

Unofficial translation

LAW OF THE REPUBLIC OF UZBEKISTAN

ON PUBLIC PROCUREMENT

Adopted by the Legislative Chamber on December 1, 2020

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Chapter 1. General Provisions

Article 1. Purpose of this Law

The purpose of this Law shall be to regulate relations in the field of public procurement.

Article 2. Scope of this Law

This Law shall apply to public procurement which is:

carried out in the implementation of projects provided for by the Investment Program of the Republic of Uzbekistan and other state programs, decisions of the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan;

carried out in the course of business activities of state customers;

financed at the expense of the budgets of the budgetary system of the Republic of Uzbekistan, as well as other funds organized in budgetary organizations;

financed at the expense of foreign grants, technical and other external gratuitous assistance provided within the framework of agreements concluded by the President of the Republic of Uzbekistan and the Cabinet of Ministers of the Republic of Uzbekistan with donor countries, international organizations, foreign governmental and non-governmental organizations, and foreign loans provided to the Republic of Uzbekistan, if the procedures of donor countries, international organizations, foreign governmental and non-governmental organizations or the conditions for the provision of foreign loans and foreign grants, technical and other external gratuitous assistance provided to the Republic of Uzbekistan, do not define a different procedure for the procurement of goods (works, services). In this respect, regardless of the procedures established by donor countries, international, foreign governmental and non-governmental organizations or the conditions for providing foreign loans and foreign grants, technical and other external gratuitous assistance provided to the Republic of Uzbekistan, information on the results of public procurement shall be announced on a special information portal;

financed by financial, humanitarian or charitable assistance and other gratuitous non-repayable financing, unless the conditions for the provision of financial, humanitarian or charitable assistance and other gratuitous non-repayable financing define a different procedure for the procurement of goods (works, services). In this respect, regardless of the procedures established by the conditions for the provision of financial, humanitarian or charitable assistance and other gratuitous non-repayable financing, information on the results of public procurement shall be announced on a special information portal.

The procedure for public procurement to ensure the security of persons subject to state protection, defense capability, security and maintenance of internal order in the Republic of Uzbekistan, public procurement related to state secrets, as well as public procurement for the preparation and conduct of elections of the President of the Republic of Uzbekistan, to the Oliy Majlis of the Republic of Uzbekistan, regional, district and city Kengashes of people's deputies, as well as referendums of the Republic of Uzbekistan, shall be established in accordance with the legislation.

Article 3. Legislation on Public Procurement

Legislation on public procurement shall consist of this Law and other acts of legislation.

If an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on public procurement, then the rules of the international treaty shall apply.

Article 4. Basic Concepts

The following basic concepts shall be used in this Law:

beneficial owner means an individual who ultimately owns the property rights or actually controls the supplier of goods (works, services);

auction to lower the starting price means a competitive way of public procurement on a special platform of the electronic public procurement system, in the organization of which the only criterion for determining the winner shall be the price;

state customer means a legal entity carrying out public procurement;

public procurement means the process of meeting the needs of state customers in goods (works, services) on a paid basis;

contract on public procurement means an agreement between the state customer and the executor of public procurement on the establishment, change or termination of rights and obligations in public procurement;

subjects of public procurement means a state customer, a participant in procurement procedures, a public procurement contractor, a procurement commission, an operator of an electronic public procurement system, a specialized organization and an expert, an expert organization;

prequalification selection means a procedure carried out by the procurement commission for selecting qualified participants in procurement procedures, which are allowed to conduct procurement procedures, and which comply with the technical, economic, organizational and other features established in the procurement documentation;

reserve winner means a participant in the procurement procedures, whose proposal, according to the results of the procurement procedures, was recognized as the most optimal in accordance with the decision of the procurement commission, following the proposal of the winner;

tender means a competition that provides for the procedure for determining the executor of public procurement through a competitive procedure for public procurement, according to the results of which the participant in the procurement procedures, who has offered the best conditions for the execution of the public procurement contract, is recognized as the winner;

procurement procedure means a set of actions related to public procurement;

affiliated person of a participant in procurement procedures means an individual or legal entity that has the right to make a decision and (or) influencing, including on the basis of a written agreement, the decision-making of this participant in procurement procedures, as well as an individual or legal entity that has such a right in relation to this participant in the procurement procedures;

Unified Register of Contracts means a register of public procurement contracts concluded by state customers, which is maintained by the authorized body in the field of public procurement on a special information portal;

electronic public procurement means a form of public procurement through the use of information and communication technologies;

electronic store (e-store) means a competitive way of public procurement of goods (works, services), which are not subject to specific requirements, providing for the auction in electronic form on a special platform in the electronic public procurement system;

selection of the best proposals means a competitive way of public procurement based on a comparison of proposals received from several participants in procurement procedures;

announcement means an information message on upcoming public procurement with indicating the method of implementation, requirements and conditions of public procurement, the terms and procedure for submitting proposals, posted by the state customer in the electronic system of public procurement through a special information portal;

winner means a participant in the procurement procedures, whose proposal is recognized as the most optimal based on the results of the procurement procedures.

Article 5. Basic Principles of Public Procurement

The basic principles of public procurement shall be:
professionalism and responsibility;

validity;
rationality, efficiency and effectiveness of the use of financial resources;
openness and transparency;
competition and objectivity;
proportionality;
unity and integrity of the public procurement system;
inadmissibility of corruption.

The basic principles of public procurement should be applied at all stages of the public procurement process.

Article 6. The Principle of Professionalism and Responsibility

The professionalism of the responsible persons of the state customer, the operator of the electronic public procurement system, the specialized organization shall be ensured by establishing requirements for the employees of the relevant departments on the availability of specialized education, regular advanced training, gradual development of practical experience and professional activity.

The state customer shall be obliged to determine the person responsible for organizing and conducting procurement procedures.

Regular advanced training of the person responsible for organizing and conducting the procurement procedure of the state customer in order to gain professionalism is provided through the organization of training by the authorized body in the field of public procurement.

In case there is a conflict of interest, the person responsible for organizing and conducting the procurement procedure shall be subject to removal from the functions performed.

Article 7. The Principle of Validity

Public procurement shall be carried out taking into account the feasibility and necessity of their implementation, the validity of the choice of goods (works, services), its consumer properties (description), quality parameters and cost to effectively meet the real needs and requirements of the state customer, ensuring the solution of the tasks facing them.

Article 8. The Principle of Rationality, Efficiency and Effectiveness of the Use of Financial Resources

Public procurement must be carried out in a rational and efficient way, allowing:
to take into account the costs of the state customer for public procurement and the cost of goods (works, services);

effectively use the funds allocated for public procurement, including ensuring the optimal balance between the benefits from the acquisition of goods (works, services), their quality and cost (taking into account the costs of the operating cycle);

conduct public procurement within optimal time limit.

Article 9. The Principle of Openness and Transparency

Openness and transparency of public procurement shall be carried out by:
posting information on public procurement on a special information portal with full, timely, free and without consideration access to the relevant state bodies, subjects of public procurement and the public in the manner prescribed by legislation;

preparation and preservation of documents and reports on procurement procedures.

Article 10. The Principle of Competition and Objectivity

Competition in public procurement shall be supported through the use of competitive mechanisms between participants in procurement procedures, between operators of electronic public procurement systems and between specialized organizations, impartiality and transparency when considering proposals from participants in procurement procedures and making a final decision in favor of the best offer based on objective and reasonable criteria.

The objectivity of public procurement shall provide for impartiality when considering proposals from participants in procurement procedures, as well as making a final decision in favor of the best option.

The objectivity of public procurement shall be based on:

ensuring equal opportunities for participants in procurement procedures;

creating conditions that ensure competition and impartiality in relation to the subjects of public procurement;

open, transparent and competitive mechanisms for considering complaints, disputes and disagreements in the public procurement process and taking appropriate measures.

Article 11. The Principle of Proportionality

Proportionality in public procurement shall be ensured by correspondence of:

the method of public procurement with the risk, cost, nature and complexity of goods (works, services);

requirements for the qualification data of participants in procurement procedures, criteria and methods for evaluating proposals with goods (works, services);

rights, duties and responsibilities of subjects of public procurement to their functions.

Article 12. The Principle of Unity and Integrity of the Public Procurement System

Public Procurement shall be based on the unity of goals, principles and approaches, the integrity and interconnection of all stages of the public procurement process and the interaction of all subjects of public procurement.

The unity and integrity of public procurement shall be ensured by:

a single and coherent legal framework governing public procurement and its uniform application;

the availability of a unified, coherent and integrated information system for public procurement, which ensures the collection, processing and analysis of all information on public procurement and providing access to it to all interested parties;

unification of documents on public procurement;

introduction of a unified national classifier of goods (works, services) standardized in harmony with international standards;

the availability of a unified infrastructure that ensures the organization of planning and implementation of public procurement, the conclusion and execution of public procurement contracts, monitoring and control, appealing and considering disputes and disagreements, increasing the level of professionalism and responsibility of public procurement entities.

Article 13. The Principle of Inadmissibility of Corruption

Requirements for the organization and conduct of procurement procedures should prevent corruption offenses in the field of public procurement. In this respect, priority shall be given to measures to prevent corruption.

Government customers must ensure openness and transparency of information on public procurement procedures.

Inadmissibility of corruption in public procurement shall be carried out by ensuring:

fair competition and the use of objective criteria in decision-making;

creation of an effective system of monitoring and control, including internal monitoring and control;

publication in open sources of information about cases of violation of the requirements of this Law and other acts of legislation in the field of public procurement;

implementation of public procurement procedures in accordance with the requirements established in this Law.

Legislation may provide for other measures to prevent corruption in the field of public procurement.

Article 14. Conflict of Interest

A conflict of interest shall be deemed any situation, as well as the presence of affiliation, in which personal interest, direct or indirect, affects or may affect the proper performance of official or service duties by a person and in which a conflict arises or may arise between their personal interest and rights, as well as legitimate interests of subjects of public procurement.

Officials and other employees of the state customer, the operator of the electronic public procurement system, a specialized organization, an expert organization, as well as members of the procurement commission and experts shall not be entitled to receive any personal benefit, directly or indirectly, in the implementation of procurement procedures, which would be the result of a public procurement transaction concluded with their participation.

The persons specified in [part two](#) of this article shall:

be obliged to prevent any manifestations of a conflict of interest in the implementation of procurement procedures that damage and restrict the rights and legitimate interests of other subjects of public procurement;

guarantee the disclosure of any potential, perceived or existing conflict of interest.

