

THE RESOLUTION OF THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN

from December 27, 2007 of No. 1301

On Approval of the Rules for Holding Government Procurement

(Last edition from 21-05-2014)

According to [subparagraph 10\) of Articles 13 of the Law on Government](#) procurements the Government of the Republic of Kazakhstan DECIDES of the Law of the Republic of Kazakhstan:

1. To approve enclosed [Rules of implementation of government procurements](#).
2. To recognize as invalid some decisions of the Government of the Republic of Kazakhstan according to [appendix](#) to this resolution.
3. This resolution becomes effective since January 1, 2008 and is subject to official publication.

Prime Minister of the Republic of Kazakhstan

K.Masimov

Appendix

to the Order of the Government of the Republic of Kazakhstan from December 27, 2007 of No. 1301

List of invalid some decisions of the Government of the Republic of Kazakhstan

1. The order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158 "About approval of Rules of the organization and carrying out government procurements of the goods, works and services" (SAPP of the Republic of Kazakhstan, 2002, No. 37, Art. 390).
2. The order of the Government of the Republic of Kazakhstan from March 27, 2003 of No. 301 "About some questions zakupa grains of the crop of 2003" (SAPP of the Republic of Kazakhstan, 2003, No. 14, Art. 146).
3. The order of the Government of the Republic of Kazakhstan from August 19, 2003 of No. 825 "About entering of amendment into the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2003, No. 34, Art. 336).
4. The order of the Government of the Republic of Kazakhstan from August 23, 2003 of No. 854 "About modification of the order of the Government of the Republic of Kazakhstan from March 27, 2003 of No. 301" (SAPP of the Republic of Kazakhstan, 2003, No. 35, Art. 352).
5. The order of the Government of the Republic of Kazakhstan from January 12, 2004 of No. 28 "About modification of the order of the Government of the Republic of Kazakhstan from March 27, 2003 of No. 301" (SAPP of the Republic of Kazakhstan, 2004, No. 1, Art. 15).
6. The order of the Government of the Republic of Kazakhstan from January 29, 2004 of No. 110 "About entering of amendment into the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2004, No. 4, Art. 60).
7. Subparagraph 1) Item 2 of the order of the Government of the Republic of Kazakhstan from March 27, 2004 of No. 371 "About some questions of government procurements of separate types of agricultural products" (SAPP of the Republic of Kazakhstan, 2004, No. 15, Art. 195).
8. The order of the Government of the Republic of Kazakhstan from May 6, 2004 of No. 508 "About modification and amendments in the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2004, No. 20, Art. 259).
9. The order of the Government of the Republic of Kazakhstan from December 31, 2004 of No. 1446 "About modification of the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2004, No. 50, Art. 666).
10. Item of 6 changes and amendments which are brought in some decisions of the Government of the Republic of Kazakhstan, approved by the order of the Government of the Republic of Kazakhstan from February 14, 2005 of No. 140 "About modification and amendments in some decisions of the Government of the Republic of Kazakhstan and recognition voided resolutions of the Cabinet of Ministers of the Republic of Kazakhstan from January 12, 1993 of No. 31" (SAPP of the Republic of Kazakhstan, 2005, No. 7, Art. 73).

11. The order of the Government of the Republic of Kazakhstan from November 29, 2005 of No. 1173 "About entering of amendments into the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2005, No. 44, Art. 585).

12. The order of the Government of the Republic of Kazakhstan from April 25, 2006 of No. 324 "About modification of the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2006, No. 14, Art. 139).

13. The order of the Government of the Republic of Kazakhstan from August 8, 2006 of No. 747 "About modification of the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2006, No. 29, Art. 316).

14. The order of the Government of the Republic of Kazakhstan from March 31, 2007 of No. 245 "About entering of amendment into the order of the Government of the Republic of Kazakhstan from October 31, 2002 of No. 1158" (SAPP of the Republic of Kazakhstan, 2007, No. 9, Art. 112).

15. Item of 9 changes and amendments which are brought in some decisions of the Government of the Republic of Kazakhstan, approved by the order of the Government of the Republic of Kazakhstan from April 30, 2007 of No. 352 "About modification and amendments in some decisions of the Government of the Republic of Kazakhstan" (SAPP of the Republic of Kazakhstan, 2007, No. 13, Art. 157).

Are approved as the Order of the Government of the Republic of Kazakhstan from December 27, 2007 of No. 1301

Rules of implementation of government procurements

These rules of implementation of government procurements (dalee-Pravila) are developed according to [the Law](#) of the Republic of Kazakhstan from July 21, 2007 "About government procurements" (further - the Law) and determine the procedure of government procurements of the goods, works, services.

1. Planning of government procurements of the goods, works, services

1. *It is excluded*
2. *It is excluded*
3. *It is excluded*
4. *It is excluded*
5. *It is excluded*
6. *It is excluded*

Development and approval of the annual plan of government procurements of the goods, works, services

7. The decision on implementation of government procurements is accepted by the customer only based on the approved or specified annual plan of government procurements, except as specified, these rules provided by Items 10-1 and 11.

7-1. The customer develops and approves the annual plan of government procurements based on the relevant budget (the business plan, the profit and loss budget) in the form, according to [appendix 2](#) to these rules.

The customer develops and approves the separate annual plan of government procurements of the goods, works, services data about which constitute the state secrets and the data containing office information of limited distribution, determined by the Government of the Republic of Kazakhstan.

The annual plan of government procurements affirms the customer within ten working days from the date of approval of the relevant budget (the business plan, the profit and loss budget) and shall contain the following data:

1) the nomenclature of the goods, works, services according to the directory of the goods, works, services, including the amounts allocated for implementation of government procurements for the three-year period on years, excluding tax on value added. In case of lack of the amounts approved by the corresponding budget, the forecast amounts are specified;

2) method, except as specified, [stipulated in Clause 4](#) Laws, and terms of implementation of government procurements;

3) planned terms and the place of delivery of the goods, performance of works, rendering of services;

4) planned delivery dates of the goods, performance of works, rendering of services according to the schedule and breakdown on years within the allocated and provided amounts for every fiscal year in cases, the stipulated in Clause 37 Laws.

Data on the government procurements, specified in subparagraphs 1), 2), 3) and 4) this Item, in the cases provided [by subparagraph 2-1\) to the part second of Item 2 of Article 79](#) of the Budget code of the Republic of Kazakhstan, affirm the customer as the annual plan of government procurements. The annual plan of government procurements affirms the customer within ten working days from the date of execution [of Item 7 of Article 153](#) of the Budget code of the Republic of Kazakhstan.

Are not subject to inclusion in the annual plan of government procurements of data on the government procurements performed according to [subparagraphs 3\), 28\)](#) and [33-1\) Item 1 of Article 4](#) of the Law.

8. The customer within five working days from the date of approval of the annual plan of government procurements places it on the web portal of government procurements, except for the data constituting the state secrets, according to the legislation of the Republic of Kazakhstan on the state secrets, and (or) the data containing office information of limited distribution, determined by the Government of the Republic of Kazakhstan which are represented to authorized body without use of the web portal of government procurements.

The annual plan of government procurements is signed by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person fulfilling its obligations.

9. The customer within five working days from the date of decision making about modification and (or) amendments in the annual plan of government procurements places the made changes and (or) amendments on the web portal of government procurements, except for the data constituting the state secrets according to the legislation of the Republic of Kazakhstan about the state secrets, and (or) the data containing office information of limited distribution, determined by the Government of the Republic of Kazakhstan which are represented to authorized body without use of the web portal of government procurements.

The specified decisions are signed by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person fulfilling its obligations.

10. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573*

10-1. Acquisition of the goods, works, the services which have not been provided by the approved annual plan of government procurements (the specified annual plan of government procurements), except for acquisition of the goods, works, services according to [subparagraphs 3\), 28\)](#) and [33-1\) Item 1 of Article 4](#) of the Law is not allowed.

11. The customer can make the decision on implementation of government procurements before approval of the budget only in cases of carrying out government procurements by method of tender with use of dvukhetapny procedures.

2. General provisions

12. For accomplishment of procedures of the organization and carrying out government procurements the customer determines the organizer of government procurements according to [Article 7](#) of the Law.

13. If as the organizer of government procurements the customer on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, the customer the order determines its responsible for the organization and carrying out government procurements.

If the structural division of the customer is the legal entity, the customer the order determines its responsible for the organization and carrying out government procurements.

Thus the organizer of government procurements determines the official representing it in relations with the customer, the potential suppliers, the relevant commissions and the expert, except as specified, when the customer and the organizer of government procurements act in one person. The representative of the organizer of government procurements is determined from number of persons employed of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements.

14. The customer determines the official of the customer representing its interests in the forthcoming government procurements, except as specified, when the customer and the organizer of government procurements act in one person.

15. The administrator of the budget program has the right to represent itself as the organizer of government procurements for public institution subordinated to it, the legal entity concerning whom he acts as state body, or persons, affilirovanny with the legal entity concerning whom the administrator of the budget program acts as state body.

The state company has the right to represent itself as the organizer of government procurements for affilirovanny persons with it.

The legal entity, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, having the right to act as the organizer of government procurements for the persons affiliated with it.

The National Bank of the Republic of Kazakhstan has the right to represent itself as the organizer of government procurements for the legal entity concerning whom he is the founder (authorized body) or the shareholder.

16. For the purpose of carrying out single government procurements:

1) *it is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

2) *it is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

3) the customer has the right to represent itself as the single organizer of government procurements for several public institutions subordinated to the customer or affilirovanny persons with it;

4) the customer has the right for several public institutions subordinated to the customer or affilirovanny persons with it, to determine among them the single organizer of government procurements;

5) *it is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

Determination of the organizer of government procurements (the single organizer of government procurements) in the cases provided [by subparagraphs 1\), 2\) and 4\)](#) this Item, is allowed under condition of observance of requirements, [stipulated in Item 3 Articles 7](#) of the Law.

17. In cases of determination of the organizer, according to Item of 15 these rules or the single organizer of the government procurements, determined by subparagraphs 3) and 4) Item of 16 these rules (further - the single organizer), customers represent to the organizer or the single organizer, government procurements to the term established by it information necessary for the organization and carrying out tender, including:

1) the statement from the annual plan of government procurements on the bought goods, works, services;

2) the list and the technical specification of the bought goods, works, the services, signed and polistno initialed by the head of the customer or the person fulfilling its obligations;

3) candidates for inclusion in structure of the competitive and expert commissions (expert);

4) data on authorized representatives of the customer for participation in procedures on carrying out government procurements;

5) design estimates on the asset construction when purchasing construction works;

6) the draft agreement about government procurements with indication of essential conditions.

17-1. In case of implementation of government procurements using the special procedure by method of tender using the closed procedures, the customer (customers) / to the single organizer of government procurements represents to the organizer the list of potential suppliers approved by the first head of the customer or the person, fulfilling its obligations.

17-2. In case of change of information provided in [Items 17 and 17-1](#) of these rules, the customer (customers) shall notify without delay on it the organizer / the single organizer of government procurements.

Following the results of the tender which has been carried out by the organizer / the single organizer, the customer (customers) sign with winners the agreement on government procurements of the goods, works, services.

18. In case of participation in government procurements of temporary associations legal entities (consortium), the legal entities being participants of this consortium, in addition to the documents established by these rules for confirmation of the qualification requirements, shall provide the following documents:

1) notarially attested agreement of the joint liability signed between members of legal entities (consortium);

2) notarially attested copies of the corresponding licenses or the license in the form of the paper copy of the electronic document on the right of provision of the goods, performance of works, rendering of services regarding the activities provided by the agreement on joint economic activity.

In case of participation in tender of the consortium, calculation of criteria influencing the competitive price offer is applied concerning the consortium from the moment of the conclusion of the agreement on joint

economic activity in which legal entities unite these or those resources and coordinate efforts for the solution of specific economic objectives.

3. The organization and carrying out government procurements of the goods, works, the services performed by method of tender

19. The organization and carrying out government procurements of the goods, works, the services performed by method of tender provides accomplishment of the following consecutive actions:

1) determination by the customer of the organizer of government procurements, authorized representative of the customer;

2) determination by the organizer of government procurements of the authorized representative of the organizer of government procurements;

3) development by the organizer of government procurements of competitive documentation, and also forming and approval, if necessary, structure of the commission of experts (expert);

4) forming and representation on approval by the organizer of government procurements of structure of the competitive commission, the secretary of the competitive commission;

5) approval by the customer of competitive documentation;

6) the notice the organizer of government procurements about implementation of government procurements of the goods, works, services by method of tender;

7) provision by the organizer of government procurements of the copy of competitive documentation to the potential suppliers who have expressed desire to participate in government procurements of the goods, works, services by method of tender, and also introduction of data on such potential suppliers into the magazine of registration of the persons who have received competitive documentation;

8) the explanation the organizer of government procurements of provisions of competitive documentation to the potential suppliers who have received its copy in cases [of 47-49](#) these rules provided [by Items](#);

9) registration by the organizer of government procurements in the magazine of registration of applications for participation in tender;

10) opening by the competitive commission of envelopes with applications for participation in tender, and also registration of the corresponding minutes of the competitive commission;

11) the direction the organizer of government procurements of copies of the protocol of opening of envelopes with applications for participation in government procurements to potential suppliers or their authorized representatives data about which are brought in the magazine of registration of applications for participation in tender;

12) consideration by the competitive commission of applications for participation in tender for determination of the potential suppliers, conforming to qualification requirements and requirements of competitive documentation;

13) forming by the competitive commission of the list of potential suppliers which are allowed to participation in tender, and registration of the corresponding protocol on the admission;

14) the direction the organizer of government procurements to the potential suppliers who have provided applications for participation in tender, copies of the protocol on the admission;

15) registration by the organizer of government procurements of data in the magazine of registration of the competitive price offers provided by potential suppliers, allowed to participation in tender, envelopes with competitive price offers;

16) opening of envelopes with competitive price proposals of participants of tender, the assessment and comparison by the competitive commission of competitive price offers (summarizing of government procurements by method of tender);

17) registration and signing by the competitive commission of the protocol on results of government procurements by method of tender and its direction the organizer of government procurements according to [Article 27](#) of the Law;

18) following the results of the tender which has been carried out by the organizer of government procurements, the customer signs the agreement on government procurements of the goods, works, services with the winner of tender.

20. The customer has the right to refuse implementation of government procurements in cases, [stipulated in Item 10th Articles 5](#) of the Law.

In that case, the customer or the organizer of government procurements within five working days from the date of acceptance by the customer of the decision on refusal of implementation of government procurements shall:

1) to inform on the accepted decision of the persons participating in carried-out government procurements;

2) to return the brought providing applications for participation in tender and (or) ensuring agreement performance about government procurements.

Development, coordination and approval of competitive documentation

21. The organizer of government procurements, except for the case of purchases specified in [Item of 256](#) these rules, method of tender develops competitive documentation for determination of conditions and the procedure for carrying out government procurements in the Kazakh and Russian languages, based on competitive documentation according to [appendix 3](#) to these rules taking into account requirements of the legislation of the Republic of Kazakhstan about the state secrets, and approves it with the customer.

22. Competitive documentation shall contain:

1) the list of documents represented by the potential supplier in confirmation of it (and subcontractors (collaborators) of compliance involved by him to general qualification requirements:

notarially attested documents confirming legal capacity (for legal entities), civil capacity to act for physical persons (the document on registration as the subject of entrepreneurship, the copy of the identity certificate);

the legal entity represents notarially attested copy of the charter approved in the procedure established by the legislation, except as specified, when the legal entity performs activities based on the Standard charter. Nonresidents of the Republic of Kazakhstan represent notarially attested with transfer on Kazakh and (or) Russian languages the legalized statement from the trade register;

notarially attested copies of licenses or the license in the form of the paper copy of the electronic document and (or) patents, certificates, certificates, permissions, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services, stipulated by the legislation the Republic of Kazakhstan;

notarially attested copy svidetelstva* or certificates of the state registration (re-registration) of the legal entity. If the legal entity performs activities based on the Standard charter approved in established by the legislation of the Republic of Kazakhstan the procedure, notarially attested copy of the statement for the state registration.

Note: * the certificate on the state (accounting) registration (re-registration) of the legal entity (branch, representation), issued before introduction in action of the Law of the Republic of Kazakhstan from December 24, 2012 "About modification and amendments in some legal acts of the Republic of Kazakhstan concerning the state registration of legal entities and accounting registration of branches and representations", is valid before the termination of activities of the legal entity;

notarially attested statement from constituent documents (if the charter does not contain data on founders or structure of founders), containing data on the founder or structure of founders or the original of the statement from the register of the shareholders, signed and confirmed by the seal in accordance with the established procedure, issued not earlier than one month previous date of opening of envelopes;

the documents confirming solvency:

the original of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 10](#) to Standard competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, this reference is represented from each of such banks). The reference shall be issued not earlier than one month previous date of opening of envelopes with competitive requests.

Absence of the document confirming power of the official, signed the reference, are not the basis for recognition of such potential supplier to not conforming qualification requirements;

the original of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions,

compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than one month previous date of opening of envelopes with competitive requests;

Competitive documentation shall contain information on the right of the potential supplier to confirm compliance to the general qualification requirement about solvency by means of provision of ensuring agreement performance in the form of the bank guarantee of one or several resident banks of the Republic of Kazakhstan in the amount of, equal to hundred percent from the amount of carried-out government procurements together with the application for participation in tender according to [appendix 12](#) to these rules. Ensuring agreement performance about government procurements is provided by the potential supplier for term established in competitive documentation for complete of obligation fulfillment under the agreement on government procurements;

2) the list of the documents represented by the potential supplier in confirmation of its compliance to special qualification requirements:

data on qualification for participation in process of government procurements according to [appendices 6, 7, 8](#) to Standard competitive documentation;

3) name and location of the organizer of government procurements;

4) the description and required functional, technical, quality and operational characteristics of the bought goods, works, services, technical specifications with indication of the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan, in case of its availability, and if necessary with indication of the specifications and technical documentation according to [appendices 2, 3](#) to Standard competitive documentation.

When implementing government procurements of the works, requiring design estimates, instead of the description and required functional, technical, quality and operational characteristics of bought works competitive documentation shall contain the design estimates approved in accordance with the established procedure;

5) the list of the bought goods, works and services according to [appendix 1](#) to Standard competitive documentation, with indication of number of the prize, the unit of measure, quantity, delivery conditions, term and the place of delivery, the term of payment and the amount allocated for purchase;

6) the draft agreement about government procurements with indication of the essential conditions, developed on the basis of the standard agreement according to [appendices 4 and 5](#) to these rules;

7) criteria, except the price on the basis of which the winner of tender, including relative value of each of such criteria, and the design procedure of the conditional price will be determined;

8) requirements to contents of the competitive price offer, including specifying in addition to the price of the bought goods, works, services, expenses on their transportation and insurance, payment of customs duties, taxes and fees, and also other expenses provided by delivery conditions of the goods, performance of works, rendering of services, and also the form of submission of the price offer according to [appendix 13](#) to Standard competitive documentation;

9) currency or currencies in which the price proposal of the participant of tender, and the rate which will be applied to reduction of the conditional price to common currency for the purpose of their comparison and the assessment shall be expressed;

10) requirements to language of creation and submission of competitive applications for participation in tender, agreements on government procurements according to the legislation of the Republic of Kazakhstan on languages;

11) conditions of introduction, content and types of providing the competitive application for participation in tender;

12) specifying on the right of the potential supplier to change or withdraw the application for participation in tender before the expiration of final term of their representation;

13) the procedure, the method, the place and final term of representation of the envelope with the application for participation in tender (but no later than sixteen hours of local time of the working day), and required effective period of applications for participation in tender (effective period of the competitive request represented by the potential supplier for participation in tender on government procurements of the goods, works and services, constitutes at least 35 days from the date of opening of competitive requests. The competitive request having shorter effective period, than specified in competitive documentation, rejects);

14) methods by means of which potential suppliers can request explanations on contents of competitive documentation, and also the place, date and time of carrying out the meeting with potential suppliers on the explanation of provisions of competitive documentation;

15) the place, date and time of opening of envelopes with applications for participation in tender (not later than two hours after final term of representation of envelopes with applications for participation in tender);

16) data on customer representatives and the organizer of the government procurements, authorized to represent them in the forthcoming government procurements by method of tender;

17) conditions, types, amount and the method of introduction of ensuring agreement performance about government procurements, in cases of 156 these rules determined by Item;

18) data on the amounts allocated for acquisition of the goods, works, the services being the subject of carried-out government procurements method of tender (on each prize);

19) the e-mail address of the Internet resource of the customer on which it is planned to place information which is subject to publication;

20) data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender according to appendix 12 to Standard competitive documentation and about the condition of the prohibition:

transfers by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services.

23. For determination of the participant of the tender offering the most high-quality goods, work, service and supports of domestic entrepreneurs, the organizer of government procurements shall provide the following criteria influencing the competitive price proposal of participants of tender in competitive documentation:

1) availability at the potential supplier:

work experience on the commodity market, works, the services being the subject of carried-out government procurements;

the document confirming carrying out voluntary certification of the offered goods for the domestic producer according to the legislation of the Republic of Kazakhstan about technical regulation;

the certified system (the certified systems) quality management according to requirements of national standards for the bought goods, works, services;

the certified system (the certified systems) management of management by environment according to requirements of national standards and (or) confirmations of conformity to the standard of non-polluting products according to the legislation of the Republic of Kazakhstan on technical regulation;

2) functional, technical, quality characteristics of the goods and (or) operating expenses, maintenance and repair of the bought goods;

3) *it is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

24. Competitive documentation also shall provide the right of the potential supplier to confirmation of the compliance, and also involved subcontractors (collaborators), to general qualification requirements by means of provision of one of the following documents:

1) the document confirming assignment to the potential supplier of the rating of the international rating organization;

2) statements from stock exchange about inclusion of the potential supplier in official listing of the exchange;

3) *it is excluded*

25. If the potential supplier - the nonresident of the Republic of Kazakhstan, for confirmation of its compliance to qualification requirements, the same documents, as residents of the Republic of Kazakhstan, or the documents containing similar data on qualification of the potential supplier nonresident of the Republic of Kazakhstan with the attested notary by the translation into languages of competitive documentation are represented.

26. The competitive documentation developed by the organizer of government procurements affirms the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person fulfilling its obligations.

The competitive documentation developed by the single organizer of government procurements, affirms the first heads either responsible secretaries or others performing powers of the responsible secretary the officials determined by the President of the Republic of Kazakhstan, customers or the persons fulfilling their obligations.

27. Under the organization of tender on purchase not being homogeneous the goods, works, services, the organizer of government procurements can organize and carry out single government procurements by the specified method with separation of such goods, works, services in competitive documentation on prizes by their homogeneous types, and the homogeneous goods, works, services on prizes in the place of their delivery (performance of works, rendering of services).

When implementing government procurements of works on construction the organizer of government procurements shall divide in competitive documentation into the prizes of work which are inseparably linked with construction, and the goods which have not been connected with construction.

Approval of the competitive commission, expert (commission of experts)

28. For accomplishment of procedures of carrying out government procurements of the goods, works, services by method of tender the organizer of government procurements on each tender separately creates the competitive commission and determines the secretary of the competitive commission.

The decision on creation of the competitive commission and determination of the secretary of the competitive commission is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the organizer of government procurements or the person fulfilling its obligations.

If as the organizer of purchases the customer directly or on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, the decision on creation of the competitive commission and determination of the secretary of the competitive commission is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person fulfilling its obligations.

In case of implementation of government procurements of works the organizer of government procurements can include in structure of the competitive commission of representatives of authorized body in the corresponding field of activity in coordination with it.

For development of the specification and (or) the technical specification of the bought goods, works, services, the organizer of government procurements in development of competitive documentation can create the commission of experts (to involve the expert).

29. Members of the competitive commission are the chairman, the vice-chairman and other members of the competitive commission. During absence of the chairman of its function carries out the person replacing it. The total quantity of members of the competitive commission shall constitute odd number and to be at least three people.

By the chairman of the competitive commission the official not below the deputy first head of organizer of government procurements shall be determined. If as the organizer of government procurements the customer directly acts, by the chairman of the competitive commission the official not below the deputy first head of the customer shall be determined. If as the organizer of government procurements the customer on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, by the chairman of the competitive commission the official not below the head of this structural division of the customer shall be determined.

30. The chairman of the competitive commission shall:

- 1) to plan work and to direct activities of the competitive commission;
- 2) to preside over meetings of the competitive commission;
- 3) to perform other functions provided by these rules.

31. The competitive commission is effective from the date of entry into force of the decision on its creation and stops the activities from the date of the conclusion of the agreement on government procurements of the goods, works, services by method of tender.

32. Meetings of the competitive commission are carried out under condition of presence of the ordinary majority from total number of members of the competitive commission and drawn up by the protocol which is signed by present members of the competitive commission and the secretary of the competitive commission. In case of absence of any member of the competitive commission in the minutes of the competitive commission the reason of its absence with appendix of the document, confirmatory this fact is specified.

33. The decision of the competitive commission is accepted by voting by show of hands and is deemed accepted, if for it the majority of votes from total quantity of members of the competitive commission present at meeting is submitted. In case of equality of votes accepted it is considered the decision for which the chairman of the competitive commission or, in case of its absence, the vice-chairman voted. In case of disagreement with the decision of the competitive commission any member of the granted competitive

commission has the right to special opinion which shall be stated in writing and attached to the minutes of the competitive commission.

34. Organizational activities of the competitive commission are provided with the secretary of the competitive commission. The secretary of the competitive commission is not the member of the competitive commission and has no voting power in case of acceptance by the competitive commission of decisions.

The secretary of the competitive commission is determined from among officials of structural division of the organizer of the government procurements responsible for the organization and carrying out government procurements.

Secretary of the competitive commission:

1) creates the agenda of meeting of the competitive commission, provides the competitive commission with necessary documents, will organize carrying out meeting of the competitive commission;

2) draws up and signs the protocol of opening of envelopes with competitive requests, the protocol on the admission to participation in tender, the protocol on results of tender, and also other protocols of meetings of the competitive commission;

3) sends to the organizer of government procurements protocols of the meetings signed by the competitive commission, the expert opinion (commission of experts);

4) provides safety of documents and materials of government procurements of the goods, works, services by method of tender from the moment of opening of competitive requests;

5) performs other functions provided by these rules.

35. In case of absence at the organizer of government procurements of specialists of the corresponding profile for determination of compliance of the goods offered by potential suppliers, works, services to requirements of competitive documentation, the organizer of government procurements can involve as experts of government employees on the non-paid basis, and other experts, both on paid, and on the non-paid basis according to the arrangement of the parties.

The compulsory provision for involvement of this or that person as the expert is compliance of the profile of its activities to the subject of government procurements.

Under the organization of government procurements using the closed procedures the organizer of government procurements can involve with special procedure as experts of specialists of the customer, the organizer, the single organizer of government procurements or their subordinated organizations.

The choice of the expert on the paid basis is performed by the organizer of government procurements according to [the Law](#).

36. In case of involvement of several experts the organizer of government procurements forms the commission of experts from among the involved experts and determines among them the head of the commission of experts.

37. Experts (commission of experts) draw the expert opinion about compliance of the goods offered by potential suppliers, works, services to requirements of competitive documentation and have no temper of the voice in case of acceptance by the competitive commission of the decision. The expert opinion (commission of experts) is surely considered by the competitive commission only if it is constituted within the requirements provided by competitive documentation. The expert opinion is drawn up in writing, signed by experts (members of the commission of experts) and applied to the protocol on the admission to participation in tender.

In case of disagreement of the expert with the conclusion of the commission of experts, such expert states special opinion in writing which is applied to the conclusion of the commission of experts and is its integral part.

38. *It is excluded*

39. Prior to the beginning of carrying out government procurements of the goods, works, services by method of tender members of the competitive commission, the secretary of the competitive commission, and also the expert (commission of experts) shall familiarize with approved competitive documentation and appendices to it.

Notice of potential suppliers on implementation of government procurements of the goods, works, services by method of tender

40. The organizer of government procurements no later than three working days from the date of approval of competitive documentation, but at least in thirty calendar days prior to final date of representation by potential suppliers of applications for participation in tender shall:

1) to publish on the Internet resource of the customer the text of the announcement of implementation of government procurements by method of tender, and also approved competitive documentation;

2) to publish on the web portal of government procurements the text of the announcement of implementation of government procurements by method of tender;

3) to provide on the Internet resource of the customer registration in the chronological procedure for the fact of submission of approved competitive documentation with indication of data about (about) the location, post and electronic addresses, and also other data on the person who has received competitive documentation.

