders having received an invitation, be opened before the day of expiry of the time limit referred to in the invitation.

(point 87 supplemented by No 1593-N of 13 October 2022)

88. The bidder shall submit the second stage bid in an envelope drawn up in accordance with parts 2 and 3 of Article 30 of the Law. Moreover, the price proposal which must be enclosed in the mentioned envelope, shall be

submitted in a separate closed, glued envelope, on which the following marks shall be made:

- (1) the words "Price proposal";
- (2) the code of the procedure;
- (3) the words "Do not open until the session for the opening of price proposals";
- (4) name, registered office, and telephone number of the bidder.

89. The second stage bid shall include the following as confirmed by the bidder:

- (1) application for participation in the procurement procedure;
- (2) price proposal: one original document;
- (3) documents, substantiating the compliance of the bidder with the qualification criteria: one original document and the copies in number provided for by the invitation;
- (4) technical proposal: one original document and the copies in number provided for by the invitation. The technical proposal shall, to the extent possible, comply with the requirements of parts 1, 2, 3 and 5 of Article 13 of the Law;
- (5) bid security: one original document.

90. The second stage bids shall be opened in accordance with Article 33 of the Law, taking into consideration that:

- (1) envelopes containing price proposals compliant with the invitation shall not be opened, but shall be enclosed in a separate envelope (box) to be glued and closed;

- (2) members of the evaluation commission present at the session and the secretary of the evaluation commission shall sign on the envelope (box), and the Secretary shall deposit it and ensure individual keeping thereof in a special depository;
 - (3) opening of the box or of the envelopes therein, or actions aimed at becoming familiar, in any other way, with the price proposals of bidders shall be prohibited.
91. The proposal of the bidder (bidders) having submitted the best technical proposal shall be given maximum “100” points. All the remaining technical proposals shall be evaluated in comparison with the technical proposal evaluated as the best.

(point 91 edited by No 1422-N of 10 October 2019)

92. Bids not complying with the minimum requirements of the invitation shall be considered unsatisfactory and shall be rejected.
93. The members of the commission shall sign a protocol on the results of the evaluation of the bids. The secretary of the evaluation commission shall, within three working days, simultaneously send the protocol, through written notification, electronically, to all the bidders having submitted bids. The notification shall also set the day, venue, and time of the session for the opening of price proposals, but not later than the third working day following the day of sending the notification.

(point 93 edited by No 1593-N of 13 October 2022)

94. The bidders having submitted bids evaluated as satisfactory or the representatives thereof may be present at the session for the opening of price proposals. At the session for the opening of price proposals, the secretary of the evaluation commission shall:

- (1) publish the results of evaluation of the qualification criteria and technical proposals of the bidders, according to the protocol on evaluation;
 - (2) open the envelopes containing price proposals of the bidders evaluated as satisfactory and announce the price proposal, in its total amount, of each bidder, taking as a basis the amount in letters.
95. Minutes shall be taken during the session for the opening of price proposals. The minutes shall be signed by the members of the commission present at the session and the secretary of the commission. The secretary of the evaluation commission shall — within the working day following the session — simultaneously send the minutes electronically, together with a written notification, to all the bidders having submitted bids evaluated as satisfactory.
96. The bids of the bidders shall be evaluated in the following manner:
- (1) the financial proposal of the bidder having submitted the lowest price proposal shall be given one hundred points, and the points given to the financial proposals of the rest of the bidders shall be calculated using the following formula:

$$PP = LP \times 100/EP,$$

where:

PP is the point given to the price proposal;

LP is the lowest price;

EP is the price proposed by the bidder to be evaluated;

- (2) the score given to each bidder whose proposal has been evaluated as technical satisfactory shall be calculated using the following formula:

$$BS = (PP \times EP) + (TP \times TQP),$$

where:

BS is the score given to the bidder;

PP is the point given to the price proposal of the bidder;

TP is the point given to the technical proposal of the bidder.