The persons specified in [part two](#) of this article who become aware of an existing or perceived conflict of interest shall be required to inform their immediate supervisor and the authorized body in the field of public procurement about this. The supervisor, who has received information about the presence of a conflict of interest, shall be obliged to take timely measures to prevent or resolve it and inform the authorized body in the field of public procurement of the measures taken. Upon receipt of information on the presence of a conflict of interest, the authorized body in the field of public procurement shall be obliged to submit relevant information to the state bodies exercising state control in accordance with this Law.

Article 15. Confidentiality

In its relations with public procurement executors or with any other person, an employee of a state customer or an operator of an electronic system of public procurement shall not be entitled to disclose information related to the protection of the interests of state security, or if the disclosure of such information would be contrary to the law, hinder the enforcement of legislation, damage the legitimate interests of public procurement entities or hinder fair competition, unless the authorized body in the field of public procurement decides to disclose such information.

If a decision is made by the authorized body in the field of public procurement on the disclosure of such information, the conditions of such a decision shall be observed.

By participating in the procurement procedure, the participant in the procurement procedures shall agree to the disclosure of all the information specified by them in the proposal related to their participation in the procurement procedure.

Chapter 2. State Regulation in the Field of Public Procurement

Article 16. Main Objectives of State Regulation in the Field of Public Procurement

The main objectives of state regulation in the field of public procurement shall be the creation of a favorable environment for public procurement entities, as well as countering corruption and other violations of the legislation in public procurement for:

achievement of state strategic goals and objectives;

ensuring the needs of state customers in goods (works, services);

execution of the Investment Program of the Republic of Uzbekistan and other state programs;

performance of state functions in solving social problems;

provision of public services.

When carrying out public procurement, the priorities of socio-economic policy shall be taken into account, including the creation of high-tech and innovative industries, the preservation of a favorable environmental situation.

If not less than three domestic manufacturers participate in public procurement of goods (works, services) along with foreign suppliers, these domestic producers may be provided benefits and preferences used in the evaluation of proposals by decrees and resolutions of the President of the

Republic of Uzbekistan, unless otherwise provided by international treaties of the Republic of Uzbekistan.

State procurement of goods (works, services) necessary to meet the needs of the Republic of Uzbekistan may be carried out jointly with foreign states. The procedure for such public procurement shall be determined by an international treaty of the Republic of Uzbekistan.

Article 17. Powers of Cabinet of Ministers of the Republic of Uzbekistan in the Field of Public Procurement

The Cabinet of Ministers of the Republic of Uzbekistan shall:

ensure the formation and implementation of the state policy in the field of public procurement;

take measures to rationally use the funds of the budgets of the budget system in the field of public procurement, improve and expand the use of types of procurement procedures, as well as the wide participation of business entities in them;

coordinate the work on control over the activities of state customers in the field of public procurement;

determine the methods and criteria for evaluating and comparing proposals of participants in procurement procedures, as well as the procedure for organizing their conduct;

determine the procedure for submitting proposals by participants in procurement procedures for participation in the selection of the best proposals and tender in electronic form;

approve the composition of the Commission for consideration of complaints in the field of public procurement.

Article 18. Powers of the Ministry of Finance of the Republic of Uzbekistan in the Field of Public Procurement

The Ministry of Finance of the Republic of Uzbekistan shall be the authorized body in the field of public procurement (hereinafter referred to as the authorized body).

Authorized body shall:

carry out state regulation and state policy in the field of public procurement;

take measures to improve the efficiency and openness of the development and implementation of programs for the development of a system for organizing and conducting public procurement, including an electronic system;

determine the operators of the electronic public procurement system and the procedure for their activities in relation to the organization and conduct of public procurement, as well as the procedure for the operation of a special information portal;

establish requirements for the electronic public procurement system;

develop the procedure for applying the method for evaluating the most economically advantageous offer (non-price evaluation criteria);

determine the procedure and volumes of placement, disclosure and access to information on public procurement, as well as additional requirements for the announcement, depending on the product (work, service) and the method of public procurement;

approve standard forms of announcements on procurement procedures, procurement documentation;

develop and approve the procedure for the formation of the Unified Register of Unscrupulous Performers;

determine the procedure for maintaining the Unified Register of Contracts;

provide monitoring of the implementation of normative legal acts in the field of public procurement and control over their implementation;

request information from subjects of public procurement, consolidate, analyze it and generate reports;

develop and submit for consideration by the Cabinet of Ministers of the Republic of Uzbekistan proposals for the implementation of a certification system for procurement and anti-corruption standards in the field of public procurement.

Chapter 3. Subjects of Public Procurement

Article 19. State Customers

For the purposes of this Law, state customers shall be understood to be:

1) budgetary customers:

state bodies and institutions;

budget organizations;

recipients of budget funds allocated for the implementation of procurement procedures;

state trust funds;

other funds organized in budget organizations;

2) corporate customers:

state enterprises;

legal entities with a state share in their authorized fund (authorized capital) in the amount of 50 percent or more;

legal entities, in the authorized fund (authorized capital) of which the aggregate share of the organizations specified in paragraphs two and three of paragraph 2 of this article is 50 percent or more;

legal entities, in the authorized fund (authorized capital) of which the aggregate share of the organizations specified in paragraph four of paragraph 2 of this article is 50 percent or more.

The list of corporate customers shall be maintained by the State Assets Management Agency of the Republic of Uzbekistan and shall be formed on a special information portal through the exchange of information.

The state customer shall have the right:

independently or with the involvement of a specialized organization to determine the starting price of goods (works, services), except for cases established by legislation;

place an announcement during public procurement on its official website or the official website of its parent body, as well as in the media;

require participants in procurement procedures to pay a deposit or provide a bank guarantee that ensures the fulfillment of obligations to conclude a public procurement contract (hereinafter referred to as the contract) and (or) fulfill contractual obligations during the selection of the best proposals and tender;

extend the deadlines for submitting proposals that apply to all participants in procurement procedures;

apply to participants in procurement procedures with a proposal to extend the validity of their proposals for a certain period in cases provided for by legislation.

The state customer may also have other rights in accordance with the legislation and the contracts concluded by it.

The state customer shall be obliged to:

plan public procurement;

decide on the choice of the type of procurement procedure in accordance with this Law;

carry out public procurement in the manner prescribed by legislation;

post information on public procurement on a special information portal in the manner and within the time limits established by legislation;

provide, in accordance with the legislation, explanations to participants in procurement procedures at their request related to goods (works, services) and public procurement procedures;

conclude contracts with participants in procurement procedures recognized as winners, as well as ensure their execution;

provide information on affiliation in public procurement;

place in the electronic public procurement system through a special information portal and in the media announcements of upcoming public procurement only upon confirmation of the availability of sources and amounts of funding.

Corporate customers shall quarterly provide information on their public procurements to the authorized body.

The state customer may also bear other obligations in accordance with the legislation and the contracts concluded by it.

The duties and functions of the state customer, provided for by the legislation on public procurement, must be carried out by the management of the state customer, procurement commissions and structural divisions or individual employees of the state customer responsible for organizing and implementing procurement procedures.

Article 20. Procurement Commission

Procurement Commission shall be a collegiate body formed by the state customer for the organization and conduct of procurement procedures, the regulation for which requires the formation of such a body.

The main purpose of the work of the procurement commission shall be an objective assessment and streamlining the proposals of the participants in the procurement procedures according to the degree of correspondence with the order, and the selection of the winner (winners) through competitive methods of public procurement.

The procurement commission shall be an acting body under the state customer, formed and disbanded by the relevant decisions of the state customer.

The procurement commission shall consist of an odd number of members, the composition and number of its members depend on the type of procurement procedure and may change in accordance with the legislation and taking into account the characteristics of the goods (works, services) being purchased.

Members of the procurement committee must be objective and not personally interested in choosing the winner of the procurement procedure.

The work of the procurement commission shall be managed by the chairperson, who shall convene and conduct meetings of the procurement commission, announce votes and decisions taken by the procurement commission, and also sign the minutes of the meetings of the procurement commission. In the absence of the chairperson of the procurement commission, their functions shall be performed by the deputy.

The operational activities of the procurement commission shall be organized by its executive secretary without the right to vote.

Each member of the procurement committee may vote “for”, “against” or abstain from voting. The chairperson of the procurement commission shall have no right to abstain from voting.

Meetings of the procurement commission shall be held in person in the presence of members of the procurement commission. Face-to-face meetings may be held in the format of videoconferences (teleconferences, etc.).

The Procurement Commission, when conducting the selection of the best proposals and the tender in electronic form, shall have the right to vote remotely using information and communication technologies.

Based on the subject of public procurement, the procurement commission may involve experts, as well as specialists from other interested ministries, departments and a higher organization of the state customer, to carry out its activities.

Inclusion of a representative of the authorized body in the procurement commission of another state customer shall not be allowed.

The state customer shall be responsible for the correct formation of the procurement commission.

The decision of the procurement commission shall be adopted by a majority vote of the total number of members of the procurement commission.

In case of equality of votes, the vote of the chairperson of the procurement commission shall be decisive.

In the event that the members of the procurement commission have connections that are in the nature of affiliation with the participants in the procurement procedures, the issue of which is submitted to the meeting, such a member of the procurement commission must declare self-recusal,

which shall be noted in the minutes of the meeting of the procurement commission, and must not take part in voting on this question.

In the event that the procurement commission became aware of the existence of an affiliation of a member of this commission before making a decision on the relevant issue, and they did not recuse themselves, such a member of the procurement commission shall be excluded from voting on this issue.

If the procurement commission becomes aware of the presence of an affiliation of a member of this commission who voted on the relevant issue after the decision is adopted, the vote of such a member of the procurement commission shall be excluded from the voting results on this issue.

The procurement commission shall perform the following functions:

- coordinate the procurement documentation;
- set deadlines for accepting proposals;
- establish procedures for opening proposals;
- establish criteria and methods for evaluating proposals;
- establish the procedure for making, the amount and form of the proposal security, if necessary;
- conduct the opening of proposals of participants in procurement procedures;
- conduct pre-qualification selection, if it is provided for by the terms of the procurement documentation;
- adopt a decision, if necessary, taking into account the results of the preliminary qualification selection;
- adopt, if necessary, a decision on the creation of an evaluation group;
- carry out procurement procedures in accordance with this Law;
- determine the winner and, if necessary, a reserve winner of competitive types of procurement procedures or recognizes the auction as invalid.