In case of implementation of repeated government procurements by method of tender the organizer of government procurements no later than three working days from the date of approval of competitive documentation, but at least in fifteen calendar days prior to final date of submission of applications for participation in tender shall fulfill the requirements provided by subparagraphs 1), 2) and 3) this Item.

The data containing in the announcement of the organizer of government procurements, shall correspond to the data specified in competitive documentation.

41. The announcement of implementation of government procurements by method of tender is drawn up, according to [appendix 6](#) to these rules and shall contain the following data:

1) full name, e-mail and postal address of the organizer of government procurements;

2) the name of performed government procurements of the goods, works, services;

3) the surname, the name, the patronymic of the authorized representative of the organizer of government procurements, its position and the contact telephone number, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission;

4) name, and also required amount, place and delivery dates of the goods, performance of works, rendering of services;

5) place and methods of receipt of the copy of competitive documentation;

6) the place and final term of submission of applications for participation in tender, and also day, time and the place of opening of envelopes with applications for participation in tender;

7) details of the organizer of government procurements for introduction by the potential supplier of the payment for provision by the organizer of government procurements of the copy of competitive documentation, under the condition if such payment is provided by competitive documentation;

8) the condition of availability at the representative of the potential supplier of powers on receipt of the copy of competitive documentation.

Representation to potential suppliers of the copy of competitive documentation

42. From the date of the notice on implementation of government procurements of the goods, works, services by method of tender the authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission represents (sends) to the potential supplier (his authorized representative) the copy of competitive documentation on paper no later than three working days from the date of the address of the potential supplier or by means of placement of approved competitive documentation on the Internet resource of the customer taking into account the requirements established [by subparagraph 3\) of Item of 40](#) these rules.

43. The authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission:

1) checks availability of documentary confirmation of powers of the representative of the potential supplier who has been drawn up properly, on receipt of the copy of competitive documentation;

2) checks availability of documentary confirmation about introduction by the potential supplier or his authorized representative of the payment for provision of the copy of competitive documentation;

3) brings in the magazine of registration of the persons who have received the copy of competitive documentation, data specified in [subparagraphs 3\), 4\), 5\), 6\) Item of 44](#) these rules;

4) provides to the authorized representative of the potential supplier the copy of competitive documentation under the list or directs with use of the mail service;

5) performs other functions provided [by Items 45, 47, 76](#), these rules.

44. In the magazine of registration of the persons who have received the copy of competitive documentation, the following data shall be reflected:

- 1) name and term of carrying out government procurements of the goods, works, services by method of tender;
- 2) full name of the customer and organizer of government procurements, their location;
- 3) the surname, the name, the patronymic of the authorized representative of the potential supplier, data of the document proving its identity;
- 4) full name, locations and contact telephone numbers of the potential supplier;
- 5) time and date of receipt by the authorized representative of the potential supplier of the copy of competitive documentation;
- 6) the fact of introduction of the payment for provision of the copy of competitive documentation if specifying about collection of such payment contains in the notice on implementation of government procurements of the goods, works, services by method of tender.

45. The magazine of registration of the persons who have received the copy of competitive documentation, shall be stitched, pages are numbered and zaparafirovany by the authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission. The last page of the magazine of registration of the persons who have received the copy of competitive documentation shall be under seal the organizer of government procurements. Maintaining the single magazine of registration of the persons who have received the copy of competitive documentation, on all government procurements of the goods, works, services by method of tender within one financial year is allowed.

46. Provision of the copy of competitive documentation before publication of the announcement of implementation of government procurements of the goods, works, services by method of tender is not allowed.

Explanation of provisions of competitive documentation

47. The explanation of provisions of competitive documentation, the organization of the meeting on the explanation of provisions of competitive documentation, the direction of texts of explanations is carried out by the organizer of government procurements.

The organizer of government procurements has the right in time no later than five calendar days before the expiration of final date of submission of applications for participation in tender on own initiative or in response to request of persons, to make changes and (or) amendments to competitive documentation.

The organizer of government procurements no later than one working day from the date of decision making about modification and (or) amendments shall send to competitive documentation on the non-paid basis the text of the brought changes and (or) amendments to persons data about which are brought in the magazine of registration, [stipulated in Item 44](#) these rules.

Final term of submission of applications for participation in tender shall be extended for term at least than ten calendar days.

Persons data about which are brought in the magazine of the registration, having the right to make an inquiry to the organizer of government procurements about the explanation of provisions of competitive documentation, but no later than ten calendar days to final term of submission of applications for participation in tender. The request about the explanation of provisions of competitive documentation shall be sent to the organizer of government procurements by the methods specified in competitive documentation.

The organizer of government procurements shall within three working days from the date of receipt of request answer it and without specifying from whom the request arrived to send the explanation of provisions of competitive documentation to persons data about which are brought in the magazine of registration, stipulated in Item 44 these rules.

The organizer of government procurements has the right to hold the meeting with authorized representatives of persons data about which are brought in the magazine of registration, stipulated in Item 44 these rules, for the explanation of provisions of competitive documentation in the certain place and during the appropriate time, specified in competitive documentation. The organizer of government procurements no later than one working day from the date of carrying out the specified meeting with interested persons draws up and signs the protocol according to [appendix 7](#) to these rules which shall contain:

- 1) information on the authorized representative of the organizer of government procurements, and also other specialists of the organizer of government procurements and the experts involved with him representing the organizer of government procurements at the meeting with potential suppliers, with indication of their surname, the name, the patronymic;

2) information on potential suppliers or their authorized representatives of the potential suppliers who were present at the meeting with the organizer of government procurements, with indication of their surname, the name, the patronymic, and also the document confirming power of such person to represent the potential supplier at the meeting with the organizer of government procurements on the explanation of provisions of competitive documentation;

3) the asked questions of the explanation of provisions of competitive documentation without specifying of their source;

4) answers of the organizer of government procurements to questions of potential suppliers;

5) specifying on need or lack of need of modification and (or) amendments in approved competitive documentation.

No later than one working day from the date of registration and signing of the protocol on the explanation of provisions of competitive documentation the organizer of government procurements shall send to the competitive commission, and also persons data about which are brought in the magazine of registration, [stipulated in Item 44](#) these rules, the copy of the specified protocol.

48. The protocol of the meeting with potential suppliers shall be signed by the persons representing the organizer of government procurements, and also potential suppliers or their authorized representatives.

49. If the meeting with potential suppliers on the explanation of provisions of competitive documentation did not take place because of absence of potential suppliers or their authorized representatives in the date appointed by competitive documentation and time of carrying out the meeting, the organizer of government procurements within one working day from the specified date in writing notifies on such fact the competitive commission.

Content and submission of applications for participation in tender

50. The application for participation in tender is the form of expression of the consent of the potential supplier applying for participation in tender, to perform delivery of the goods (to perform works to render service) according to requirements and the conditions provided by competitive documentation.

51. The application for participation in the tender, represented by the potential supplier who has expressed desire to participate in tender, to the organizer of government procurements shall contain:

1) the request filled and signed by the potential supplier according to [appendices 4 and 5](#) to Standard competitive documentation;

2) the list of the documents represented by the potential supplier in confirmation of its compliance to general qualification requirements:

notarially attested documents confirming legal capacity (for legal entities), civil capacity to act (for physical persons):

the legal entity represents notarially attested copy of the charter approved in the procedure established by the legislation, except as specified, when the legal entity performs activities based on the standard charter. Nonresidents of the Republic of Kazakhstan represent notarially attested with transfer on Kazakh and (or) Russian languages the legalized statement from the trade register;

notarially attested copies of licenses or the license in the form of the paper copy of the electronic document and (or) patents, certificates, certificates, permissions, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services, stipulated by the legislation the Republic of Kazakhstan;

notarially attested copy *svidetelstva** or certificates of the state registration (re-registration) of the legal entity. If the legal entity performs activities based on the Standard charter approved in established by the legislation of the Republic of Kazakhstan the procedure, notarially attested copy of the statement for the state registration.

Note: * the certificate on the state (accounting) registration (re-registration) of the legal entity (branch, representation), issued before introduction in action of the Law of the Republic of Kazakhstan from December 24, 2012 "About modification and amendments in some legal acts of the Republic of Kazakhstan concerning the state registration of legal entities and accounting registration of branches and representations", is valid before the termination of activities of the legal entity;

notarially attested statement from constituent documents (if the charter does not contain data on founders or structure of founders), containing data on the founder or structure of founders or the original of the statement from the register of the shareholders, signed and confirmed by the seal in accordance with the established procedure, issued not earlier than one month previous date of opening of envelopes;

the documents confirming solvency:

the original of the reference of bank or branch of bank with the signature and the seal in which the potential supplier about lack of overdue debt on all obligation types of the potential supplier is served, lasting more than three months prior to date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 10](#) to Standard competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, this reference is represented from each of such banks). The reference shall be issued not earlier than one month previous date of opening of envelopes with competitive requests;

the original of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments more, than in three months (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than one month previous date of opening of envelopes with competitive requests;

3) the documents confirming compliance of the potential supplier to special qualification requirements:

data on qualification for participation in process of government procurements, according to [appendices 6, 7, 8](#) to Standard competitive documentation.

If the potential supplier provides to involve subcontractors (collaborators) of works or services, the potential supplier shall provide to the organizer of government procurements the documents confirming compliance of involved subcontractors (collaborators) to general and special qualification requirements.

The request also shall contain documents, the confirmatory criteria influencing the competitive price proposal of participants of tender in case of availability of those.

The request also shall contain data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender according to [appendix 12](#) to Standard competitive documentation and about the condition of the prohibition of transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services;

4) the technical specification with indication of names of the offered goods, places of their origin, year of release, model in case of its availability, and also the description of functional, technical, quality and operational characteristics of the goods, works, services, terms and (or) standard items of the goods, performance of works, rendering of services, provision of quality assurances to servicing of the goods, to operating expenses of the goods, delivery conditions of the goods, performance of works, rendering of services;

5) providing the application for participation in tender in the amount of established [by the Law](#) in the form of the bank guarantee or the payment document confirming the guarantee money contribution, placed on the bank account of the organizer of government procurements;

6) *it is excluded*

7) *it is excluded*

8) the power of attorney to the person (persons) representing interests of the potential supplier, except for the first head of the potential supplier having the right of the signature without the power of attorney, according to the charter of the potential supplier, on the right of signing of the application for participation in tender and on participation in meetings of the competitive commission.

The request of the potential supplier - the physical person performing business activity, also shall contain notarially attested copy of the document providing the right to implementation of business activity without education of the legal entity, issued by the relevant state body (for confirmation of availability of civil legal capacity for the conclusion of the agreement on government procurements).

52. The application for participation in tender is represented the potential supplier to the organizer of government procurements in the stitched type, with the numbered pages and the last page is confirmed by its signature and the seal (for physical person if that is available).

The technical specification of the application for participation in tender (in the stitched type, with the numbered pages, the last page certified by the signature, and the seal of the potential supplier (for physical person if that is available) and the original document confirming providing the application for participation in tender is put separately.

53. The commitment form on participation in tender shall be printed or written by indelible ink both is signed by the potential supplier and is under seal (for physical person if that is available).

54. In the competitive request there shall be no inserts between lines, the podtirok or additions unless it is necessary for potential supplier to correct grammatical or arithmetic mistakes.

55. The potential supplier who has expressed desire to participate in government procurements of the goods, works, services by method of tender represents the application for participation in tender before the expiration of final term of their representation in the sealed envelope on which face the full name and the postal address of the potential supplier (for the purpose of return of the application for participation in tender not opened if it is declared "late"), the full name and the postal address of the organizer of government procurements, the name of government procurements by method of tender, and also the text of the following content shall be specified: "TENDER ON PURCHASE (to specify the name of tender)" and "NOT TO OPEN TO: (to specify date and time of opening of applications for participation in tender)".

56. The envelope with the application for participation in the tender, provided after the expiration of the fixed term, is not registered in the magazine of registration of applications for participation in tender, not opened and returns to the potential supplier.

57. During the term established by competitive documentation, the organizer of government procurements accepts envelopes with applications for participation in tender.

58. Organizer of government procurements:

1) checks availability of documentary confirmation of powers of the representative of the potential supplier who has provided the envelope with the application for participation in tender on behalf of the potential supplier;

2) checks availability on envelopes with applications for participation in tender of the data provided in [Item of 55](#) these rules. Envelopes with applications for participation in the tender, drawn up with violation of requirements [of Item of 55](#) these rules, are not subject to registration and return:

to potential suppliers no later than one working day from the date of obtaining by the mail service of the envelope with applications for participation in tender;

to the authorized representative of the potential supplier who has provided the envelope with the application for participation in tender, without delay;

3) accepts properly drawn-up envelopes with applications for participation in tender and brings in the magazine of registration of applications for participation in tender the data provided by this Item;

4) accepts changes and amendments to the brought application for participation in tender before the expiration of final term of provision of applications for participation in tender;

5) provides return of the application for participation in tender, in case of its response before the expiration of final term of provision of applications for participation in tender.

The envelope with the application for participation in the tender, provided after the expiration of final term of their representation, is not subject to registration and returns according to the procedure and the terms provided [by subparagraph 2\)](#) of this Item.

The envelope with the application for participation in the tender, provided without specifying of the full name and the postal address of the potential supplier is not subject to registration and opening, but is subject to storage within calendar year.

59. The organizer of government procurements specifies the following data in the magazine of registration of applications for participation in tender:

1) name and term of carrying out government procurements of the goods, works, services by method of tender;

2) full name of the customer and organizer of government procurements, their postal address;

3) it is excluded

4) surname, name, patronymic of the authorized representative of the potential supplier;

5) full name and postal address of the potential supplier, its IIN or BIN;

6) date and time of registration of the envelope with the application for participation in tender;

7) information on the brought changes and (or) amendments in the application for participation in tender by the potential supplier.

In the magazine of registration of applications for participation in tender the organizer of government procurements specifies potential suppliers to whom it was refused registration of the application for participation in tender, with the statement of the reason of such refusal.

The magazine of registration of applications for participation in tender shall be stitched, pages are numbered and zaparafirovaniy by the authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the

secretary of the competitive commission the last page of the magazine of registration of applications for participation in tender shall be under seal the organizer of government procurements. Maintaining the single magazine of registration of applications for participation in tender on all government procurements of the goods, works, services by method of tender within one financial year is allowed.

60. The potential supplier can change or withdraw the application for participation in tender before the expiration of final term of submission of competitive requests, without losing the right to return of the providing the application for participation brought by it in tender. Modification shall be prepared, is sealed and provided as well as the application for participation in tender.

61. The notification on the withdrawal of the application for participation in tender is drawn up in the form of any statement addressed to the organizer of government procurements signed by the potential supplier and under seal (for physical person if that is available).

62. Modification of the application for participation in tender or the withdrawal of the application for participation in tender are valid if they are received by the organizer of government procurements before the expiration of final term of submission of applications for participation in tender.

No changes shall be brought in applications for participation in tender after the expiration of final term of their representation.

Providing application for participation in tender

63. Providing the application for participation in tender is brought by the potential supplier in the amount of one percent from the amount allocated for tender (prize) for acquisition of the goods, works, services. The potential supplier brings providing the application for participation in tender only on prizes on which the competitive request is provided.

Introduction of providing the application for participation in tender for the total amount allocated for tender, consisting of prizes is allowed by provision of the request not on all prizes of tender.

64. The potential supplier brings providing the competitive request in the type:

guarantee money contribution which is brought by the potential supplier on the bank account of the organizer of government procurements or for the account provided by the budget legislation of the Republic of Kazakhstan for organizers of government procurements, being state bodies and public institutions;

the bank guarantee according to [appendix 9](#) Standard competitive documentation.

65. *It is excluded*

66. Effective period of the bank guarantee shall be at least effective period of the most competitive request. Prolongation by the potential supplier of effective period of the bank guarantee on the renewal term of the request is allowed.

67. The potential supplier does not bring providing the application for participation in tender if he participates:

1) at the first stage of government procurements by method of tender with use of *dvukhetapny* procedures;

2) *it is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

68. All competitive requests which do not have providing the competitive request, reject the competitive commission, as not meeting the requirements of competitive documentation.

69. Providing the application for participation in tender does not return the organizer of government procurements in case of approach of one of the following cases:

1) the potential supplier withdrew or changed and (or) added the application for participation in tender after the expiration of final term of submission of applications for participation in tender;

2) the potential supplier recognized as the participant of tender, did not provide in due time or withdrew the competitive price offer;

3) the potential supplier determined by the winner of tender, evaded from the conclusion of the agreement on government procurements;

4) the winner of tender, having signed the agreement on government procurements, did not perform or out of time performed the requirements established by competitive documentation, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements.

In case of approach of one of the cases provided by this Item, the amount of providing the application for participation in tender is enlisted in the income of the relevant budget.

70. Providing the application for participation in tender returns within three working days from the date of approach of one of the following cases:

1) the response this potential supplier of the application for participation in tender before the expiration of final term of submission of applications for participation in tender;

2) signings of the protocol on the admission to participation in tender. The specified case does not extend on the potential suppliers recognized as participants of tender;

3) signings of the protocol on results of government procurements by method of tender. The specified case does not extend on the participant of the tender determined by the winner of tender;

4) entries into force of the agreement on government procurements and introduction by the winner of tender of ensuring agreement performance about the government procurements, provided by competitive documentation;

5) expirations of the request of the potential supplier on participation in tender.

Carrying out government procurements of the goods, works, services by method of tender
Opening of envelopes with applications for participation in tender

71. Opening of envelopes with applications for participation in tender is carried out by the competitive commission in day, time and in the place which are specified by the organizer of government procurements in competitive documentation, in the presence of the ordinary majority of the competitive commission, the authorized representative of the organizer of government procurements.

The potential supplier who has provided the application for participation in tender, and (or) his authorized representative has the right to be present when opening envelopes with applications for participation in tender.

The persons which are present at meeting of the competitive commission, having not the right to interfere with activities of the competitive commission.

72. If in appointed day of opening of envelopes with applications for participation in tender are absent necessary number of members of the competitive commission, the secretary of the competitive commission, the chairman of the competitive commission, and in case of its absence the vice-chairman of the competitive commission, no later than three hours till appointed time of opening of envelopes in writing or orally notifies on it the organizer of government procurements who prior to the beginning of procedure of opening of envelopes makes the decision on modification of structure of the competitive commission regarding replacement of absent members of the competitive commission, the secretary of the competitive commission with indication of the reason of such replacement.

73. Prior to the beginning of meeting of the competitive commission the secretary of the competitive commission checks documentary drawn up powers of representatives of potential suppliers on representation of interests of potential suppliers when implementing procedure of opening of envelopes with applications for participation in tender.

74. Envelopes with applications for participation in the tender, provided to the terms established in the notice of the organizer of government procurements and competitive documentation are subject to opening.

75. The application for participation in tender is opened and considered according to these rules also if on tender (prize) only one application for participation in tender (prize) is provided.

76. At the specified meeting of the competitive commission:

1) the authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission informs present about:

structure of the competitive commission, secretary of the competitive commission;

number of the potential suppliers who have received the copy of competitive documentation;

availability or absence of requests of potential suppliers, and also carrying out by the organizer of government procurements of the meeting with potential suppliers on the explanation of provisions of competitive documentation;

availability or lack of the fact, and also the reasons of modification and amendments in competitive documentation;

the potential suppliers who have provided in due time applications for participation in tender, the registration of applications for participation registered in the magazine in tender;

in the chronological procedure discloses the data brought in the relevant magazine of registration of applications for participation in tender, on each potential supplier who has provided the application for participation in tender;

discloses other information on this tender;

2) the chairman, or the person determined by the chairman from among members of the competitive commission:

opens envelopes with applications for participation in tender and discloses the list of the documents containing in the request and their summary;

3) secretary of the competitive commission:

draws up the corresponding protocol of opening of envelopes with requests, according to [appendix 8](#) to these rules;

informs potential suppliers or their authorized representatives on term during which they can receive the copy of the specified minutes of the competitive commission.

77. The protocol of opening of envelopes with applications for participation in tender is signed and polistno is initialed by all members of the competitive commission present at meeting, and also the secretary of the competitive commission.

78. The copy of the specified protocol is provided to potential suppliers or their authorized representatives who were present at meeting of the competitive commission on opening of envelopes with applications for participation in tender, no later than two working days following behind day of specified meeting of the competitive commission, and absent - by their written request in time, no later than two working days from the date of receipt of request.

79. No later than two working days following behind day of specified meeting of the competitive commission, the organizer of government procurements publishes on the Internet resource of the customer the text of the signed protocol of opening of envelopes with applications for participation in tender.

Consideration of applications for participation in tender, the admission to participation in tender

80. The competitive commission considers applications for participation in tender and makes the decision on the admission of potential suppliers to participation in tender (recognizes as participants in tender) within ten calendar days from the date of opening of envelopes with applications for participation in tender (in case of carrying out difficult government procurements of the goods, works, the services having difficult technical characteristics and specifications, such requests are considered within twenty calendar days from the date of opening of envelopes with applications for participation in tender).

The protocol on the admission to participation in tender is drawn up according to [appendix 9](#) to these rules, signed, polistno is initialed by all members of the competitive commission present at meeting, and also the secretary of the competitive commission no later than two working days from the date of decision making about the admission of potential suppliers to participation in tender (recognition by participants of tender). To the protocol on the admission to participation in tender can be attached in case of availability the expert opinion or special opinion of the member of the competitive commission, special opinion of the expert (the member of the commission of experts).

81. No later than one working day from the date of opening of envelopes with applications for participation in tender the secretary of the competitive commission:

1) approves with the chairman, and in case of its absence with the vice-chairman of the competitive commission, date and time of carrying out meeting of the competitive commission on consideration of applications for participation in tender;

2) notifies members of the competitive commission on date and time of carrying out meeting of the competitive commission on consideration of applications for participation in tender;

3) provides on consideration of the competitive commission the documents confirming compliance of the potential supplier to qualification requirements, provided by competitive documentation, and also the documents confirming introduction by the potential supplier of providing the application for participation in tender, under the list in the magazine of temporary transfer of requests of potential suppliers;

4) provides for consideration to the expert (commission of experts), in case of their attraction, the documents confirming compliance of the goods offered by the potential supplier, works, services to requirements of competitive documentation, under the list in the magazine of temporary transfer of requests of potential suppliers.

82. The magazine of temporary transfer of requests of potential suppliers shall contain:

the name of the document entering into the document package, constituting the application for participation in tender;

quantity of sheets;

surname, the initials and the signature of the person received documents of the competitive request, date of their obtaining;

surname, the initials and the signature of the secretary of the competitive commission, testimonial of return receipt of documents of the competitive request, date of their obtaining.

83. Members of the competitive commission, the expert (the head of the commission of experts) provide safety of documents of the competitive request of potential suppliers during their consideration before return them to the secretary of the competitive commission.

84. Meetings of the competitive commission on consideration of requests are carried out in the presence of the ordinary majority of members of such commission.

85. Consideration of applications for participation in tender without carrying out meeting of the competitive commission is not allowed.

86. Competitive commission:

1) considers about completeness and proper registration the document packages constituting requests of potential suppliers on participation in tender;

2) determines the potential suppliers who have provided the incomplete list of documents and (or) provided inadequate image legalized papers;

3) in writing requests from the potential suppliers who have provided the application for participation in tender, materials and explanations in connection with their requests to facilitate consideration, the assessment and comparison of applications for participation in tender;

4) for the purpose of refining of the data containing in applications for participation in tender, the competitive commission in writing requests necessary information from the relevant state bodies, physical persons and legal entities. Requests and other actions of the competitive commission connected with reduction of the application for participation in tender in compliance with requirements of competitive documentation are not allowed. Reduction of the application for participation in tender in compliance with requirements of competitive documentation is understood as the actions of the competitive commission directed on amendment of the application for participation in tender by missing documents, replacements of the documents provided in the application for participation in tender, reduction in compliance by correction by inadequate image of the drawn-up documents;

5) determines potential suppliers who conform to qualification and other requirements of competitive documentation, and recognizes as participants of tender.

For the purpose of refining of compliance of potential suppliers to general qualification requirements regarding their non-participation in insolvency proceeding and (or) absence of unexecuted obligations according to executive documents, and the debtors not included in the corresponding register, the competitive commission considers information placed on the Internet resource of authorized body, exercising control of carrying out insolvency proceedings and on the Internet resource of authorized body in the sphere of ensuring execution of executive documents.

87. The competitive commission recognizes the brought providing the application for participation in tender to not conforming requirements of competitive documentation in the case:

1) insufficient effective period of providing the application for participation in the tender, provided in the form of the bank guarantee;

2) inadequate registration of providing the application for participation in tender which is expressed in lack of the data which are not allowing the competitive commission to establish:

the person which has issued providing the application for participation in tender;

absence of the document confirming power of the official, signed providing the request, is not the basis for recognition of such potential supplier to not conforming requirements of competitive documentation;

the name of government procurements of the goods, works, services by method of tender, for participation in which is brought providing the request provided in the form of the bank guarantee;

effective period of providing the application for participation in the tender, provided in the form of the bank guarantee and (or) the amount of providing the request, and also the condition of its provision;

the person to whom providing the application for participation in tender is issued;

the person for benefit of whom providing the application for participation in tender is brought;

3) introduction of providing the competitive request in the amount of less than one percent from the amount allocated for tender (prize).

87-1. The potential supplier being the legal entity is not allowed to participation in tender (it is recognized as the participant of tender), if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements by the following bases:

non-presentation of notarially attested copy of the charter approved in the procedure established by the legislation, except as specified, when the potential supplier performs activities based on the Standard charter or notarially attested with transfer on Kazakh and (or) Russian (and) the legalized statement from the trade register;

non-presentation of notarially attested copy of the license or the license in the form of the paper copy of the electronic document and (or) patents, certificates, certificates, permissions, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services, stipulated by the legislation the Republic of Kazakhstan;

lack of data in the state information system in case of submission of the license in the form of the paper copy of the electronic document;

non-presentation of notarially attested copy svidetelstva* or certificates of the state registration (re-registration) of the legal entity or notarially attested copy of the statement for the state registration if the legal entity performs activities based on the Standard charter.

Note: * the certificate on the state (accounting) registration (re-registration) of the legal entity (branch, representation), issued before introduction in action of the Law of the Republic of Kazakhstan from December 24, 2012 "About modification and amendments in some legal acts of the Republic of Kazakhstan concerning the state registration of legal entities and accounting registration of branches and representations", is valid before the termination of activities of the legal entity;

non-presentation of notarially attested statement from constituent documents (if the charter does not contain data on founders or structure of founders), containing data on the founder or structure of founders, or the original of the statement from the register of the shareholders signed and confirmed by the seal in accordance with the established procedure, issued not earlier than one month previous date of opening of envelopes;

non-presentation of the original of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 10](#) to Standard competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, non-presentation of such references from each of such banks), issued not earlier than one month previous date of opening of envelopes;

availability in the original of the reference of bank or branch of bank with the signature and the seal of overdue debt on all obligation types of the potential supplier lasting more than three months, prior date of issue of this reference;

non-presentation of the original of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments more than in three months (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than one month previous date of opening of envelopes with competitive requests;

availability in the certificate of the relevant tax authority of data of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments in the amount of one tenge and more (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), more than in three months;

non-presentation of data on qualification according to [appendices 6, 7 and 8](#) to Standard competitive documentation;

absence in data on qualification of information on phone numbers of the potential supplier, the delivery date of the goods, performance of works, rendering of services is not the basis for the variation of the request. Thus, the competitive commission does not apply to such potential supplier conditional reduction of the competitive price offer by the work experience;

discrepancy of the potential supplier to the special qualification requirements specified in competitive documentation;

established fact of representation of unreliable information on qualification requirements;

it is subject to insolvency proceeding or liquidation;

2) if its application for participation in tender is determined competitive documentation not conforming to requirements on the following bases:

non-presentation of the application for participation in tender according to [appendix 4](#) to Standard competitive documentation;

absence of the document confirming power of the official, signed providing the request, is not the basis for recognition of such potential supplier to not conforming requirements of competitive documentation;

non-presentation of the technical specification;

representation by the potential supplier of the technical specification not conforming to the requirements established in the technical specification of competitive documentation, except as specified submissions of the technical specification with more best technical, quality and operational characteristics;

non-presentation of data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender, and also work types and the services, the transferred potential supplier to subcontractors (collaborators) according to [appendix 12](#) to Standard competitive documentation (in case of attraction by the potential supplier of subcontractors (collaborators));

transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services in case of idea of data of subcontractors;

non-presentation of providing the application for participation in tender according to requirements of competitive documentation;

3) broke requirements [of Article 6](#) of the Law or the subcontractor (collaborator) involved by him broke requirements [of subparagraphs 5\), 5-1\), 6\)](#) and [7\) Item 1 of Article 6](#) of the Law.

