

LAW OF THE REPUBLIC OF TAJIKISTAN

ON INTRODUCTION OF AMENDMENTS TO THE LAW OF THE REPUBLIC OF TAJIKISTAN "ON PUBLIC PROCUREMENT OF GOODS, WORKS AND SERVICES"

Article 1. To introduce following amendments into the Law of the Republic of Tajikistan "On Public procurement of goods, works and services" as of March 3, 2006 (Akhbori Majlisi Oli of the Republic of Tajikistan, 2006, № 3, p. 158):

1. Article 1. To add "and for disaster response and other emergencies in accordance with the decision of the Government of the Republic of Tajikistan" after the words "precious stones"

2. Article 3:

- In Part 1, to replace words "state budget" with "public funds";
- In Part 2, to add new paragraph after the second paragraph that reads as follows: "Funds of entities and other organizations established by the Government of the Republic of Tajikistan, the public authorities";

- To rephrase Part 15 as follows:

"15. The minimum threshold amount of purchases is the indicator set for the article of expenditure of a budgetary expenditure classification for the quarter. A procuring entity has the right to procure under the simplified procedure if it does not reach this threshold.

The minimum threshold amount for the procurement of goods is equal to two hundred and fifty calculation indicators. The minimum threshold for procurement of works and services is three hundred and fifty calculation indicators."

- To delete part 7 and Parts 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, to be respectively considered as parts 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

3. The first sentence of the Article 6 to be read as follows:

"For the purposes of the implementation of the provisions of the present Law upon the execution of the public procurement procedures, the notifications and/or announcements are recognized as valid if they are prepared in writing, except for cases specified in paragraph 1 of the Article 45 of the present Law."

4. Article 8:

- To rephrase Part 1 as follows:

"1. Persons that are authorized to represent procuring entity are prohibited to:";

- In the Part 2, words "public servants" to be replaced by "persons authorized to represent procuring entity."

5. To add Part 2 of the Article 9 with a new paragraph after the second paragraph that reads as follows:

"- Agencies and other organizations established by the Government of the Republic of Tajikistan and public authorities."

6. Words "qualified officers" to be replaced by the "officials with the Certificate of Procurement Specialist" in the second paragraph of the Part 1 of the Article 10.

7. The word "quarterly" to be replaced by "three months" in the eleventh paragraph of the Part 2 of the Article 12.

8. The words "by the head of the procuring entity" to be added by "for each individual purchase" in the Part 1 of the Article 13.

9. To add words "with the ban of the right of use" after the words "property is not bonded" in the second paragraph of the Part 1 of the Article 16.

10. To delete fourth paragraph of the Part 3 of the article 17.

11. To rephrase Article 18 as follows:

"Article 18. Favorable treatment for domestic producers."

In order to support local industry, the favorable treatment is applied to domestic producers. The rules of the favorable treatment are approved by the Government of the Republic of Tajikistan."

12. To add words "misrepresentation of fact, fraud" after the words "false information" in the third paragraph of the Part 1 of the Article 19.

13. Part 1 of the Article 20:

- To replace number "80" by "81" in the fourth paragraph;

- To add eighth paragraph that reads as follows:

"- The apply stipulated administrative sanctions against violators of public procurement, procuring entities that failed to comply with the decision of the authorized body;

14. Article 21:

- Part 2, to add "the supplier (contractor)" after the word "Bidder";

- Part 3, to add "the supplier (contractor)" after the word " Bidder ";

15. Article 24:

- Third sentence of Part 2 to be read as follows:

"The choice of another method of public procurement is carried out only upon the agreement with the authorized authority.";

- Part 3 to be read as follows:

"3. Public procurement, where the cost does not exceed the minimum threshold amount of the purchase may be arranged in accordance with the provisions of the Article 29 of this law";

- Parts 4 and 5 shall be deleted.

16. To add "of the existing situation at the market of a particular product, works and services" after the words "of a specialized nature" in the second paragraph of the Part 1 of the Article 26.

17. Part 1 of the Article 27:

- To replace the words "maximum threshold amount" with "two thousand five hundred calculation indexes" in the first sentence;

- To replace the words "five time size of the maximum threshold amount" with "twelve thousand five hundred calculation indexes" in the second sentence;

- To add new sentence: "The list of special cases in accordance with the established procedure approved by the authorized authority."

18. To replace the words local executive bodies" with "procuring entity" in the Part 1 of the Article 29.

19. To delete Fifth paragraph of the Part 1 of the Article 32.

20. To replace the words "one week" with "one day" in the Part 1 of the Article 33.

21. In the Part 1 of the Article 34:

- To replace words "Invitation to bid" with the words "tender documents" in the first sentence;
- To add "or in points" after the words "in monetary terms" in the sixth paragraph;
- To replace the word "term" with "reference period" in the fourteenth paragraph.

22. To add words "but before the deadline for submission of tender application" after the "from the moment of receipt" in the Part 2 of the Article 35.