EP is the point given to the price proposal prescribed by the second stage invitation;

TQP is the point given to the technical proposal and qualification criteria prescribed by the second stage invitation.

(point 96 amended by No 1422-N of 10 October 2019, edited by No 1593-N of 13 October 2022)

97. The bidder having received the highest score (BS) shall be declared the selected bidder.

98. Where the price proposal of the selected bidder exceeds the amount of the financial allocations envisaged for carrying out that procurement, the contracting authority may offer the selected bidder to reduce his or her price proposal. In case no agreement has been reached, the bid of the given bidder shall be rejected, and the contracting authority shall invite the bidder holding the next place for negotiations, and in case of disagreement thereof, the bid of such bidder shall also be rejected, and the successively ranked bidder shall be invited for negotiations, and in case of disagreement thereof, the tender shall be declared as not having taken place.

(point 98 edited by No 1593-N of 13 October 2022)

99. A contract shall be concluded with the selected bidder as prescribed by Articles 10 and 36 of the Law, where the document justifying the qualification security has also been submitted.

(point 99 edited by No 1422-N of 10 October 2019)

XIV. ARRANGEMENT OF CENTRALISED PROCUREMENT PROCESS FOR STATE NEEDS

(chapter repealed by No 1422-N of 10 October 2019)

XV. ARRANGEMENT OF CENTRALISED PROCUREMENT PROCESS FOR NEEDS OF STATE AND COMMUNITY NON-COMMERCIAL ORGANISATIONS

101. The procurements, carried out for the needs of state (community) non-commercial organisations and organisations with more than 50% of state (community) shares operating within the administration system of the contracting authority provided for by paragraph “a” of point 1 of part 1 of Article 2 of the Law, which are included in the plan on procurements carried out through centralised procedure prescribed by the head (minister, head of body, etc.) of the state administration body (community), may be carried out through centralised procedure.
102. Before 1 November of the year preceding each year, the head of the organisation shall draw up and submit to the authorised body, carrying out its general administration (hereinafter referred to as “the superior authority”), referred to in point 101 of this Procedure, the procurement bids approved as prescribed by this Procedure, according to the technical description, amount of the subject of procurement, maximum price of a single unit, venue of and time limits for supply, payment conditions, and, where necessary, according to the requirement for submitting an expert opinion for the purpose of evaluating the quality of the goods to be supplied, works to be performed or services to be provided, as well as a written consent on the conclusion of the contract by the superior contracting authority as a result of the procurement process. The candidacy of the evaluation commission shall also be submitted simultaneously with

the procurement bid for the purpose of inclusion in the composition of the evaluation commission. Based on the received bids, the superior contracting authority shall draw up and publish in the bulletin — before 15 December of the given year — the procurement plan carried out through centralised procedure. Where:

- (1) five and more organisations operate within the administration system of the superior contracting authority, each organisation shall nominate one candidacy, and the candidates of the five organisations the procurements whereof have a comparatively larger share within the scope of the given procedure shall be included in the composition of the evaluation commission;
- (2) less than five organisations operate within the administration system of the superior contracting authority, each organisation shall nominate three candidacies, and candidates from all the organisations shall be included in the composition of the commission, taking account of the restrictions with regard to the number of the members of the evaluation commission;
- (3) the representative of the organisation, for the purpose of meeting the needs whereof the procurement carried out has the largest share within the scope of the given procedure, shall be appointed as the chairperson of the commission.

(point 102 amended by No 727-N of 19 May 2022)

103. In compliance with the requirements of the legislation of the Republic of Armenia on procurement with regard to goods, works and services included in the plan on centralised procurements, procurement processes shall be organised by the superior contracting authority. Moreover, where possible, the goods, works and services procured for the needs of

organisations located in the same administrative-territorial unit shall be united in a single lot or the lots shall be formed taking account of the needs of individual organisations. The selection of the procurement procedure shall be carried out by the superior contracting authority, taking account of the requirements of the Law and this Procedure, except for the process of single source procurement. Where the process in the form of the selected procurement — in case of carrying out procurements for the needs of the superior body — is carried out through e-procurement system, such procedure shall also be arranged through that system.