87-2. The potential supplier being physical person, performing business activity is not allowed to participation in tender (it is recognized as the participant of tender), if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements by the following bases:

non-presentation of notarially attested copy of the document providing the right to implementation of business activity without education of the legal entity, issued by the relevant state body;

non-presentation of notarially attested copy of the identity certificate (passport);

non-presentation of notarially attested copy of the license or the license in the form of the paper copy of the electronic document and (or) patents, certificates, certificates, permissions, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services;

lack of data in the state information system in case of submission of the license in the form of the paper copy of the electronic document;

non-presentation of the original of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 10](#) to Standard competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, non-presentation of such references from each of such banks), issued not earlier than one month previous date of opening of envelopes;

availability in the original of the reference of bank or branch of bank with the signature and the seal of overdue debt on all obligation types of the potential supplier lasting more than three months, prior date of issue of this reference;

non-presentation of the original of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments more than in three months (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than one month previous date of opening of envelopes with competitive requests;

availability in the certificate of the relevant tax authority of data of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments in the amount of one tenge and more (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), more than in three months;

non-presentation of data on qualification according to [appendices 6, 7 and 8](#) to Standard competitive documentation;

discrepancy of the potential supplier to the special qualification requirements specified in competitive documentation;

established fact of representation of unreliable information on qualification requirements;

absence in data on qualification of information on phone numbers of the potential supplier, the delivery date of the goods, performance of works, rendering of services is not the basis for the variation of the request. Thus, the competitive commission does not apply to such potential supplier conditional reduction of the competitive price offer by the work experience;

it is subject to insolvency proceeding or liquidation;

2) if its application for participation in tender is determined competitive documentation not conforming to requirements on the following bases:

non-presentation of the application for participation in tender according to [appendix 5](#) to Standard competitive documentation;

non-presentation of the technical specification;

representation by the potential supplier of the technical specification not conforming to the requirements established in the technical specification of competitive documentation, except as specified submissions of the technical specification with more best technical, quality and operational characteristics;

non-presentation of data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender, and also work types and the services, the transferred potential supplier to subcontractors (collaborators) according to [appendix 12](#) to Standard competitive documentation (in case of attraction by the potential supplier of subcontractors (collaborators));

transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services in case of idea of data of subcontractors;

non-presentation of providing the application for participation in tender according to requirements of competitive documentation;

3) broke requirements [of Article 6](#) of the Law or the subcontractor (collaborator) involved by him broke requirements [of subparagraphs 5\), 5-1\), 6\)](#) and [7\) Item 1 of Article 6](#) of the Law.

88. The expert or the commission of experts in the terms established by the chairman, but no later than term of consideration of applications for participation in tender:

1) considers and studies within the competence about completeness and the proper document creation, provided by potential suppliers for confirmation of conformity of the goods offered by them, works, services to requirements of competitive documentation;

2) draws up and signs the expert opinion on compliance or discrepancy of the goods offered by potential suppliers, works, services of the technical specification being the integral part of competitive documentation;

3) represents properly drawn-up expert opinion, and also transfers documents of potential suppliers to the secretary of the competitive commission.

89. The expert opinion (commission of experts) is signed and polistno is initialed by all experts, except as specified, when the expert expresses special opinion.

90. After receipt of the expert opinion (commission of experts) the secretary of the competitive commission:

1) notifies on it the chairman, and in case of its absence of the vice-chairman of the competitive commission, and approves with it date and time of carrying out meeting of the competitive commission for summarizing of consideration of applications for participation in tender;

2) notifies members of the competitive commission, and also the expert (commission of experts) about the appointed day and time of carrying out meeting of the competitive commission.

91. At the specified meeting of the competitive commission:

1) the secretary of the competitive commission provides members of the competitive commission with the copy of the expert opinion of the expert (commission of experts);

2) the expert or the head of the commission of experts discloses the expert opinion with valid conclusions, including the available special opinion of the expert of the commission of experts (if those are available), if necessary explains to members of the competitive commission conclusions of the expert opinion;

3) the competitive commission calculates percentage value of the criteria provided in competitive documentation according to [Item 4 of Article 17](#) of the Law and these rules, with reference to each potential supplier who has provided the application for participation in tender;

4) the competitive commission sums up consideration of applications for participation in tender taking into account the expert opinion (commission of experts);

5) draws up the protocol on the admission to participation in tender.

92. The application for participation in tender is recognized to meeting the requirements competitive documentation if at it there are grammatical or arithmetic mistakes which can be corrected, without mentioning the being of the provided request.

93. Discrepancy of the technical specification of the potential supplier of the technical specification specified in competitive documentation if the goods and services with more best functional and other characteristics and also when the best technological decisions and (or) performance of works from the best materials are offered more are offered is allowed.

94. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

95. The competitive commission in case of the assessment and comparison of all provided competitive requests considers the criteria listed in [Item 4 of Article 17](#) of the Law, stipulated in competitive documentation and applies them in the equal size to all competitive requests, except as specified, when on participation in tender one competitive request is provided.

96. By consideration of the question of availability of the work experience of the potential supplier participating in tender on government procurements of the goods, works, services, the competitive commission considers the work experience only in the market of delivery of the goods, performance of works and rendering of the services acquired at this tender. Thus the competitive commission conditionally reduces the price of the competitive request for the half of percent (0,5 %) for every year of availability at the potential supplier of the work experience in the market of the bought goods, works, services, since one year, but no more than five percent. In case of availability of the work experience till one year or its absence such percent is not established. Total percentage influence on the conditional price of the competitive request of this criterion shall not exceed five percent.

97. The competitive commission determines the competitive request with the most minimal cost of operating expenses, maintenance and repair of the bought goods, and conditionally reduces the price of such competitive request for two percent. Total percentage influence on the conditional price of the competitive request of this criterion shall not exceed two percent.

98. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573*

99. In the presence of the document confirming carrying out voluntary certification of the offered goods according to the legislation of the Republic of Kazakhstan about technical regulation, the competitive commission conditionally reduces the price of such competitive request for two percent.

100. In the presence of the document confirming certification of quality management system according to requirements of national standards on the bought goods, works, services, the competitive commission conditionally reduces the price of such competitive request for three percent.

100-1. In the presence of the document confirming certification of system of management of management of environment according to requirements of national standards and (or) confirming compliance to the standard of non-polluting products according to the legislation of the Republic of Kazakhstan about technical regulation on the bought goods, works, services, the competitive commission conditionally reduces the price of such competitive request for two percent.

101. The competitive commission in case of determination of the competitive request with the best functional characteristics of the provided goods conditionally reduces the price of such competitive request for the half of percent (0,5 %).

101-1. The competitive commission in case of determination of the competitive request with the best technical characteristics of the provided goods, conditionally reduces the price of such competitive request for the half of percent (0,5 %).

102. The competitive commission in case of determination of the competitive request with the best quality characteristics of the provided goods, conditionally reduces the price of such competitive request for three percent.

102-1. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

103. The criterion for availability of the status of the domestic producer is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements, performed by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

104. *It is excluded*

105. The secretary of the competitive commission within one working day from the date of signing of the protocol on the admission to participation in tender provides the direction of the copy of the specified protocol with everything to the potential suppliers who have provided applications for participation in tender to term established by competitive documentation by means:

1) representations or the directions of the copy of the protocol on the admission to participation in tender to potential suppliers data about which are brought in the magazine of registration of applications for participation in tender;

2) placements of the text of the signed protocol on the Internet resource of the customer.

Assessment and comparison of competitive price offers (tender)

106. The potential supplier allowed to participation in tender (the participant of tender) shall no later than the term specified in the protocol on the admission to participation in tender to provide to the organizer of government procurements the envelope with the competitive price offer.

107. In established by the protocol on the admission to participation in tender day, time and the place, the competitive commission holds meeting by the assessment and comparison of competitive price proposals of participants of tender.

108. During the term established by the protocol on the admission to participation in tender the secretary of the competitive commission:

1) makes sure available documentary confirmation of powers of representatives of participants of tender for representation of envelopes with competitive price offers and participations in meeting of the competitive commission;

2) brings in the magazine of registration of competitive price offers of data on participants of tender or their authorized representatives.

109. Envelopes with the competitive price offers, provided after time established in the protocol on the admission to participation in tender, are not accepted to the assessment and comparison.

110. The secretary of the competitive commission specifies the participant list of tender to which it was refused registration with the statement of the reason of such refusal in the magazine of registration of competitive price offers.

111. At meeting of the competitive commission:

1) the chairman of the competitive commission or the person determined by the chairman from among members of the competitive commission:

opens envelopes with competitive price to proposals of participants of tender in the chronological procedure for their registration;

discloses in the chronological order of registration competitive price proposals of participants of the tender which has provided competitive price offers;

transfers to the secretary of the competitive commission the opened envelopes with competitive price offers;

2) competitive commission:

rejects competitive price proposals of participants of the tender, exceeding the amount allocated for implementation of these government procurements of the goods, works, services by method of tender;

in the cases established by these rules, determines dumping price and rejects the competitive price proposal of the participant of the tender, being the dumping;

if after the variation of competitive price offers on the bases specified in this subparagraph, in tender participate two and more competitive price proposals of participants of tender, determines the conditional prices of participants of tender by means of application concerning not rejected competitive price proposals of participants of tender of percentage value of the criteria specified in the protocol on the admission to participation in tender;

compares the conditional prices of participants of tender and determines among them the winner of tender on the basis of the smallest conditional price;

in case of equality of the conditional prices of competitive price proposals of potential suppliers, the winner the potential supplier having the bigger work experience in the market of the bought goods, works, the services being the subject of tender is recognized.

112. By results of meeting of the competitive commission on the grade and comparison of competitive price proposals of participants of tender:

1) the chairman, and in case of its absence the vice-chairman of the competitive commission in day of carrying out the assessment and comparison of competitive price offers:

discloses to the persons which are present, at meeting of the competitive commission results of the carried-out government procurements of the goods, works, services by method of tender and declares present the winner of tender;

issues to the winner of tender the written notice signed by the chairman of the competitive commission or the person, fulfilling its obligations;

informs participants of tender or their authorized representatives on date, time and the place of provision of the copy of the protocol on results of the carried-out government procurements of the goods, works, services by method of tender;

2) secretary of the competitive commission:

no later than two working days from the date of carrying out meeting of the competitive commission on the grade and comparison of competitive price proposals of participants of tender constitutes the draft of the protocol on results of government procurements of the goods, works, services by method of tender according to [appendix 10](#) to these rules and provides its signing and polistny initialing by all by the members who were present at meeting of the competitive commission, and also the secretary of the competitive commission;

on request of any potential supplier, data about which are brought in the magazine of registration of applications for participation in the tender, provided the application for participation in tender, within one working day from the date of receipt of such written request directs or provides to authorized representatives of such potential suppliers on the non-paid basis the copy of the protocol on results of the carried-out government procurements of the goods, works, services by method of tender;

within two working days from the date of signing of the protocol on results of the carried-out government procurements of the goods, works, services by method of tender provides representation to the customer of the copy of the specified protocol.

113. The organizer of government procurements within two working days from the date of signing of the protocol on results of government procurements of the goods, works, services by method of tender shall:

1) to place the text of the protocol on the Internet resource of the customer;

2) *it is excluded*

3) to place on the web portal of government procurements information on results of the carried-out government procurements by method of tender.

114. The data containing in the protocol on results of government procurements by method of tender and placed on the Internet resource of the customer, shall be available to acquaintance to all interested persons without collection of the payment.

Procedure for determination of dumping price of the competitive request

115. The price of the competitive request of the potential supplier for works is recognized dumping if it is lower than the price specified in the feasibility statement (for production of design estimates) and the design estimates passed state examination according to the legislation of the Republic of Kazakhstan about architectural, town-planning and construction activities and approved in accordance with the established procedure or departmental examination, carried out according to the legislation of the Republic of Kazakhstan on highways and approved in accordance with the established procedure, more than for five percent.

116. The price of the competitive request of the potential supplier for consulting services is recognized dumping if it is lower more, than for seventy percent from the arithmetic-mean price of not rejected competitive price proposals of participants of tender.

117. *It is excluded*

118. In case of establishment by the competitive commission of the fact of the offer by potential suppliers of dumping prices of the competitive requests represented for participation in tender, the competitive commission for the purpose of specifying of reasons for rejection of competitive requests includes the following information in the protocol on results of tender:

- 1) procedure of payments of the arithmetic-mean price of the competitive request;
- 2) arithmetic-mean price of the competitive request;
- 3) the competitive requests, which prices are determined by the dumping.

Carrying out tender with use of dvukhetapny procedures

119. *It is excluded*

120. Government procurements by method of tender with use of dvukhetapny procedures can be carried out in cases, when:

1) it is difficult to formulate detailed specifications of the goods, works, services and to determine their technical and other characteristics and (or) it is necessary to request offers from potential suppliers or to hold with them negotiations on the arisen questions;

2) carrying out scientific researches, experiments, researches or developments is necessary.

121. Government procurements by method of tender with use of dvukhetapny procedures represent set of the following consecutive stages:

1) at the first stage the following actions are performed:

determination by the customer of the organizer of government procurements;

education by the organizer of government procurements of the commission of experts or determination of the expert;

based on need of the customer forming by the commission of experts or the expert of the specification to the acquired goods, works, services;

determination of the Internet resource of the customer and written notice of authorized body of the e-mail address of such Internet resource;

publication of the announcement on the Internet resource of the customer about carrying out government procurements by method of tender with use of dvukhetapny procedures;

representation by the organizer of government procurements of the specification to the persons interested in participation at the first stage of government procurements, method of tender with use of dvukhetapny procedures;

representation by potential suppliers of the technical proposals developed according to the specification;

consideration by the commission of experts or the expert of technical proposals of potential suppliers and discussion with them of the questions concerning technical, high-quality and (or) other characteristics of the bought goods, works, services, contractual conditions of their delivery (accomplishment, rendering);

development by the commission of experts or the expert of the technical specification of the bought goods, works, services;

development by the organizer of government procurements of competitive documentation and approval by her first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person fulfilling its obligations.

the direction the organizer of government procurements of the invitation to the potential suppliers who have provided at the first stage technical proposals to take part in the second stage of government procurements by method of tender with use of dvukhetapny procedures;

2) at the second stage the actions provided for carrying out government procurements by method of tender are performed.

122. In case of carrying out tender with use of dvukhetapny procedures the competitive commission constitutes protocols of opening of envelopes and on results of tender on each stage of tender.

122-1. At the second stage of government procurements by method of tender with use of dvukhetapny procedures by results of consideration by the competitive commission of applications for participation in tender it is drawn up:

- 1) the protocol of the preliminary admission to participation in tender;
- 2) the protocol of the admission to participation in tender.

The competitive commission in case of identification of potential suppliers which do not conform to qualification requirements and requirements of competitive documentation, provides to such potential suppliers the right for reduction of applications for participation in tender within three working days from the date of publication of the protocol of the preliminary admission to participation in tender in compliance with qualification requirements and requirements of competitive documentation.

The protocol of the preliminary admission to participation in tender shall contain the following information:

- 1) the list of potential suppliers not conforming to qualification requirements and requirements of competitive documentation;
- 2) the list of documents which are necessary for providing and bringing into accord with qualification requirements and requirements of competitive documentation to the potential supplier for reduction of the application for participation in tender in compliance with qualification requirements and requirements of competitive documentation.

The decision of the competitive commission on the preliminary admission of potential suppliers to participation in tender is accepted within ten calendar days from the date of opening of applications for participation in tender and is published on the Internet resource by the secretary of the competitive commission in day of decision making about the preliminary admission to participation in tender.

The protocol on the preliminary admission to participation in tender is signed by all members of the competitive commission.

In case of disagreement with the decision of the competitive commission, any member of the granted competitive commission has the right to special opinion which is applied to the protocol on the preliminary admission to participation in tender.

The protocol of the preliminary admission to participation in tender is not drawn up in case of compliance of potential suppliers to qualification requirements and requirements of competitive documentation.

In case of de novo review of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation it is not allowed to reject the competitive commission (not to recognize as participants of tender) potential suppliers:

- 1) the potential suppliers who have not entered into the list, not conforming qualifying the requirement and to requirements of the competitive documentation, the preliminary admission containing in the protocol to participation in tender;
- 2) not provided documents, for reduction of the request in compliance with qualifying and requirements of the competitive documentation, documents of the protocol of the preliminary admission not containing in the list to participation in tender.

By results of de novo review of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation, the protocol on the admission to participation in tender within five calendar days from the date of final term of repeated representation by potential suppliers of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation is drawn up.

123. If other is not provided by these rules, in case of carrying out tender on purchases of the goods, works and services with use of dvukhetapny procedures the same procedures and rules are used, as in case of carrying out tender.

Bases of recognition of government procurements by method of tender by the cancelled

124. Government procurements by method of tender are recognized cancelled the following cases:

- 1) absence of the provided requests;
- 2) provisions less than two requests;
- 3) any potential supplier is not allowed to participation in tender;
- 4) one potential supplier is allowed to participation in tender;
- 5) there was only one rejected competitive price proposal of the participant of tender;

6) the winner of tender evaded from the conclusion of the agreement on government procurements.

124-1. Government procurements by method of tender using the special procedure are recognized cancelled the following cases:

1) absence of the provided competitive price offers;

2) there was only one rejected competitive price proposal of the participant of tender;

3) the winner of tender using the special procedure evaded from the conclusion of the agreement on government procurements.

4. Organization and carrying out government procurements of the goods, works, services by method of request of price offers

It is excluded according to the Order of the Government of the Republic of Kazakhstan from 31.12.2008r. No. 1356

5. The organization and carrying out government procurements of the goods, works, services by method from one source

141. The decision on implementation of government procurements of the goods, works, services by method from one source is accepted by the customer in cases, [the stipulated in Clause 32](#) Laws.

142. The organization and carrying out government procurements of the goods, works, services by method from one source provides accomplishment of the following consecutive actions:

1) decision making by the customer about carrying out government procurements of the goods, works, services by method from one source with reasons for application of this method of government procurements;

2) determination by the customer of the organizer of government procurements for the organization and carrying out government procurements of the goods, works, services by method from one source;

3) development by the organizer of government procurements of the technical specification of the acquired goods, works, services with determination of conditions, the place and delivery dates of the goods, performance of works, rendering of services, conditions and payment due dates;

4) approval by the customer of the technical specification of the acquired goods, works, services, and also conditions, bridge and delivery dates of the goods, performance of works, rendering of services, conditions and terms of their payment;

5) the direction the organizer of government procurements to the potential supplier of the invitation letter to take part in government procurements with indication of data, [stipulated in Item 1 Article 33](#) of the Law;

6) consideration by the organizer of government procurements of the documents provided by the potential supplier confirming compliance of the potential supplier to qualification requirements, except as specified, when government procurements with method from one source [Articles 32](#) of the Law, reasons for the price offered by it on participation in government procurements by method from one source are performed based on [subparagraph 4](#));

When implementing government procurements by method from one source on the bases provided [by subparagraphs 2\) and 5\) of Article 32](#) of the Law, development by the organizer of government procurements and approval by the customer of the technical specification of the acquired goods, works, services is not required. In that case, the technical specification of the acquired goods, works, services, and also conditions, the place and delivery date of the goods, performance of works, rendering of services and the conditions of their payment provided in competitive and (or) auction documentation of government procurements by method of tender and (or) auction acknowledged cancelled is applied.

7) registration by the organizer of government procurements of the protocol on results of government procurements by method from one source according to [appendix 11](#) to these rules;

8) provision by the organizer of government procurements of the protocol on results of implementation of government procurements of the goods, works, services by method from one source to the customer.

143. For development of the technical specification of the acquired goods, works, services the organizer of government procurements has the right to involve the expert or the commission of experts. Involvement of the expert or the commission of experts is performed on conditions and according to the procedure, [35](#) these rules determined [by Item](#).

144. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

145. The organizer of government procurements within three working days from the date of decision making of the customer about implementation of government procurements by method from one source in writing sends the potential supplier the invitation to participation in government procurements containing information according to [Item 1 of Article 33](#) of the Law.

146. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573*

147. In the cases provided [by subparagraphs 1\) and 2\) of Item of 124](#) these rules and subparagraphs 1) and 2) of Item 73 of Rules of carrying out electronic government procurements, determined by the Government of the Republic of Kazakhstan, the potential supplier to whom the request goes, is determined by the organizer of government procurements.

In the case provided by subparagraph 2) of Item of 124 these rules, the request to the potential supplier who has provided the competitive request goes.

In the case provided [by subparagraph 3\) of Item of 124](#) these rules and subparagraph 3) of Item 73 of Rules of carrying out electronic government procurements, determined by the Government of the Republic of Kazakhstan, the organizer of government procurements sends request to the potential supplier, according to the protocol on the admission, with the greatest conditional discount, provided the competitive request, except for the person which has broken requirements [of Article 6](#) of the Law.

148. In the cases provided [by subparagraphs 4\) and 5\) of Item of 124](#) these rules and subparagraphs 4) and 5) of Item 73 of Rules of carrying out electronic government procurements, determined by the Government of the Republic of Kazakhstan, the organizer of government procurements sends request to the potential supplier allowed to participation in tender or the participant of tender, the competitive which price offer is the only thing not rejected.

148-1. In the case provided by subparagraph 1) of Item 155 of Rules of carrying out electronic government procurements, determined by the Government of the Republic of Kazakhstan, the potential supplier to whom the request goes, is determined by the organizer of government procurements.

148-2. Information sent to the potential supplier about the condition of purchase from one source based on recognition of government procurements by method of tender or auction by the cancelled shall correspond to conditions of competitive or auction documentation of tender or the auction recognized as the cancelled.

Thus information sent to the potential supplier, shall contain in conditions of purchase from one source delivery dates of the goods, rendering of services, performance of works. These terms can exceed the terms established in competitive documentation and the draft agreement about government procurements, but no more than fifteen calendar days.

149. In case of adoption of the offer on delivery of the goods, performance of works, rendering of services the potential supplier directs to the organizer of government procurements the written consent with appendix of the documents confirming its compliance to general and special qualification requirements, provided [subparagraphs 2\) and 3\) Item of 51](#) these rules, absence of restrictions of the government procurements of the goods connected with process, works, services, the documents confirming compliance of the offered goods, works, services to requirements of the technical specification, and also the price offered by the potential supplier for the delivered goods, the performed works, rendered services, with its reasons, term of provision of required documents shall be at least three working days from the date of receipt of the invitation to participation in government procurements.

Reasons for the price shall contain calculation of cost of the goods offered to delivery, works, services including all expenses of the potential supplier on transportation, insurance, payment of customs duties, the VAT and other taxes, payments and charges, cost of accessories and obligatory spare parts, servicing during initial useful life per unit of measurement, other expenses.

In case of implementation of government procurements by method from one source based on [subparagraph 4\) Articles 32](#) of the Law, representation by the potential supplier is not required to the organizer of government procurements of the documents confirming its compliance to general and special qualification requirements.

Discrepancy of the technical specification of the potential supplier of the technical specification offered by the organizer of government procurements if the goods and services with more best functional and other characteristics, and also when the best technological decisions and (or) performance of works from the best materials are offered more are offered is allowed.

150. The organizer of government procurements draws up the protocol on results of implementation of government procurements by method from one source, transferred for signing to the customer who shall contain the following information:

- 1) reasons for application of government procurements of the goods, works, services by method from one source;
- 2) the short description of the goods, works, the services acquired by method from one source;
- 3) about compliance of the potential supplier to qualification requirements, except as specified, when government procurements by method from one source are performed based on [subparagraph 4\) Articles 32](#) of the Law;
- 4) the name and the location of the supplier with which the agreement on government procurements of the goods, works, services, and the price of such agreement will be signed.

151. If for implementation of government procurements of the goods, works, services by method from one source the commission of experts or the expert, to the protocol on results of purchases of the goods, works was approved, services the expert opinion is put.

152. The customer no later than two working days from the date of signing of the protocol on results of government procurements by method from one source shall place the text of the protocol on the Internet resource of the customer.

153. The requirement [of Item 152](#) does not extend on government procurements by method from one source of the goods, works, services data about which constitute the state secrets and the data containing office information of limited distribution, determined by the Government of the Republic of Kazakhstan.

154. Government procurements by method from one source are recognized not taken place in cases:

- 1) if the price for the goods, works, the services, offered by the potential supplier, exceeds the amount allocated for implementation of this purchase;
- 2) if the potential supplier does not conform to qualification requirements, except as specified, when government procurements by method from one source are performed based on [subparagraph 4\) Articles 32](#) of the Law;
- 3) if the potential supplier refused participation;
- 4) if the potential supplier provided the technical specification not conforming to the requirements established in the technical specification of the customer, except as specified submissions of the technical specification with more best technical, quality and functional characteristics.

6. Agreement on government procurements

Conclusion of the agreement on government procurements of the goods, works, services

155. The customer sends to the supplier two copies of the draft agreement about the government procurements, constituted according to the standard agreement according to [appendices 4 and 5](#) to these rules which shall be signed by the customer and polistno zaparafirovanny the authorized representative of the customer.

In case of summarizing of government procurements by method of tender the customer also sends to the winner of tender one copy of the protocol on results.

156. The supplier within ten working days from the date of the conclusion of the agreement on government procurements brings ensuring agreement performance about government procurements.

Ensuring agreement performance about government procurements is not brought in case of the conclusion of the agreement on government procurements following the results of the tender which has been carried out according to the procedure, stipulated in Item 256 these rules.

157. Ensuring agreement performance about government procurements is brought by the supplier as the guarantee of that it timely, fully and properly will perform the obligations under the agreement signed with it on government procurements.

158. The amount of ensuring agreement performance is established by the organizer of government procurements in the amount of three percent from total amount of the agreement on government procurements, except as specified, when the agreement on government procurements provides advance payment.

If the agreement on government procurements provides advance payment, ensuring agreement performance is established by the organizer of government procurements in the amount of equal to advance payment which shall be at least three percent from total amount of the agreement on government procurements.

159. The supplier has the right to choose one of the following types of ensuring agreement performance about government procurements:

1) the guarantee money contribution which is deposited on bank estimates of the customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) the bank guarantee according to [appendix 12](#) to these rules.

160. Making by the supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the agreement is not allowed.

161. Use by the customer of the guarantee money contribution brought by the supplier, on the purposes which have not been provided [by the Law](#) is not allowed.

162. The requirement about introduction of ensuring agreement performance about government procurements does not extend on the suppliers determined following the results of government procurements by method of request of price offers, through commodity exchanges, and also on the suppliers who have presented him in the case, [stipulated in Item 8th Articles 8](#) of the Law.

163. The customer returns brought ensuring agreement performance about government procurements to the supplier in the terms specified in the agreement, or within five working days from the moment of complete and proper execution by the supplier of the agreement obligations.

In case of improper execution by the supplier of undertaken obligations under the agreement on government procurements, the customer returns brought ensuring agreement performance about government procurements within five working days from the date of factual determination of payment of the penalty in the income of the relevant budget, the state company, the legal entity, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affilirovanny with them legal entities.

164-1. The winner of tender on government procurements of the goods, having conditional reduction of the competitive request for availability of local content in the goods, in case of the conclusion of the agreement on government procurements represents to the customer the certificate of origin of the goods of the CT-KZ form on all batch of the delivered goods.

164-2. The agreement on government procurements shall contain conditions of the tax discharge on value added and excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan.

Agreement performance about government procurements of the goods, works, services

165. In case of agreement performance about government procurements the name, quantity, quality, the technical specification, cost, the place and delivery dates of the goods (performance of works, rendering of services) shall correspond to contents of the agreement on government procurements.

166. The agreement on government procurements is considered the customer performed under condition of full implementation and the supplier of undertaken obligations under the specified agreement.

