

LAW # 419-3 OF THE REPUBLIC OF BELARUS  
dated July 13, 2012

**On Public Procurement of Goods (Works, Services)**

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## **CHAPTER 1 GENERAL PROVISIONS**

### **Article 1. Basic Terms and their Definitions**

In this Law the following basic terms and their definitions are used:

auction documents shall mean documents submitted to the participant for preparation of its offer in order to participate in electronic biddings (electronic auction) for public acquisitions of goods (works, services) with lowering of their price (herein after referred to as the electronic auction);

public procurement shall mean acquisition of goods (works, services) fully or partially at the expense of budgetary funds and (or) state non-budgetary funds acting as recipients of such funds;

a contracting authority shall mean a legal entity or an individual entrepreneur as recipients of budgetary funds and (or) state non-budgetary funds for acquisition of goods (works, services) and effecting this acquisition including through a subdivision of the legal entity (including

branch or representative office) authorized by the head of this legal entity to acquire goods (works, services) at the expense of budgetary funds and (or) state non-budgetary funds in its name as well as another legal entity in cases determined by the Council of Ministers of the Republic of Belarus;

a commission shall mean a commission created by the contracting authority (organizer) while organizing and holding open tenders, restricted tenders, electronic auctions or requests for proposals;

tender documents shall mean documents submitted to the participant for preparation of the offer for participation in the open tender, restricted tender;

initial price of the electronic auction shall mean an estimated value of public procurement or the smallest price of the proposals of the participants admitted to trading, starting from which the participants admitted to trading shall have the right to bid during trading;

homogeneous goods (works, services) shall mean the goods (works, services) pertinent to one subtype of the National Classifier of the Republic of Belarus "Industrial and Agricultural Products";

an operator of electronic trading platform shall mean a legal entity that ensures functioning of the electronic trading platform;

an organizer shall mean a legal entity performing on behalf of the contracting authority a part of its functions for organizing and holding of public procurements;

estimated value of public procurement shall mean the cost of the subject matter of the forthcoming public procurement in view of the market situation around the subject matter of public procurement that shall include the expected total amount of payments by the contracting authority to the supplier (contractor, service provider) for delivery or otherwise acquisition of goods (performance of works, delivery of services), value added tax and other taxes, charges (duties), other obligatory payments established by the legislation and to be paid by the contracting authority in connection with implementation of such public procurement;

opening of proposals shall mean opening of access to offers in the form of electronic documents or opening of envelopes with offers on papers;

an official website shall mean the website on the global Internet network determined by the Council of Ministers of the Republic of Belarus for placement on it of information on public procurements and acts of legislation on public procurements;

an proposal shall mean a set of documents submitted by a legal entity or an individual, including an individual entrepreneur participating in public procurements as a potential supplier (contractor, service provider) through which it offers to deliver or sell otherwise goods (to perform works, to deliver services) under the terms and conditions of public procurement set forth by the contracting authority;

a subject matter of public procurement shall mean goods (works, services) which are determined by the contracting authority (organizer) for acquisition within one procedure of public procurement;

a preference margin shall mean granting of privileges to goods (works, services) offered by participants in case of evaluation and comparison of offers;

works shall mean activities the results of which have monetary manifestation and can be sold to meet the needs of the contracting authority;

a bid shall mean a bidding price of the participant admitted to trading at the specific moment of the biddings, received as a result of its actions for decreasing an initial price of the electronic auction;

goods shall mean things, except for the money, securities, currency assets, other property (including property rights), as well as exclusive rights in the results of intellectual activities;

biddings shall mean a stage of the electronic auction at which there is a downwards in the initial price of the electronic auction;

services shall mean activities the results of which cannot be economically evaluated that are sold and consumed in the course of implementation of these activities;

a participant shall mean a legal entity or an individual, including an individual entrepreneur participating in public procurement as the potential supplier (contractor, service provider) in accordance herewith;

a winning participant - the participant whose proposal in accordance herewith is chosen as the best in case of evaluation and comparison of offers;

a step of the electronic auction shall mean a downward in the initial price of the electronic auction determined by the Council of Ministers of the Republic of Belarus;

an electronic trading platform shall mean an information trading system designed for holding electronic auctions which is accessible via the website on the global computer network.

## **Article 2. Scope of Application hereof**

This Law governs the relations arising in connection with the conduct of public procurements in the territory of the Republic of Belarus including selection of the supplier (the contractor, service provider) and conclusion with it of a public procurement contract (hereinafter referred to as the contract).

## **Article 3. Legislation on Public Procurement**

1. The legislation on public procurement is based on the Constitution of the Republic of Belarus and consists hereof, acts of the President of the Republic of Belarus and other acts of legislation adopted on the basis and in pursuance thereof governing the relations in the area of public procurements as well as international treaties of the Republic of Belarus.