The procurement commission shall be responsible for the compliance of the procedures for determining the public procurement executor with the requirements of the legislation on public procurement, the validity and impartiality of its decisions.

The Procurement Commission shall not be responsible for the actions carried out by other subjects of public procurement.

Decisions adopted by the procurement commission within its competence shall be binding on the state customer and participants in procurement procedures.

Article 21. Specialized Organization

A specialized organization shall be a legal entity that has the right to provide, on behalf of the state customer, services for organizing public procurement of goods (works, services) on the basis of a contract on a paid basis.

The state customer shall have the right to involve a specialized organization in order to organize the conduct of procurement procedures.

The determination of the essential terms of the contract and the signing of the contract shall be carried out exclusively by the state customer.

The involvement of a specialized organization shall be carried out by the state customer on the basis of the requirements and criteria defined by this Law.

A specialized organization must meet the following requirements to provide services for the organization of public procurement:

- have the status of a legal entity;
- absence of other subjects of public procurement among the founders of a specialized organization;
- have at least one employee with practical experience in providing services related to the organization of public procurement;
- have available software and hardware tools that provide access to a special information portal.

A specialized organization shall have the right to receive from the state customer the necessary information to provide services for the organization of procurement procedures, except as otherwise provided by legislation.

A specialized organization shall be obliged to:

submit, at the request of the state customer, a report on the work done at any stage of the organization of the procurement procedures;

provide services in compliance with the basic principles of public procurement;

submit, at the request of the authorized body in the field of public procurement, information on compliance with this Law and other acts of legislation to the Commission for consideration of complaints in the field of public procurement;

take measures to prevent unscrupulous participants in procurement procedures from participating in public procurement;

determine the person responsible for organizing the procurement procedures for each public procurement;

organize procurement procedures based on the requirements of this Law and other acts of legislation.

A specialized organization shall provide the following services:

determine the starting price of a product (work, service), except for cases established by legislation;

conduct marketing and other researches;

organize advertising work;

draw up the texts of notices, announcements of procurement procedures, procurement documentation;

prepare, in accordance with the legislation, the texts of requirements, conditions of procurement procedures and clarifications on them;

offer the state customer a type of procurement procedure;

place, at the written request of the state customer, information on the procedure and terms of public procurement in the electronic system of public procurement and on a special information portal, in accordance with the legislation;

prepare draft contracts to be signed with the winners;

place announcements on forthcoming public procurements on the written instruction of the state customer only upon confirmation of the availability of funding sources;

address, on a written instruction from the state customer, to the participants in the procurement procedures with a proposal to extend the validity of their proposals for a certain period;

draw up the minutes of the meetings of the procurement commission;

draw up reports on the results of procurement procedures;

ensure the distribution of invitations to participate in the procurement procedure.

A specialized organization or its affiliated person cannot take part in the procurement procedure as a participant in the procurement procedures, the organizer of which it is.

The state customer shall be responsible for engaging a specialized organization in accordance with the requirements established in this article.

In cases of violations of the requirements of this Law and other acts of legislation in the course of public procurement by a specialized organization, liability shall be assigned to the state customer and the specialized organization.

Article 22. Expert, Expert Organization

Experts, expert organizations may be involved in the process of organizing and conducting procurement procedures to obtain advice and (or) an opinion on the consideration, evaluation and comparison of proposals on the basis of a relevant contract, including without consideration.

An expert shall be an individual who has special knowledge in the field related to the subject of public procurement, for the provision of consulting services and (or) the issuance of an opinion.

An expert organization shall be a legal entity whose employees have special knowledge in the field related to the subject of public procurement in order to provide consulting services and (or) issue an opinion.

An expert, an expert organization shall provide services in compliance with the legislation on public procurement.

Article 23. Participant in Procurement Procedures

A participant in procurement procedures (hereinafter referred to as the participant) shall be an individual or legal entity that is a resident or non-resident of the Republic of Uzbekistan, participating in the procurement procedure as a bidder for public procurement.

The participant shall have the right to:

access to information on public procurement to the extent provided for by legislation;

submit requests to the state customer or a specialized organization involved by them and receive clarifications on the procedures, requirements and conditions for conducting specific public procurement;

participate in the opening of proposals by the procurement commission in accordance with the established procedure;

appeal the results of procurement procedures to the Commission for consideration of complaints in the field of public procurement;

make changes to offers or withdraw them in accordance with the legislation.

The participant shall be obliged to:

comply with the requirements of the legislation on public procurement;

submit proposals and documents that meet the requirements of the procurement documentation, and be responsible for the accuracy of the information provided;

disclose information about the main beneficial owner;

conclude a contract with the state customer in the event of recognition them as the winner in the manner and within the time limits stipulated by legislation.

The participant and their affiliate shall not be entitled to participate in the same lot of the electronic store, auction, selection of the best offers and tender.

Article 24. Executor of Public Procurement

The executor of public procurement (hereinafter referred to as the executor) shall be the participant determined as the winner following the results of the procurement procedure, with which a contract on public procurement has been concluded.

The executor shall have the right:

to apply to the state customer for clarification in the process of executing the contract with it;

receive payment for the delivered goods (work, service);

terminate the contract in accordance with the terms of the contract and (or) in cases provided for by legislation.

The Contractor shall be obliged to:

comply with the requirements of the legislation;

execute the contract in accordance with its terms;

disclose information about the main beneficial owner;

provide the state customer or the authorized state body with clarifications and information at their request in the process of executing the contract.

Article 25. Operator of the Electronic System of Public Procurement

The operator of the electronic system of public procurement shall be a specially authorized legal entity that provides the subjects of public procurement with services related to the conduct of procurement procedures in electronic systems of public procurement, determined by the authorized body.

The operator of the electronic public procurement system shall:

ensure the uninterrupted functioning of the electronic public procurement system, the safety and integrity of the information posted in it, integration of the functioning of its electronic resource in the prescribed manner with the official websites and information systems of the relevant government bodies and a special information portal;

be responsible for ensuring the storage of information in electronic form, including electronic documents and electronic messages, as well as for the correct operation of the electronic public procurement system when conducting procurement procedures in accordance with the legislation;

place its electronic resource on hardware located on the territory of the Republic of Uzbekistan;

interact with the authorized body, other state and economic management bodies involved in the public procurement process.

The operator of the electronic public procurement system shall not be entitled to:

participate in public procurement as a participant, executor, as well as a state customer in its electronic system, be their affiliate;

interfere in the process of public procurement and pricing, restrict the freedom of subjects of public procurement when choosing counterparties and concluding contracts, as well as otherwise restrict the rights of subjects of public procurement, except as otherwise provided by legislation;

control or verify the accuracy of transmitted, received and stored electronic documents and electronic messages, as well as their compliance with the legislation, unless otherwise provided by legislation or the contract;

change the content of electronic documents and electronic messages posted by subjects of public procurement.

The operator of the electronic system of public procurement shall not be liable for the legal consequences related to the content of electronic documents and electronic messages transmitted to this operator by subjects of public procurement, including information posted in the electronic system of public procurement about upcoming public procurement.

Chapter 4. General Requirements for the Process of Public Procurement

Article 26. Process of Public Procurement

The process of public procurement shall include the following stages:

planning of public procurement;

implementation of procurement procedures;

conclusion and execution of the contract;

monitoring of public procurement.

It is allowed to implement projects included in the Investment Program of the Republic of Uzbekistan and other state programs on a turnkey basis using the fast-track method (simultaneous design, procurement and construction works) in accordance with decrees and resolutions of the President of the Republic of Uzbekistan.

Article 27. Special Information Portal

A special information portal shall be deemed a website (special electronic platform) maintained by an authorized body that provides electronic viewing of information on public procurement announcements, public procurement results, proposals of participants and other information provided for by legislation, as well as collection of information entered (sent) by operators of electronic public procurement systems on conducted electronic public procurement.

A special information portal shall ensure:

openness of information on public procurement to the public;

compilation, processing of information in the field of public procurement and the formation of analytical reporting;

interaction with electronic public procurement systems and other information systems;

monitoring and control by authorized state bodies exercising state control of procurement procedures over the implementation by subjects of public procurement of their functions within the

framework of the requirements of this Law and other acts of legislation in the field of public procurement.

A special information portal shall systematize the processes of planning public procurement, implementing procurement procedures, concluding a contract, monitoring and controlling public procurement.

Payments for public procurement of budget customers shall be made in the prescribed manner by the Treasury of the Ministry of Finance of the Republic of Uzbekistan after the completion of the planning of public procurement, the implementation of procurement procedures, the conclusion of a contract and the placement of information about them on a special information portal.

Article 28. Electronic Public Procurement System

The electronic public procurement system shall be deemed a software package of organizational, informational and technical solutions that ensure the interaction of public procurement subjects, the conduct of procurement procedures in the process of electronic public procurement.

The electronic public procurement system must comply with the requirements established by the authorized body, including:

- requirements for technical parameters;

- requirements for technical and technological capabilities;

- requirements for the location of equipment for storing information and related data;

- methods and conditions of information security;

- opportunities for interaction with a special information portal and other external information systems;

- requirements for organizing and conducting procurement procedures;

- opportunities for access to the system of subjects of public procurement, the authorized body and authorized state bodies exercising state control over procurement procedures;

- other requirements in accordance with the legislation on public procurement.

Article 29. Planning Public Procurement

Planning public procurement shall be carried out by the state customer and represents the systematization of procurement, ensuring the relationship between public procurement planning and planning in the budgetary and investment processes, as well as economic activity planning.

The annual schedule of public procurement shall be posted by budget customers until March 25 of the current year on a special information portal.

Annual public procurement schedules for the next year shall be posted by corporate customers until December 25 of the current year on a special information portal.

Quarterly public procurement schedules for the next quarter shall be posted by state customers before the 25th day of the last month of the current quarter on a special information portal.

Article 30. Types of Implementation of Procurement Procedures

Types of implementation of procurement procedures shall be:

- electronic store;

- auction to lower the starting price;

- selection of the best offers;

- tender;

- public procurement carried out under direct contracts;

- other competitive types of procurement permitted by decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan.

Procurement procedures may be carried out electronically.