7. Standard requirements to the special procedure of government procurements by method of tender

Requirements to the procedure for carrying out on the regular basis of preliminary qualifying selection of potential suppliers

167. The special procedure affirms governing bodies of the customers specified in [Item 1 of Article 42](#) of the Law, and includes requirements to:

1) to the procedure for carrying out on the regular basis of preliminary qualifying selection of potential suppliers;

1-1) to establishment of qualification requirements;

2) to the procedure for forming of the list of skilled potential suppliers;

3) to procedures and terms of the choice of the supplier on the basis of request of price proposals of the potential suppliers who have passed preliminary qualifying selection according to [subparagraph 1\)](#) of this Item, and the conclusion with it of the agreement on government procurements;

4) to the procedure for provision of support to domestic producers, domestic suppliers of works, services.

168. Date of documents acceptance for participation in qualifying selection of potential suppliers for inclusion in the list of skilled potential suppliers (further - the List), and also the text of the notice of potential suppliers about carrying out qualifying selection for inclusion in the List (further - the Notice) affirm board of directors or the first head.

169. The text of the Notice, in addition to other, shall contain request of the documents confirming compliance of the potential supplier to qualification requirements, established by governing body of the customer.

170. *It is excluded*

171. When implementing the Notice on carrying out qualifying selection among potential suppliers of the goods, works, services the organizer of government procurements shall:

1) *it is excluded*

2) to place on the Internet resource of the customer the text of the announcement of carrying out qualifying selection;

3) to send to authorized body the e-mail address of the Internet resource of the customer on which the text of the announcement of carrying out qualifying selection is placed;

4) to provide on the Internet resource of the customer registration in the chronological procedure for the fact of submission of the Notice on carrying out qualifying selection with indication of data on the location, post and electronic addresses, and also other data on the person who has received the Notice.

In case of implementation of the repeated Notice on carrying out qualifying selection the organizer of government procurements, shall fulfill the requirements provided by subparagraphs 1), [2\)](#), [3\)](#) and [4\)](#) this Item.

172. Consideration of requests of potential suppliers on participation in qualifying selection for inclusion in the list of skilled potential suppliers (further - the Request) is carried out to terms established by board of directors or the first head.

173. Potential suppliers shall provide the complete list of documents requested in the Notice.

174. Requests of potential suppliers are considered about compliance to the qualification requirements, established by governing body of the customer.

175. Consideration of requests for inclusion in the List is performed by the commission created by board of directors or the first head.

176. By consideration of Requests the commission in writing requests:

1) potential suppliers have materials and explanations in connection with their Requests to facilitate their consideration;

2) for the purpose of refining of the data containing in Requests necessary information at the relevant state bodies, physical persons and legal entities.

The direction of request and other actions of the commission connected with reduction of the Request in compliance with requirements of the Notice, consisting in amendment of the Request by missing documents, replacement of the documents provided in the Request, reduction in compliance in an inadequate way of the drawn-up documents is not allowed.

177. The commission considers the Request as meeting the requirements of the Notice if at it there are grammatical or arithmetic mistakes which can be corrected, without mentioning the being of the provided Request.

178. On commission session there can be the potential supplier and (or) his authorized representatives with the right of maintaining the audio recording and video filming.

179. The potential supplier cannot be brought in the List, if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to the qualification requirements established by governing body of the customer;

2) broke requirements [of Article 6](#) of this Law;

3) its Request is determined not conforming to requirements of the Notice.

180. If the potential supplier is not included in the List, in the protocol on inclusion in the List reasons for the variation of the Request are reflected.

181. Data on the potential supplier who has broken requirements [of Article 6](#) of the Law, shall be sent to authorized body for inclusion in the register of unfair participants of government procurements.

182. By results of consideration of Requests the commission determines potential suppliers who conform to qualification and other requirements of the Notice, and includes them in the List.

183. The protocol on inclusion in the List is signed by all members of the commission present at meeting, and also the secretary of the commission no later than two working days from the date of decision making about inclusion in the List of potential suppliers passed selection.

184. The organizer of government procurements no later than one working day following behind day of signing of the protocol on inclusion in the List, shall inform the potential suppliers who have provided Requests about the accepted decision of the commission by means:

- 1) representations or the directions of the copy of the protocol on inclusion in the List;
- 2) placements of the text of the signed protocol on the Internet resource of the customer.

185. The decision of the commission on inclusion in the List can be appealed according to the procedure, [the stipulated in Clause 45](#) Laws.

Requirements to the procedure for forming of the list of skilled potential suppliers

186. The organizer of government procurements creates the List in time no more than three working days from the date of signing of the protocol on inclusion in the List.

187. In the terms approved by board of directors or the first head, the organizer of government procurements shall:

- 1) *it is excluded*
- 2) to place on the Internet resource of the customer the text of the List;
- 3) to place on the web portal of government procurements the text of the list.

188. The list shall contain the minimum number of skilled potential suppliers which is established by board of directors or the first head.

The organizer of government procurements shall update the List quarterly. The potential suppliers included in the List, shall in the terms approved by board of directors or the first head, to provide confirmation of their compliance to the qualification requirements established by governing body of the customer and requirements, specified in the Notice. In case of not confirmations of conformity to such requirements the specified potential supplier is excluded from the List in time, approved by board of directors or the first head. The organizer of government procurements in case of approach of such case shall fulfill the requirements provided [by subparagraphs 2\)](#) and [3\) of Item of 187](#) these rules.

Requirements to procedures and terms of the choice of the supplier on the basis of request of price proposals of the potential suppliers who have passed preliminary qualifying selection, and the conclusion with it of the agreement on government procurements

189. Terms of the organization and carrying out purchases affirm board of directors or the first head.

190. The organizer of government procurements develops and provides on approval to the customer of the condition of purchases (dalee-Usloviya), including the specification, the technical specification, conditions of introduction of ensuring the agreement performance, essential contract provisions, and also other requirements provided to suppliers of the goods, works, services.

191. The organizer of government procurements after approval by customer Uslovy sends them to the potential suppliers included in the List, with indication of terms and the procedure for giving by them Supply requisitions of the subject of purchases, and also the procedure for consideration of such requests.

192. Meeting of the competitive commission on the grade and comparison of competitive price offers is carried out in day, time and the place, specified in Conditions. At meeting of the competitive commission on the grade and comparison of competitive price offers there shall be the potential supplier and (or) his authorized representative with the right of maintaining the audio recording and video filming.

193. Potential suppliers or their authorized representatives no later than the term which has been rocked to sleep in Conditions, represent to the competitive commission envelopes with competitive old offers.

194. Representation by the potential supplier more than one competitive price the offer is not allowed, is equal as the withdrawal of the competitive price offer or modification and (or) amendment to the provided competitive price offer.

195. The competitive commission in the chronological procedure brings in the magazine of registration of competitive price offers of data on the potential suppliers who have provided envelopes with competitive price offers before the expiration, established by the Condition.

196. The competitive commission opens envelopes with competitive price offers in the presence of potential suppliers and (or) their authorized representatives and declares it each competitive price offer.

197. Potential suppliers and (or) their authorized representatives have the right to familiarize with content of envelopes with competitive price offers.

198. The competitive commission rejects competitive price offers potential suppliers, in cases, if:

- 1) the price of the competitive price offer is dumping. The procedure of payments of dumping price is determined by these rules;
- 2) the competitive price offer exceeds the amount allocated for acquisition of these goods, works, services.

199. In day of carrying out the assessment and comparison of competitive price offers the competitive commission declares present the winner of tender and issues it the written notice signed by the chairman of the competitive commission or the person, fulfilling its obligations.

200. The competitive commission no later than two working days from the date of determination of the winner of tender draws up the protocol on results of government procurements by method of tender which is signed by all members who were present at meeting of the competitive commission, and also the secretary of the competitive commission.

201. If government procurements by method of tender consist of prizes, the competitive commission draws up and signs the general protocol on results of government procurements by method of tender in which winners of tender on each prize are specified.

202. The organizer of government procurements no later than two working days from the date of signing of the protocol on results of government procurements by method of tender shall:

- 1) to place the text of the protocol on the Internet resource of the customer;
- 2) *it is excluded*

3) to place on the web portal of government procurements information on results of the carried-out government procurements by method of tender.

203. The organizer of government procurements no later than one working day from the date of receipt of the written request of the potential supplier, data about which are brought in the magazine of registration of applications for participation in tender, shall provide it on the non-paid basis the copy of the protocol on results of government procurements by method of tender.

204. The customer within five working days from the date of signing of the protocol on results of government procurements signs and sends to the potential supplier the draft agreement about the government procurements, constituted according to the standard agreement, according to [appendices 4 and 5](#) to these rules.

8. The procedure of government procurements by means of electronic government procurements

205. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

206. *It is excluded*

207. *It is excluded*

208.-220. *Are excluded*

Procedure for functioning of System and working condition in System

221. - 231. *Are excluded*

Placement in System of the annual plan of government procurements the forthcoming financial year

232.-234. *Are excluded*

Organization and carrying out electronic government procurements

235.-248. *Are excluded*

9. Special procedure of government procurements by method of tender **General provisions**

249. *It is excluded*

250. Government procurements using the special procedure are performed according to [the Law](#), except for the regulations establishing qualification requirements, and also regulating procedures and terms of carrying out the government procurements provided [by the Law](#).

Special procedure of government procurements of the goods, works, services for providing the law and order and the homeland security, observance of the mode of privacy, and also the guarantee of the homeland security of the Republic of Kazakhstan

251. Government procurements using the special procedure are performed in cases of acquisition of the goods, works, services for the purpose of providing the law and order and the homeland security, and also the goods, works, services data about which constitute the state secrets and the data containing office information of limited distribution, determined by the Government of the Republic of Kazakhstan when establishment of the special procedure for carrying out the government procurements providing observance of the mode of privacy, and also guarantees of the homeland security is required.

Government procurements using the special procedure are carried out by method of tender using the closed procedures.

252. Government procurements by method of tender using the closed procedures are performed without placement on the web portal of government procurements and the Internet resource of customers of the notice on implementation of government procurements by method of tender, texts of competitive documentation, signed protocols of opening of envelopes with applications for participation in tender, about the admission to participation in tender and about results of government procurements by method of tender.

253. In case of carrying out government procurements by method of tender using the closed procedures the organizer of government procurements sends to the address at least two potential suppliers the notice on implementation of government procurements.

If with the data constituting the state secrets, only one potential supplier on the bought goods, works, services has the work permit, the organizer of government procurements sends such potential supplier the invitation letter on the conclusion with it of the agreement on government procurements.

254. Potential suppliers whom go the notice on implementation of government procurements, shall have permission to works with use of the data constituting the state secrets, issued in accordance with the established procedure Committee of the homeland security of the Republic of Kazakhstan and its bodies, except as specified, when when implementing government procurements the data relating to the state secrets are not used, but the data containing office information of limited distribution, the Republic of Kazakhstan determined by the Government are used.

254-1. The organizer of government procurements in case of acquisition of foodstuff sends the invitation letter for participation in tender using the closed procedures to domestic producers and/or domestic entrepreneurs.

The organizer of government procurements in case of acquisition of services in catering services sends the invitation letter for participation in tender using the closed procedures to domestic entrepreneurs.

In case of the direction of the invitation letter for participation in tender using the closed procedures to domestic producers and/or domestic entrepreneurs, the organizer of government procurements specifies the delivery condition them foodstuff of national production.

255. The list of potential suppliers to which the notice will go, is constituted by the customer taking into account restrictions, [the stipulated in Clause 6](#) Laws, and affirms the first head, either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer, or the person fulfilling its obligations.

In case of carrying out tender by the single organizer, the list of potential suppliers affirms the first head, either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the single organizer or the person fulfilling its obligations.

On government procurements of the goods, works, services on production, conversion, delivery and which sale the right of the potential supplier to their production, conversion, delivery and sale is required, the customer shall create the list of the potential suppliers invited to participation in tender, from among the potential suppliers having the appropriate rights.

256. If the annual amount of government procurements of certain goods, or the certain work, service in value term does not exceed the four-thousandfold size of the monthly settlement indicator established by the law on the republican budget for the corresponding financial year, tender using the closed procedures is performed in the following procedure:

1) the decision of the first head, or the responsible secretary or other performing power of the responsible secretary of the official determined by the President of the Republic of Kazakhstan, the customer, or the person, the acting as the first head, the structure of the competitive commission affirms, the secretary of the competitive commission is determined, the commission of experts is formed if necessary or the expert is determined.

The organizer of government procurements can approve for one financial year on the permanent basis structure of the competitive commission, determine the secretary of the competitive commission, and also form if necessary the commission of experts or determine the expert by government procurements of certain

goods, or the certain work, service in value term not exceeding four-thousandfold size of the monthly settlement indicator established by the law on the republican budget for the corresponding financial year;

2) no later than five working days before the termination of term of submission of competitive requests to at least than two potential suppliers the notice on implementation of government procurements goes. Competitive documentation is drawn up in the form of the written request signed by the authorized officer of the organizer of purchases, with appendix of the draft agreement with indication of essential conditions and the form of submission of the competitive request. The request shall contain the following data:

about goods quantity, about amounts of the carried-out works, the rendered services being the subject of carried-out government procurements, with indication of the amounts allocated for government procurements;

the technical specification of the bought goods, works, services;

place of delivery of the goods, performance of works, rendering of services;

desired delivery dates of the goods, performance of works, rendering of services;

about term of the beginning and the completion of representation by potential suppliers of competitive requests.

The documents confirming compliance to qualification requirements, and also providing the competitive request are not requested from potential suppliers.

The application for participation in tender of the potential supplier, provided according to appendix 4 and 5 to Standard competitive documentation, is the form of expression of desire to take part in government procurements by method of tender as the potential supplier and expression of the consent to perform delivery of the goods (ov), performance of works, rendering of services according to requirements and the conditions provided by competitive documentation;

3) the competitive requests provided before the termination of term, the organizer of purchases specified in request, are subject to entering into the magazine of registration of envelopes with competitive requests in the chronological procedure in process of their representation;

4) no later than one working day from the date of the completion of representation of envelopes with competitive requests the competitive commission opens envelopes with competitive requests of potential suppliers and performs consideration of competitive requests of potential suppliers for determination of the potential suppliers, conforming to requirements of the written request and determines the winner of tender of the potential supplier which competitive request conforms to requirements of the written request, and offered the smallest competitive price offer.

If the smallest competitive price offer is provided by several potential suppliers, the winner the potential supplier is recognized, the competitive which price offer arrived earlier competitive price proposals of other potential suppliers;

5) the competitive request of the potential supplier is subject to the variation, if:

it exceeds the amount allocated for acquisition of these goods, works, services;

the potential supplier is not agrees, or suggests to change and (or) to add essential conditions of the draft agreement about government procurements;

the potential supplier provided more than one competitive price offer;

the potential supplier provides the technical specification not conforming to requirements of competitive documentation, except as specified submissions of the technical specification with more best technical, quality and functional characteristics;

the variation of competitive requests on other bases is not allowed;

6) the decision on results of tender is drawn up in writing with indication of the following data:

full name of the customer and organizer of government procurements, their postal address;

the name of the carried-out government procurements of the goods, works, services;

full name of the potential suppliers who have provided competitive requests before the expiration of final term of submission of competitive requests, the prices declared by them for the goods, works, services;

about rejected competitive requests with reasons for rejection;

about the winner of tender;

7) no later than five working days from the date of the termination of term of submission of competitive requests the organizer of purchases by the direction of the notification shall inform all potential suppliers who have provided competitive requests, on results of tender.

257. In the cases which have not been settled by this Chapter, customers, organizers of government procurements and members of the competitive commissions are guided [by the Law](#) and these rules.

Special procedure of government procurements of medicines, products of medical appointment and services on out-patient, to the provision of medicines, provided in the guaranteed amount of free medical care

Features zakupa medicines

258.-260. *Are excluded*

Features of the organization and carrying out government procurements of services in out-patient provision of medicines

261.-272. *Are excluded*

Special procedure of government procurements of services in carrying out basic scientific researches, and also works, services in development of the specifications and technical documentation necessary for carrying out these researches

273. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

274. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

275. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

276. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

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287. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

288. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

289. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

290. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

291. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

Special procedure of government procurements of the dwelling belonging on the right of private property to physical person, not being the subject of business activity

292. In time no later than thirty calendar days from the date of publication of the announcement and placement on the Internet resource of the customer of information the organizer of government procurements about implementation of government procurements of the dwelling, potential suppliers shall provide the following documents in sealed envelopes:

- 1) notarially attested copies of the identity certificate of physical person;
- 2) documents of title on the dwelling;
- 3) the document on absence of encumbrance on the dwelling, issued not earlier than date of publication of the announcement of implementation of government procurements;
- 4) the notarized document from the owner on sale of housing.

293. Registration of envelopes are carried out according to these rules. Envelopes are opened with the competitive commission during certain time in the presence of the arrived suppliers and (or) their authorized representatives.

294. Consideration of documents is carried out in the presence of potential suppliers and (or) their authorized representatives. During consideration of documents by potential suppliers can reduce the price offers.

Special procedure of government procurements of the goods, services for carrying out exhibitions, seminars, conferences, meetings, forums, symposiums, trainings

295. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

296. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

297. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

298. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

299. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

300. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

301. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-1. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-2. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-3. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-4. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-5. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-6. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-7. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-8. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

302-9. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

Special procedure of government procurements of the services provided by the state social order

303. The special procedure of government procurements by method of tender (further - the special procedure) is applied by the customers being state bodies, public institutions and the state companies on the right of operational management.

304. Government procurements using the special procedure are performed according to [the Law](#), except for the regulations establishing qualification requirements, and also regulating procedures and terms of carrying out the government procurements provided [by the Law](#).

305. Government procurements using the special procedure are performed in cases of acquisition of the services provided by the state social order. Thus government procurements are performed according to [the Law](#) of the Republic of Kazakhstan "About the state social order".

In tender on government procurements of the services provided by the state social order, the non-governmental organizations of the Republic of Kazakhstan performing activities according to the authorized purposes in the directions, [the stipulated in Clause 5](#) Laws of the Republic of Kazakhstan "About the state social order" take part.

305-1. In case of government procurements of services in implementation of the state social order for term more than one financial year except the requirements provided [by the Law](#) and these rules, competitive documentation shall contain the following data:

1) the description and requirements to material base of the potential supplier and qualification of his employees;

2) information on number of physical persons and (or) legal entities who will be covered by services.

305-2. By consideration of applications for participation in tender on carrying out government procurements of services in implementation of the state social order for term more than one financial year the competitive commission rejects the competitive request if the competitive request of the potential supplier does not conform to requirements of competitive documentation, including [305-1](#) these rules specified in [Item](#).

305-3. In case of government procurements of services in implementation of the state social order the organizer of government procurements shall provide in competitive documentation the following criteria for the assessment of the technical specifications provided by potential suppliers:

1) compliance of the social project to the purposes and the subject, the delivered Customer;

2) compliance of the offered project of organization mission (the authorized purposes);

3) compliance of organization mission of industry specialization of the Customer;

4) availability of the detailed actions plan on the goal achievement, delivered by the customer (the name and the form of actions, target group, terms of carrying out, the venue with indication of the settlement, the scope of the population);

5) number of potential receivers of service within project implementation;

6) availability of the expense budget on each action, competitive documentation conforming to requirements;

7) availability of measurable criteria on the efficiency evaluation of results of project implementation;

8) possibility of attraction to project implementation of additional resources from off-budget sources;

9) possibility of involvement of highly skilled experts to project implementation;

10) finding of data on the potential supplier in "The register of suppliers of the state social order".

The criteria provided in subparagraphs 1)-9), are estimated by the competitive commission from 0 to 5 points.

The criterion provided in subparagraph 10), is estimated by the competitive commission on the scale from 0 to 1 point.

305-4. By consideration of applications for participation in tender on carrying out government procurements of services in implementation of the state social order the commission in the terms established by the chairman, but no later than term of consideration of applications for participation in tender:

1) considers within the competence about completeness and the proper document creation, provided by potential suppliers for confirmation of conformity of services offered by them to requirements of competitive documentation.

Members of the commission draw the conclusion about compliance of services offered by potential suppliers to requirements of competitive documentation, and carry out the appraisal by criteria, stipulated in Item 305-3 these rules;

2) the commission constitutes the estimative leaf according to each technical specification with indication of points by each provided criterion from 0 to 5.

By results of studying of each technical specification according to each project offer the commission exposes points in the estimative leaf by each criterion;

3) draws up and signs the conclusion about compliance or discrepancy of services of the technical specification being the integral part of competitive documentation offered by potential suppliers;

4) represents properly drawn-up conclusion, and also transfers documents of potential suppliers to the secretary of the competitive commission;

5) the competitive commission sums up consideration of applications for participation in tender taking into account the called conclusion.

The points exposed by each member of the commission by all criteria, are summed up, and the received amount is considered the assessment of the project offer.

Final estimates (points) of the competitive commission of the project offer are entered in the general list in decreasing order.

By the decision of the competitive commission the project offer which has gathered the greatest number of points (at least 28), or project requests, gathered identical quantity of the highest points (at least 28), are allowed to the stage of price offers of tender.

The project offer which has gathered less than 28 points, is not allowed to participation in tender.

By the decision of the competitive commission the project offer which has gathered the greatest number of points or project requests, gathered identical quantity of the highest points are allowed to the stage of price offers of tender;

6) if before tender of price offers one request is allowed, tender is recognized taken place and further review of the request is performed according to Rules;

7) if before tender of price offers some requests which have gathered equal quantity of points are allowed, the winner of tender the potential supplier who has provided the smallest price offer is recognized.

In case of equality of the provided price offers, the winner the potential supplier having the greatest work experience in the sphere of rendering of services, bought at this tender is recognized;

8) draws up the protocol on results of tender.

In case of attraction on tender of the expert (experts) for consideration about compliance of services offered by potential suppliers to requirements of competitive documentation, above-mentioned actions are carried out by the commission of experts (expert).

306. In case of government procurements of the services provided by the state social order for potential suppliers the following qualification requirements do not extend:

1) to be solvent;

2) to have material and financial resources, sufficient for obligation fulfillment under the agreement on government procurements.

The regulation provided [by subparagraph 2\)](#) of this Item, does not extend on the potential suppliers participating in tenders on carrying out government procurements of services in implementation of the state social order for term more than one financial year.

In case of carrying out government procurements of the services provided by the state social order, procedures on representation to potential suppliers of protocols on paper, maintaining the magazine of registration of the persons who have received the copy of competitive documentation and the direction to potential suppliers on paper of the text of the answer on the explanation of provisions of competitive documentation, provided [by the Law](#) and these rules are not applied.

306-1. In case of government procurements of the services provided by the state social order, the potential supplier does not bring providing the application for participation in tender and does not represent the documents confirming solvency.

In case of government procurements of the services provided by the state social order, the supplier does not bring ensuring agreement performance about government procurements.

In case of carrying out tender on government procurements of the services provided by the state social order, the competitive commission does not apply percentage values of the criteria influencing the competitive price proposal of participants of tender.

307. The copy of the minutes of the competitive commission on opening of envelopes with applications for participation in tender is provided to potential suppliers, or their authorized representatives who were present at meeting of the competitive commission, no later than four working days following behind day of specified meeting of the competitive commission, on the Internet resource of the customer the text of the signed protocol of opening of envelopes with applications for participation in tender also is published.

308. Applications for participation in tender are considered by the competitive commission within ten working days from the date of opening of envelopes with applications for participation in tender (in case of carrying out difficult government procurements of the goods, works, services having difficult technical characteristics and specifications, and also in cases of acquisition of the services provided by the state social order, terms of consideration of such requests can constitute about thirty calendar days from the date of

opening of envelopes with applications for participation in tender). The competitive commission sums up consideration of requests and constitutes the protocol of access to participation in tender in the above-stated terms respectively.

Special procedure for carrying out government procurements of special social services in provision of the guaranteed amount of special social services

309. Customers of government procurements of the special social services provided by the guaranteed amount of special social services (further - special social services), are local executive bodies.

310. Government procurements using the special procedure are carried out by method of tender according to [the Law](#), taking into account the regulations provided by this Chapter.

311. For uninterrupted rendering of special social services to the person (family) being in the difficult life experience, since the beginning of year tender on zakupu special social services the next year is carried out in the current year after approval of the budget the next year.

312. The notice on carrying out government procurements of special social services by method of tender is performed according to [the Law](#) and these rules.

313. Competitive documentation shall contain the following data:

- 1) name and location of the organizer of government procurements;
- 2) the list of bought services;
- 3) the description and required quality characteristics of bought services in the form according to [appendix 2](#) to Standard competitive documentation;
- 4) the technical specification, with indication of conditions of provision of the special social services directed on receipt of high-quality resulting effect;
- 5) number of persons (families) it is necessary for them to render special social services;
- 6) place of rendering of services;
- 7) required terms of rendering of services;
- 8) terms of payment and the draft agreement about government procurements with indication of essential conditions;
- 9) the list of the documents represented by the potential supplier in confirmation of it (and collaborators involved by him) compliance to qualification requirements;
- 10) information on the prohibition of transfer to collaborators in aggregate more than 40 % from total amount of services in the agreement;
- 11) the procedure, the method, the place and final term of representation of the envelope with the application for participation in tender and competitive price offers, and also required effective period of applications for participation in tender;
- 12) methods by means of which potential suppliers can request explanations on contents of competitive documentation, and also the place, date and time of carrying out the meeting with potential suppliers on the explanation of provisions of competitive documentation;
- 13) the place, date and time of opening of envelopes with applications for participation in tender and competitive price offers (no later than eleven hours of local time of the working day);
- 14) description of procedure of opening of envelopes, considerations of applications for participation in tender, estimates and comparisons of competitive price offers;
- 15) the description of all criteria, except the price on the basis of which the winner of tender, including relative value of each of such criteria, and the design procedure of the conditional price will be determined;
- 16) data on the amounts allocated for acquisition of services, the carried-out government procurements which were the subject (on each prize).

314. In competitive documentation can contain and other additional data allowing potential suppliers to receive the most complete information about conditions of carried-out government procurements.

315. In competitive documentation content of instructions on the legal form of the legal entity and other characteristics determining accessory of service to the certain potential supplier is not allowed.

316. When implementing government procurements of homogeneous or several types of homogeneous special social services the organizer of government procurements shall divide in competitive documentation

homogeneous services into prizes on categories of receivers of special social services and conditions of their provision.

In the cases provided by this Item, consideration of applications for participation in tender, the assessment and comparison of competitive price proposals of participants of tender, and also determination of the winner of tender are performed on each prize provided in competitive documentation.

317. The application for participation in the tender, represented by the potential supplier who has expressed desire to participate in tender, to the organizer of government procurements shall contain:

1) the request filled and signed by the potential supplier in the form according to [appendices 4 and 5](#) to Standard competitive documentation;

2) the list of the documents represented by the potential supplier in confirmation of its compliance to general qualification requirements:

notarially attested documents confirming legal capacity (for legal entities), civil capacity to act (for physical persons):

the legal entity represents notarially attested copy of the charter approved in the procedure established by the legislation. Nonresidents of the Republic of Kazakhstan represent notarially attested with transfer on Kazakh and (or) Russian languages the legalized statement from the trade register;

notarially attested copy svidetelstva* or certificates of the state registration (re-registration) of the legal entity. If the legal entity performs activities based on the Standard charter approved in established by the legislation of the Republic of Kazakhstan the procedure, notarially attested copy of the statement for the state registration.

Note: * the certificate on the state (accounting) registration (re-registration) of the legal entity (branch, representation), issued before introduction in action of the Law of the Republic of Kazakhstan from December 24, 2012 "About modification and amendments in some legal acts of the Republic of Kazakhstan concerning the state registration of legal entities and accounting registration of branches and representations", is valid before the termination of activities of the legal entity;

notarially attested copies of licenses or the license in the form of the paper copy of the electronic document and/or patents, certificates, certificates, diplomas, permissions, other documents confirming the right of the potential supplier on provision of bought services;

the documents confirming solvency:

the original of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier, lasting more than three months prior to date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 10](#) to Standard competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and also foreign bank, this reference is represented from each of such banks). The reference shall be issued not earlier than one month previous date of opening of envelopes with competitive requests;

the original of the reference of the established form of the relevant tax authority about lack of the tax debt, debt on compulsory pension contributions, compulsory professional pension contributions and social assignments more, than in three months (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than one month previous date of opening of envelopes with competitive requests, and under seal;

3) the documents confirming compliance of the potential supplier and (or) his collaborators to special qualification requirements:

data on qualification for participation in process of government procurements in forms, according to [appendix 7](#) to the Standard competitive documentation, including the detailed list of special qualification and other requirements with indication of the documents confirming compliance of the potential supplier and his collaborators to these requirements.