2. In case an international treaty of the Republic of Belarus establishes rules other than those provided herein, the provisions of the international treaty of the Republic of Belarus shall apply.

## **Article 4. General Principles of Public Procurement**

The award of public procurement contracts is governed by the following general principles:

- efficient spending of public funds;
- publicity and transparency of public procurement;
- possibility for participation in public procurements of legal entities and individuals, including individual entrepreneurs;
- development of fair competition;
- fair and impartial treatment towards potential suppliers (contractors, service providers);
- supporting domestic suppliers (contractors, service providers) to the extent not contrary to international treaties of the Republic of Belarus;
- curbing corruption in public procurement;

## **Article 5. Equality of Treatment of Goods (Works, Services) of Foreign Origin and Suppliers (Contractors, Service Providers) Offering such Goods (Works, Services)**

1. Unless otherwise established by international treaties of the Republic of Belarus, this Law or other legal acts, when conducting public procurement goods (works, services) of foreign origin and suppliers (contractors, service providers) offering such goods (works, services) shall be treated in an equal manner if a similar equal treatment is applied by a foreign state or group of foreign states towards goods (works, services) of the national origin and suppliers (contractors, service providers) offering such goods (works, services).

Equality of treatment means admission of goods (works, services) of foreign origin and suppliers (contractors, service providers) offering such goods (works, services) for participation in public procurement procedures on equal terms with the goods (works, services) of the national origin and suppliers (contractors, service providers) offering such goods (works, services).

2. Unless otherwise established by international treaties of the Republic of Belarus, the Council of Ministers of the Republic of Belarus can set forth:

2.1. terms and conditions for admission of goods (works, services) of foreign origin and suppliers (contractors, service providers) offering such goods (works, services) for participation in public procurement procedures if:

a foreign state or a group of foreign states does not apply equal treatment towards goods (works, services) of the national origin and suppliers (contractors, service providers) offering such goods (works, services);

public procurement is conducted to maintain defense capability and the national security of the Republic of Belarus;

public procurement is conducted by acquisition of specific goods (works, services) from the potential supplier (contractor, service provider) designated by the resolution of the Council of Ministers of the Republic of Belarus, by the decision or instruction of the President of the Republic of Belarus;

2.2. a preference margin and determine its amount, goods (works, services) and participants for its application, as well as terms and condition of its application in case a foreign state or a group of foreign states does not apply equal treatment towards goods (works, services) of the national origin and suppliers (contractors, service providers) offering such goods (works, services).

## **CHAPTER 2 GOVERNANCE IN PUBLIC PROCUREMENT**

### **Article 6. Conduct of Governance in Public Procurement**

Public procurement shall be governed by the President of the Republic of Belarus, Council of Ministers of the Republic of Belarus, authorized state body on public procurements, other state bodies and other state organizations within their competence.

### **Article 7. Powers of the President of the Republic of Belarus in the area of public procurements**

The President of the Republic of Belarus shall in the area of public procurements:  
determine common state policy;  
designate an authorized state body on public procurements;  
perform other powers according to the Constitution of the Republic of Belarus, this Law and other legal acts.

### **Article 8. Powers of the Council of Ministers of the Republic of Belarus in the area of public procurements**

The Council of Ministers of the Republic of Belarus shall in the area of public procurements:

ensure implementation of the common state policy;  
enter into intergovernmental contracts of the Republic of Belarus on public procurements, take measures for implementation of international treaties of the Republic of Belarus on public procurements;

approve Regulations on the commission;  
have the right to determine a list of goods to be procured through tendering and establish thresholds for their estimated value in case of tendering;

establish thresholds for estimated value of goods (works, services) to be procured through the procedure of request for proposals;

have the right to determine additional requirements for the organization and conducting procurement procedure from one source when conducting public procurements according to Annex hereto;

have the right to establish a preference margin for goods (works, services) produced the organizations in which the number of persons with disabilities is at least fifty percent of the total staff, determine the amount of such preference margin and terms and conditions of its application;

designate persons that pay fees for the services of the organizer, operator of the electronic trading platform and the procedure for determination of the amount of such a fee;

perform other powers according to the Constitution of the Republic of Belarus, this Law, other laws and acts of the President of the Republic of Belarus.

### **Article 9. Powers of the Authorized State Body on Public Procurements**

The authorized state body on public procurements shall:

within its competence coordinate activities of state bodies and other state organizations in the area of public procurements;

provide guidance, advise and develop recommendations in the area of public procurements; clarify issues related to the application of the legislation on public procurements;

monitor public procurement practices;

handle complaints against actions (omissions) and (or) decisions of the contracting authority (organizer), the commission and (or) its members, commodity exchange, the operator of the electronic trading platform, the operator of the official website and make decisions based on the results of this handling;

develop measures for enhancement of public procurement procedure;

approve template documents for public procurement procedures;

establish the procedure for forming and maintaining a list of suppliers (contractors, service providers) temporarily rejected from participation in public procurement procedures, determine cases of their early exclusion from this list, as well as form and maintain this list;

cooperate in the area of public procurements with foreign and international legal entities (organizations not being legal entities);

perform other powers in accordance herewith and other acts of the legislation on public procurements.