104. Arrangement of centralised procurement, conclusion of contracts, acceptance of the results of contracts and making payments therefor shall be carried out in compliance with the requirements prescribed by this Procedure, taking into consideration that for the purpose of meeting the needs of each organisation, the superior contracting authority shall conclude a separate contract with the selected bidder, according to which the exercise of rights and performance of obligations of the contracting authority (buyer) shall be vested in the organisation.

XVI. REGISTRATION OF PROCUREMENT TRANSACTIONS ENTAILING OBLIGATIONS FOR THE STATE

105. For the purpose of registration of procurement transactions entailing obligations for the state, the head of the contracting authority shall — in the manner prescribed by part 2 of Article 9 of the Law — submit a report on the procurement process (hereinafter referred to as “the report”) to the authorised body, the form whereof, registration procedure of transactions based on the report, as well as the cases when the copy of the contract is an integral part of the report shall be prescribed by the Minister of Finance of the Republic of Armenia.

106. Failure to submit a report to the authorised body shall lead to suspension of financing of the given procurement contract until submission of the report or adoption of the relevant decision by the Government of the Republic of Armenia.

(point 106 edited by No 727-N of 19 May 2022)

107. In case of procurements entailing obligations for the state or communities, as well as for the contracting authorities having the status of a legal person, the accounts whereof are in the treasury, the contracting authority shall — within ten days after the day of concluding a contract or making amendments thereto — submit an extract from the contract (hereinafter referred to as “the extract”) to the authorised body, the form whereof shall be prescribed by the Minister of Finance of the Republic of Armenia.

(point 107 supplemented by No 674-N of 15 June 2018)

XVII. ACCEPTANCE OF RESULTS OF IMPLEMENTATION OF CONTRACT

108. Preliminary control over implementation of a contract shall be carried out by the responsible subdivision. The results of implementation of a contract or a part thereof shall be accepted by signing the delivery and acceptance protocol (hereinafter referred to as “the protocol”) — the form whereof shall be prescribed by the Minister of Finance of the Republic of Armenia — between the head of the responsible subdivision and the person having concluded the procurement contract.

109. The protocol shall be signed where a written positive opinion of the representative (representatives), having designed the procurement bid, of the responsible subdivision is available. The person referred to in this point shall give a positive opinion on the results of the implementation of the contract or a part thereof, where the goods supplied, works performed or

services provided are in compliance with the terms of the contract or the quality features of the supplied product exceed the requirements prescribed by the contract, ensuring the meeting of the need. In cases of violation of the time limits for supply of goods, performance of works or provision of services prescribed by the contract, a positive opinion shall be given unless a decision on rescission of the contract is adopted by the contracting authority. Moreover, the opinion shall be given no sooner than the working day preceding the deadline set for approval of the protocol under the contract. The natural person provided for by point 50 of this Procedure shall, prior to the day the opinion provided for by this point is approved, submit, in writing, a position to the responsible subdivision on compliance of the supplied good, performed work or provided service with the requirements of the contract. The position submitted after the deadline set for giving the opinion shall not be discussed by the responsible subdivision. The head of the responsible subdivision shall inform the natural person about participation in the process in the course of one working day after the outcome of the contract for transfer and acceptance is delivered to the contracting authority. Where the submitted position:

- (1) is positive, a relevant indication shall be made thereon in the opinion;
- (2) is negative, but the representative having drafted the procurement bid of the responsible subdivision does not accept the objection, the representative shall provide a positive opinion, and the objections shall be considered by the responsible subdivision and the person having concluded the contract, upon necessity — engaging therein also the natural person having submitted the objections. The results of the discussion shall be recorded, a summary sheet shall be drawn up, which shall be signed by the head of the responsible subdivision and the representative having drafted the procurement bid. The period for