If the potential supplier provides to involve collaborators of services, the potential supplier shall provide to the organizer of government procurements the documents confirming compliance of involved collaborators to general and special qualification requirements.

The request also shall contain documents, the confirmatory criteria influencing the competitive price proposal of participants of tender in case of availability of those.

The request also shall contain data on collaborators when rendering the services being the subject of purchases at tender and about the condition of the prohibition of transfer by the potential supplier to the collaborator in aggregate more than 40 % of amount of services;

4) the list of rendered services (with indication of prizes in which takes part), including:

description of quality characteristics of services (technical specifications);

quantitative indices of rendered services;

place, conditions and terms (periods) of rendering of services;

disjunctive conditions of payment (in the presence of those);

the price of rendered services with disaggregation on expenses;

5) the obligation about provision from the moment of the introduction of the agreement on government procurements in legal force of the documents confirming quality characteristics of services and their compliance to competitive documentation, including the list of the corresponding state and industry standards and standard rates;

6) the power of attorney to the person (persons) representing interests of the potential supplier, except for the first head of the potential supplier having the right of the signature without the power of attorney, according to the charter of the potential supplier, on the right of signing of the application for participation in tender and on participation in meetings of the competitive commission.

The request of the potential supplier - the physical person performing business activity also shall contain notarially attested copy of the document providing the right to implementation of business activity without education of the legal entity, issued by the relevant state body (for confirmation of availability of civil legal capacity for the conclusion of the agreement on government procurements).

318. The potential supplier does not bring providing the application for participation in tender and agreement performance about government procurements.

319. Applications for participation in tender are considered by the competitive commission within two working days from the date of opening of envelopes with applications for participation in tender. The competitive commission sums up consideration of requests and constitutes the protocol on the admission to participation in tender in the above-stated terms.

The organizer of government procurements no later than 16 hours of the second working day sends to all participants the protocol of the admission and notifies the participants who have passed selection on qualification requirements, on time of representation and opening of envelopes with price competitive offers (no later than 11 hours of the third working day).

In day of opening of envelopes with price competitive offers meeting of the competitive commission on the grade and comparison of competitive price offers is held and the protocol of results of tender is signed.

320. The organizer of government procurements recognizes tender taken place if there is at least one potential supplier who has provided the competitive request, meeting the requirements of competitive documentation and offered the price which is not exceeding the amounts, the purchase allocated for implementation.

321. In case of determination of the winner in government procurements of special social services, the organizer of government procurements has the right to consider available responses and recommendations of the persons receiving special social services.

322. Organizers of tender monthly compensate costs to service providers for actually rendered services according to acts of the executed works, based on the reconciliation of the provided registers of special social services within the means provided by plans of financing of budget programs (subprogrammes) on obligations and payments of the administrator of budget programs.

323. In the cases which have not been settled by this Chapter, customers, organizers of government procurements and members of the competitive commissions are guided [by the Law](#) and these rules.

Special procedure of government procurements of the goods, works, services for sale of anti-recessionary measures

324. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573*

325. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573*

326. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573*

327. It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

327-1. It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

328. It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

329. It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

330. It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

331. Are excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

10.

It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/4/2012 of No. 573

Appendix 1 to Rules

It is excluded

Appendix 2 to Rules

Annual plan of government procurements of the goods, works and services General information

BIN of the customer	For public institutions		The name of the customer
	GU code	Fund	
1	2	3	4

Plan of government procurements

No. of the payment order	Type of Item of the plan	For public institutions					Type of the subject of purchases	Commodity code, works, services (according to KTRU *)	The name of the bought goods, works, services in the state language (according to KTRU *)	The name of the bought goods, works, services in Russian (according to KTRU *)	The short characteristic (description) of the goods, works, services in the state language (according to KTRU *)	The short characteristic (description) of the goods, works, services in Russian (according to KTRU *)
		Administrator of the budget program	Program	Subprogram	Specifics	Source of financing						
1	2	3	4	5	6	7	8	9	10	11	12	13

continuation of the table

The	Additional	Method	Unit of	Quantit	Unit	The	The	The	The	Planned	Delivery	Place of	Size of
-----	------------	--------	---------	---------	------	-----	-----	-----	-----	---------	----------	----------	---------

additional characteristic (in the state language) **	characteristic (in Russian) **	of purchases	measure (according to KTRU *)	y, amount	price ***, tenge	total amount approved for purchase ***, tenge	approved amount for the first year of the three-year period	forecast amount for the second year of the three-year period ***, tenge	forecast amount for the third year of the three-year period ***, tenge	term of implementation of government procurements (month)	date of the goods, performance of works, rendering of services	delivery of the goods, performance of works, rendering of services (the code of the settlement according to KATO)	the advance payment, %
14	15	16	17	18	19	20	21	22	23	24	25	26	27

* KTRU - the Qualifier of the goods, works and services

** not necessarily for filling

*** since January 1, 2013 state bodies and public institutions specify the amount excluding VAT. This requirement is obligatory for the state companies and legal entities of fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affilirovanny with them the legal entities being customers of government procurements since January 1, 2014. Thus, these state companies and legal entities of fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affilirovanny with them legal entities have the right to specify in the annual plan for 2013 unit price of the goods, work, service excluding VAT.

Appendix 3 to Rules

I argue:

(to specify the full name of the Customer and First name, middle initial, last name.

his official,

approved this competitive documentation)

Solution of No. _____

from "___" _____ 200__ years

Standard competitive documentation

on government procurements

(to specify the name of government procurements by method of tender)

Customer

(to specify the full name, the location of the customer, the BIN, bank details)

Customer

representative

(to specify First name, middle initial, last name the official - the customer representative, contact

phones and, in case of availability, e-mail addresses)

Organizer of government procurements

(to specify the full name, the location, the BIN, bank details)

Representative of the organizer of government procurements

(to specify First name, middle initial, last name the official - the representative of the organizer of government procurements, including the position,

contact telephone numbers and, in case of availability, e-mail addresses)

Cost of competitive documentation

(to specify cost of competitive documentation in tenge, or if collection of the payment for provision of competitive documentation

it is not provided or competitive documentation takes place on the Internet in electronic form, this Item it is necessary

to state in the following edition: "Competitive documentation is provided free of charge"

1. General provisions

1. Tender is carried out for the purpose of the choice of the supplier (ov) (to specify the name of the goods, works, services).

2. The amount allocated for this tender (prize) on government procurements of the goods (works, services), constitutes _____ (in case of separation of the goods (works, services) the amount it is specified to tenge prizes for each prize separately).

3. This competitive documentation includes:

1) the list of the bought goods (works, services) according to [appendix 1](#) to this Standard competitive documentation;

2) the description and required technical, high-quality and functional, characteristics of the bought goods, works, services, including the design estimates approved in accordance with the established procedure, technical specifications with indication of the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan, in case of its availability, and if necessary with indication of the specifications and technical documentation, according to [appendices 2 and 3](#) to this Standard competitive documentation.

When implementing government procurements of the works, requiring design estimates, instead of the description and required functional, technical quality and operational characteristics of bought works competitive documentation shall contain the design estimates approved in accordance with the established procedure;

3) applications for participation in tender for legal entities and physical persons according to [appendices 4 and 5](#) to this Standard competitive documentation;

4) data on qualification of the potential supplier for delivery of the goods (performance of works, rendering of services) according to [appendices 6, 7, 8](#) to this Standard competitive documentation;

5) the list of obligatory criteria which will be considered by the competitive commission in case of determination of the winner of tender for the purpose of determination of the participant of the tender offering the most high-quality goods, work, service, according to these rules with indication of percentage value of each of criteria;

6) when implementing government procurements of the works connected with construction or reconstruction of objects, the organizer of government procurements in competitive documentation shall specify stages, types and amounts of performance of works, and also the amount of government procurements of such works in each financial year if term of their accomplishment according to the preproject documentation exceeds one financial year.

4. The potential supplier who has expressed desire to participate in tender, brings with the application for participation in tender providing the application for participation in tender in the amount of one percent from the amount allocated for acquisition of the goods, works, services in one of following forms:

1) the guarantee money contribution of the money placed on the following bank account _____ (to specify complete bank account details of the customer or body and the curtain of government procurements);

2) the bank guarantee according to [appendix 9](#) to this Standard competitive documentation.

Effective period of providing the application for participation in tender cannot be less effective period of the application for participation in tender.

2. The explanation the organizer of government procurements of provisions of competitive documentation to the potential suppliers who have received its copy

5. The potential supplier applying for participation in tender, having the right to address with the written request on the explanation of provisions of competitive documentation, but not later ___ hours, ___ minute, "___" _____ 200 __ years. It is necessary to direct requests of potential suppliers on the following details of the organizer of government procurements: (to specify the postal address of the organizer of government procurements, division and number of the room where acceptance of requests will be made).

6. The organizer of government procurements shall within three working days from the date of receipt of request answer it and without specifying from whom the request arrived:

1) to send the explanation of provisions of competitive documentation to persons data about which are brought in the magazine of registration of the persons who have received competitive documentation;

2) to publish the text of the explanation of provisions of competitive documentation on the Internet resource of the customer.

7. The organizer of government procurements shall in time not later ___ hours, ___ to minute, "___" _____ 200 __ years on own initiative or in response to request of the potential supplier to which the organizer of government procurements provided the copy of competitive documentation, to make changes and (or) amendments to competitive documentation. Modification of competitive documentation is drawn up in the same order, as approval of competitive documentation.

The made changes are binding, and in time no more than one working day from the date of approval of changes to competitive documentation go the organizer of government procurements on the non-paid basis to all potential suppliers to whom the copy of competitive documentation is provided. Thus final term of submission of applications for participation in tender is prolonged by the organizer of government procurements for term at least on ten calendar, for accounting by potential suppliers of these changes in applications for participation in tender.

The organizer of government procurements publishes on the Internet resource of the customer the specified competitive documentation with indication of the brought changes and (or) amendments.

8. The organizer of government procurements holds the meeting with potential suppliers to which the copy of competitive documentation is provided, or their authorized representatives for the explanation of provisions of competitive documentation in _____ (to specify the place, date and time of carrying out the meeting).

9. The organizer of government procurements constitutes the protocol of the meeting with potential suppliers in which the provided requests of potential suppliers about the explanation of competitive documentation without specifying of their source, and also answers to these requests are specified. The protocol no later than two working days from the date of carrying out the meeting with potential suppliers goes to the competitive commission and all potential suppliers to whom the organizer of government procurements provided the copy of competitive documentation on the post details specified in the magazine of registration of potential suppliers, received competitive documentation.

The organizer of government procurements publishes the text of the protocol of the meeting with potential suppliers on the Internet resource of the customer.

3. Requirements to registration of the application for participation in government procurements by method of tender and representation by potential suppliers of envelopes with applications for participation in government procurements by method of tender

Application for participation in tender

10. The application for participation in tender is the form of expression of the consent of the potential supplier applying for participation in tender, to perform delivery of the goods (to perform works to render services) according to requirements and the conditions provided by this competitive documentation.

11. The application for participation in the tender, represented by the potential supplier who has expressed desire to participate in tender, to the organizer of government procurements shall contain:

1) the request filled and signed by the potential supplier according to [appendices 4 and 5](#) to this Standard competitive documentation;

2) the list of the documents represented by the potential supplier in confirmation of its compliance to general qualification requirements:

notarially attested documents confirming legal capacity (for legal entities), civil capacity to act for physical persons (the document on registration, as subject of entrepreneurship, the copy of the identity certificate):

the legal entity represents notarially attested copy of the charter approved in the procedure established by the legislation, except as specified, when the legal entity performs activities based on the Standard charter. Nonresidents of the Republic of Kazakhstan represent notarially attested with transfer on Kazakh and (or) Russian languages the legalized statement from the trade register;

notarially attested copies of licenses or the license in the form of the paper copy of the electronic document and (or) patents, certificates, certificates, permissions, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services, stipulated by the legislation the Republic of Kazakhstan;

notarially attested copy *svidetelstva** or certificates of the state registration (re-registration) of the legal entity. If the legal entity performs activities based on the Standard charter approved in established by the legislation of the Republic of Kazakhstan the procedure, notarially attested copy of the statement for the state registration.

Note: * the certificate on the state (accounting) registration (re-registration) of the legal entity (branch, representation), issued before introduction in action of the Law of the Republic of Kazakhstan from December 24, 2012 "About modification and amendments in some legal acts of the Republic of Kazakhstan concerning the state registration of legal entities and accounting registration of branches and representations", is valid before the termination of activities of the legal entity;

notarially attested statement from constituent documents (if the charter does not contain data on founders or structure of founders), containing data on the founder or structure of founders or the original of the statement from the register of the shareholders, signed and confirmed by the seal in accordance with the established procedure, issued not earlier than one month previous date of opening of envelopes;

the documents confirming solvency:

the original of the reference of bank or branch of bank with the signature and the seal in which the potential supplier about lack of overdue debt on all obligation types of the potential supplier is served, lasting more than three months prior to date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 10](#) to this Standard competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, this reference is represented from each of such banks). The reference shall be issued not earlier than one month previous date of opening of envelopes with competitive requests;

the original of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments more than in three months (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than one month previous date of opening of envelopes with competitive requests.

Competitive documentation shall contain information on the right of the potential supplier to confirm compliance to the general qualification requirement about solvency by means of provision of ensuring agreement performance in the form of the bank guarantee of one or several resident banks of the Republic of Kazakhstan in the amount of, equal to hundred percent from the amount of carried-out government procurements together with the application for participation in tender. Ensuring agreement performance about government procurements is provided by the potential supplier for the term established in competitive documentation for complete obligation fulfillment on the agreement on government procurements;

3) the documents confirming compliance of the potential supplier to special qualification requirements:

data on qualification for participation in process of government procurements according to [appendices 6, 7, 8](#) to this Standard competitive documentation.

If the potential supplier provides to involve subcontractors (collaborators) of works or services, the potential supplier shall provide to the organizer of government procurements, the documents confirming compliance of involved subcontractors (collaborators) to general and special qualification requirements;

data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender according to [appendix 12](#) to this Standard competitive documentation and the condition of the prohibition of transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services;

4) the technical specification with the description of technical, quality and operational characteristics of the goods, works, services, terms and (or) standard items of the goods, performance of works, rendering of services, provision of quality assurances, to servicing of the goods, to operating expenses of the goods, the delivery condition of the goods, performance of works, rendering of services;

5) providing the application for participation in tender in the amount of, established [by the Law](#), in the form of the bank guarantee or the payment document confirming the guarantee money contribution, placed on the bank account of the organizer of government procurements;

6) *It is excluded*

7) *It is excluded*

8) the power of attorney to the person (persons) representing interests of the potential supplier on the right of signing of the application for participation in tender and on participation in meetings of the competitive commission, except for the first head of the potential supplier having the right of the signature without the power of attorney, according to the charter of the potential supplier.

Requirements to registration of the application for participation in tender

12. The application for participation in tender is represented the potential supplier to the organizer of government procurements in the stitched type, with the numbered pages and the last page is confirmed by its signature and the seal (for physical person if that is available).

Technical part of the application for participation in tender (in the stitched type, with the numbered pages, the last page certified by the signature, and the seal of the potential supplier (for physical person if that is available) and the original document confirming providing the application for participation in tender are put separately.

13. Applications for participation in tender it shall be printed or written by indelible ink both it is signed by the potential supplier and it is under seal (for physical person if that is available).

14. In the competitive request there shall be no inserts between lines, the podtirok or additions unless it is necessary for potential supplier to correct grammatical or arithmetic mistakes.

15. The potential supplier seals the application for participation in tender in the envelope on which face the full name and the postal address of the potential supplier (for the purpose of return of the application for participation in tender not opened if it is declared "late"), the full name and the postal address of the organizer of government procurements, the name of government procurements by method of tender, and also the text of the following content shall be specified: "TENDER ON PURCHASE (to specify the name of tender)" and "NOT to OPEN TO: (to specify date and time of opening of applications for participation in tender)".

Procedure for submission of the application for participation in tender

16. Applications for participation in tender are represented by potential suppliers or their authorized representatives to the organizer of government procurements purposely or with use of the custom-made mail service to the address: (to specify the complete postal address of the organizer of government procurements, number of the room, First name, middle initial, last name persons (and) responsible for acceptance and registration of applications for participation in tender) till (to specify date and time of the completion of acceptance of competitive requests) inclusive.

17. All competitive requests received by the organizer of government procurements after the expiration of final term of submission of competitive requests, are not opened and return to the potential suppliers who have provided them on details specified on envelopes with applications for participation in tender or to personally corresponding authorized representatives of potential suppliers on receipt about obtaining.

18. Provided by potential suppliers or their authorized representatives of the application for participation in tender are registered the authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission in the relevant magazine with indication of date and time of demands acceptance for participation in tender.

19. Envelopes with applications for participation in tender with violation of requirements to registration of envelopes with competitive applications for participation in the tender, provided by this competitive documentation are not subject to acceptance and registration.

Change of competitive requests and their response

20. The potential supplier can change or withdraw the application for participation in tender before the expiration of final term of submission of competitive requests, without losing the right to return of the providing the application for participation brought by it in tender. Modification shall be prepared, is sealed and provided as well as the application for participation in tender.

The notification on the withdrawal of the application for participation in tender is drawn up in the form of any statement addressed to the organizer of government procurements signed by the potential supplier and under seal (for physical person if that is available).

Modification of the application for participation in tender or withdrawal of the application for participation in tender are valid if they are received by the organizer of government procurements before the expiration of final term of submission of applications for participation in tender.

21. Modification is not allowed and (or) amendments, is equal as the withdrawal of the application for participation in tender, after the expiration of final term of representation of the envelope with the application for participation in tender.

22. The organizer of government procurements no later than ten calendar days before expiration of applications for participation in the tender, established by the competitive documentation, having the right to make request of potential suppliers about prolongation of term of their action of the request for the specific period of time. The potential supplier has the right to reject such request, without forfeiting the right on:

1) participation in carried-out government procurements by method of tender during effective period of its application for participation in tender;

2) return of the providing the application for participation brought by it in tender after the expiration of such request.

23. The potential supplier incurs all expenses connected with its participation in government procurements by method of tender. The customer, the organizer of government procurements, the competitive commission, the commission of experts, the expert do not bear the obligation on compensation of these expenses irrespective of results of government procurements by method of tender.

4. Opening by the competitive commission of envelopes with applications for participation in government procurements by method of tender

24. Opening of envelopes with applications for participation in tender is made by the competitive commission in the presence of all arrived potential suppliers or their authorized representatives (to specify day, time and the place of opening of envelopes with competitive requests and carrying out meeting of the competitive commission, specified in the announcement (notification) of carrying out tender. The period between final term of representation of envelopes with competitive requests and opening of envelopes with applications for participation in tender shall not exceed two hours.

Envelopes with requests of the potential suppliers, provided to terms and according to the procedure, established in the announcement (notification) of the organizer of government procurements and this competitive documentation are subject to opening.

If on tender (prize) only one application for participation in tender is provided, this application for participation in tender also is opened and considered.

25. Openings of envelopes present on procedure with applications for participation in tender authorized representatives of potential suppliers, confirming the presence, shall show documents, their confirmatory powers and be registered in the magazine of registration of potential suppliers, (to specify the place, date and time of registration, this time shall be ahead of time openings of envelopes with applications for participation in tender, and the place of registration shall be the same, as the venue of procedure of opening of envelopes with applications for participation in tender).

Potential suppliers and their authorized representatives notify the competitive commission on means of the audio recording and video filming which they intend to use for record of procedure of opening of envelopes with applications for participation in tender.

26. Intervention of potential suppliers or their authorized representatives who are present at meeting of the competitive commission on opening of envelopes with applications for participation in tender, in activities of the authorized representative of the organizer of government procurements, the competitive commission, the secretary of the competitive commission is not allowed.

27. At the specified meeting of the competitive commission:

1) the authorized representative of the organizer of government procurements, and in cases when the customer and the organizer of government procurements act in one person - the secretary of the competitive commission data about which are specified in this competitive documentation, informs present about:

about structure of the competitive commission, secretary of the competitive commission;

number of the potential suppliers who have received kopnyu to competitive documentation;

availability or absence of requests of potential suppliers, and also carrying out by the organizer of government procurements of the meeting with potential suppliers on the explanation of provisions of competitive documentation;

availability or lack of the fact, and also the reasons of modification and amendments in competitive documentation;

the potential suppliers who have provided in due time applications for participation in tender, the registration registered in the relevant magazine;

2) the chairman of the competitive commission or the person determined by the chairman from among members of the competitive commission:

opens envelopes with applications for participation in tender and discloses the list of the documents containing in the request and their summary;

3) secretary of the competitive commission:

draws up the corresponding protocol of opening of envelopes;

informs authorized representatives of the potential supplier on term during which they can receive the copy of the specified minutes of the competitive commission.

The minutes of the competitive commission on opening of envelopes with applications for participation in tender are signed and polistno are initialed by all members of the competitive commission present at meeting, and also the secretary of the competitive commission.

The copy of the protocol of the specified meeting of the competitive commission is provided to potential suppliers or their authorized representatives who were present at meeting of the competitive commission on opening of envelopes with applications for participation in tender, no later than two working days following behind day of specified meeting of the competitive commission, and absent - by their written request in time, no later than two working days from the date of receipt of request.

5. Consideration by the competitive commission of applications for participation in government procurements by method of tender about their compliance to requirements of competitive documentation and the admission of potential suppliers to participation in tender

28. Consideration of applications for participation in tender is performed by the competitive commission for the purpose of determination among the potential suppliers applying for participation in tender, the potential suppliers, conforming to qualification requirements and requirements of competitive documentation, and recognition by their participants of tender.

29. By consideration of applications for participation in tender the competitive commission has the right:

1) in writing to request from the potential suppliers applying for participation in tender, materials and explanations in connection with their requests to facilitate consideration, the assessment and comparison of applications for participation in tender;

2) for the purpose of refining of the data containing in applications for participation in tender, in writing to request necessary information from the relevant state bodies, physical persons and legal entities.

Requests and other actions of the competitive commission connected with reduction of the application for participation in tender in compliance with requirements of competitive documentation are not allowed. Reduction of the application for participation in tender in compliance with requirements of competitive documentation is understood as the actions of the competitive commission directed on amendment of the application for participation in tender by missing documents, replacements of the documents provided in the application for participation in tender, reduction in compliance in an inadequate way of the drawn-up documents.

The competitive commission considers the application for participation in tender as meeting the requirements of competitive documentation if at it there are grammatical or arithmetic mistakes which can be corrected, without mentioning the being of the provided request.

30. The competitive commission recognizes the potential supplier to inappropriate qualification requirements in the case:

1) non-presentations by the potential supplier of the document (documents) for confirmation of conformity of the potential supplier and the subcontractor (collaborator) of works involved by him or services to qualification requirements;

2) factual determinations of discrepancy to qualification requirements based on information containing in documents, provided by the potential supplier for confirmation of its compliance, and also not compliance of the subcontractor (collaborator) involved by him to qualification requirements;

3) representations of unreliable information on qualification requirements.

Recognition of the potential supplier to inappropriate qualification requirements on the bases, not [stipulated in Item 1 Articles 9](#) of the Law and [Items 87-1 and 87-2](#) of these rules is not allowed.

The competitive commission recognizes the brought providing the application for participation in tender of this competitive documentation conforming to requirements, in case of introduction of providing the request in the amount of more than one percent from the amount.

31. The competitive commission recognizes the brought providing the application for participation in tender to not conforming requirements of this competitive documentation in the case:

1) insufficient effective period of providing the application for participation in the tender, provided in the form of the bank guarantee;

2) inadequate registration of providing the application for participation in tender which it is expressed in lack of the data which are not allowing the competitive commission to establish:

the person which has issued providing the application for participation in tender;

the name of government procurements of the goods, works, services by method of tender for participation in which is brought providing the request provided in the form of the bank guarantee;

effective period of providing the request provided in the form of the bank guarantee and (or) the amount of providing the request, and also condition of its provision;

the person to whom providing the application for participation in tender is issued;

the person for benefit of whom providing the application for participation in tender is brought.

On other bases recognition of the brought providing the application for participation in tender to not conforming requirements of competitive documentation is not allowed.

32. The potential supplier applying for participation in tender, is not allowed to participation in tender (is not recognized the participant of tender), if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements;

2) broke requirements [of Article 6](#) of the Law or the subcontractor (collaborator) involved by him broke requirements [of subparagraphs 5\), 5-1\), 6\)](#) and [7\) Item 1 of Article 6](#) of the Law.

3) its application for participation in tender is determined competitive documentation not conforming to requirements.

If the potential supplier is not allowed to participation in tender on the bases provided [by subparagraph 2\)](#) of this Item:

in the protocol on the admission to participation in tender reasons for the variation of the application for participation in tender of such potential supplier are reflected;

data on the potential supplier who has broken requirements [of Article 6](#) of the Law are subject to introduction in accordance with the established procedure in the register of unfair participants of government procurements.

33. By results of consideration of applications for participation in tender the competitive commission:

1) determines the potential suppliers, conforming to qualification requirements and requirements of competitive documentation which are allowed to participation in tender (participants of tender);

2) applies percentage value of the criteria provided in competitive documentation according to these rules;

3) draws up the protocol on the admission to participation in tender and determines day, time, the place of representation by the potential suppliers allowed to participation in tender (participants of tender), competitive price offers to the organizer of government procurements.

34. The protocol on the admission to participation and tender is signed by all members present at meeting, and also the secretary of the competitive commission.

The organizer of government procurements no later than one working day following behind day of signing of the protocol on the admission to participation in tender, represents or sends the copy of the specified protocol to all potential suppliers who have provided applications for participation in tender, and also places the text of the signed protocol on the Internet resource of the customer. The decision of the competitive commission on the admission to participation in tender, can be appealed according to the procedure, determined [by Article 45](#) of the Law.

6. Registration by the potential suppliers allowed to participation in tender, competitive price offers

35. Represented by the potential suppliers allowed to participation in tender (participants of tender), competitive price offers are drawn up in following the type:

1) the form of the competitive price offer shall be printed or written by indelible ink both is signed by the potential supplier and is under seal (for physical person if that is available);

2) in the competitive price offer there shall be no inserts between lines, the podtirok or additions unless it is necessary for potential supplier to correct grammatical mistakes;

3) competitive price proposals of domestic potential suppliers shall be expressed in tenge.

36. The potential supplier seals the competitive price offer in the envelope on which face shall be specified the full name of the potential supplier, and also the text of the following content: "TENDER ON PURCHASE (to specify the name of tender) - the COMPETITIVE PRICE OFFER - NOT to OPEN TO: (to specify date and time of opening of competitive price offers)".

Representation by the participant of tender more than one competitive price the offer, no less than the withdrawal of the competitive price offer or modification and (or) amendments to the provided competitive price offer is not allowed.

7. Assessment and comparison by the competitive commission of competitive price proposals of participants of tender and determination of the winner of tender

37. In day, time and the place, established by the protocol on the admission to participation in tender, the competitive commission holds meeting by the assessment and comparison of competitive price proposals of participants of tender.

The competitive commission in the chronological procedure brings in the magazine of registration of competitive price offers of data on the participants of the tender who have provided envelopes with competitive price offers before the expiration, established by the protocol on the admission to participation in tender.

At meeting of the competitive commission the chairman of the competitive commission or the person determined by the chairman from among members of the competitive commission:

opens envelopes with competitive price to proposals of participants of tender in the chronological procedure for their registration;

discloses in the chronological order of registration competitive price proposals of participants of the tender which has provided competitive price offers;

transfers to the secretary of the competitive commission the opened envelopes with competitive price offers.

38. Participants of tender and (or) their authorized representatives have the right to familiarize with content of envelopes with competitive tsepovy offers.

39. At meeting of the competitive commission on the grade and comparison of competitive price offers participants of tender and (or) their authorized representatives with the right of maintaining the audio recording and video filming have the right to be present. Thus participants of tender and (or) their authorized representatives shall notify the competitive commission on application of the specified means.

40. For simplification of procedure of the assessment and comparison of competitive price offers, the competitive commission transfers all prices of competitive price offers expressed in various currencies, to currency of the Republic of Kazakhstan - tenge on the official rate established by National Bank of the Republic of Kazakhstan for date of meeting of the competitive commission on the assessment and comparison of competitive price offers (participants of tender).