Article 31. Information on Public Procurement

Information on public procurement shall include:

- legislation on public procurement;

- public procurement schedules;

- public procurement announcements;

standard forms of documents;
standard contracts required for participation in procurement procedures;
information on the results of public procurement stages;
Unified register of contracts;
Register of Single Suppliers;
Unified register of unscrupulous executors;
decisions of the Commission for consideration of complaints in the field of public procurement;
statistical information on public procurement.
Information on public procurement shall be published on a special information portal.
Information on public procurement must be complete, objective and reliable.

Article 32. Rules Concerning Evaluation Criteria and Procedures

Evaluation criteria for proposals of participants related to public procurement of goods (works, services) shall provide for:

price;
delivery basis;
delivery time limits;
characteristics and quality indicators;
service life (use);
terms of payment and guarantees;
operating costs, including use and repair costs in a specific period of time;
other criteria that do not contradict the requirements of the legislation.

The conditions of public procurement established by the state customer must contain the criteria for evaluating the proposals of participants, their relative importance, the procedure for applying the evaluation criteria within the framework of the evaluation procedure.

When evaluating the proposals of participants and determining the winner, the state customer shall use only those criteria and evaluation procedures that were specified in the procurement documentation, and apply these criteria and procedures in the manner set out therein.

In order to promote the improvement of the ecological environment or reduce the negative impact on the environment, criteria such as energy efficiency, rational use of natural resources, use of environmentally friendly materials and secondary raw materials, renewable energy sources, and other factors for assessing the environmental friendliness of purchased goods (works, services) may be used during public procurement.

Article 33. Rules Concerning the Estimation of the Cost of Public Procurement

In order to assess the conformity of the cost of public procurement with market prices, the state customer shall use data from open sources of information or other reliable sources.

Article 34. Rules Concerning the Description of Public Procurement of Goods (Works, Services) and the Terms of the Contract

Description of public procurement of goods (works, services) shall be objective, functional and general. The description shall indicate the relevant technical, qualitative, and, if necessary, operational characteristics of public procurement of goods (works, services).

Description of public procurement based on the technical properties of goods (works, services) may include classifications, plans, drawings, sketches, requirements and information on tests and test methods, packaging, marking or certification of conformity, as well as symbols and terminology.

The description of the public procurement of goods (works, services) should not include requirements or references regarding a specific trademark or name, patent, design or model, specific source of origin or manufacturer, exclusive right, unless there is no other sufficiently accurate way of describing the characteristics of public procurement of goods (works, services), and in this respect,

the description of public procurement should include the words “or equivalent”, except for cases of incompatibility of goods.

The description of the public procurement of goods (works, services) must contain:

quantity of goods;

works (services) to be performed (provided);

place where goods are to be delivered or where work is to be performed, services are to be provided;

desired or required terms for the delivery of goods, performance of work or provision of services, if available.

The procurement documentation must contain indicators that allow determining the compliance of the goods (works, services) to be purchased with the requirements established by the state customer. In this respect, the maximum and (or) minimum values of such indicators shall be indicated, as well as the values of indicators that cannot be changed.

Upon necessity, the state customer shall establish requirements for the warranty period of goods (works, services) and (or) the volume of guarantees for their quality, for warranty service of the goods, the costs of operating the goods, the obligation to install and adjust the goods, and to train persons involved in the use and maintenance of the goods.

In the case of determining the executor supplying machinery and equipment, the state customer shall establish in the procurement documentation the requirements for the warranty period of the goods and (or) the volume of guarantees for their quality, warranty service for the goods, the costs of servicing the goods during the warranty period, as well as for the installation and adjustment of the goods, if it is provided for by the technical documentation for the goods. In the case of determining the executor supplying new machinery and equipment, the state customer shall additionally establish in the procurement documentation the requirements for providing a manufacturer’s and (or) supplier’s guarantee for this product and the validity period of such a guarantee. The provision of such a guarantee shall be carried out together with this product.

The supplied goods must be new, unless otherwise provided by the description of the public procurement of goods.

Inclusion in the procurement documentation (including in the form of requirements for quality, technical characteristics of the goods (works, services), requirements for the functional characteristics (consumer properties) of the goods) of excessive requirements for the manufacturer of the goods, the participant, including the requirements for their qualifications, which contradict basic principles of public procurement, shall not be allowed.

An additional agreement to the contract concluded as a result of the procurement procedure may be concluded in the manner prescribed by legislation, if it does not change the essential terms of the contract, in particular in the form of a change in the product (work, service), its quality and assortment, an increase in quantity and price, and as well as extending the delivery time, except as otherwise provided by legislation. A change regarding the implementation of additional works and services in an amount not exceeding 10 percent of the total initial amount of the contract shall be carried out in the manner prescribed by legislation.

Article 35. Language of Public Procurement

Information on public procurement shall be published and distributed in the state language. Information on public procurement may be published and disseminated simultaneously with the state language in other languages. The content of information on public procurement published in other languages must correspond to the content of information published in the state language.

Article 36. Requirements for Participants

Participants must meet the following criteria:

availability of the necessary technical, financial, material, human and other resources for the execution of the contract;

eligibility to conclude a contract;

no arrears in payment of taxes and fees;

absence of bankruptcy procedures introduced against them;
absence of an entry in the Unified Register of Unscrupulous Executors.

Article 37. Public Procurement with Additional Requirements for Participants

The state customer, if necessary, shall have the right to establish additional requirements for participants based on the specific properties or features of the product (work, service).

Additional requirements for participants should not contradict the basic principles of public procurement.

Additional requirements for participants must be indicated in the information on public procurement at the time of its announcement.

To participate in public procurement with additional requirements for participants, participants undergo a pre-qualification selection.

Article 38. Joint Public Procurement

The formation of joint public procurement of goods (works, services) shall be carried out in accordance with the schedules of public procurement of two or more state customers.

The formation of joint public procurement of goods (works, services) should be carried out from state customers participating in one state program or portfolio of projects.

Article 39. Security of Proposals

Procurement Commission shall have the right to establish a requirement for participants on the need to secure proposals in the form of a pledge, guarantee, deposit or other method provided for by legislation.

The requirement for participants in the form of the need to secure proposals shall apply to all participants and shall be indicated in the conditions of public procurement.

In the event that the procurement commission establishes a requirement for participants in the form of the need to secure proposals, the participant shall have the right to send a request to confirm the acceptability of the security before sending the proposal. The state customer shall respond to such a request within two working days.

The state customer shall not require payment of the amount of the offer security and within one business day shall return the document on the security or ensure its return after the occurrence of one of the following events:

- expiration of the offer security;
- entry into force of the contract and the provision of security for the execution of this contract, if such security is required in the conditions of public procurement;
- cancellation of public procurement;
- withdrawal of the proposal before the deadline for submitting proposals.

Article 40. Ban on Negotiations

When implementing procurement procedures, negotiations between the state customer and the operator of the electronic system of public procurement, the operator of the electronic system of public procurement with the participant, and the state customer with the participants shall not be allowed until the winner is determined.

Article 41. Clarifications on the Procurement Documentation and the Procurement Procedure

Participants may apply to the state customer or a specialized organization engaged by them to obtain clarifications on the procurement documentation and the procurement procedure applied.

After receiving a request for clarifications on the procurement documentation and the procurement procedure applied, the state customer or a specialized organization involved by them shall submit the requested clarifications within two working days.

Clarifications on the procurement documentation and the procurement procedure shall be submitted in the same form as the request for clarifications on the procurement documentation and the procurement procedure applied.

Article 42. Conditions for Suspension of a Participant from Participation in Procurement Procedures

The Procurement Commission or the operator of the electronic public procurement system shall suspend a participant from participation in procurement procedures if:

there is an entry about them in the Unified Register of Unscrupulous Performers;

they have an overdue debt on the payment of taxes and fees;

bankruptcy proceedings have been introduced against them;

participant does not meet the qualification, technical and commercial requirements of the procurement documentation;

participant directly or indirectly offers, gives or agrees to give to any current or former official or employee of a state customer or other government agency any form of reward, job offer or any other thing of value or service with the purpose of influencing the performance of any action, decision-making or application of any procurement procedure by the state customer in the public procurement process;

participant commits anti-competitive actions or, in violation of the legislation, has a conflict of interest, as well as when cases of affiliation are identified.

The decision of the procurement commission or the operator of the electronic public procurement system to suspend a participant from participation in the procurement procedures and its reasons shall be recorded in the report on the procurement procedures, and they shall be immediately reported to the relevant participant.

Article 43. Acceptance of the Winning Bid and Grounds for Acceptance

The state customer, based on the results of the conducted procurement procedures, shall adopt a decision to accept the winning bid.

Acceptance of the winning bid may be made if:

public procurement has not been cancelled;

the participant who sent the winning bid was not suspended;

procurement procedures are not violated.

Article 44. Cancellation of Public Procurement

The state customer shall have the right to cancel the public procurement at any time before the acceptance of the winning bid. In case of cancellation of public procurement, the state customer shall publish the justified reasons for this decision on a special information portal through the electronic system of public procurement within three working days after the adoption of such a decision.

The state customer shall not be responsible for the cancellation of the public procurement, except for cases when the cancellation was the result of illegal actions (inaction) of the state customer.

Article 45. Rules of Ethical Conduct

In order to carry out public procurement, state customers, the operator of the electronic public procurement system, specialized organizations, expert organizations shall adopt the Rules of Ethical Conduct, which provide for:

measures to prevent conflicts of interest;

procedures for the implementation of professional training of relevant employees and requirements for it.

The rules of ethical conduct shall define the uniform principles and rules of ethical conduct in professional and non-official activities, the requirements for the professional training of employees of state customers, the operator of the electronic public procurement system, specialized organizations, an expert organization, members of the procurement commission.

Acceptance of tangible and intangible benefits by responsible persons of the state customer and the operator of the electronic public procurement system, employees of specialized and expert organizations, members of the procurement commission, as well as experts from participants and contractors shall be prohibited.

The rules of ethical conduct shall be subject to publication on the official websites of state customers or their higher authorities.

