



Innovation and strategy in Public Procurement Belorussian experience

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Belarus: current regulation

Keep in mind: regulation shall be based on Treaty on the Eurasian Economic Union dated by 29.05.2014 and enacted since 01.01.2015

Some aspects of Public Procurement (PP) frame:

- ▶ All government procurement of any amount are covered by the **PP Law***
- ▶ All procedures are competitive, except single source, tendering process is open and **electronic****
- ▶ All contract award notices and contract amendment/execution notices shall be published on web-site, except state secret information
- ▶ National regime provisions for goods/works/services made at the territory of the members of the Treaty

***PP Law means The Law of the Republic of Belarus dated July 13, 2012 «On Public Procurement of Goods (Works, Services)»**

**** Electronic means publishing on web-portal (www.icetrade.by) , electronic trading platforms (<http://www.goszakupki.by> / <http://zakupki.butb.by>) procurement plans, tender documents, bids, contract award and contract amendment/execution notices, claims and decisions issued within domestic review procedures, etc.**

Some aspects of PP frame:

- ▶ SMEs treatment: meaning that definite goods/works/services in case of procurement of which one lot (not more than 10 % of total volume procurement) should be designed to be set aside for the procurement of the SME production
- ▶ Single source procedure can be used in case of contracting those suppliers who employ disabled persons, prisoners
- ▶ Standstill for 10 days for starting the remedy proceeding in the independent body (Ministry of Antimonopoly regulation and trade)
- ▶ Right protection guarantees / domestic review procedures:
 - 1) the supplier can submit a complain directly to the contracting authority (free of charge)
 - 2) the supplier can submit a complain directly to the independent body (free of charge)
 - 3) the supplier can submit a complain to the court (remunerated duty 20/50 basic amount (about 200 / 500 euro))

Belarus: further improvements

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Belarus: further improvements

New public procurement law is going to be adopted and enacted by the 1st of January 2019

Now the Public Procurement Law Draft is revising by the Parliament

Regarding the content of the Draft some notes are made:

- ▶ Reaching sustainable development goals: to provide this there are two coherent and interconnected goals and principles of PP – enforcing innovations and sustainable development principle
- ▶ Non-discrimination and equal treatment are supporting by antitrust law via establishing antitrust procurement requirements meaning ban of any actions aimed to distort competition. Anyone who is interested in may initiate the claim to the antitrust independent body preventing distortion competition. Its rather different proceeding than PP domestic review procedures
- ▶ Transparency as the main principle of PP may reduce corrupt practices. Whereas in order to strengthen transparency it is going to be created the State information and analyses system. It is expected that the System may provide open electronic publishing procurement documentation (procurement plans, tender documents, bids, contract award and contract amendment/execution notices , claims and decisions issued within domestic review procedures, etc.), and also monitoring and analysis of all publishing PP information

Regarding the content of the Draft some notes:

- ▶ Providing electronic form of PP contract
- ▶ Saving usage of single source procedure in case of contracting those suppliers who employ disabled persons, prisoners, also set-aside for SMEs
- ▶ Making an alternative of electronic market in case of single source procedure when threshold is less than 300 basic amount (about 3000 euro)