holding discussions and summing up the results may not be more than thirty working days following approval of the protocol. On the working day after the summary sheet is signed, the responsible subdivision shall publish in the bulletin the version reprinted from the original of the summary sheet. Where the position submitted by the natural person within the scope of the same contract is not substantiated at least twice, the person having submitted a request to participate in the process shall be deprived of the opportunity to participate in the process of acceptance of the outcome within the scope of the contract concerned, and the responsible subdivision shall publish a statement on this in the bulletin on the working day after the emergence of grounds. In case of a negative opinion the responsible subdivision shall, within two working days, inform about it to the head of the contracting authority in writing by making proposals on the measures to be taken in respect of the party to the contract. In such cases the head of the contracting authority shall take measures in compliance with the proposals made to settle the issue. For military goods and/or property locally produced by the orders of the Ministry of Defence of the Republic of Armenia, the acceptance of which is (envisaged) carried out through the representative of the contracting authority, the positive opinion given by the representative for those goods and/or property shall be taken as a basis for signing the protocol.

(point 109 supplemented by No 1422-N of 10 October 2019, edited by No 1059-N of 24 June 2021, No 727-N of 19 May 2022)

110. In case of procurements carried out electronically, the actions prescribed by this Section in relation to the acceptance of the result of implementation of the contract shall be carried out through the electronic procurement system by taking into account the following peculiarities:

- (1) for the purpose of acceptance of the contract or a part thereof, the person having concluded a contract shall, within the time limits prescribed thereby, provide — through the electronic procurement system — the delivery and acceptance protocol confirmed by himself or herself to the head of the contracting authority. The head of the contracting authority shall, on the working day following the receipt of the delivery and acceptance protocol, provide it to the relevant subdivision through the same system;
- (2) the representative of the responsible subdivision having designed the procurement bid shall, upon receipt of the delivery and acceptance protocol referred to in subpoint 1 of this point, provide the head of the responsible subdivision — through the electronic procurement system — with an opinion on implementation of the contract or a part thereof confirmed by electronic signature;
- (3) where the representative, having designed the procurement bid, of the responsible subdivision has given:
 - a. positive opinion, the head of the responsible subdivision shall — on the day of the receipt of the opinion — confirm, by electronic signature, the delivery and acceptance protocol and the opinion and send them through the electronic system to the head of the contracting authority, which shall provide them through the system to the person having concluded the contract, within 1 working day;
 - b. negative opinion, the head of the responsible subdivision shall on the day of the receipt of the opinion provide — through the electronic procurement system — the opinion and the delivery and acceptance protocol, not confirmed thereby, to the head of

the contracting authority, which shall provide them to the person having concluded the contract, within 1 working day.

111. The form of the written opinion provided for by point 109 of this Procedure shall be prescribed by the Minister of Finance the Republic of Armenia. Moreover:

- (1) the availability of the protocol confirmed by the head of the responsible subdivision on the basis of the written opinion on compliance with the requirements provided for by the contract shall serve as a basis for the accounting of goods supplied, works performed or services provided within the framework of the contract, and the person responsible for the storage shall make the entry of supplied goods into storage based on the copy of the protocol (including the written opinion) confirmed by the responsible subdivision, and in case of purchase of goods — based on the document, the copy thereof containing full description of goods, which shall be provided to him or her on the day it has been drawn up;
- (2) the responsible subdivision shall provide the copies of the protocol, including the written opinion and in case of goods — of the order of entry into storage, to the financial service of the contracting authority on the day they have been drawn up.

112. In case of procurement of construction projects the following conditions shall apply:

- (1) the head of the contracting authority shall, upon receipt of information on completion of the construction by the contractor, take measures for formation of the commission prescribed by Decision of the Government of the Republic of Armenia No 596-N of 19 March 2015 and for accepting the works performed;