Article 46. Restrictions in the Public Procurement Process

During the public procurement process, the following shall not be allowed:

participation in public procurement of a participant in cases where close relatives of the participant and (or) an authorized representative of this participant have the right to make a decision on choosing the executor, and are also representatives of the state customer or a specialized organization engaged by them;

discrimination of participants, provision of benefits or preferences to one participant to the detriment of others, except for the cases provided for by [paragraph three](#) of Article 16 of this Law;

conflict of interest;

unlawful choice of non-competitive methods of public procurement, influencing the subjects of public procurement, disclosure of information about the participation of participants in public procurement, unreasonable limitation of their number or overstating the requirements for their qualifications, other forms of preventing, restricting or eliminating competition;

introducing into the text of the announcement of public procurement of illegal requirements that restrict competition among participants;

prior conspiracy of bidders to misrepresent prices or results of bidder's selection;

presentation or dissemination of false or distorted information, as well as unreasonable restriction of access to information on public procurement;

splitting the volume of public procurement into parts in order to avoid competitive methods of public procurement;

submission by participants of proposals at artificially low prices with subsequent refusal to sign the contract or to properly execute it;

inclusion in the state procurement of goods (works, services) that are technologically and functionally unrelated;

manifestation of fraud, falsification and corruption;

carrying out public procurements that do not have evidence of the availability of sources and amounts of funding, or for an amount exceeding the amount of allocated funds.

Article 47. Unified Register of Contracts

The authorized body shall maintain a unified register of contracts through the exchange of information between the databases of electronic public procurement systems and a special information portal.

The Unified Register of Contracts shall include the following documents and information:

name of the state customer;

source of financing;

method of determining the executor;

date of summarizing the results of the procurement procedure and the details of the document confirming the basis for concluding the contract;

date of conclusion of the contract;

name of the goods (works, services), the price of the contract and the term of its execution, the price of a unit of goods (works, services), the name of the country of origin and manufacturer;

name, company name (if available), location (postal address - for a legal entity), last name, first name, patronymic (if available), place of residence (for an individual), tax identification number of the executor or analogue of the taxpayer identification number of the executor for a foreign person in accordance with the legislation of the relevant foreign state, information about the beneficial owner, with the exception of information about the individual supplier of cultural property, including museum items and museum collections, as well as rare and valuable publications, manuscripts, archival documents (including their copies) that have historical, artistic or other cultural significance and intended to replenish the state museum funds, information and library funds, archival, film, photo funds and similar funds;

information about the change in the contract, indicating the terms of the contract that have been changed;

information on the execution of the contract, including information on the payment of the contract, the accrual of financial sanctions (fines, penalties) in connection with the improper performance of the obligations stipulated by the contract;

information about the termination of the contract, indicating the reasons and grounds for its termination.

The information contained in the Unified Register of Contracts shall be available for review free of charge.

The procedure for maintaining the Unified Register of Contracts shall be established by the authorized body.

Payments under contracts, information about which is not included in the Unified Register of Contracts, shall not be made.

Article 48. Unified Register of Unscrupulous Executors

The Unified Register of Unscrupulous Executors shall be a list formed by the authorized body, which shall include information:

about the winners of the procurement procedures who refused or otherwise evade from concluding a contract with a state customer on the terms determined on the basis of the results of the procurement procedures and public procurement;

about executors found guilty in the established manner of non-fulfillment or improper fulfillment of obligations, except for cases of non-fulfillment or improper fulfillment of obligations due to force majeure circumstances;

about bidders who provided false or forged documents, did not disclose information about affiliated persons participating in the same lot, or a conflict of interest in the public procurement process;

on executors found guilty by court decision of committing crimes related to fraud, falsification and corruption.

The executor included in the Unified Register of Unscrupulous Executors cannot participate in public procurement for two years, after which the executor shall be considered excluded from the Unified register of unscrupulous executors.

Executors shall have the right to appeal against the decision to include them into Unified Register of Unscrupulous Executors in court.

The procedure for the formation of the Unified Register of Unscrupulous Executors shall be approved by the authorized body.

Chapter 5. Electronic Store

Article 49. Criteria for Public Procurement through Electronic Store

In an electronic store, public procurement can be carried out of:

goods costing under one contract up to twenty-five thousand sizes of the base calculated value (for budget customers — up to two thousand five hundred sizes of the base calculated value);

works, services costing under one contract up to one hundred sizes of the base calculated value (for budget customers — up to fifty sizes of the base calculated value).

Public procurement of the same type of goods by a budgetary customer through an electronic store can be carried out in the amount of not more than ten thousand basic calculated values during one financial year.

Public procurement of the same type of work, services by a budgetary customer through an electronic store can be carried out in the amount of not more than five hundred basic calculated values (by a corporate customer — in the amount of not more than one thousand basic calculated values) within one financial year.

Article 50. Placement of Offers in the Electronic Store

The electronic store shall be formed from the offers of the participants. The participant's offer displayed in the electronic store shall be a public offer addressed to state customers.

In their offer posted in the electronic store, the participant shall indicate:

name of the proposed goods (work, service);

sale price;

maximum and minimum lot of goods;

brand and technical parameters of the goods (normative document on standardization, technical passport);

photo of the goods;

region of delivery of goods (performance of work, provision of services);

information about the manufacturer and country of origin of the goods;

information about the terms and conditions of the guarantee;

year of production of goods (day, month, year of manufacture of food products and perishable goods);

expiration date of the goods (day, month, year);

time limits of performance of work, provision of services;

information on the certificate of conformity in cases where mandatory certification of goods (works, services) is required, as well as sanitary-epidemiological, veterinary, veterinary-sanitary, phytosanitary conclusions or information on environmental expertise;

information on the availability of a license or other permit document or notification of the commencement of activities in cases where there is a mandatory requirement for licensing or obtaining another permit document or sending a notification on the commencement of activities in accordance with the legislation.

The participant's offer shall be active within fifteen working days from the moment of its placement in the electronic store. After this period, the participant shall have the right to activate it for another fifteen working days.

The participant shall have the right to withdraw the offer or make changes and additions to it at any time until its acceptance by the state customer.

Article 51. Procedure for Conducting the Procurement Procedure in an Electronic Store

The state customer, by studying the offers of participants in the electronic store, shall select the goods (work, service) they need and, after selecting the goods (work, service), shall use the request for quotation mechanism.

The electronic system of public procurement in automatic mode, by implementing the mechanism for requesting quotations, shall ensure the mailing to the participant who proposed the selected offer, as well as to all participants offering similar goods (works, services) in the electronic store, offers to participate in the procurement procedure.

Participants shall have the right to submit their proposals within forty-eight hours from the moment the electronic public procurement system sends an offer to participate in the request for quotation.

The proposal to participate in the request for quotations sent to the participants shall include a link to the participant's offer selected by the state customer.

A participant who has received an offer to participate in the procurement procedure shall have the right to make a quotation at a price lower than the offer price chosen by the state customer.

Comparison of quotations proposals submitted by participants shall be carried out by the electronic public procurement system in automatic mode.

The electronic public procurement system shall register the completed transaction between the state customer and the executor who offered the lowest price.

Participant data shall not be available to the state customer or participants until the summing up. The name of the executor shall be displayed in the electronic public procurement system at the time of determining the winner.

The electronic public procurement system shall form a contract in accordance with the conditions set forth in the participant's offer chosen by the state customer, and the lowest price offered by the participants.

In cases where, following the results of the procurement procedures, only the participant who proposed the selected offer took part, the electronic public procurement system shall send a request to the state customer, allowing bidding in electronic form. In this respect, the state customer shall have the opportunity to send a request to the participant who proposed the selected offer at a lower reasonable price than the price they offered. The participant who proposed the selected offer can accept or reject such a request within one business day.

When the quotation request is accepted by the participant who proposed the selected offer, the electronic public procurement system shall register the transaction between the state customer and the executor based on the quotation of the request sent by the state customer.

If the participant who offered the selected offer did not accept or rejected the request for quotation, the state customer, at his own request, may conclude a contract with this participant or make a purchase through an auction to lower the starting price or select the best offers in accordance with the requirements of this Law. In this case, the responsibility shall lie with the state customer.

If, within one working day after the completion of the procurement procedures, the state customer does not send a request for quotation, the electronic public procurement system shall register the transaction between the state customer and the executor.

The study of prices by the state customer can be carried out through the use of information from the electronic public procurement system or other open sources.

Chapter 6. Auction to Lower the Starting Price

Article 52. Criteria for Holding Auction to Lower the Starting Price

Public procurement through an auction to lower the starting price (hereinafter referred to as the auction) shall be carried out if the following conditions are simultaneously met:

product has standard properties;

there is no need to evaluate and compare the technical, operational and other characteristics of the goods;

cost of the goods under one contract is up to twenty-five thousand (for budget customers — up to six thousand) of the size of the base calculated value.

Public procurement of services and works cannot be the subject of an auction.

The winner of the auction shall be the participant who offered the delivery of the goods on the conditions set forth in the announcement, at the lowest price. In this respect, this norm shall not cancel the requirement to supply goods that meet established quality standards.

Article 53. Announcement of an Auction

An auction shall be held only in electronic form.

To participate in the auction, the state customer shall place an announcement in the electronic public procurement system through a special information portal.

The announcement of the auction must be posted not less than five working days before its implementation.

The announcement of the auction must contain the following data:

name and address of the state customer;

the first and last day of the auction (period of the auction);

the starting price of the auction item;

the item of the auction and its characteristics (specification of the item of the auction);

quantity of goods;

terms and conditions of delivery of goods;

place (address) of delivery of goods;

requirement to have a document confirming the compliance of the goods with the current requirement of the standard;

requirement to have a certificate of conformity and a sanitary-epidemiological conclusion in cases where mandatory certification of goods is required;

if necessary, the requirement for a license, other permit document or notification of the commencement of activities;

conditions characterizing the individual parameters of the goods.

It shall be forbidden to introduce into the text of the announcement of the auction and the application of the state customer of requirements that are not related to the item of the auction and that restrict competition among the participants.

An announcement about an auction placed in the electronic public procurement system through a special information portal shall be automatically converted into an application from a state customer.

Article 54. Procedure for Holding an Auction

An auction shall be held in the electronic public procurement system by stepwise reduction of the starting price.

Course of the auction, provision of access to the auction for each lot in accordance with the amount of security deposited, determination of the winner of the auction, registration of the transaction and formation of the contract shall be carried out automatically by the electronic public procurement system.

In the course of auction, participants shall have the right to submit price offers an unlimited number of times during the entire period from the moment the auction begins to the moment it ends.

The name and contact details of the participants shall not be displayed in the electronic public procurement system until the moment the winner of the auction is determined.