41. Competitive commission:

1) rejects competitive price proposals of participants of the tender, exceeding the amount allocated for implementation of these government procurements of the goods, works, services by method of tender;

2) rejects the competitive price proposal of the participant of tender if its price is dumping;

3) if after the variation of competitive price offers on the bases specified in [subparagraphs 1\)](#) and [2\)](#) of this Item, in tender participate two and more competitive price proposals of participants of tender, determines the conditional prices of these participants of tender by means of application concerning their competitive price offers of percentage value of the criteria established in the protocol on the admission to participation in tender;

4) determines the winner of tender on the basis of the smallest conditional price.

42. By results of the assessment and comparison of competitive price proposals of participants of tender and determination of the winner of tender, the competitive commission draws up the protocol on results of government procurements of the goods, works, services by method of tender. The protocol on results of government procurements of the goods, works, services by method of tender polistno is initialed and signed by all members who were present at meeting of the competitive commission, and also the secretary of the competitive commission.

43. The organizer of government procurements no later than one working day from the date of receipt of the written request of the potential supplier, data about which are brought in the magazine of registration of applications for participation in tender, shall provide it on the non-paid basis the copy of the protocol on results of government procurements by method of tender.

8. Return of providing applications for participation in tender

44. The organizer of government procurements returns the brought providing the application for participation in tender to the potential supplier within three working days from the date of approach of one of the following cases:

1) the response this potential supplier of the application for participation in tender before the expiration of final term of submission of applications for participation in tender;

2) signings of the protocol on the admission to participation in tender. The specified case does not extend on the potential suppliers recognized as participants of tender;

3) signings of the protocol on results of government procurements by method of tender. The specified case does not extend on the participant of the tender determined by the winner of tender;

4) entries into force of the agreement on government procurements and introduction by the winner of tender of ensuring agreement performance about the government procurements, provided by competitive documentation;

5) expirations of the request of the potential supplier on participation in tender.

45. Providing the application for participation to the yard does not return to the konka the organizer of government procurements in cases, if:

1) the potential supplier withdrew or changed and (or) added the application for participation in tender after the expiration of final term of submission of applications for participation in tender;

2) the potential supplier recognized as the participant of tender, did not provide in due time or withdrew the competitive price offer;

3) the potential supplier determined by the winner of tender, evaded from the conclusion of the agreement on government procurements;

4) the winner of tender, having signed the agreement on government procurements, did not perform or out of time performed the requirements established by competitive documentation, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements.

9. The agreement on government procurements following the results of tender

46. Within five working days from the date of signing of the protocol on results of government procurements by method of tender the customer signs and sends to the supplier the draft agreement about government procurements of the goods, works, services according to requirements [of the Law](#) and based on the Standard agreement about government procurements of works (goods/services).

47. The customer returns brought ensuring agreement performance about government procurements to the supplier within five working days from the moment of complete and proper execution by the supplier of the agreement obligations.

In case of improper execution by the supplier of undertaken obligations under the agreement on government procurements, the customer returns brought ensuring agreement performance about government procurements within five working days from the date of factual determination of payment of the penalty in the income of the relevant budget, the state company, the legal entity, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affilirovanny with them legal entities.

48. In the cases provided [by Items 6, 7 and 8 of Article 37](#) of the Law, the agreement shall contain provisions on its conclusion for the term of more than one financial year.

49. The agreement shall contain conditions about modification of the agreement on government procurements.

49-1. The agreement with domestic producers and domestic suppliers of works, services shall contain the condition about advance payment and complete payment for delivery of the goods, performance of works, rendering of services. Thus term of complete payment shall not exceed thirty calendar days from the date of obligation fulfillment under this agreement.

50. If the potential supplier in the terms established [by the Law](#), did not provide to the customer the signed agreement on government procurements or, having signed the agreement on government procurements, did not bring ensuring agreement performance about government procurements in the cases provided by competitive documentation, such potential supplier is recognized evaded from the conclusion of the agreement on government procurements.

51. In case of recognition of the potential supplier evaded from the conclusion of the agreement on government procurements the customer:

1) holds the providing the application for participation brought by it in tender and takes a legal action with the claim about recognition of such potential supplier by the unfair participant of government procurements;

2) has the right to address and court with the claim about compulsion of such potential supplier to sign the agreement on government procurements, and also on the indemnification, caused by evasion from the conclusion of the agreement on government procurements.

Appendix 1 to Standard competitive documentation

The list of the bought goods, works and services

Tender on government procurements _____

(to specify the full name)

No. of the prize	Name of the customer	Description of goods (works, services) *	Unit of measure	Quantity, amount	Delivery conditions (according to the INCOTERMS 2000)	Delivery date of the goods, performance of works, rendering of services	Place of delivery of the goods, performance of works, rendering of services	Size of the advance payment, %	The amount allocated for government procurements with method of tender (on the prize of No.), tenge
1	2	3	4	5	6	7	8	9	10
		(In the case, when characteristics of the goods (works or services) it are described in the technical specification, in this column the short description of goods (works or services) and the reference to the specific Section of the technical specification on each line item) is specified							

* the Complete description and the characteristic of the goods, works, services is specified in the technical specification

Position, First name, middle initial, last name and signature of the head of the organizer of government procurements _____/_____/_____ Date _____ L. S.	Position First name, middle initial, last name and signature of the head of the Customer _____/_____/_____ Date _____ L. S.
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Appendix 2 to Standard competitive documentation

The technical specification of the bought goods (works, services) (it is represented on each prize separately)?

No. of tender _____

Name of tender _____

No. of the prize _____

Name of the prize _____

In the technical specification the complete description and required functional, technical, quality characteristics of the bought goods (works, services), including necessary specifications, plans, drawings, sketches is given, and to specify the international or internal standards to which there shall correspond the delivered goods (the performed works, rendered services).

In the technical specification on the goods the description of functional, technical, quality characteristics shall be distributed on the appropriate sections containing limits of functionality, parameters of technical characteristics, purpose of the goods for the purposes of determination of the best technical specification.

In need of the technical specification accompanying services necessary by delivery of the goods (installation, adjustment, training, checks and testing of the goods etc.) are specified to the customer and where they shall be carried out, year of release of the goods, guarantee period.

In the technical specification on services the description of technical and quality characteristics shall be distributed on the appropriate sections containing parameters of technical characteristics and purpose of rendering of services for the purposes of determination of the best technical specification. In case of acquisition of the services which quality of rendering depends on qualification of the worker directly rendering such services, in the technical specification the requirement description, shown to the worker, determining its level and the profile of professional training, the length of service necessary for accomplishment of obligations assigned to it is given. In the technical specification the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan shall be specified, in case of its availability.

When implementing government procurements of the works, requiring design estimates, instead of the technical specification competitive documentation shall contain the design estimates approved in accordance with the established procedure.

Appendix 3 to Standard competitive documentation

The technical specification of bought works

**Tender on government procurements _____
(to specify the full name)**

In this technical specification the organizer of government procurements shall give the complete description and required technical and quality characteristics of bought works, including necessary specifications, plans, drawings, sketches and to specify the international or national standards to which there

shall correspond performed works, guarantee period. Shall be if necessary referred to the corresponding specifications and technical documentation.

Also in this technical specification the organizer of government procurements shall give the short description of the building site, geographical, engineering and geological and other special environment, availability of infrastructure and communications, the description of local resources, system of standards and technical standard rates and shall specify complete structure of object, the requirement for engineering preparation of the territory, the production technology and to the equipment, the engineering support, used materials and designs, equipment of object, etc., excluding disagreements in case of input of object in operation.

Appendix 4 to Standard competitive documentation

Application for participation in tender (plant louses of legal entities)

To _____

whom

_____ (the name of the organizer of government procurements) is specified

From

KORO _____

_____ (the full name of the potential supplier) is specified

1. Data on the legal entity applying for participation in tender (potential supplier):

Legal, postal address and contact telephone numbers, potential supplier	
Bank details of the legal entity (the BIN, BIK, IIK), and also the full name and the bank address or its branch in which the legal entity is served	
First name, middle initial, last name first head of the legal entity	

2. _____ (the full name of the legal entity is specified) this request expresses desire to take part in government procurements by method of tender (to specify the full name of tender) as the potential supplier and expresses the consent to perform (delivery of the goods (ov), performance of works, rendering of services - to specify necessary) according to requirements and the conditions provided by competitive documentation.

3. The potential supplier confirms with this request absence of violations of restrictions, [the stipulated in Clause 6](#) Laws of the Republic of Kazakhstan "About government procurements" (further - the Law).

Present the consent of the potential supplier to termination according to the procedure, established by the laws of the Republic of Kazakhstan, the agreement on government procurements (the goods (ov), works, services - to specify necessary), [stipulated in Item 10th Articles 37](#) of the Law also is expressed.

4. The potential supplier confirms that it is acquainted with competitive documentation and informed on responsibility for provision to the organizer of government procurements and the competitive commission of doubtful data on the competence, qualification, quality and other characteristics (delivered the goods (ov), the carried-out works, rendered services - to specify necessary), observance of copyright and related rights by it, and as other restrictions provided by the current legislation of the Republic of Kazakhstan.

The potential supplier undertakes complete responsibility for representation in this application for participation in tender and documents of such doubtful data enclosed to it.

5. *It is excluded*

6. *It is excluded*

7. *It is excluded*

8. *It is excluded*

9. This competitive request is effective during ____ days.

10. In case of recognition of our competitive request won, we will bring ensuring agreement performance about government procurements on the amount constituting three percent from total amount of the agreement (it is specified if introduction of ensuring agreement performance was provided in competitive documentation).

In case of recognition of our competitive request won, we will bring ensuring agreement performance about government procurements in the amount of, equal to advance payment (it is specified if introduction of ensuring agreement performance was provided in competitive documentation in the amount of, equal to advance payment which shall be at least three percent from total amount of the agreement on government procurements).

11. Till the conclusion of the agreement on government procurements this application for participation in tender together with your notification on recognition it won will carry out the role of the obligatory agreement between us.

 _____/_____

(Position, First name, middle initial, last name first head or his deputy
 the legal entity - the potential supplier and his signature)

Date of filling _____

L. S.

Appendix 5
 to Standard competitive documentation

**Application for participation in tender
 (for physical person)**

To _____ whom

(the name of the organizer of government procurements) is specified

From _____ whom

(the full name of the potential supplier) is specified

1. Data on the physical person applying for participation in tender (potential supplier):

First name, middle initial, last name physical person - the potential supplier, according to the document proving the identity	
Data of the document of physical person proving the identity - the potential supplier	
The address of the registration of physical person - the potential supplier	
The actual residence address of physical person - the potential supplier	
Certificate number about registration, the patent or other document granting the right to the occupation corresponding to the subject of tender, business activity according to the legislation of the Republic of Kazakhstan	
Bank details of physical person of the potential supplier (IIN, BIK, IIK), and also the full name and the bank address or its branch in which is served physical person	
Contact telephone numbers, the postal address and the e-mail address (in case of its availability) physical person - the potential supplier	

2. _____ (it is specified First name, middle initial, last name physical person) this request expresses desire to take part in government procurements by method of tender (to specify the full name of tender) as

the potential supplier and expresses the consent to perform (delivery of the goods (ov), - to specify performance of works, rendering of services necessary) according to requirements and the conditions provided by competitive documentation.

3. The potential supplier confirms with this request absence of violations of restrictions, [the stipulated in Clause 6](#) Laws of the Republic of Kazakhstan "About government procurements" (further - the Law).

Present the consent of the potential supplier to termination according to the procedure, established by the laws of the Republic of Kazakhstan, the agreement on government procurements (the goods (ov), works, services - to specify necessary), [stipulated in Item 10th Articles 37](#) of the Law also is expressed.

4. The potential supplier confirms that it is acquainted with competitive documentation and informed on responsibility for provision to the organizer of government procurements and the competitive commission of doubtful data on the competence, qualification, quality and other characteristics (delivered the goods (ov), the carried-out works, rendered services - to specify necessary), observance of copyright and related rights by it, and as other restrictions provided by the current legislation of the Republic of Kazakhstan.

The potential supplier undertakes complete responsibility for representation in this application for participation in tender and documents of such doubtful data enclosed to it.

5. *It is excluded*

6. *It is excluded*

7. *It is excluded*

8. *It is excluded*

9. This competitive request is effective during _____ days.

10. In case of recognition of our competitive request won, we will bring ensuring agreement performance about government procurements on the amount constituting three percent from total amount of the agreement (it is specified if introduction of ensuring agreement performance was provided in competitive documentation).

In case of recognition of our competitive request won, we will bring ensuring agreement performance about government procurements in the amount of, equal to advance payment (it is specified if introduction of ensuring agreement performance was provided in competitive documentation in the amount of, equal to advance payment which shall be at least three percent from total amount of the agreement on government procurements).

11. Till the conclusion of the agreement on government procurements this application for participation in tender have with your notification on recognition it won will carry out the role of the obligatory agreement between us.

_____/_____

(First name, middle initial, last name physical person - the potential supplier and his signature)

Date of filling _____

Appendix 6 to Standard competitive documentation

Data on qualification **(it is filled with the potential supplier when purchasing works)**

1. Name of the potential supplier

2. The amount of works, executed by the potential supplier within the last ten years (in case of its availability), in tenge

_____.

Name and location of object	Name of customers and number of their phones	Work type and year of completion of object	Cost of the agreement, tenge (it can not be specified)
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3. For performance of works has essential value availability at the potential supplier of the following units of equipment (construction mechanisms, machines), with appendix of copies of supporting documents. The potential supplier shall answer all questions listed in the table below:

Type of the equipment (construction mechanisms, machines)	Quantity of available units	Condition (new, good, bad)	Own, leased (at whom), it will be acquired (at whom)

4. Availability of the manpower necessary for performance of works, services and fund of compensation of citizens of the Republic of Kazakhstan

No payment order	First name, middle initial, last name workers (to specify No. and date of issue of the identity certificate)	Position	Nationality	Salary for time of agreement performance about government procurements
1				
2				
3				
In total compensation of citizens of RK				

5. Data on access to financial resources (money: own, credit etc.). To list below

6. Data on recommendations, in case of their availability. To list and attach letters of recommendation, responses of others legal and (or) physical persons

Reliability of all data on qualification I confirm.

Signature _____

Appendix 7 to Standard competitive documentation

Data on qualification **(it is filled with the potential supplier when purchasing services)**

1. Name of the potential supplier

2. Amount similar bought at tender of the services rendered by the potential supplier within the last ten years (in case of its availability), in tenge

_____.

The name of the rendered services	Name of customers and number of their phones	Place and year of rendering of services	Cost of the agreement, tenge (it can not be specified)

3. For rendering of services has essential value availability at the potential supplier of the following units of equipment (mechanisms, machines), with appendix of copies of supporting documents. The potential supplier shall answer all questions listed in the table below:

Type of the equipment (mechanisms, machines)	Quantity of available units	Condition (new, good, bad)	Own, leased (at whom), it will be acquired (at whom)

4. Availability of the manpower necessary for performance of works, services and fund of compensation of citizens of the Republic of Kazakhstan

No payment order	First name, middle initial, last name workers (to specify No. and date of issue of the identity certificate)	Position	Nationality	Salary for time of agreement performance about government procurements
1				
2				
3				
In total compensation of citizens of RK				

5. Data on access to financial resources (money: own, credit etc.). To list below

6. Data on recommendations, in case of their availability. To list and attach letters of recommendation, responses of others legal and (or) physical persons

_____.

Reliability of all data on qualification I confirm.

Signature _____

Appendix 8
to Standard competitive documentation

Data on qualification
(it is filled with the potential supplier when purchasing the goods)

1. Name of the potential supplier

2. The amount, similar bought at tender of the goods, delivered (made) by the potential supplier within the last ten years (in case of its availability), in tenge

Description of goods	Name of customers and number of their phones	Place and delivery date of the goods	Cost of the agreement, tenge (it can not be specified)

3. Data on access to financial resources (money: own, credit etc.). To list below

4. Data on recommendations, in case of their availability. To list and attach letters of recommendation, responses of others legal and (or) physical persons

Reliability of all data on qualification I confirm.

Signature _____

Appendix 9
to Standard competitive documentation

Bank guarantee

Name банка _____

(name and bank details)

Кому _____

(name and details of the organizer of government procurements)

Warranty obligation of No. _____

_____	"__" _____. _____.
-------	--------------------

(location)

We _____ were _____ informed,
что _____

(name of the potential supplier)

further "Supplier", takes part in tender on purchase

организованном _____

(name of the organizer of government procurements)

also it is ready to perform delivery (to perform work to render service)

name of the goods, works, services in tender (to the prize/-ам)

Competitive documentation from "___" _____ on carrying out the above-named tender provides introduction by potential suppliers of providing the competitive request in the form of the bank guarantee.

With respect thereto we _____ assume present

(bank name)

the irrevocable obligation to pay to you according to your requirement the amount equal

(the amount in figures and in cursive script)

on receipt of your written requirement of payment, and also written confirmation of that Supplier:

withdrew or changed and (or) added the application for participation in tender after the expiration of final term of submission of applications for participation in tender;

recognized as the participant of tender, did not provide in due time or withdrew the competitive price offer;

determined by the winner of tender, evaded from the conclusion of the agreement on government procurements;

having signed the agreement on government procurements, did not perform or out of time performed the requirements established by competitive documentation, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements.

This warranty obligation becomes effective from the date of opening of envelopes with competitive requests.

This warranty obligation affects to final effective period of the competitive request of the Supplier participation in tender and expires completely and automatically irrespective of, whether this document or not if your written requirement is not received by us by the end _____ will be returned to us. If effective period of the competitive request is prolonged, this warranty obligation is prolonged for the same term.

All rights and the obligations arising in connection with this warranty obligation, are regulated by the legislation of the Republic of Kazakhstan.

Signature and seal of the guarantor	Date and address
-------------------------------------	------------------

Appendix 10

to Standard competitive documentation

Certificate of lack of debt

The bank (name) as of _____ confirms lack of overdue debt before the bank, lasting more than three months, previous date of issue of the reference, agrees standard to the chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, (to specify the full name of the legal entity, ph., the address), being served in this Bank.

Date
Signature
L. S.

Appendix 11

It is excluded

Appendix 12 to Standard competitive documentation

Data on subcontractors on performance of works (collaborators when rendering services), being subject of purchases at tender, and also work types and services transferred by the potential supplier to subcontractors (collaborators) (to specify the full name of tender)

No. p\p	The name of the subcontractor (collaborator) - the legal entity or First name, middle initial, last name the subcontractor (collaborator) being physical person	Business and identification number of the subcontractor (collaborator), its complete legal and postal address, contact telephone number	The name of carried-out works (rendered services) according to the Technical specification	Amount of carried-out works (rendered services) according to the Technical specification in terms of money	Amount of carried-out works (rendered services) according to the Technical specification in percentage expression
In total on this subcontractor (collaborator)				tenge	% of amount
In total on this subcontractor (collaborator)				tenge	% of amount
Total on all subcontractors (collaborators)				tenge	% of amount

Present the subcontractor (and) (the collaborator (and)) the potential supplier who is making an application on participation in tender (to specify the full name of tender) express the awareness on conditions of participation in government procurements by method of tender (to specify the full name of tender) and undertake responsibility for violations of requirements provided by competitive documentation regarding concerning subcontractors (collaborators) of the potential supplier.

The name of the subcontractor (collaborator) - the legal entity or First name, middle initial, last name the subcontractor (collaborator) being physical person	First name, middle initial, last name authorized representative of the subcontractor (collaborator)	Signature
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The amount of works and the services transferred by the potential supplier to subcontractors (collaborators) shall not exceed two thirds of total amount of works and services.

Appendix 13
to Standard competitive documentation

**Table of the prices
potential supplier**

(name of the potential supplier)
**(it is filled separately on each prize, with indication of number of the
prize)**

No. of the payment order	Content	Description of goods, works, services
1	Short description	
2	Country of source (when purchasing works and services to exclude)	
3	Manufacturing plant (when purchasing works and services to exclude)	
4	Unit of measure	
5	The price _____ for unit in _____ on conditions _____ the INCOTERMS 2000 (destination)	
6	Quantity (amount)	
7	In total price = p. 5 x p. 6, in _____	
8	Total price (taking into account the discount, in case of its availability), in _____ on conditions _____ the INCOTERMS 2000, the destination, including all expenses of the potential supplier on transportation, insurance, payments/the customs duties, the VAT and other taxes, payments and charges, cost of accessories and obligatory spare parts, servicing during initial useful life per unit of measurement, other expenses	

We agree with your terms of payment stipulated in competitive documentation.

(Signature) (Position, First name, middle initial, last name)

L. S.

Note: the potential supplier can not specify components of the total price, the price thus specified in this line is considered by the competitive commission as determined taking into account all costs of the potential supplier, the discount in case of its availability, and is not subject to review.

Appendix 4
to Rules

**Standard agreement
about government procurements of goods/services**

(Location)	"___" ____.
------------	-------------

_____, referred to as (oye) (aya) in

(full name of the Customer)

further the Customer, on behalf of _____, with

(position, surname, name, patronymic of the authorized person)

one party and _____,

(the full name of the supplier - the winner of tender)

referred to as (oye) (aya) further the Supplier, on behalf of

(position, surname, name, patronymic of the authorized person)

operating on основании _____,

(Charter, Situation, etc.)

on the other hand, based on [the Law](#) "About government procurements" (further - the Law) and results of government procurements (method of tender, the price offers, one source)

_____ passed _____ "___" _____ to year signed this agreement about government procurements (further - the Agreement) and came to the agreement as follows:

1. The supplier shall deliver to the Customer of goods/service on the amount in the amount of (to specify the amount in figures and in cursive script) (further - the price of the Agreement).

2. In this Agreement following concepts will have the following interpretation:

1) "Agreement" - the civil-law act signed between the Customer and the Supplier according to [the Law](#) and other regulatory legal acts of the Republic of Kazakhstan, fixed in writing, signed by the parties with all appendices and amendments to it, and also with all documentation on which in the agreement there are references;

2) "The price of the Agreement" means the amount which shall be paid by the Customer to the Supplier within the Agreement for full implementation of the contractual commitments;

3) "Goods" means subjects (things) including semifinished products or raw materials in the firm, liquid or gaseous state, electric and heat energy, objektivirovanny results of creative intellectual activities, and also the corporeal rights with which it is possible to make transactions of purchase and sale according to the laws of the Republic of Kazakhstan which the Supplier shall deliver to the Customer within the Agreement;

4) "Accompanying services" mean the services providing delivery of the Goods, such, for example, as transportation and insurance, and any other support services including, for example, installation, start-up, rendering of technical assistance, training and other this sort of obligations of the Supplier provided by this Agreement;

5) "Services" - the activities directed on requirements satisfaction of the Customer, not having material result;

6) "Customer" - state bodies, public institutions, and also the state companies, the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and affiliirovanny with them legal entities;

7) "Supplier" - the physical person performing business activity, the legal entity (except for public institutions if other is not established by the laws of the Republic of Kazakhstan), the temporary consolidation the legal entities (consortium) which is representing itself as the partner of the Customer in the agreement signed with it on government procurements.

3. The documents listed below and the conditions stipulated in them, will form this Agreement and are considered as its integral part, namely:

- 1) this agreement;
- 2) the list of bought goods/services;
- 3) technical specification;

4) ensuring agreement performance.

4. The supplier within ten working days from the date of the conclusion of the Agreement brings ensuring agreement performance, in cases and in the amount of, [158](#) these rules specified in [Item](#). The supplier has the right to choose one of the following types of ensuring agreement performance:

1) the guarantee money contribution which is deposited on the bank account of the Customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) bank guarantee.

5. Making by the Supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the Agreement is not allowed. Use by the Customer of the guarantee money contribution brought by the Supplier, on the purposes which have not been provided [by the Law](#) is not allowed.

6. The agreement on government procurements for the term of more than one financial year on the right of operational management can be concluded by state bodies, public institutions and the state companies in case of acquisition:

1) the goods, duration of technological which term of production causes their delivery in the following (subsequent) the financial year (years) (there shall be the reference of the manufacturer confirming such fact);

2) services in catering services of staff of Armed forces and other military forming of the Republic of Kazakhstan. Effective period of such agreement on government procurements shall not exceed three years;

3) services for the term of more than one financial year in the cases established by the laws of the Republic of Kazakhstan.

Thus the conclusion of such agreements on government procurements with effective period more than one financial year in cases, *vyshepredusmotrenny*, is allowed only with the suppliers determined following the results of government procurements, carried out on the competitive basis.

7. The state companies on the right of economic maintaining, and also the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and *affilirovanny* legal entities can sign the long-term agreement with them about government procurements of the goods, the services necessary for accomplishment of action with the deadline in the following (subsequent) the financial year (years), established in the development plan (business plan) approved by governing body or the supreme body of specified persons.

8. The agreement on government procurements on audit of the annual financial reporting can be concluded for the term of no more than three years.

9. The supplier shall sell and deliver to (render), and the Customer to accept and pay the goods (service) in quantity and quality according to the competitive request of the Supplier and competitive documentation of the Customer, being the integral part of this agreement. Payment method _____

(transfer, in cash, etc.)

10. Terms *выплат* _____

(example: % after goods acceptance in the destination or the advance payment or etc.)

11. Necessary documents previous payment:

(invoice or act of acceptance transfer or etc.)

The agreement on government procurements shall provide conditions of modification of the agreement on government procurements, in the cases provided [by the Law](#).

It is not allowed to bring in project or the signed agreement on government procurements of change which can change content of conditions of the carried-out government procurements and (or) the offer which has been the basis for the choice of the supplier, on the bases which have not been provided [by Items 1 and 2 of Article 39](#) of the Law.

12. The goods or the services delivered within this Agreement, shall correspond or be above the standards specified in the technical specification.

13. The supplier shall not open without prior written consent of the Customer to someone contents of the Agreement or any of its provisions, and also technical documentation, plans, drawings, models, samples or information, provided by the Customer or from his name other persons, except for that personnel which is involved with the Supplier for accomplishment of this agreement. Specified information shall be provided to this personnel confidentially and in that measure as far as it is necessary for accomplishment of contractual commitments.

14. The supplier shall not use without prior written consent of the Customer any above-mentioned documents or information, except as for the purpose of implementation of the Agreement.

15. The customer or his representatives can carry out engineering supervision and/or testing of the goods for confirmation of their compliance of the technical specification if it is stipulated in the technical specification. All expenses on these testing are born by the Supplier. In the technical specification it is specified, what sort of check and testing are required to the Customer and also where they shall be carried out. The customer shall in writing and notify the Supplier on the representatives intended for these purposes timely.

16. Engineering supervision and testing can be carried out in the territory of the Supplier or his subcontractor (ov), in the delivery location and/or in the final destination of the goods. If they are led in the territory of the Supplier or his subcontractor (ov), all necessary means will be provided to inspectors of the Customer and is assisted, including access to drawings and production information, without any additional costs from the Customer.

17. If the goods which have passed engineering supervision or testing, do not answer the technical specification, the Customer can refuse them, and the Supplier or replaces the defective Goods, or will make necessary changes according to requirements of the technical specification, without any additional costs from the Customer.

18. Any Item of the aforesaid does not exempt the Supplier from guarantees or other obligations under this agreement.

19. The supplier shall provide packaging of the goods, capable to prevent them from damage or I spoil during transportation to the final destination. Packaging shall maintain, without any limit, intensive hoisting-and-transport processing and impact of extreme temperatures, salt and the precipitation during transportation, and also the outdoor storage. In case of determination of dimensions of the packed boxes and their weight it is necessary to consider remoteness of the terminal point of delivery and availability of powerful load-lifting tools in all Items of following of the goods.

20. Packaging and marking of boxes, and also documentation inside and out of shall conform strictly to the special requirements determined by the Customer.

21. Delivery of the Goods is performed by the Supplier in accordance with the terms the Customer, stipulated in the list of bought Goods/services as follows:

a) for the Goods delivered from abroad:

after shipment of the goods the Supplier shall notify the Customer and the insurance company by the telex or the fax on all details of transportation, including the agreement number, the description of the goods, quantity, the vessel, number of the bill of lading and its date, port and shipping date, unloading port etc. The supplier shall send to the Customer the following documentation:

1) copies of the supplier invoice with the description of the Goods, specifying of quantity, the price of the commodity unit and total amount;

2) original and 3 copies of way bills;

3) Copies of the pack list with indication of content of each packaging;

4) insurance Certificate;

5) warranty certificate of the Manufacturer or Supplier;

6) the certificate on carrying out the engineering supervision, issued by authorized inspection service, and also the report on carrying out engineering supervision at plant of the Supplier (if the such took place);

7) certificate of origin of the goods.