- (2) the result of implementation of the contract shall be considered to be fully accepted where the commission (hereinafter referred to as “the accepting commission”) formed — as prescribed by Decision of the Government of the Republic of Armenia No 596-N of 19 March 2015 — by the head of a state administration body accepts the works performed;
- (3) before the acceptance of the completed construction facility, the commission established in compliance with Decision of the Government of the Republic of Armenia No 596-N of 19 March 2015 shall, as prescribed by the legislation of the Republic of Armenia, document the completed construction facility and draw up the act of the commission for acceptance of the facility for exploitation;
- (4) the responsible subdivision shall, upon receipt of the act referred to in subpoint 3 of this point as prescribed, verify the compliance of the completed construction facility (the works performed) with the requirements of the contract and where the work performed:
 - a. complies with the terms of the contract, a final delivery and acceptance protocol on accepting the result of implementation of the contract shall be signed;
 - b. does not comply with the terms of the contract, the protocol shall not be signed;
- (5) before signing the final delivery and acceptance protocol on accepting the result of implementation of the contract provided for by this point, the contracting authority shall not pay five percent of total amount of the works performed for capital construction, and in case of payment on a time share basis — the amount of the last payment, that cannot be less than five percent of the total amount of the works performed for capital construction.

XVIII. FINANCING OF PROCUREMENT

113. For the purpose of effecting a payment for the procurement made for the needs of the state or the communities, as well as for the contracting authorities having the status of a legal person, the accounts whereof are in the treasury, the contracting authority shall, within three working days following the day of signing the protocol, enter the payment order (hereinafter referred to as “the payment order”) and the copy of the protocol into the treasury system of the authorised body. The payment for the procurement being carried out for the needs of the contracting authorities having no accounts in the treasury shall be made within the period prescribed by the payment timetable of the contract (transaction), within five working days.

(point 113 edited by No 674-N of 15 June 2018, No 319-N of 17 March 2022)

114. Where an advance payment is provided for by the contract:

- (1) the payment order and the copy of the document certifying the availability of an advance payment security shall be entered into treasury system of the authorised body for allocating an advance payment;
- (2) redemption of an advance payment shall be carried out by making deductions (withholdings) from the payments made on the basis of the protocols. Moreover, no payments shall be made to the party to the contract until the full redemption of the advance payment.

(point 114 edited by No 1422-N of 10 October 2019)

115. The authorised body shall make the given payment in case the record is entered into the treasury system, within the periods prescribed by the payment timetable of the contract, within five working days on the basis of the document submitted according to this Procedure.

(point 115 edited by No 319-N of 17 March 2022)

116. The authorised body shall, after having made the payment according to this Procedure, provide the account holder with an extract from the treasury account on the transaction made.

XIX. REFUNDING THE APPEAL FEE

(Section repealed by No 727-N of 19 May 2022)

XX. AFFILIATED PERSONS AND CASES OF LIMITATION FOR PARTICIPATION OF SUCH PERSONS IN PROCUREMENT PROCEDURES

(title edited by No 1593-N of 13 October 2022)

119. Within the meaning of the legislation of the Republic of Armenia regulating relations pertaining to procurement:
- (1) natural persons shall be considered to be affiliated, if they are a member of the same family or run a common household or joint enterprise or if they have been acting in agreement based on common economic interests;
 - (2) natural and legal persons shall be considered to be affiliated, if they have been acting in agreement based on common economic interests or if the given natural person or a member of his (her) family is:
 - a. a participant possessing more than 10 percent of the stocks of the legal person concerned;
 - b. a person able to predict the decisions of the legal person in other manners not prohibited by the legislation of the Republic of Armenia;
 - c. the chairperson of the Board, deputy chairperson of the Board, member of the Board, executive director, deputy executive director, the head, member of the collegial body performing functions of the executive body of the given legal person;