When the end time of the auction comes, the electronic public procurement system shall automatically determine the offer with the lowest price submitted during the auction. The participant who submitted the proposal with the lowest price shall be selected by the electronic public procurement system as the winner of the auction. The name of the executor shall be displayed in the electronic system of public procurement, which shall automatically register the completed transaction and form a contract in accordance with the conditions set forth in the application of the state customer.

Article 55. General Procedure and Consequences of Declaring an Auction Invalid

If one participant or no one participated in the auction, the auction shall be considered to be invalid and the winner shall not be determined. The state customer may extend the auction for three working days or make purchases through an electronic store (within the criteria established in [Article 49](#) of this Law) or selection of the best offers in accordance with the requirements of this Law.

The extension of the auction shall be carried out by the state customer within three working days from the end of the previous auction.

Chapter 7. Selection of Best Proposals

Article 56. Criteria for the Selection of the Best Proposals

Public procurement through the selection of the best proposals (hereinafter referred to as selection) shall be carried out if the following conditions are satisfied simultaneously:

criteria for determining the winner have not only a monetary, but also a quantitative and qualitative assessment of the public procurement of goods (works, services);

cost of goods (works, services) under one contract is up to twenty-five thousand (for budget customers — up to six thousand) the size of the basis calculated value.

In the event that by decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, state customers are granted the right to make purchases without a tender, the procurement procedure shall be carried out through selection, regardless of the amount of public procurement. In this respect, in cases where the cost of goods (works, services) exceeds twenty-five thousand (for budget customers — six thousand) basic calculated values, the terms of reference for public procurement shall be submitted for examination to the state unitary enterprise “Center for Comprehensive expertise of projects and import contracts”

under the Ministry of Economic Development and Poverty Reduction of the Republic of Uzbekistan in the manner prescribed by legislation (hereinafter referred to as the Center for Comprehensive Expertise).

The selection shall be mandatory carried out in electronic form, with the exception of cases provided for by legislation.

Article 57. Procurement Commission in course of Selection

A procurement commission shall be formed to carry out public procurement through selection, consisting of not less than five members from among the employees of the state customer.

During the selection, not less than two thirds of the total number of members of the procurement commission must be present, each meeting and the decision adopted must be documented in protocol.

Article 58. Announcement of Selection

Information on public procurement through selection shall be communicated by the state customer to an unlimited number of persons by placing an announcement on the selection and procurement documentation for the selection in the electronic public procurement system through a special information portal, and also, at the request of the state customer, on its official website or on the official website of its higher authority, as well as in the media.

In the event that by decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, state customers are granted the right to make purchases without holding a tender, the announcement of the selection shall be placed only after receiving a positive conclusion on the terms of reference for the public procurement of the Center for Comprehensive Expertise.

The announcement of the selection and procurement documentation for the selection shall be placed by the state customer in the electronic public procurement system through a special information portal, and also, at the request of the state customer, on its official website or on the official website of its higher authority, as well as in the mass media not less than five working days before the closing date for the submission of proposals.

Depending on the specific properties or features of the goods (works, services) to be purchased, the state customer shall have the right to place an announcement about the selection for a longer period than is established in [part three](#) of this article.

The announcement of the selection must contain the following information:

form of the selection;

detailed description and starting price of goods (works, services);

address of the place of selection;

requirements for participants;

surname, name, patronymic, position and address of one or more officials or other employees of the state customer identified as contact persons for communication with the participants;

date and time of the deadline for submission of proposals by participants;

proposal submission requirements.

The announcement of the selection and (or) invitation to participate in the selection may contain other information that does not contradict the legislation.

Article 59. Procurement Documentation for Selection

The procurement documentation for the selection shall be placed by the state customer in the electronic public procurement system through a special information portal simultaneously with the placement of the announcement of the selection.

The procurement documentation for the selection shall contain:

information specified in the announcement of the selection;

information about the currency, payment procedure and delivery terms used to form settlements with contractors;

requirement for the mandatory preparation of a proposal for participation in the selection in the state language and, as necessary, in other languages;
procedure, start and end dates for providing participants with clarifications on the provisions of the procurement documentation for the selection;
terms of reference;
evaluation criteria and the procedure for consideration of proposals in accordance with this Law;

requirement for the mandatory submission by the participants of the selection of an application to prevent corruption.

In the procurement documentation for the selection, the state customer may declare that each piece of goods (work, service) is considered as a separate unit of the procurement procedure. In this case, the state customer can conclude contracts with several participants in the selection for the supply of different goods (works, services), in this respect for each piece of goods (work, service) only one winner can be determined. For each piece of goods (work, service) the winner shall be determined separately according to the terms of the procurement procedure.

The procurement documentation for the selection shall be accompanied by a draft contract, which is its integral part.

The state customer shall approve the procurement documentation for the selection which is agreed with the procurement commission.

The state customer, in agreement with the procurement commission, shall have the right to decide on making changes to the procurement documentation for the selection no later than one business day before the deadline for submitting proposals for participation in the selection. In this respect, the deadline for submission of proposals in this selection shall be extended by not less than three working days. At the same time, changes shall be made to the announcement of the selection, if the information specified in the announcement has been changed. Change of goods (works, services) shall not be allowed.

Article 60. Procedure for Submitting Proposals of Selection Participants

Proposals of selection participants shall be submitted in accordance with the procedure established in the announcement and in the procurement documentation for selection in sealed envelopes at the address indicated in the announcement of selection.

The procedure for submitting proposals of selection participants during the selection in electronic form shall be determined by the Cabinet of Ministers of the Republic of Uzbekistan.

The proposal may contain a sketch, drawing, photograph and other image, sample, design of the goods that are the object of public procurement.

The selection participant shall be responsible for the authenticity and reliability of the information and documents provided.

The selection participant shall be entitled to submit only one proposal.

Acceptance of proposals for selection shall be terminated with the onset of the deadline specified in the announcement published in the electronic public procurement system through a special information portal.

Article 61. Conducting Selection

If at the time of the deadline for submission of proposals for participation in the selection only one proposal has been submitted or no proposals have been submitted, the selection shall be recognized as not having taken place. In this respect, the state customer may conduct a new selection or purchase through an electronic store (within the criteria established in [Article 49](#) of this Law) or an auction in accordance with the requirements of this Law.

At the time indicated in the announcement as the time of the selection, the procurement commission for the evaluation of proposals shall open the envelopes with proposals submitted by the participants in the selection. The proposals received shall be considered by the procurement committee. Proposals that do not meet the requirements of the procurement documentation for the selection shall be excluded and not evaluated by the procurement commission. During the selection,

proposals of participants with a price exceeding the starting price shall be excluded and shall be not evaluated by the procurement commission.

The selection shall be recognized as completed if the procurement commission has received not less than two proposals from participants that meet the requirements specified in the procurement documentation for the selection.

All proposals of the participants shall be evaluated on the basis of the criteria specified in the procurement documentation for the selection, and shall be recorded in the protocol of the selection.

The term for considering and evaluating the proposals of the selection participants cannot exceed ten working days from the date of the deadline for submitting proposals.

Evaluation of proposals of participants can be carried out in two stages.

Selection for the amount of not more than fifty basic calculated values (for budget customers — for the amount of no more than twenty-five basic calculated values) under one contract can be carried out without the participation of the procurement commission, but for the amount of not more than one thousand basic calculated values within one financial year for one corporate customer and in the amount of not more than five hundred basic calculated values — within one financial year for one budget customer. In this respect, the winner shall be determined by the state customer by comparing prices obtained from open sources of information, or by requesting prices from potential suppliers of goods (works, services), without placing an announcement about the selection. Information about the registered documents, concluded contracts and additional agreements to them shall be posted by the state customer on a special information portal no later than three working days from the date of their registration or conclusion.

Article 62. Determining the Winner of the Selection

Based on the results of comparison of proposals, the procurement commission shall determine the winner of the selection and shall reflect the results of the selection in the protocol.

By decision of the procurement commission, in accordance with the criteria specified in the procurement documentation for the selection and proposal, a reserve winner may be determined, who is recognized as the participant who submitted the most optimal proposal after the proposal of the winner.

The protocol on the day of its registration shall be placed by the state customer for discussion for two working days in the electronic public procurement system.

If within two working days no objections were received from the selection participants based on the results of the selection, a contract shall be concluded between the state customer and the participant recognized as the winner by the procurement commission.

Objections received after the expiration of the period set for discussion shall not be considered by the procurement commission.

Upon receipt of objections based on the results of the selection from its participants, the procurement commission shall consider the objections and adopt an appropriate decision.

Based on the information on the results of the discussion provided by the state customer to the procurement commission, an appropriate protocol of the meeting of the procurement commission shall be drawn up and placed in the electronic public procurement system within three working days from the date of its signing.

Information on the concluded contract based on the results of the selection shall be posted by the state customer on a special information portal no later than three working days from the date of its conclusion.

Article 63. Registration of Selection Results

The contract based on the selection results shall be concluded on the terms provided for in the procurement documentation for the selection and the proposal submitted by the selection participant with whom the contract is concluded.

The state customer may set a condition in the procurement documentation for the selection providing for the conclusion of the contract after the winner submits the security of the terms of the contract.

If the winner refuses to conclude the contract, the amount of the deposit shall not be returned to him. If the procurement commission determines the reserve winner, the right to conclude the contract and fulfill obligations under it shall pass to the reserve winner. In this respect, the reserve winner shall conclude the contract at the price offered by the winner (except for cases when the price offered by the reserve winner is lower than the price offered by the winner), or may refuse to conclude the contract.

If the procurement commission has not determined a reserve winner or the reserve winner has refused to conclude a contract, the state customer may conduct a new selection or purchase through an electronic store (within the criteria established in [Article 49](#) of this Law) or an auction in accordance with the requirements of this Law.

Chapter 8. Tender

Article 64. Criteria for Conducting Tender

Public procurement through a tender shall be carried out if the following conditions are satisfied simultaneously:

criteria for determining the winner have not only a monetary value, but a quantitative and qualitative assessment of the goods (work, services);

cost of goods (works, services) is more than twenty-five thousand basic calculated values (for budget customers — more than six thousand basic calculated values) under one contract.

The tender shall be mandatory held in electronic form, except as otherwise provided by legislation.

Article 65. Procurement Commission for the Tender

Procurement commission consisting of not less than seven members shall be formed to carry out public procurement through a tender.