The above-stated documents shall be received by the Customer, at least, in one week prior to arrival of the Goods in port or the delivery point, and in case of their non receipt, the Supplier will incur responsibility for all expenses connected with it.

6) For the local Goods:

1) copies of the supplier invoice with the description of the goods, specifying of goods quantity, the price of unit of the goods and total amount;

- 2) way bill, railway receipt or autocargo receipt;
- 3) warranty certificate of the manufacturer or Supplier;
- 4) the certificate on carrying out the engineering supervision, issued by authorized inspection service, and also the report on carrying out engineering supervision at plant of the Supplier (if the such took place);
- 5) certificate of origin of the goods.

22. The goods delivered according to the Agreement, shall be completely insured in tenge (or in freely convertible currency) against spoil or the damages connected with their production, acquisition, transportation, storage and delivery (to specify the necessary type of insurance). In the insurance policy Customer it shall be called together with the Supplier as the party obtaining compensation from the insurance company.

23. Insurance shall be in the amount of 110 % from the amount of the Agreement "from the warehouse to the warehouse" in case of insurance upon "all risks", including the risks connected with hostilities and strikes.

24. The supplier shall deliver the Goods to the destination. Transportation of these goods to the destination is performed and paid by the Supplier, and the expenses connected with it join in the price of the Agreement.

25. Within this Agreement Supplier shall provide the services specified in competitive documentation.

26. The prices for accompanying services shall be included in the price of the Agreement.

27. The customer can demand from the Supplier to provide the following information on the spare parts produced or implemented by the Supplier, namely cost and the nomenclature of spare parts which the Customer can choose for purchase at the Supplier and use them after the expiration of the warranty period.

28. The supplier, in case of production discontinued of spare parts by it, shall:

a) beforehand to notify the Customer on the forthcoming curtailment of production, to allow it to make necessary purchases in necessary quantities;

b) in case of need, after production discontinued free of charge to provide to the Customer plans, drawings and technical documentation for spare parts.

29. The supplier guarantees that the Goods delivered within the Agreement, are the new, unused, latest or serial models reflecting all last modifications of designs and materials if the Agreement does not provide other. The supplier guarantees further that the Goods delivered under this agreement, will not have the defects connected with the design, materials or work, in ordinary use of the delivered Goods in conditions, regular for the country of the Customer. In case of defects in designs, the materials made by the Supplier in strict accordance with the technical specification, provided by the Customer, the Supplier does not bear responsibility for omissions of the Customer in his (Customer) of the technical specification.

30. This guarantee is valid during _____ after delivery of all batch or its part in dependence

(to specify required guarantee period)

from the specific case and their acceptance on the final destination specified in the Agreement.

31. The customer shall notify quickly the Supplier in writing on all claims connected with this guarantee.

32. After receipt of the similar notification Supplier shall make as soon as possible repair or replacement of defective goods or its part without any expenses from the Customer.

33. If the Supplier, having received the notification, will not correct defect (y) in the terms required by the Customer, the Customer can apply necessary sanctions and measures for correction of defects for the supplier account and without any damage to other rights which the Customer can have under the Agreement concerning the Supplier.

34. Payment to the Supplier for the delivered Goods will be made in the form and in the terms specified in Items ____ and ____ of this agreement.

35. The prices specified by the Customer in the Agreement, shall correspond to the prices specified by the Supplier in its competitive request.

36. Any variations or changes (drawings, projects or technical specifications, the method of shipment, packaging, the delivery location, or the Services provided by the supplier etc.) in documents of the Agreement are not allowed, except for the written changes signed by both parties.

37. If any change conducts to reduction of cost or the terms necessary for the Supplier for delivery of any part of the goods on the Agreement, the price of the Agreement or the delivery schedule, or both that and another is as appropriate adjusted, and the relevant amendments are made to the Agreement. All requests of

the Supplier for carrying out adjustment within this Article shall be shown within 30 (thirty) days from the date of obtaining by the Supplier of the order about changes from the Customer.

38. The supplier neither completely, nor partially shall not transfer someone the obligations under this agreement without prior written consent of the Customer.

39. The supplier shall provide to the Customer of the copy of all subcontracts concluded within this Agreement if it is stipulated in documents of the competitive request. Availability of subcontractors does not exempt the Supplier from material or other agreement responsibility.

40. Delivery of the Goods and provision of services shall be performed by the Supplier according to the schedule.

41. The delay with delivery performance from the Supplier can lead to the following sanctions assigned to it: termination by the Customer of the Agreement with deduction of ensuring agreement performance or payment of the penalty for untimely delivery.

42. *It is excluded*

43. Except for force-majeur conditions if the Supplier cannot deliver the Goods or provide services in the terms provided by the Agreement, the Customer without the damage to other rights within the Agreement subtracts from the price of the Agreement in the form of the penalty the amount of 0,1 % from the price of the agreement per every day of delay.

44. Without the damage to any other sanctions for the breach of agreement the Customer can terminate this agreement or partially, having sent to the Supplier the written notice of non-execution of obligations:

a) if the Supplier cannot deliver the part or all Goods in time (and), provided by the Agreement, or during the period of prolongation of this Agreement provided by the Customer;

6) if the Supplier cannot execute any other agreement obligations.

45. The supplier does not lose the ensuring agreement performance and does not bear responsibility for payment of penalties or agreement cancelation owing to non-execution of its conditions if the delay with agreement performance grows out of force-majeur circumstances.

46. For the purposes of this agreement "force majeure" means the event which is not subject to control from the Supplier, not connected with the miscalculation or negligence of the Supplier and having unforeseen nature. Such events can include, but not be limited to actions, such as: hostilities, natural or natural disasters, epidemic, quarantine and embargo on deliveries of the goods.

47. In case of force-majeur circumstances the Supplier shall send without delay to the Customer the written notice of such circumstances and their reasons. If from the Customer does not arrive other written instructions, the Supplier continues to carry out the agreement obligations as far as it is reasonable, and conducts search of alternative methods the agreement performances which are not depending on force-majeur circumstances.

48. The customer can terminate at any time the Agreement, having sent to the Supplier the adequate written notice if the Supplier becomes the bankrupt or insolvent. In this case termination is performed immediately, and the Customer does not perform any financial obligation in relation to the Supplier under the condition if agreement cancelation does not put the damage or does not mention any rights to making of actions or application of sanctions which were or subsequently will be shown to the Customer.

49. The customer can terminate at any time the Agreement owing to inexpediency of its further accomplishment, having sent to the Supplier the adequate written notice. In the notification termination cause of the Agreement shall be specified, the amount of the cancelled contractual commitments, and also the date of entry into force of agreement cancelation shall make a reservation.

50. When the Agreement is cancelled owing to the above-stated circumstances, the Supplier has the right to require payment only for the actual costs connected with termination on the Agreement, at date of termination.

51. The agreement on government procurements can be terminated at any stage in case of identification of violation of restrictions, [the stipulated in Clause 6](#) Laws, and also the rendering by the organizer of government procurements of assistance to the Supplier which has not been provided [by the Law](#). The supplier has no right to require payment only for those costs connected with agreement cancelation on these bases.

52. The customer and the Supplier shall use reasonable efforts to permit in the course of direct negotiations all disagreements or the disputes arising between them on the Agreement or in connection with it.

53. If within 21 (twenty one) day after the beginning of such negotiations the Customer and the Supplier cannot resolve contractual dispute, the either party can demand the solution of this question according to the legislation of the Republic of Kazakhstan.

results of government procurements the final draft agreement about government procurements of goods/services. Thus any changes made to this agreement and amendment shall correspond to the legislation of the Republic of Kazakhstan, including on government procurements, competitive documentation of the Customer, the competitive request of the Supplier and the Protocol on results of tender. The explanations italicized in this agreement shall be filled with the Customer.

Appendix 5 to Rules

Standard agreement about government procurements of works

_____ (Location)	"__" _____.
------------------	-------------

_____, referred to as (oye) (aya) further the Customer,
on behalf of _____
(full name of the Customer)

_____, with
(position, surname, name, patronymic of the authorized person)

one party and _____,
(the full name of the supplier - the winner of tender)

referred to as (oye) (aya) further the Supplier, on behalf of

_____,
(position, surname, name, patronymic of the authorized person)

acting on the basis of the _____,
(Charter, Situation, etc.)

on the other hand, based on [the Law](#) "About government procurements" (further - the Law) and results of government procurements (method tender, price offers, one source)

_____,
past _____ " __ " _____ to year concluded

this agreement about government procurements (further - the Agreement) and
came to the agreement as follows:

1. The organizer of government procurements - (to specify the name of the organizer of government procurements) declared government procurements (the short description of works) for the Customer and accepted the competitive request of the Contractor for accomplishment of these works for the amount in the amount of (to specify the amount in figures and in cursive script) (further - the price of the Agreement).

2. Works are carried out according to the Project (the name of the project, the name and the location of object) _____
General designer (name of the organization and address)

3. In this Agreement following concepts have the following interpretation:

1) "Customer" - state bodies, public institutions, and also the state companies, the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and affiliirovanny with them legal entities;

2) "Prime contractor" (further - the Contractor) - the legal entity who is representing itself as the partner of the Customer in the agreement signed with it on government procurements, and also the consortium (in the cases provided by Rules of implementation of purchases);

3) "The subcontractor (collaborator)" means the person or the organization having the agreement and (or) the agreement with the Contractor on accomplishment of the part of works on the Agreement on the site (object);

4) "Tekhnadzor" means the person appointed the Customer and reported to the Contractor to exercise control on accomplishment by the Contractor of contract works in accordance with the terms of the Agreement;

5) "Object" - the building, the construction determined by the organizer of government procurements as subject construction, reconstruction and transferred by the Contractor to the Customer in the type provided by the Agreement;

6) "Site" means the territory which has been taken away for the asset construction or works;

7) "The price of the Agreement" means the total amount of the Agreement specified by the Contractor in its competitive request and accepted Customer;

8) "Agreement" - the civil-law act signed between the Customer and the Contractor according to [the Law](#) of the Republic of Kazakhstan "About government procurements" and other regulatory legal acts of the Republic of Kazakhstan on construction of buildings and constructions and repair construction works. All amendments and changes in the Agreement, after its signing, can be made the way of acceptance of change. The agreement shall not be interpreted so that to create any contractual relations between the Designer and the Contractor, Customers and Subcontractors;

9) "Shoddy constructions" means all temporary buildings and the constructions necessary for construction and repair of Object which are erected, established and cleaned by the Contractor after completion of the asset construction;

10) "Materials" mean all consumable materials which and the Subcontractor use the Contractor for the asset construction;

11) "Equipment" means all machines and mechanisms of the Contractor and the Subcontractor which temporarily are on the site for the asset construction;

12) "Term of duration of construction" means term during which the Contractor shall finish the asset construction;

13) "Days" - calendar days, "months" - calendar months;

14) "Changes" - the changes this by the Customer after agreement signature;

15) "Defect" - the part of the works executed with breaches of agreement;

16) "The period of elimination of subquality work and defects" - the period of elimination of subquality work and the defects found in the course of checks of performance of works.

4. The documents listed below and the conditions stipulated in them, will form this Agreement and are considered as its integral part, namely:

1) this agreement;

2) the subject the Agreement/list of bought works;

3) technical specification;

3-1) the amount of the agreement, the tax amount on value added, the amount of excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan;

4) ensuring agreement performance (this subparagraph is specified if in competitive documentation introduction of ensuring agreement performance was provided);

5) project and estimate documentation / working drawings (to specify numbers of drawings and their date):

Document

Name

Number and date

6) Amendments (in the presence of those):

Document

Name

Number and date

7) Other documents: (to specify additional documents which the Customer wants to bring in documents of the Agreement)

5. The supplier within ten working days from the date of the conclusion of the Agreement brings ensuring agreement performance, in cases and in the amount of, [158](#) these rules specified in [Item](#). The supplier has the right to choose one of the following types of ensuring agreement performance:

1) the guarantee money contribution which is deposited on the bank account of the Customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) bank guarantee.

6. Making by the Supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the Agreement is not allowed. Use by the Customer of the guarantee money contribution brought by the Supplier, on the purposes which have not been provided [by the Law](#) is not allowed.

7. The agreement on government procurements for the term of more than one financial year can be concluded by state bodies, public institutions and the state companies on the right of operational management in case of acquisition of works with term of their completion in the following (subsequent) the financial year (years) provided in design estimates passed state examination.

Thus the conclusion of such agreements on government procurements with effective period more than one financial year in cases, *vyshepredusmotrenny*, is allowed only with the suppliers determined following the results of government procurements, carried out on the competitive basis.

The state companies on the right of economic maintaining, and also the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and *affilirovanny* with them legal entities can sign the long-term agreement about government procurements of works necessary for accomplishment of action with the deadline in the following (subsequent) the financial year (years) established in the development plan (business plan), approved by governing body or the supreme body of the specified persons.

8. The contractor shall provide accomplishment of all works provided by this agreement.

8-1. *It is excluded according to the Order of the Government of the Republic of Kazakhstan from 5/21/2014 of No. 521*

8-2. The agreement on government procurements shall contain conditions of the tax discharge on value added and excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan.

9. In case of the conclusion of the agreement on government procurements with the nonresident of the Republic of Kazakhstan registration of the agreement on government procurements in the form offered them taking into account requirements of the legislation of the Republic of Kazakhstan is allowed.

10. The agreement is constituted in the Kazakh and/or Russian languages.

In case of need considerations of the Agreement in arbitration, the copy of the Agreement in the Kazakh and/or Russian languages is considered. All correspondence relating to the Agreement and other documentation which the parties exchange, shall meet the case.

29. The customer and the Contractor shall use reasonable efforts to permit in the course of direct negotiations all disagreements or the disputes arising between them on the Agreement or in connection with it.

30. If within 21 (twenty one) day after the beginning of such unofficial negotiations the Customer and the Supplier cannot resolve peacefully contractual dispute, the either party can demand the solution of this question according to the legislation of the Republic of Kazakhstan.

31. If the Contractor does not carry out of the obligations on correction of the works executed with violation of requirements of contractual documents, and also if the Contractor appears incapable to perform work up to the end according to design estimates, the Customer the written instruction can make the order to the Contractor about the stop of works as a whole or its parts before elimination of the reasons of the stop.

32. If the Contractor cannot or does not want to correct work (to bring it into accord with design estimates) and does not answer in writing or actions within seven days after receipt of the written note on it from the Customer, the Customer has the right to repeat the requirement after the specified seven-day term. If the Contractor during the following seven-day term is not able to correct the specified Defects, the Customer can, without refusing the right to application of other methods of impact, to perform this work by own efforts. In such cases the relevant order on changes based on which of the amount already subject to payment to the Contractor, cost of adjustment of the specified Defects, including compensations of forced costs of the Customer for additional services is subtracted is issued. If the amounts which are subject to payment to the Contractor, are insufficient for the covering of the specified expenses, the Contractor shall pay to the Customer the difference from the means.

33. The contractor during term _____ submits to the Customer for approval the works schedule where the procedure and terms of performance of works on the asset construction, and also the schedule of payment execution are stated from the Customer, according to its competitive request.

34. The customer prolongs term of performance of works if force-majeur circumstances or the variations offered by it take place, require additional terms for performance of works and also if in the course of performance of works the hidden Defects requiring additional labor costs were revealed. Thus the Contractor shall notify in writing the Customer according to the procedure provided by the civil legislation.

35. The contractor shall supervise and direct work, using knowledge and all available possibilities. The contractor bears complete responsibility and exercises control of means, methods, equipment, sequence and quality of performance of works, and also coordination of all works on the Agreement.

36. The contractor bears responsibility before the Customer for actions and omissions of the workers, the Subcontractor (ov), workers and authorized representatives of the Subcontractor (ov), and also other persons which are carrying out parts of works within the Agreement, based on the agreement with the Contractor.

37. The customer can carry out testing to check work or the design. If after check it will appear that the checked work or the design defective, the Contractor corrects Defect of works and (or) replaces the design.

38. The customer in writing notifies the Contractor on any found Defects with indication of term of correction of Defects.

39. Having received the notification on Defects, the Contractor shall eliminate Defect during the period of time specified by the Customer.

40. Payment method _____
(transfer, in cash, etc.)

41. Types and payment due dates

(to specify, how payments and terms of their payment will be made:
advance payment, current payments, final payment)

42. Necessary documents previous payment:

(the invoice or the act of acceptance transfer of the executed works or etc.)

43. The customer can make the advance payment (advance payment) to the Contractor in the amount _____. The contractor shall use the paid advance payment only on payment of materials, the equipment and the salary required for performance of works under this agreement.

44. In case of implementation by the Customer of advance payments, monthly payments are adjusted with the deduction of the amounts of advance payments in the sizes in proportion to amounts of completed work _____. Payment due date _____.

45. If the Customer does not pay to the Contractor the amount due to it of the terms specified in the Agreement, in these cases it pays to the Contractor the penalty on the detained payments in the amount of 0,1 % from the receivable amount _____ per every day of delay. Payment of the penalty is made together with the following payment. The percent of the penalty is charged from date when payment shall be made and comes to an end date when the last payment was made.

46. The following events involve changes of terms of duration of works or monetary compensations to the Contractor:

1) The customer does not permit to use all sites of Object that detains performance of works. In this case the Customer shall extend term of performance of works under this agreement;

2) The customer gives to the Contractor specifying on the stop of works for carrying out the testing, not planned by the Agreement. If these testing do not specify any Defects, time of the stop of works for carrying out testing are added to contractual term of performance of works;

3) the advance payment is late;

4) in case of availability on Object of several contractors, the working schedule constituted by the Customer for other contractors negatively influences terms of performance of works of the Contractor under this agreement.

The amount of compensations is approved with the contractor.

47. The monetary compensation will be paid to the Contractor only after completion of all works and elimination of the list of subquality work and Defects.

48. The contractor guarantees to the Customer that materials and the equipment, delivered under the agreement, will correspond to technical specifications and design estimates that work will be executed free of defects, reducing its quality to the level, not conforming to requirements of design estimates. The work, not conforming to these requirements, including containing insufficiently reasonable and unauthorized changes is recognized defective. In the guarantee provided by the Contractor, compensation of the damage or correction of Defect for the cause of infringement of service regulations, the modifications performed not by the Contractor (Subcontractor), the wrong content or insufficient maintenance, and also because of the fair wear or spoil of the equipment do not enter in case of its normal operation. On request of the Customer the Contractor shall provide the documents certifying compliance of quality of materials and the equipment to technical specifications and/or design estimates.

The contractor provides the guarantee to the Customer on operation for a period of _____ years.

49. The customer or the Contractor can terminate the Agreement to the term specified in the Agreement if other party makes fundamental breach of contract provisions which deprives of it the basic conditions provided by the Agreement.

50. Fundamental breach of contract provisions includes the following, but is not limited to the listed:

1) The customer can terminate the Agreement if the Contractor repeatedly breaks terms of schedule performance of works;

2) The contractor stops works within _____ number of days, and the stop was not authorized by the Customer;

3) The contractor does not eliminate the Defects specified by the Customer during the reasonable period of time, determined by the Customer;

4) The customer gives to the Contractor of specifying to detain the work progress, and such specifying will not be cancelled during _____ days;

5) either the Customer, or the Contractor suffers bankruptcy or is liquidated for any reasons, except for its reorganization or consolidation;

6) The customer does not pay to the Contractor confirmed with the Tekhnadzor of the Customer the amount during _____ the days following date of confirmation of the amount;

7) The contractor neglects rules of works, instructions and the provisions specified in the project documentation and contractual documentation.

51. If the Agreement is terminated because of fundamental breach of the Agreement by the Contractor, the Customer pays to the Contractor the remained amounts for actually executed works, less advance payments and costs of the Customer for the choice of the new Contractor. If total amount of costs of the

Customer connected with agreement cancelation, exceeds the total amount which is due to the Contractor, the difference constitutes the debt which is subject to payment to the Customer.

52. The customer can terminate at any time the Agreement owing to inexpediency of its further accomplishment according to [Item 10 of Article 5](#) of the Law, having sent to the Contractor the adequate written notice in which are specified termination cause of the Agreement, the amount of the cancelled works of the Agreement, and also the date of entry into force of agreement cancelation makes a reservation.

53. In these cases the Customer pays for cost of all executed works, the acquired materials, costs for export of machines and mechanisms from Object and cost of preservation of Object.

54. When the Agreement is cancelled owing to above-mentioned circumstances, the Contractor has the right to require payment only for the actual costs connected with termination on the Agreement, at date of termination.

55. The agreement on government procurements is terminated at any stage in case of identification of one of the following facts:

- 1) violations of restrictions, [stipulated in Clause 6](#) Laws;
- 2) rendering by the organizer of the government procurements which have not been provided [by the Law](#) of assistance to the potential supplier.

If the Agreement is terminated, the Contractor shall stop immediately works, provide preservation of Object and transfer to his Customer in accordance with the established procedure.

56. All materials and the Equipment, being on Object, and also shoddy constructions and the performed construction works are considered as the property of the Customer and are at its disposal to permission of the financial trials connected with agreement cancelation if the Agreement is terminated because of fundamental breach of contract provisions by the Contractor.

57. If natural disaster, hostilities or any other force-majeur event which is not under control to the Customer or the Contractor, breaks agreement performance, the Customer certifies suspension of the Agreement. The contractor in the shortest terms after receipt of the notification on suspension provides preservation of Object and stops works. The customer pays to the Contractor for all amount of works, executed before date of the stop of Object and for the works connected with preservation of Object.

58. The contractor shall provide protection of the executed works and all materials, the equipment, resources and the other line items connected with works, from all types of the damage, damage, the destruction, connected with the climatic precipitation, flood, the frost, the fire, thefts and other causes. The contractor in case of production of the works shall provide protection of other project works, and also the property belonging to the Customer, and constructions belonging to it against any types of damage or other reasons, including (but, without being limited to it) roads, buildings, warehouses of materials and other types of personal and real estate. All costs suffered by the Contractor in connection with the foregoing, are not subject to additional compensation from the Customer.

59. The customer does not bear responsibility for any damage or any damages of works of the Contractor for the reasons for the foregoing to their final completion and acceptance, and the Contractor without additional compensation performs all corrections of any damage, any damages and other defects as a result of the foregoing.

60. The contractor bears responsibility for the organization of deliveries, transportations, unloadings and storages of all materials delivered by the Contractor and the equipment which shall be delivered to Object. Deliveries are performed only addressed to the Contractor. Under no circumstances the Customer shall not incur responsibility for the expenses connected with delivery, processing, storage and payment of idle time of vehicles. No deliveries shall be addressed to the Customer.

61. The contractor provides to the Customer the schedule of receipt of materials and the equipment on the Site. For storage, stacking or stackings can be used only the sites authorized by the Customer. If the Contractor detains unloading and storage of the materials and the equipment and if such delay can cause the damage to implementation of works as a whole, the Customer can perform unloading and storage of materials and the equipment of the Contractor (but shall not do it) at the expense of the Contractor. In this case the Customer shall notify the Contractor at least in one working day on implementation of such works, with indication of start date and the work location. If such unloading or storage is performed by the Customer, all risk connected with the damage or damage aforementioned, is born by the Contractor.

62. Materials and the equipment, delivered by the Customer, are accepted and checked jointly by the Customer and the Contractor. Unloading on the building site is performed by the Contractor. Such acceptance shall be attested the written instrument about acceptance which is prepared by the Contractor. Any shortage or damage with reference to such materials and the equipment shall be accurately fixed in the written instrument about acceptance. After acceptance of such materials and the equipment the Contractor bears

complete responsibility for processing and storage of such materials and the equipment, and bears complete responsibility in case of loss or damage of the aforesaid. Any surpluses of materials or the equipment, remaining after completion by the Contractor of the works, shall be returned to the Customer.

63. If the Agreement provides delivery of materials or the equipment of the Customer, the Contractor shall notify the Customer on terms which can appear necessary for their delivery beforehand. These terms shall be provided by the working schedule of the Contractor.

64. If according to the Agreement Customer shall provide the electricity and water in reasonable quantities for the performance of works, provided by this agreement, the Contractor bears responsibility for accomplishment of connection and for distribution of water and the electric power from the points of connection determined by the Customer. Breaks in providing with these services can be the basis for change of term of duration of works.

65. The contractor keeps the territory of the Site clean. The contractor shall delete from the Site all construction garbage and quickly put the Site in order.

66. If the Contractor is not able to keep the Site clean as that is required by this agreement, the Customer can perform this work, having carried expenses at the expense of the Contractor.

67. The contractor after the completion of all works stipulated by the Agreement, sends the notification to the Customer about the completion of works. The customer not later than in seven-day term appoints the commission on the assessment of completeness of works according to the Agreement (The working commission).

68. The working commission is carried out with participation of the Contractor.

69. Date of the Act of the Working commission is considered date of completion of works.

70. The working commission constitutes the list of subquality work and specifies term of their elimination. Date of elimination of subquality work is date of the agreement completion. The fact of elimination of all subquality work is determined by the Act of final acceptance of Object in operation (The act of State commission).

71. Except for force-majeur conditions, for non-execution or improper execution of obligations on delivery or remedial action of the Goods under the Agreement from the Supplier the Customer without the damage to other rights within the Agreement collects the penalty (the penalty, the penalty fee) in the amount of 0,1 % from the amount of the agreement, in case of unexecuted the supplier of the obligation per every day of delay, or in the amount of 0,1 % from the amount is inadequate the performed obligation per every day of delay.

72. For the beginnings of works the date of entry into force of this agreement (or this date is determined by the Agreement) is considered.

73. The contractor shall provide completion of all work types under this agreement not later (to specify number of days) calendar days after the beginning of works.

Thus the minimum term of performance of works under the agreement on government procurements shall not be less than fifteen calendar days.

73-1. The supplier (contractor) shall provide local content according to the competitive request (in case of its availability) *.

*primechaniye: this regulation is applicable in case of carrying out government procurements by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

74. The customer shall pay to the Contractor for amount executed under this agreement the amount stipulated in this agreement.

75. From the amount of the works executed by the Contractor monthly (or to specify other period) the Customer keeps 5 % of cost of the executed works which are paid to the Contractor after accomplishment of all works and elimination of the list of subquality work and defects (further - Final payment).

76. Final payment is under this agreement made by the Customer to the Contractor under condition of full implementation by the Contractor of obligations under this agreement and all its obligations on correction of Defects.

77. By this agreement other penalties approved by the Customer and the Contractor in accordance with the established procedure, or other conditions which are not contradicting the legislation of the Republic of Kazakhstan can be provided.

(The charter, the Situation, etc.) on the other hand, based on [the Law](#) "About government procurements" (further - the Law) and results of government procurements (method of tender, the price offers, one source), _____ passed _____ "_____" _____ to year signed this agreement about government procurements (further - the Agreement) and came to the agreement as follows:

1. The supplier shall render to the Customer of service on the amount in the amount of (to specify the amount in figures and in cursive script) (further - the price of the Agreement).

Thus the VAT amount constitutes (to specify the amount in figures and in cursive script), the amount of the excise (to specify the amount in figures and in cursive script).

2. In this Agreement following concepts will have the following interpretation:

1) The agreement - the civil-law act signed between the Customer and the Supplier according to the Law and other regulatory legal acts of the Republic of Kazakhstan, fixed in writing, signed by the parties with all appendices and amendments to it, and also with all documentation on which in the agreement there are references;

2) The price of the Agreement — the amount which shall be paid by the Customer to the Supplier within the Agreement for full implementation of the contractual commitments;

3) Services - the activities directed on requirements satisfaction of the Customer, not having material result;

4) The customer - state bodies, public institutions, and also the state companies, the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and affilirovanny with them legal entities;

5) The supplier - the physical person performing business activity, the legal entity (except for public institutions if other is not established by the laws of the Republic of Kazakhstan), temporary consolidation the legal entities (consortium), representing itself as the partner of the Customer in the agreement signed with it on government procurements.

3. The documents listed below and the conditions stipulated in them, will form this Agreement and are considered as its integral part, namely:

- 1) this agreement;
- 2) the list of bought services;
- 3) technical specification;
- 4) ensuring agreement performance.