23. Article 37:

- To replace words "tender documents" with "tender documents that published in the same media and/or in the Public Procurement Bulletin" in the Part 4;
- In the Part 5, delete the words "for the amount which is below the maximum threshold amount" and following sentences to be added:

"The application of the right of limitation of term is permitted only if a potential Bidder has not requested renewal of the deadline period. In the event of such request, deadline for submission of bids shall be extended for additional requested period, but cannot exceed the period established by the first paragraph of the Part 2 of this Article. The demand for extension of the deadline period has to be submitted at least 3 days prior to the opening of the bidding envelopes. Bidders who have bidding documents are notified regarding the extension of the deadline period and the same amendment is published in the same media source.

- Part 6 to be rephrased as follows:

"6. In case of application of the right specified under the Part 5 of this Article, the term of bid submission cannot be less than ten days from the date of publication of the invitation to bid. Based on the request of a procuring entity, upon the emergence of an immediate need for procurement, bidding deadline may be less than ten days from the date of publication of the invitation to tender.

24. To add the words "in percentage terms" after the "bid" in the Part 2 of the Article 39.

25. Article 42:

- To add following new paragraph after the fourth paragraph in the Part 6:
"If the bid price is below the amount appropriate for carrying out of construction works by more than 10 percent";
- Part 7:
- In subparagraph a):
- To delete following wording in the first paragraph "subject to benefits granted to domestic suppliers (contractors) as per the Article 18 of this Law;
- To add "or percentage" after the word "in monetary" in the second paragraph;
- To delete following wording in the first paragraph of the subparagraph b) "including benefits granted to domestic suppliers (contractors) as per the Article 18 of this Law."

26. Article 44:

- To delete second paragraph of the Part 1;
- To replace words ""first and second paragraphs" by the "first paragraph" in the Part 5

27. Article 45:

- To rephrase Part 1 as follows:

"1. Procuring entity is obliged to, within three days, notify all participating suppliers (contractors) after the selection of a successful bidder by any acceptable manner, which may, if necessary, be confirmed.";

- To rephrase Part 3 as follows:

3. Procuring entity and bid winner are entitled to sign a procurement contract within 3 days from the date of notification of bidders on the results of the bid if appeal procedure is not launched in accordance with Articles 79-81 of this Law. In case of the expiration of the winner's term of application validity and until the conclusion of the contract, the signing of the procurement agreement by the successful winner is a confirmation of his consent for the extension of the bid. Upon the usage of the "Request for quotations" mode and "Procurement from the single source," procurement contract may be signed at any time after the completion of the selection of the winner, supplier (contractor). "

28. Article 46:

- To delete paragraph 8 of the Part 1;

- To rephrase the second sentence in the Part 2 as follows:

"Procuring organization develops and submits quarterly consolidated report to the authorized body as per the report template prescribed by the authorized body.";

- To delete word "eighth" in the Part 4;

- To replace word "preparation" with Part 6, with the wording "signing of the contract" in the Part 6.

29. To replace the wording "maximum threshold amount" with "two thousand five hundred calculation indexes" in the Part 1 of the Article 70."

30. To replace wording "information about the contract price" with the wording "report on the public procurement procedure in accordance with the Article 46 of the present Law" in the Part 4 of the Article 74.

31. Article 79:

- To rephrase Part 1 as follows:

1. Participants of public procurement procedures are entitled, before the conclusion of the procurement contract, to file complaint to the procuring entity and/or authorized body. Conclusion of the contract does not limit the right for the subsequent submission of complaints to the authorized authority";

- To delete wording "within 15 days after the announcement of the bidding results" from the Part 2 of the first sentence and the second sentence;

- To replace number "6" with number 5" in the second paragraph of the Part 3 and to delete third paragraph.

32. To replace wording "rendering of decision on selection made" with the following wording "conclusion of contract" in the Part 1 of the Article 80.

Article 2. This Law shall enter into force after its official publication.

President
Republic of Tajikistan

Emomali Rahmon

Dushanbe
April 16 2012, № 815

**RESOLUTION OF THE MAJLISI NAMOYANDAGON MAJLISI OLI OF THE REPUBLIC
OF TAJIKISTAN**

**on adoption of the Law of the Republic of Tajikistan "On Public Procurement of
Goods, Works and Services"**

Hereby Majlisi Namoyandagon Majlisi Oli of the Republic Of Tajikistan orders:

To adopt Law of the Republic of Tajikistan "On introduction of additions and amendments to the Law of the Republic of Tajikistan "On procurement of Goods, Works and Services"

Chairman
Majlisi Namoyandagon Majlisi Oli
Republic of Tajikistan

Sh. Zuhurov

Dushanbe, February 8 2012, №681

**RESOLUTION OF THE MAJLISI MILLI MAJLISI OLI OF THE REPUBLIC OF
TAJIKISTAN**

**on the Law of the Republic of Tajikistan "On Introduction of Additions and
Amendments to the Law of the Republic of Tajikistan "On Public Procurement
of Goods, Works and Services"**

Having examined the Law of the Republic of Tajikistan "On Introduction of Additions and Amendments to the Law of the Republic of Tajikistan "On Public Procurement of Goods, Works and Services," Majlisi Milli Majlisi Oli decides to:

To approve the Law of the Republic of Tajikistan "On Introduction of Additions and Amendments to the Law of the Republic of Tajikistan "On Public Procurement of Goods, Works and Services"

Chairman
Majlisi Milli Majlisi Oli
Republic of Tajikistan

M. Ubaidulloev

Dushanbe, March 29 2012, №289