The best conditions for the execution of the contract shall be determined by the procurement commission on the basis of the announced criteria for evaluating the proposals of tender participants.

The procurement commission shall be considered competent if not less than two thirds of the total number of members of the procurement commission are present at the meeting. All decisions adopted by it must be documented in protocol.

Article 66. Announcement of Tender

Information on public procurement through a tender shall be communicated by the state customer to an unlimited number of persons by posting an announcement of a tender and procurement documentation for the tender in the electronic public procurement system through a special information portal, as well as at the request of the state customer on its official website or on the official website of its higher authority, as well as in the media.

The announcement of the tender shall be placed only after receiving a positive conclusion from the Center for Comprehensive Expertise on the procurement documentation for the tender.

The announcement of the tender shall be placed by the state customer in the electronic public procurement system through a special information portal not less than twelve working days and no more than thirty working days before the deadline for accepting proposals from tender participants.

The announcement of the tender must contain the following information:

form of the tender;

detailed description and starting price of goods (works, services);

address of the tender venue;

requirements for bidders;

surname, name, patronymic, position and address of one or more officials or other employees of the state customer identified as contact persons for communication with the participants;

date and time of the deadline for submission of proposals;

requirements for bidding.

The announcement of the tender may contain other information that does not contradict the legislation.

Article 67. Procurement Documentation for the Tender

The procurement documentation for the tender shall be placed by the state customer in the electronic system of public procurement through a special information portal simultaneously with the placement of the announcement of the tender.

The procurement documentation for the tender must contain:

information specified in the tender announcement;

information on the currency and payment procedure used to form the contract price and settlements with contractors;

requirement for the mandatory preparation of a proposal for participation in the tender in the state language and, as necessary, in other languages;

information on the technical and price part of the proposal of the tender participant, the procedure for their evaluation;

procedure, start date and end date for submission to tenderers of clarifications of the provisions of the procurement documentation for the tender;

terms of reference;

evaluation criteria and the procedure for consideration of tender participants' proposals in accordance with this Law;

requirement for the mandatory submission by bidders of a statement on the prevention of corruption.

In the procurement documentation for the tender, the state customer may declare that each pie of goods (work, service) shall be considered as a separate unit of the procurement procedure. In this case, the state customer may conclude contracts with several bidders for the supply of different goods (works, services), while only one winner can be determined for each goods (works, services). For each good (work, service) the winner shall be determined separately according to the terms of the procurement procedure.

A draft contract shall be attached to the procurement documentation for the tender, which shall be its integral part.

The state customer shall approve the procurement documentation for the tender which is agreed with the procurement commission.

The state customer, in agreement with the procurement commission, shall have the right to decide on making changes to the procurement documentation for the tender no later than one business day before the deadline for submitting proposals for participation in the tender. In this respect, the deadline for submitting proposals in this tender shall be extended by not less than ten working days. At the same time, changes shall be made to the announcement of the tender, if the information specified in the announcement has been changed. Changing the name of goods (works, services) shall not be allowed.

The tender participant shall have the right to send a request to the state customer for clarification of the provisions of the procurement documentation for the tender. Within two working days from the date of receipt of the specified request, the state customer shall send clarifications to the provisions of the procurement documentation for the tender, if the specified request was received by the state customer no later than two working days before the deadline for submission of proposals. Clarifications of the provisions of the procurement documentation for the tender should not change its essence.

Procurement documentation for the tender shall be submitted for examination to the Center for Comprehensive Expertise in accordance with the procedure established by legislation.

Responsibility for the compliance of the concluded contracts, import contracts and additional agreements to them with the procurement documentation and their authenticity shall be borne by the state customer.

Article 68. Procedure for Submitting Proposals of Tender Participants

Proposals of tender participants shall be submitted in accordance with the procedure established in the announcement and procurement documentation for the tender, in sealed envelopes at the address specified in the tender announcement.

The procedure for submitting proposals of bidders during the tender in electronic form shall be determined by the Cabinet of Ministers of the Republic of Uzbekistan.

The proposal may contain a sketch, drawing, photograph and other image, sample, design of the goods that are the object of public procurement.

The bidder shall be responsible for the authenticity and reliability of the information and documents provided.

The bidder shall be entitled to submit only one proposal.

Acceptance of proposals for participation in the tender shall be terminated with the onset of the deadline specified in the announcement published in the electronic public procurement system through a special information portal.

Tender participants' proposals shall be considered by the procurement commission if not less than two proposals have been received from tender participants by the deadline for submission of proposals.

The tender shall be declared invalid if only one participant took part in the tender or no one took part. In this case, the state customer shall be obliged to conduct the procurement procedure again on the same conditions and with the same criteria and requirements for the good (work, service). If it is necessary to change the conditions, evaluation criteria and requirements for the good (work, service), the procurement commission shall adopt an appropriate decision indicating the grounds. The bidder shall have the right to withdraw or amend the submitted proposal before the deadline for submission of such proposals.

Article 69. Consideration and Evaluation of Proposals of Tender Participants

The time limit for consideration and evaluation of proposals of tender participants cannot exceed forty-five working days from the moment of the deadline for submission of proposals.

The proposal shall be recognized as properly registered if it complies with the requirements of this Law and the procurement documentation for the tender.

The Procurement Commission shall reject the proposal if the tender participant who submitted it does not meet the requirements established by this Law, or the proposal of the tender participant is not properly executed, and also does not comply with the requirements of the procurement documentation for the tender.

At the time indicated in the announcement as the time of the tender, the procurement commission shall open the envelopes with proposals submitted by the tender participants one by one in order to evaluate the proposals. If the envelopes with proposals were not opened at the set time, the state customer shall ensure the distribution and placement in the electronic public procurement system of a notice on the time of opening the envelopes with proposals with a reasonable explanation on this case to the tender participants. In this respect, the period between the initially set time and the next time for opening envelopes with proposals should not exceed five working days.

During the procedure for opening the envelopes with tender proposals, the state customer shall make a video recording, and in the process of opening the envelopes, all submitted documents and the price of the commercial offer of the participants shall be announced, except for cases when the tender is held in electronic form.

If the information contained in the documents submitted by the tender participant is found to be unreliable, the procurement commission shall have the right to remove such participant from participating in the tender at any stage of the procurement procedure.

In order to identify the winner of the tender based on the criteria specified in the procurement documentation for the tender, the procurement commission shall evaluate proposals that have not been rejected.

At the first stage, the evaluation of the technical part of the tenderer's proposal shall be carried out. The decision of the procurement commission on the evaluation of the technical part of the tender proposal shall be drawn up in a protocol, which indicates the results of the evaluation of the first stage of the tender.

The second stage of the tender shall be held if there are proposals from not less than two participants who have passed the first stage of the tender.

At the second stage of the tender, the opening and evaluation of the price part of the proposal shall be carried out. The decision of the procurement commission on the evaluation of the price part of the tender proposal shall be drawn up in a protocol that determines the winner of the second stage of the tender. In the tender, proposals of participants with a price exceeding the starting price shall be excluded and shall not be evaluated by the procurement commission.

An authorized representative of the tender participant shall have the right to be present at the procedure for opening envelopes with proposals.

Based on the results of consideration of proposals, the tender shall be declared invalid:

at the first stage — if the procurement commission rejected all proposals or only one proposal meets the requirements of the procurement documentation for the tender;

at the second stage — if the procurement commission rejected all proposals.

Based on the technical characteristics of the purchased goods (works, services), the tender can be held in one stage. In this respect, the state customer must indicate this in the procurement documentation for the tender. In this case, the opening and evaluation of the technical and price parts of the tender offer shall be carried out simultaneously.

Upon holding a tender in one stage, when the procurement commission rejected all proposals or only one proposal meets the requirements of the procurement documentation for the tender, the tender shall be declared invalid.

The winner shall be the bidder who offers the best conditions for the execution of the contract based on the criteria specified in the procurement documentation for the tender and the proposal.

By decision of the procurement commission, in accordance with the criteria specified in the procurement documentation for the tender and proposal, a reserve winner may be determined, who is recognized as the participant who provided the most optimal proposal following the winner's proposal.

If the procurement documentation for the tender provides that each good (work, service) of the tender is considered as a separate unit of the procurement procedure, the procurement commission shall determine the winner for each item of the tender.

The results of consideration and evaluation of proposals shall be recorded in the protocol of consideration and evaluation of proposals.

The protocol of consideration and evaluation of proposals must contain information:

on the date and time of consideration and evaluation of tender proposals;

on the composition of the present members of the procurement commission and authorized representatives of the tender participants;

about the bidders whose proposals were considered;

about bidders whose bids were rejected, indicating the specific reasons for their rejection;

on the decision adopted on the winner of the tender;

on the name (for a legal entity), last name, first name, patronymic (for an individual), location (postal address) of the tender winner.

The protocol for consideration and evaluation of proposals at the stages of the tender shall be signed by all members of the procurement commission present, and an extract from it shall be published in the electronic public procurement system within three working days from the date of signing the protocol.

Any bidder after the publication of the protocol of consideration and evaluation of proposals shall have the right to send a request to the state customer for clarification of the results of the tender. Within three working days from the date of receipt of such a request, the state customer shall provide the bidder with the relevant clarifications.

The state customer and the procurement commission shall not be entitled to discuss proposals until the end of their acceptance.

Article 70. Conclusion of the Contract Based on the Results of the Tender

Based on the results of the tender, the contract shall be concluded on the terms specified in the procurement documentation for the tender and the proposal submitted by the tender participant with whom the contract is concluded.

If the winner refuses to conclude the contract, the amount of the deposit shall not be returned to him. If the procurement commission determines the reserve winner, the right to conclude the contract and fulfill obligations under it shall pass to the reserve winner. In this respect, a contract shall be concluded with the reserve winner at the price offered by the winner (except for cases when the price offered by the reserve winner is lower than the price offered by the winner), or they may refuse to conclude the contract. If the procurement commission does not determine the reserve winner or the reserve winner refused to conclude the contract, the state customer shall conduct a new tender.

Information on the concluded contract based on the results of the tender shall be posted by the state customer on a special information portal no later than three working days from the date of its conclusion.