4. The supplier within ten working days from the date of the conclusion of the Agreement brings ensuring agreement performance, in cases and in the amount of, [158](#) these rules specified in [Item](#).

The supplier has the right to choose one of the following types of ensuring agreement performance:

1) the guarantee money contribution which is deposited on the bank account of the Customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) bank guarantee.

5. Making by the Supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the Agreement is not allowed. Use by the Customer of the guarantee money contribution brought by the Supplier, on the purposes which have not been provided by the Law is not allowed.

6. The agreement on government procurements for the term of more than one financial year on the right of operational management can be concluded by state bodies, public institutions and the state companies in case of acquisition:

1) services in catering services of staff of Armed forces and other military forming of the Republic of Kazakhstan. Effective period of such agreement on government procurements shall not exceed three years;

2) services for the term of more than one financial year in the cases established by the laws of the Republic of Kazakhstan.

Thus the conclusion of such agreements on government procurements with effective period more than one financial year in cases, above provided, is allowed only with the suppliers determined following the results of government procurements, carried out on the competitive basis.

7. The state companies on the right of economic maintaining, and also the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and affilirovanny legal entities can sign the long-term agreement with them about government procurements of the goods, the services necessary for accomplishment of action with the deadline in the following (subsequent) the financial year (years), established in the development plan (business plan) approved by governing body or the supreme body of specified persons.

8. The agreement on government procurements on audit of the annual financial reporting can be concluded for the term of no more than three years.

9. The supplier shall render service, and the Customer to accept and pay service in quantity and quality according to the competitive request of the Supplier and competitive documentation of the Customer, being the integral part of this agreement.

Payment method

(transfer, in cash, etc.)

10.	Payment	due	dates
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(example: % after rendering of services in the destination or the advance payment etc.)

11.	Necessary	documents	previous	payment:
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(invoice or act of acceptance transfer or etc.)

The agreement on government procurements shall provide conditions of modification of the agreement on government procurements, in the cases provided by the Law.

It is not allowed to bring in project or the signed agreement on government procurements of change which can change content of conditions of the carried-out government procurements and (or) the offer which has been the basis for the choice of the supplier, on the bases which have not been provided [by Items 1 and 2 of Article 39](#) of the Law.

12. The services rendered within this Agreement, shall correspond or be above the standards specified in the technical specification.

13. The supplier shall not open without prior written consent of the Customer to someone contents of the Agreement or any of its provisions, and also technical documentation, plans, drawings, models, samples or information, provided by the Customer or from his name other persons, except for that personnel which is involved with the Supplier for accomplishment of this agreement.

Specified information shall be provided to this personnel confidentially and in that measure as far as it is necessary for accomplishment of contractual commitments.

14. The supplier shall not use without prior written consent of the Customer any above-mentioned documents or information, except as for the purpose of implementation of the Agreement.

15. Any Item of the aforesaid does not exempt the Supplier from guarantees or other obligations under this agreement.

16. Within this Agreement Supplier shall provide the services specified in competitive documentation.

17. The prices specified by the Customer in the Agreement, shall correspond to the prices specified by the Supplier in its competitive request.

18. Any variations or changes (drawings, projects or technical specifications, the method of shipment, packaging, the delivery location, or the Services provided by the supplier etc.) in documents of the Agreement are not allowed, except for the written changes signed by both parties.

19. If any change conducts to reduction of cost or the terms necessary for the Supplier for rendering of service in the Agreement, the price of the Agreement is as appropriate adjusted, and the relevant amendments are made to the Agreement.

All requests of the Supplier for carrying out adjustment within this Article shall be shown within 30 (thirty) days from the date of obtaining by the Supplier of the order about changes from the Customer.

20. The supplier neither completely, nor partially shall not transfer someone the obligations under this agreement without prior written consent of the Customer.

21. The supplier shall provide to the Customer of the copy of all subcontracts concluded within this Agreement if it is stipulated in documents of the competitive request.

Availability of subcontractors does not exempt the Supplier from material or other agreement responsibility.

22. Provision of services shall be performed by the Supplier according to the schedule.

Thus, the minimum delivery date of the goods under the agreement on government procurements shall not be less than fifteen calendar days.

23. The delay with accomplishment of rendering of service from the Supplier can lead to the following sanctions assigned to it:

termination by the Customer of the Agreement with deduction of ensuring agreement performance or payment of the penalty for untimely delivery.

24. Except for force-majeur conditions, for non-execution or improper execution of obligations on rendering of services in the Agreement from the Supplier, the Customer without the damage to other rights within the Agreement collects the penalty (the penalty, the penalty fee) in the amount of 0,1 % from the amount of the agreement in case of unexecuted the supplier of the obligation per every day of delay or in the amount of 0,1 % from the amount is inadequate the performed obligation per every day of delay.

25. Without the damage to any other sanctions for the breach of agreement the Customer can terminate this agreement or partially, having sent to the Supplier the written notice of non-execution of obligations:

a) if the Supplier cannot render the part or all service in time (and), provided by the Agreement, or during the period of prolongation of this Agreement provided by the Customer;

6) if the Supplier cannot execute any other agreement obligations.

26. The supplier does not lose the ensuring agreement performance and does not bear responsibility for payment of penalties or agreement cancelation owing to non-execution of its conditions if the delay with agreement performance grows out of force-majeur circumstances.

27. For the purposes of this agreement "force majeure" means the event which is not subject to control from the Supplier, not connected with the miscalculation or negligence of the Supplier and having unforeseen nature.

Such events can include, but not be limited to actions, such as: hostilities, natural or natural disasters, epidemic, quarantine and embargo on deliveries of the goods.

28. In case of force-majeur circumstances the Supplier shall send without delay to the Customer the written notice of such circumstances and their reasons.

If from the Customer does not arrive other written instructions, the Supplier continues to carry out the agreement obligations as far as it is reasonable, and conducts search of alternative methods the agreement performances which are not depending on force-majeur circumstances.

29. The customer can terminate at any time the Agreement, having sent to the Supplier the adequate written notice if the Supplier becomes the bankrupt or insolvent.

In this case termination is performed immediately, and the Customer does not perform any financial obligation in relation to the Supplier under the condition if agreement cancelation does not put the damage or does not mention any rights to making of actions or application of sanctions which were or subsequently will be shown to the Customer.

30. The customer can terminate at any time the Agreement owing to inexpediency of its further accomplishment according to Item 10 of Article 5 of the Law, having sent to the Supplier the adequate written notice.

In the notification termination cause of the Agreement shall be specified, the amount of the cancelled contractual commitments, and also the date of entry into force of agreement cancelation shall make a reservation.

31. When the Agreement is cancelled owing to the above-stated circumstances, the Supplier has the right to require payment only for the actual costs connected with termination on the Agreement, at date of termination.

32. The agreement on government procurements can be terminated at any stage in case of identification of violation of restrictions, the stipulated in Clause 6 Laws, and also the rendering by the organizer of government procurements of assistance to the Supplier which has not been provided [by the Law](#).

The supplier has no right to require payment only for those costs connected with agreement cancelation on these bases.

33. The customer and the Supplier shall use reasonable efforts to permit in the course of direct negotiations all disagreements or the disputes arising between them on the Agreement or in connection with it.

34. If within 21 (twenty one) day after the beginning of such negotiations the Customer and the Supplier cannot resolve contractual dispute, the either party can demand the solution of this question according to the legislation of the Republic of Kazakhstan.

35. The agreement on government procurements shall contain conditions of the tax discharge on value added and excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan.

36. In case of the conclusion of the agreement on government procurements with the nonresident of the Republic of Kazakhstan registration of the agreement on government procurements in the form offered them taking into account requirements of the legislation of the Republic of Kazakhstan is allowed.

37. The agreement is constituted in the Kazakh and/or Russian languages. In case of need considerations of the Agreement in arbitration, the copy of the Agreement in the Kazakh and/or Russian languages is considered. All correspondence relating to the Agreement and other documentation which the parties exchange, shall meet the case.

38. The agreement shall be constituted according to the legislation of the Republic of Kazakhstan.

39. Any notification which one party sends to other party according to the Agreement, is sent in the form of the letter, the telegram, the telex or the fax with the subsequent provision of the original.

40. The notification becomes effective after delivery or in the specified day of entry into force (if it is specified in the notification), depending on what of these dates will come later.

41. Taxes and other obligatory payments in the budget are subject to payment according to the tax legislation of the Republic of Kazakhstan.

42. The supplier shall bring ensuring agreement performance in shape, amount and on the conditions provided in competitive documentation.

43. By this agreement other penalties approved by the Customer and the Supplier in accordance with the established procedure, or other conditions which are not contradicting the legislation of the Republic of Kazakhstan can be provided.

44. This agreement becomes effective after registration by his Customer in territorial subdivision of treasury of the Ministry of Finance of the Republic of Kazakhstan (for state bodies and public institutions) and after introduction by the Supplier of ensuring agreement performance, in cases of the Rules specified in [Item 156](#).

45. Addresses and details of the parties:

Details of the parties

Customer: <full name of the Customer> <Complete legal address of the Customer> BIN <BIN Zakazchika> BIK <BIK of the Customer> IIK <IIK of the Customer> <Bank name> Ph.: <phone of the Customer> <position of the Customer> <full name of Ph.: Customer>	Supplier: <full name of the Supplier> <Complete legal address of the Supplier> BIN/INN / UNP <BIN/INN / UNP Supplier> BIK <BIK of the Supplier> IIK <IIK of the Supplier> <Bank name> <phone of the Supplier> <position of the Supplier> <Full name of the Supplier>
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Registration date in territorial body of treasury (for state bodies and public institutions): _____

This Standard agreement about government procurements of services regulates the legal relationship arising between the Customer and the Supplier in the course of implementation by the Customer of government procurements of goods/services.

The customer, using this agreement, shall develop based on results of government procurements the final draft agreement about government procurements of goods/services.

Thus any changes made to this agreement and amendment shall correspond to the legislation of the Republic of Kazakhstan, including on government procurements, competitive documentation of the Customer, the competitive request of the Supplier and the Protocol on results of tender. The explanations italicized in this agreement shall be filled with the Customer.

Appendix 6 to Rules

Form of the announcement about implementation of government procurements by method of tender

(name, post and electronic addresses of the organizer of government procurements)

declares carrying out tender on government procurements of the following goods (works, services):

(the name of performed government procurements of the goods, works, services)

The goods shall be delivered (works are executed / services rendered):

(the place of delivery of the goods, works, services and their amounts) is specified

(the organizer of government procurements has the right to refer that the complete list of the bought goods, works, services, their quantity and the detailed specification are specified in competitive documentation).

Desired delivery date of the goods (accomplishment of operation/rendering of services)

All potential suppliers meeting qualification requirements, [Art. 8](#) of the Law of the Republic of Kazakhstan specified in [item 1](#) are allowed to tender "About government procurements".

The packet of the copy of competitive documentation can be received till "___" _____ __ years inclusive

(to specify time and date in 24 hours prior to opening of envelopes with competitive requests)

to the address: _____, the room of No. _____ with _____ to _____ hours after idea by the potential supplier of the document of payment of competitive documentation (if that is provided by competitive documentation) and/or by e-mail to the address

Cost of the packet of the copy of competitive documentation makes

_____ the tenge also is deposited to account _____

(to specify the corresponding account of the organizer of government procurements);

(this paragraph is excluded, if payment is not provided).

Competitive applications for participation in the tender, sealed in envelopes, are represented (go) potential suppliers in

(to specify the name of the organizer of government procurements)

to the address: _____

(to specify complete address, No. the lump.)

Final term of submission of applications for participation in tender to _____

(to specify time and date).

Envelopes with applications for participation in tender will be opened in _____ to the following address: _____

(to specify time and date) (to specify complete address, No. the lump.)

The additional information and the reference can be received by phone:

_____ (to specify the code of the city and phone number)

Authorized representative of the organizer of government procurements of the goods, works, services

_____ (the position and the contact telephone number) is specified First name, middle initial, last name,

Appendix 7 to Rules

The protocol of the meeting with potential suppliers on the explanation of competitive documentation

(Name of tender)

_____ (Venue of the meeting)	_____ (Time and date)
---------------------------------	--------------------------

1. Persons representing the organizer of government procurements:

_____ (the authorized representative of the organizer of government procurements, other specialists of the organizer of government procurements and the involved experts representing the organizer of government procurements at the meeting with potential suppliers, with indication of them First name, middle initial, last name, contact telephone numbers)

held the meeting on the explanation of provisions of competitive documentation to the following persons

_____ (about authorized representatives potential the suppliers who were present at the meeting with the organizer of government procurements, with indication of them First name, middle initial, last name, and also the document confirming power of such person to represent the potential supplier at the meeting with the organizer of government procurements on the explanation of provisions of competitive documentation)

2. At the meeting potential suppliers asked questions on the explanation of provisions of competitive documentation:

_____ (by what provisions questions) were asked

3. Authorized representatives of the organizer of government procurements the following answers to the set questions were this:

_____ (to specify whom from present representatives of the organizer of government procurements answers with indication of them first name, middle initial, last name were this, contact telephone numbers)

4. Representatives of the organizer of government procurements as a result of the meeting on the explanation of competitive documentation SOLVED:

1) to recognize the competitive documentation requiring change (amendment)

(to specify which provision of competitive documentation it is necessary to change to (add)

2) to recognize lack of need of modification (amendment) in competitive documentation

(signatures of authorized representatives of the potential suppliers who were present at the meeting with the organizer of government procurements, with indication of them First name, middle initial, last name, and also the document confirming power of such person to represent the potential supplier at the meeting with the organizer of government procurements on the explanation of provisions of competitive documentation)

(signatures of the authorized representative of the organizer of government procurements, other specialists of the organizer of government procurements and the involved experts representing the organizer of government procurements at the meeting with potential suppliers, with indication of them First name, middle initial, last name)

Appendix 8 to Rules

Protocol openings of envelopes with applications for participation in tender on public procurement of the goods, works, services

(name of tender)

<p>_____ (Place of opening)</p>	<p>_____ (Time and date)</p>
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1. The competitive commission in structure:

(the position of the chairman, his deputy, members of the competitive commission, date, time and the place of opening of requests is specified First name, middle initial, last name, on

participation in tender) made procedure of opening of envelopes with applications for participation in tender.

2. The copy of competitive documentation is provided to the following potential suppliers:

(the name, the address of all potential suppliers to which the copy of competitive documentation is provided)

3. Applications for participation in tender of the following potential suppliers

(the name, the address of all potential suppliers who have provided applications for participation in tender after the expiration is specified

final term of submission of applications for participation in tender) are returned not opened on the basis

4. Applications for participation in tender of the following potential suppliers who have provided them to fixed terms, before the expiration

final term of submission of applications for participation in tender:

(the name, the address of all potential suppliers who have provided competitive requests before the expiration of final term

submissions of competitive requests, time of submission of the application for participation in tender in the chronological procedure according to

with the magazine of registration of applications for participation in tender) are opened and they contain:

(the list of the documents containing in the request, information on the response and change of applications for participation in tender, quantity is specified

sheets of documents of the competitive request) which are announced by everything present when opening applications for participation in tender.

5. When opening competitive requests there were following potential suppliers:

(name, address of all potential suppliers who were present in case of opening of applications for participation in tender, First name, middle initial, last name them

authorized representatives).

First name, middle initial, last name, signatures of the chairman, members and secretary of the competitive commission.

Appendix 9 to Rules

The protocol on the admission to participation in tender Tender on purchase _____ (name of tender)

<hr/> <p>(Location)</p>	<hr/> <p>(Time and date)</p>
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1. The competitive commission in structure:

(to list structure of the Competitive commission)

considered applications for participation in tender on government procurements

2. Information on involvement of the experts provided by them of the conclusions on compliance of offered in the application for participation in tender of the goods, works, services of the technical specification.

3. Applications for participation in tender of the following potential suppliers who have provided them to fixed terms before the expiration of final term of submission of applications for participation in tender:

(in the chronological procedure according to the magazine of registration of applications for participation in tender the name, the address of all potential suppliers who have provided competitive requests before the expiration of final term of submission of competitive requests, time of submission of the application for participation in tender, the list of the documents containing in the request is specified, information on absence of this or that document provided by competitive documentation information on the response and change of applications for participation in tender and other information) are announced by everything present at meeting of the competitive commission.

4. The following competitive applications for participation in tender are rejected to participation in tender:

			carried-out government procurement	domestic producer according to the legislation of the Republic of Kazakhstan on technical regulation	requirements of national standards for the bought goods, works, services	ent according to requirements of national standards and (or) confirmations of conformity to the standard of non-polluting products according to the legislation of the Republic of Kazakhstan on technical regulation						es		

Signatures of the chairman, his deputy, members and secretary of the competitive commission.

Appendix 10 to Rules

Protocol on results of government procurements by method of tender on purchase _____ (name of tender)

_____ (Location)	_____ (Time and date)
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1. The competitive commission in structure:

(to list structure of the competitive commission)

tender (with use of dvukhetapny procedures) on government procurements

(briefly to describe the bought goods, works, services).

2. The amount allocated for purchase (to specify the amount) of tenge on each prize separately.

3. The following applications for participation in tender were allowed:

(to specify applications for participation in tender of the potential suppliers allowed to tender according to the protocol on the admission)

4. Envelopes with competitive price proposals of potential suppliers _____ (names of potential suppliers are specified) price offers which,

were not accepted to the assessment and comparison in connection with their representation after final time for their registration.

5. Competitive price proposals of participants of the tender which has provided competitive price offers before the expiration of final time for their registration to participation of meeting of the competitive commission: _____

(are specified First name, middle initial, last name participants of tender or their authorized representatives, in the chronological procedure according to the magazine of registration of envelopes with competitive price offers) are opened and they contain:

(competitive price proposals of participants of tender in the chronological procedure for their logging of registration of envelopes with competitive price offers are specified and) which are announced by everything present when opening envelopes with competitive price proposals of participants of tender.

6. Competitive price offers are rejected: _____ (are specified First name, middle initial, last name participants of tender or their authorized representatives, competitive price offers whom are rejected with indication of the reason: excess of the competitive price offer over the amount allocated for purchases of the goods, works, services; the competitive price offer, being dumping).

7. The conditional prices of participants of tender _____ (the conditional price of participants of tender taking into account percentage value of the criteria established in competitive documentation for the purpose of determination of the participant of tender, offering the most high-quality goods, works, services is specified)

The competitive commission on results of the assessment and comparison by voting by show of hands SOLVED:

1) to recognize as won the competitive request of the participant of tender

(to specify the name and the location of the participant of tender, and also the condition on which he is recognized as the winner).

or

to recognize tender (using dvukhetapny procedures) on government procurements

(name of tender)

the cancelled

(If by consideration, the assessment and comparison of competitive price proposals of participants of tender the winner of tender was not determined or all competitive price offers were rejected, to specify the corresponding reason)

2) To the customer (customers)

(to list the name and the location of each customer)

till _____ years to sign the agreement on government procurements with

(to specify the name of the winner of tender);

3) To the organizer of government procurements

(to specify the name of the organizer of government procurements)

to place the text of this protocol on results of tender on government procurements of the goods, works, services on the Internet resource of the Customer.

For this decision voted:

FOR - ____ voices (first name, middle initial, last name members of the competitive commission);

Against - ____ voices (first name, middle initial, last name members of the competitive commission).

Signatures of the chairman, members and secretary of the competitive commission

Appendix 11 to Rules

The protocol on results of government procurements by method from one source

(name of tender)

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1. Organizer of government procurements

(name, address)

carried out purchases by method from one source.

(briefly to describe the bought goods, works, services).

2. The amount allocated for purchase (to specify the amount) tenge.

3. Reasons for application of this method

(to attach the decision of the Customer on implementation of government procurements from one source, number, date of the order)

4. Compliance of the supplier to qualification requirements

(compliance or discrepancy to requirements [of stipulated in Item 1 Article 8](#) of the Law) is specified

5. The name and the location of the supplier with which the agreement and, the price of the such will be signed

agreements:

6. Information on involvement of the experts provided by them of the conclusions.

7. The organizer of government procurements by results of these purchases by method from one source SOLVED:

1) to buy the goods (works, services) from the supplier _____ (to specify the name and the location of the supplier).

or

to recognize government procurements by method from one source

cancelled (to specify the corresponding reason)

2) To the customer (customers)

(to list the name and the location of each customer)

till ____ years to sign the agreement on government procurements with

(to specify the name of the supplier).

3) To the organizer of government procurements

(to specify the name of the organizer of government procurements)

to direct the text of this protocol on the Internet resource of the Customer.

Signatures of the authorized representative of the organizer of government procurements and the first head or the responsible secretary or other performing power of the responsible secretary of the official determined by the President of the Republic of Kazakhstan, the customer or the person fulfilling its obligations.

Appendix 12 to Rules

Bank guarantee (form of ensuring execution agreements on government procurements)

Bank name:

(name and bank details)

To whom:

(name and details of the customer)

Warranty obligation of No. ____

_____ (location)	"__" ____.
------------------	------------

In view of that _____,
(name of the supplier)

"Supplier", signed (IT) * the agreement on government procurements of No. __ from _____ (further - the Agreement) on delivery (accomplishment, rendering)

_____ in you was
(description of the goods, works or services)

it is provided in the Agreement that the Supplier will bring ensuring its execution in the form of the bank guarantee for total amount

_____ tenge, this _____

(bank name)

we confirm that we are the guarantor under the above-stated Agreement and we assume the irrevocable obligation to pay to you on yours

to the requirement amount equal

(the amount in figures and in cursive script)

on receipt of your written requirement of payment, and also the written confirmation of that the Supplier did not perform or performed in an inadequate way the agreement obligations.

This warranty obligation becomes effective from the moment of its signing and is effective till complete execution by the Supplier of the agreement obligations.

All rights and the obligations arising in connection with this warranty obligation, are regulated by the legislation of the Republic of Kazakhstan.

Signature and seal of guarantors	Date and address
----------------------------------	------------------

(On behalf of the first head of bank (branch of bank) or his deputy and the chief accountant of bank

* in the case specified in [Item 8 of Article 8](#) of the Law

It is excluded

Appendix 13

It is excluded

Appendix 14

It is excluded

Appendix 15

It is excluded

Appendix 16

It is excluded

Appendix 17

Appendix 18 to Rules

The protocol of opening of envelopes with the competitive requests provided by potential suppliers for participation in tender on purchase of services in carrying out scientific researches, and also services in development of the specifications and technical documentation necessary for carrying out these researches (the name of tender)

_____ (Place of opening)	_____ (Time and date)
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The competitive commission in structure: (the surname, the name, the patronymic, the position of the chairman, his deputy, members of the competitive commission, date, time and the place of opening of competitive requests) made procedure of opening of envelopes with competitive requests.

Competitive documentation is provided to the following potential suppliers: (the name, the address of all potential suppliers to which competitive documentation is provided).

Competitive requests of the following potential suppliers (the name, the address of all potential suppliers who have provided competitive requests after the expiration of final term of submission of competitive requests, time of submission of competitive requests) are returned not opened on the basis (the reason not openings).

Competitive requests of the following potential suppliers who have provided the competitive request to fixed terms before the expiration of final term of submission of competitive requests: (the name, the address of all potential suppliers who have provided competitive requests before the expiration of final term of submission of competitive requests, time of submission of the competitive request) according to [appendix 1](#) to this appendix are opened and they contain: (the price for services, total prices of the competitive request, the main conditions of each competitive request, information on availability or absence of the documents constituting the competitive request, on the response and other information declared in case of opening of competitive requests) which are announced by everything present when opening competitive requests, are allowed by the commission to further passing of tender and directed on the state scientific and technical examination, according to [appendix 2](#) to this appendix.

When opening competitive requests there were following potential suppliers:

(name, address of all potential suppliers who are present in case of opening of competitive requests and the surname, name and patronymic of their authorized representatives).

By results of opening of envelopes with competitive requests and considerations of the provided documents on formal signs the Commission it is rejected (number of requests) requests according to [appendix 3](#) to this appendix.

First name, middle initial, last name and signatures of the chairman, his deputy, members and secretary of the competitive commission.

Appendix 1 to appendix 18

List the competitive requests provided by potential contractors on tender on public procurement scientific researches for accomplishment _____ (name of tender)

№ p\p	No. regist	Receipt date	Name of the project	Organization contractor	Full name of the contractor	Amount of required financing, one thousand tenges	
						general	including on _____ year
1	2	3	4	5	6	7	8

Appendix 2 to appendix 18

The list of the competitive requests directed on the state scientific and technical examination

№ p\p	No. reg.	Name of the project	Organization contractor	Full name of the contractor	Amount of required financing, one thousand tenges	
					general	including on _____ year
1	2	3	4	5	6	7

Appendix 3 to appendix 18

List the competitive requests rejected by the competitive commission, as not conforming to requirements of the Instruction on to preparation of competitive requests _____ (name of tender)

№ p\p	No. reg	Name of the project	Organization contractor	Reason for rejection
1	2	3	4	5

Appendix 19 to Rules

Protocol on results of tender on purchase of services in carrying out scientific researches, and also services in development of the specifications and technical documentation, necessary for carrying out these researches (name of tender)

_____ (Location)	_____ (Time and date)
---------------------	--------------------------

1. The competitive commission in structure (to list structure of the Competitive commission) held (with use of dvukhetapny procedures) tender on government procurements (briefly to describe bought works, services).

2. The amount allocated for purchase (to specify the amount) to tenge in each scientific direction (to the prize if are divided) separately.

3. Competitive documentation acquired/received (to list names and the locations of all potential suppliers who have redeemed/received competitive documentation, dates of acquisition/obtaining).

4. From potential suppliers requests about the explanation of competitive documentation (to state content of such requests if took place) arrived and on them the following explanations (to state generalized contents of answers to requests) were made.

5. The competitive application for participation in tender the following potential suppliers provided [appendix 1](#) to appendix 18 (to list names and the locations of all potential suppliers who have provided the competitive request, dates of representation).

6. The following competitive requests were rejected [appendix 3](#) to appendix 18 (to give the complete information about rejected competitive requests to list all reasons and the bases for their variation). In case of the variation of all competitive requests also to specify the corresponding reasons.

7. Allowed to participation in tender potential suppliers of projects meeting qualification requirements [appendix 2](#) to appendix 18.

8. (To state information about qualifying these potential suppliers or about absence of such data).

9. Potential suppliers provided the following offers on (to performance of works, rendering of services): (to specify the name of the scientific direction (prize), on which the potential supplier provided the competitive request, unit price of work or service, the total price of each competitive request and the summary of other main conditions of each competitive request).

10. The competitive commission by consideration of the provided competitive requests started with the following criteria of the assessment and comparison of competitive requests: (to list criteria of the assessment and the comparisons of competitive requests applied by the competitive commission according to competitive documentation, prepared by the organizer of government procurements, in case of their availability).

11. The assessment of the projects submitted on tender is made on the basis of the conclusions of the state scientific and technical examination. Results of the conclusion of the state scientific and technical examination on competitive projects are given in [appendix 1](#) to this appendix.

12. The competitive commission on results of the assessment and comparison of competitive requests SOLVED:

1) To recognize as won tender competitive requests taking into account recommendations of the state scientific and technical examination (to specify the name and the location of the potential suppliers, submitted data competitive requests, and also conditions on which they are recognized as winners) contractors according to [appendix 2](#) to this appendix (if by consideration, the assessment and comparison of competitive requests the winner of tender was not determined or all competitive requests were rejected to specify the corresponding reason).

2) To the customer till _____ years to sign the agreement with the contractors recognized as winners of tender on accomplishment of scientific researches with recommended amounts of financing.

3) To the organizer of government procurements (to specify the name of the organizer of government procurements):-to publish in mass media results of the carried-out tender.

Signatures of the chairman, his deputy, members and secretary of the competitive commission or responsible

the person authorized from the secretariat to sign documents.

Appendix 1 to appendix 19

Results state scientific and technical examination of the competitive the projects provided _____ (name of tender)

No p\p	No. reg	Name of the project	Organization contractor	Required amount of financing	Conclusion of GNTE
1	2	3	4	5	6

Appendix 2 to appendix 19

List the scientific projects recommended for financing for accomplishment _____ (name of tender)

No	No. reg	Name of the	Organization contractor	Full name of the	The allocated amount of financing on _____
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p\p		project		contractor	year, one thousand tenges
1	2	3	4	5	6

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