- d. an employee of a legal person that works under the immediate supervision of the executive director, or has a significant influence on the decision-making process of the management bodies of the legal person;
- (3) the participants not having a status of a natural person shall be considered to be affiliated, where:
- a. the given legal person — with the right to vote — holds ten percent and more of voting stocks (shares, units, hereinafter referred to as “the stocks”) of another person, or — by virtue of its participation or in accordance with the contract concluded between the given entities — is able to predetermine the decisions of the other;
 - b. the participator (shareholder) and/or participators (shareholders) holding more than ten percent of the voting stocks of one of them or able to predetermine its decisions in another manner not prohibited by law, or their family members (where the participator is a natural person) are entitled to directly or indirectly hold (including on the basis of trade, trust management, joint venture agreement, instruction or other transactions) more than ten percent of voting stocks of the other entity or are able to predetermine decisions of the other person in another manner not prohibited by legislation of the Republic of Armenia;
 - c. any managing body of one of them or other persons fulfilling such obligations, as well as one of their family members are, at the same time, a member of the managing body of the other person or another person fulfilling such obligations;
 - d. they have acted or are acting in agreement based on common economic interests.

120. Within the meaning of point 119 of this Procedure members of the family shall be considered to be the father, the mother, the spouse, parents-in-law, the grandmother, the grandfather, sister, brother, children, grandchildren, sister's and brother's spouses and their children.

(point 120 supplemented by No 1593-N of 13 October 2022)

121. Inclusion of the bidder in the list provided for by point 6 of part 1 of Article 6 of the Law shall automatically lead to the restriction of the right of persons affiliated to the latter to participate in the procurement process for the period of being in the list.

(point 121 supplemented by No 1593-N of 13 October 2022)

(Annex edited, amended, supplemented by No 104-N of 8 February 2018, supplemented, edited by No 674-N of 15 June 2018, edited, supplemented, amended by No 409-N of 11 April 2019, No 516-N of 2 May 2019, amended by No 1096-N of 22 August 2019, supplemented, amended, edited by No 1422-N of 10 October 2019, No 778-N of 21 May 2020, supplemented by No 1275-N of 30 July 2020, edited, supplemented, amended by No 414-N of 25 March 2021, edited, supplemented by No 1059-N of 24 June 2021, edited by No 1421-N of 2 September 2021, amended, supplemented by No 130-N of 27 January 2022, edited by No 319-N of 17 March 2022, edited, amended, supplemented by No 727-N of 19 May 2022, No 1593-N of 13 October 2022, edited, supplemented by No 1885-N of 8 December 2022, supplemented by No 684-N of 4 May 2023, edited by No 1918-N of 9 November 2023)

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

D. Harutyunyan

Annex No 2
to Decision of the Government
of the Republic of Armenia
No 526-N of 4 May 2017

LIST
OF GOODS, WORKS AND SERVICES ACQUIRED
IN CLOSED PERIODIC TENDERS

1. Flowers
2. Flower baskets
3. Wreath
4. Visual and agitation panel for living premises
5. Printed posters of national heroes
6. Portable visual and agitation set for the company command (squadron)
7. Souvenirs
8. Books
9. Visual and agitation placards
10. Disc
11. Coat of Arms
12. Flag
13. Flag of Honour
14. Badges

15. Audio facilities necessary for the centre of psychological aid
16. Chess
17. Checkers
18. Backgammon
19. Pictorial photograph
20. Photograph
21. Picture
22. Brief educational, visual and agitation materials for furnishing of information and entertainment rooms
23. Printed posters of national heroes on metal base and with fasteners
24. Posters of national heroes
25. Painting and sculpture tools
26. Didactic panels for visitors' room
27. Placards
28. Aviation fuel
29. Auto-petrol - premium
30. Auto-petrol - regular
31. Summer diesel fuel
32. Winter diesel fuel
33. Oils
34. Lubricants
35. Special liquids

36. Aviation oils and lubricants
37. Motor oils
38. Gearbox oils
39. Other oils
40. Lubricants and additives
41. Special liquids
42. Food
43. Clothes
44. Footwear
45. Linen
46. Bedding items
47. Clothing items
48. Gloves
49. Uniform
50. Tents
51. Ropes for tents
52. Fur sheepskin coat
53. Fur short coats
54. Sleeping bags
55. Canteens
56. Canteen cases
57. Saucepans