Chapter 9. Public Procurement Carried Out under Direct Contracts

Article 71. The Procedure for Public Procurement under Direct Contracts

Public procurement under direct contracts may be carried out in the following cases:

public procurement of goods (works, services) permitted for public procurement from a single supplier included in Register of Single Suppliers;

public procurement of goods (works, services) carried out under direct contracts on the basis of decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan;

public procurement of goods (works, services) which are necessary to meet the needs of the Republic of Uzbekistan in order to eliminate emergency situations;

public procurement related to the appointment of a lawyer (representative) to participate in court proceedings;

public procurement of the results of intellectual activity, such as works of science, literature and art, performances, phonograms, programs of on-air or cable broadcasting organizations, from a single person who has the exclusive right to this object of intellectual property;

public procurement of goods (works, services), prices (tariffs) for which are regulated by the state.

State customers shall be obliged to post information about concluded direct contracts on a special information portal within three working days from the date of their conclusion.

If information about the concluded direct contracts was not posted on a special information portal, then payment under these contracts shall not be made.

The state customer, in accordance with the requirements of this Law, may also use other competitive types of procurement procedures in the implementation of public procurement provided for in this article.

In the event that decrees and resolutions of the President of the Republic of Uzbekistan, as well as resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, allow public procurement of goods (work, services) on the basis of a direct contract, the contract and additional agreements to it shall be subject to comprehensive examination at the Center for Comprehensive Expertise, except for cases established by legislation.

Article 72. Public Procurement from a Single Supplier

A single supplier shall be a supplier of goods (works, services) recognized as a single supplier in the manner prescribed by this Law and included in the Register of Single Suppliers.

If it is necessary to purchase goods (works, services) from a single supplier, a direct contract shall be concluded between them and the state customer, and information about the contract shall be

subject to placement on a special information portal within three working days from the date of its conclusion.

Public procurement from a single supplier shall be carried out in the following exceptional cases:

public procurement of technically complex goods (works, services) that have no analogues on the market and which can only be purchased from a single supplier;

acquisition of cultural property;

public procurement from entities defined as single suppliers in decrees and resolutions of the President of the Republic of Uzbekistan or resolutions of the Cabinet of Ministers of the Republic of Uzbekistan;

state procurement of goods (works, services) of a subject of natural monopoly;

emergence of a need for works or services, the performance or provision of which can be carried out only by state authorities and public administration in accordance with their powers or state institutions and organizations subordinate to them.

Article 73. Register of Single Suppliers

The Register of Single Suppliers shall be an information resource maintained by the authorized body on a special information portal.

The Register of Single Suppliers shall contain a list of goods (works, services) permitted for public procurement from a single supplier, and a list of single suppliers.

Chapter 10. Monitoring and Control of Procurement Procedures

Article 74. Monitoring and Control in the Field of Public Procurement

Monitoring in the field of public procurement shall be deemed a system of monitoring on an ongoing basis the observance of the legislation on public procurement, the implementation of the goals, principles and restrictions of public procurement established by this Law, carried out by collecting, summarizing, systematizing and evaluating information about their implementation.

Control in the field of public procurement shall be deemed a system of measures aimed at preventing, detecting and suppressing violations of legislation requirements in this area.

The main form of control of state bodies over compliance with public procurement legislation shall be inspections carried out by comparing and analyzing statistical and other information in the manner prescribed by legislation.

Monitoring and control in the field of public procurement shall be carried out by the relevant authorized state bodies.

State bodies carrying out public procurement shall have the right to monitor and control the public procurement conducted by their subordinate state customers.

In the course of organizing and conducting procurement procedures, it shall not be allowed to conduct inspections and demand reporting forms that are not provided for by legislation.

Article 75. State Control of Procurement Procedures

State control over the correct application of this Law and other acts of legislation in the field of public procurement shall be carried out by:

Accounts Chamber of the Republic of Uzbekistan;

General Prosecutor's Office of the Republic of Uzbekistan;

Anti-Corruption Agency of the Republic of Uzbekistan;

Ministry of Finance of the Republic of Uzbekistan;

Antimonopoly Committee of the Republic of Uzbekistan within their powers.

The Accounts Chamber of the Republic of Uzbekistan shall conduct an audit of public procurements carried out by state customers, and include the results of the audit in a report that annually submit to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan at the end of the year, and also shall place it in open sources of information.

State control over the correct application of this Law and other acts of legislation in the field of public procurement shall be carried out by other authorized state bodies as well within their powers, in accordance with the legislation.

Article 76. Public Control of Procurement Procedures

Public control of procurement procedures shall be carried out in order to promote the development and improvement of public procurement, prevent and detect violations of the requirements of the legislation on public procurement and inform state customers, authorized state bodies about the identified violations.

Public control of procurement procedures shall be carried out through the implementation of the principles of openness and transparency.

Citizens of the Republic of Uzbekistan, self-governing bodies of citizens, as well as non-state non-commercial organizations and mass media registered in the manner prescribed by legislation, shall have the right to exercise public control over compliance with the legislation on public procurement.

Citizens of the Republic of Uzbekistan, self-governing bodies of citizens, as well as non-governmental non-commercial organizations and mass media registered in the manner prescribed by legislation, exercising public control, shall have the right to:

- prepare proposals for improving the legislation on public procurement;
- send requests to state customers for information on the implementation of procurement procedures and on the progress of execution of contracts;
- carry out independent monitoring of procurement procedures and assessment of the effectiveness of public procurement, including an assessment of their compliance with the requirements of this Law;
- apply to state bodies with the initiative to conduct verification activities;
- apply to law enforcement agencies in cases of violations in the actions (inaction) of the state customer, the operator of the electronic public procurement system, the authorized body, procurement commissions and their members;
- appeal to court in accordance with the legislation.

Article 77. Analysis of the Efficiency and Effectiveness of Public Procurement for Project Activities

Analysis of the efficiency and effectiveness of public procurement for project activities shall be carried out by the relevant authorized body.

The head of the state customer or a project management representative appointed by him shall be familiarized with the results of the analysis against signature.

Post-project monitoring of the efficiency and effectiveness of public procurement shall be carried out by the relevant authorized body within three years after the completion of public procurement for the project.

Chapter 11. Consideration of Complaints

Article 78. Commission for Consideration of Complaints in the Field of Public Procurement

For the purpose of fair, prompt and effective consideration of complaints, the authorized body shall create a permanent Commission for consideration of complaints in the field of public procurement, which consists of representatives of the relevant state bodies, operators of electronic public procurement systems and the public and shall be approved by the Cabinet of Ministers of the Republic of Uzbekistan.

The procedure for considering complaints received by the Commission for the consideration of complaints in the field of public procurement shall be determined by the authorized body.

The authorized body shall be the working body of the Commission for the consideration of complaints in the field of public procurement and organize its activities.

Each participant, as well as persons exercising control, shall have the right to appeal in court or in the manner prescribed by this chapter, to the Commission for consideration of complaints in the field of public procurement actions (inaction) of the state customer, the procurement commission, its members, the operator of the electronic system of public procurement, if such actions (inaction) violate the rights and legitimate interests of the participant.

Article 79. Procedure for Filing and Considering Complaints

The Commission for Considering Complaints in the Field of Public Procurement, upon receipt of a complaint, within three working days from the date of its receipt, shall notify the state customer about this and shall suspend the procurement procedure for a total period of up to ten working days.

The Commission for Consideration of Complaints in the Field of Public Procurement shall consider the complaint with the participation of the state customer and the participant, except in cases where the participant agreed to consider the complaint without their participation or did not participate without a good reason.

The Commission for Consideration of Complaints in the Field of Public Procurement must, within seven working days after receiving the complaint, shall adopt a decision on it and post information about it on a special information portal.

The adopted decision should not contain information, the disclosure of which will violate the commercial interest of the participant (executor) or threaten fair competition, except in cases where the Commission for Consideration of Complaints in the Field of Public Procurement has decided to publish this information.

If the participant's complaint is recognized as grounded, the Commission for Consideration of Complaints in the Field of Public Procurement may take the following measures:

- establish a ban on illegal actions, decisions or execution of illegal procedures of the state customer;

- partially or completely cancel illegal decisions of the state customer, including if they violate the terms of the public procurement documentation;

- decide on the completion of the procurement procedures;

- include the executor in the Unified Register of Unscrupulous Executors.

Decisions of the Commission for Consideration of Complaints in the Field of Public Procurement shall be binding on all subjects of public procurement.

The Public Procurement Complaints Commission operates in accordance with this Law and other legislative acts.

The Executor may appeal against the decision of the Commission for Consideration of Complaints in the Field of Public Procurement in court.

Chapter 12. Final Provisions

Article 80. Settlement of Disputes

Disputes arising in the field of public procurement shall be resolved in the manner prescribed by legislation.

Article 81. Liability for Violation of the Legislation on Public Procurement

Public procurement subjects and their officials, in accordance with this Law and other acts of legislation, as well as anti-corruption legislation, shall be liable responsible for compliance with the requirements of public procurement legislation and proper fulfillment of obligations under the contracts they have concluded.

Persons guilty of violating the legislation on public procurement shall be liable in accordance with the established procedure.

Article 82. Recognition as Invalid of Some Acts of Legislation

To recognize as invalid:

1) Law of the Republic of Uzbekistan dated April 9, 2018 No. ZRU-472 “On Public Procurement” (Bulletin of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2018, No. 4, Art. 220);

2) Article 53 of the Law of the Republic of Uzbekistan dated December 3, 2019 No. ZRU-586 “On amendments to certain legislative acts of the Republic of Uzbekistan in connection with the improvement of the procedure for determining the amount of wages, pensions and other payments” (Bulletin of the chambers of the Oliy Majlis of the Republic of Uzbekistan, 2019 city, No. 12, item 880).

Article 83. Ensuring the Execution, Communication, Clarification of the Essence and Significance of This Law

To the Ministry of Finance, the Ministry of Justice of the Republic of Uzbekistan and other interested organizations shall ensure the execution, communication to the executors and explanation among the population of the essence and significance of this Law.

Article 84. Bringing Legislation into Line with this Law

To Cabinet of Ministers of the Republic of Uzbekistan:
to bring government decisions in line with this Law;
to ensure the revision and cancellation by the state administration bodies of their normative legal acts that are contrary to this Law.

Article 85. Entry into Force of this Law

This Law shall enter into force three months after its official publication.

The requirement to conduct mandatory electronic procurement procedures for the selection of the best offers and tenders shall come into effect from January 1, 2022.

President of the Republic of Uzbekistan SH. MIRZIYOEV

Tashkent city,
22 april 2021 y.,
No. ZRU-684