58. Backpacks
59. Water-proof capes
60. Field bags
61. Special eyewear
62. Runner carpets
63. Carpets
64. Special fittings for schooling of service dogs
65. Fittings for service horses
66. Shoulder boards and insignia
67. Textiles
68. Washing machine
69. Dry cans
70. Ironing cylinders
71. Centrifugal machines
72. Vacuum cleaner
73. Television set
74. Video projector
75. Radio- receiving set
76. Wall clock
77. Camera
78. Digital photo camera
79. Digital dictaphone recorders

80. Laser monochrome printer for printing papers
81. Sound equipment
82. Loudspeaker
83. Telephone devices
84. Microphone
85. Digital photo camera
86. Coat of Arms Clock
87. Informational panels
88. Record player
89. Music centre
90. Satellite antenna
91. Radio centre
92. Load trolleys
93. Sewing-machines
94. Field laundry
95. Field bathhouses (mobile)
96. Disinfection equipments
97. Water tanks
98. Household electronic irons
99. Scissors
100. Shoemaker tools
101. Electronic block for hats

102. Service and repair materials
103. Clothes brushes
104. Shoe brushes
105. Calkins
106. Metallic screws
107. Paints
108. Synthetic paints
109. Liquid colours
110. Threads
111. Needles
112. Artificial leather
113. Artificial leather
114. Straps
115. Abrasive papers
116. Fasteners
117. Bands
118. Cords
119. Hygiene items and household goods
120. Hand soaps
121. Liquid soaps
122. Household soaps
123. Detergents

124. Shoe creams
125. Uniform, footwear, clothes and property of special investigative subdivisions
126. Gaiters
127. Mittens
128. Boots tridents
129. Mountaineering equipment
130. Multi purpose hammer
131. Protective eyewear
132. Mountaineer belt
133. Protecting mask
134. Rope
135. Securing clip
136. Carabine with socket — for a mountaineer
137. Climbing irons — with 12 teeth, anti-freezing and casing
138. Icebreaker
139. Securing system
140. Snowmobile
141. Equipment for descending
142. Eyewear — for a mountaineer
143. Block winch — double
144. Block winch — with clamps
145. Carabine — for mountaineering

146. Cliff hook
147. Ice hook (ice drill)
148. Piercing hook
149. Shovel — for snowslide
150. Rock hammer
151. Ice hammer
152. Pulling rings
153. Fixed rings
154. Handle of stone-cutter's punch
155. Lifting equipment
156. Attaching elements
157. Extractor
158. Panama
159. Mosquito repellent awning
160. Camouflage suit
161. Cloak-shawl
162. Little carpet — heat insulator
163. Boiler — compound
164. Cases for compound boilers
165. Recording devices
166. Devices for missile troops and artillery
167. Artillery compass

168. Subtense instrument
169. TB-16 battery thermometer
170. AK-3 artillery circle
171. MPL-50 ruler
172. Planimeter for checking
173. Quadrant
174. Night and optical devices
175. Belt for a bayonet-knife
176. Case with PM pistol cleaner
177. Plastic cork of artillery ammunition
178. Firewood
179. Wooden coal brick
180. Goods used in construction
181. Furniture
182. Communication cables

Services

183. Organisation of cultural events
184. Current repair and maintenance of electric equipments
185. Library fund modernisation
186. Bread baking service
187. Catering services

188. Renovation services
189. Paid sewing services
190. Repair services
191. Laundry services
192. Dry-cleaning services
193. Services provided by driver training centres
194. Renting of passenger cars
195. Repair services of communication and means of communication
196. Services relating to educational — martial, professional manual
197. Management of a signalling system of missile artillery armament protection base
198. Installation of a signalling system of missile artillery armament protection base
199. Repair of motors of armoured vehicles and armoured cars
200. Repair of supportive slipping wheels of tank armament techniques
201. Building cleaning services
202. Repair and maintenance services of electric motors
203. Repair and maintenance services of pumps
204. Telephone services

Works

205. Supplementary works connected with telecommunications

206. Restoration works on grounding counters

207. Antiseptic works

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

D. Harutyunyan