### **Article 10. Powers of Other State Bodies and Other State Organizations in the Area of Public Procurements**

Other state bodies and other state organizations shall, with regard to organizations, business entities subordinated to them (a part of their structure (system)), the shares (shares in authorized capital) of which are state-owned property and are placed in their trust, perform powers in the area of public procurements in accordance herewith and other acts of legislation on public procurements.

## **CHAPTER 3 PERSONS PARTICIPATING IN PUBLIC PROCUREMENTS**

### **Article 11. Contracting authority**

1. The contracting authority for the implementation of functions determined hereby can designate or establish a structural unit or nominate an employee out of the employees skilled in public procurements. In cases as provided for by part one of clause 1 of article 19 hereof, the contracting authority shall establish the commission (where relevant - several commissions).

2. The contracting authority shall conduct public procurements independently or with involvement of the organizer according to article 12 hereof.

3. Two and more contracting authorities upon a written agreement between the parties defining their rights, obligations and responsibilities can carry out joint public procurements of homogeneous goods (works, services). Meanwhile, contracts with suppliers (contractors, service providers) selected in the result of joint public procurements shall be concluded by each of the contracting authorities.

### **Article 12. The Organizer**

1. The contracting authority shall have the right to involve the organizer in the implementation of a part of functions of the contracting authority for the organization and holding of public procurement procedures.

Meanwhile, determination of material terms and conditions of the contract and contract signing shall be done solely by the contracting authority.

2. The organizer shall perform functions delegated to it by the contracting authority in accordance herewith and other acts of legislation on public procurements.

### **Article 13. Experts**

1. In the course of organization and conduct of public procurement procedures, it is allowed to involve, included through a negotiated agreement, experts for providing counseling and (or) their opinions about the review, evaluation and comparison of price offers.

2. An expert is a person uninterested in the result of the public procurement procedure having special knowledge in the areas related to the subject matter of public procurement.

### **Article 14. Participants**

1. A participant shall be a legal entity or an individual, including an individual entrepreneur that:

has submitted its offer, - in case of holding an open tender, electronic auction, request for proposals (except for request for proposals for public procurement which is a state secret);

has received an individual invitation to participate in public procurement procedure, - in case of holding a restricted tender as well as request for proposals for public procurement which is a state secret;

has received an invitation to conclude the contract, - in case of holding a single source procurement procedure.

2. Participation of legal entities or individuals, including individual entrepreneurs, in public procurement procedures can be restricted only in cases specified in in Clause 3 of this Article, subclause 2.1 of clause 2 of Article 5, articles 16 and 31 hereof, clauses 11 and 12 of Annex hereto.

3. The participant shall not be:

the organizer of public procurement procedures conducted by it;

the expert on public procurement procedure involved in its organization or conduct for providing counseling and (or) opinion about the review, evaluation and comparison of price offer;

the supplier (contractor, service provider) included into the list of suppliers (contractors, service providers) temporarily rejected from the participation in public procurement procedures;

the legal entity and the individual entrepreneur, whose employee (employees) provided the contracting authority (organizer) services in the organization of the conducted public procurement procedure as well as the individual that provided the same services to the contracting authority (organizer);

the legal entity in process of liquidation, reorganization (except for the legal entity taking over another legal entity) and the individual entrepreneur in the process of termination of activities;

the legal entity and individual entrepreneur recognized through the procedure established by the legislation as economically insolvent (bankrupt) except for the legal entity in the process of financial restructuring;

the supplier (contractor, service provider) with which contract is terminated upon agreement between the parties, - in the public procurement of goods (work, service) which was the subject matter of the terminated contract;

the structural unit of the contracting authority (organizer).

### **Article 15. Eligibility of the Participant**

1. To verify its eligibility, the participant shall submit the documents and data specified by the contracting authority (organizer) in the documents submitted to the participant for preparation of its offer that shall certify:

its right to carry out relevant activity on the supply or sale of goods (performance of works, delivery of services), as well as availability of qualified personnel and expertise in the relevant sector of activity, technical equipment, financial and other capacities necessary for contract performance throughout the entire period of its effect;

absence of outstanding taxes, duties (levies), overdue debt on the budget loans and budget advances, outstanding payments to the budget due to non-execution or improper execution of previously concluded contracts according to the legislation of the country which resident it is as of the first date of the month preceding the date of submission of the offer.

2. The documents and data proving the participant's eligibility shall be submitted upon the request of the contracting authority (organizer) considering exclusive rights of the participant in the results of intellectual activities or the right to protect undisclosed information, as well as characteristic features of the legislation of the country in which it is a resident.

Discovery of documents and data which do not secure fair competition and not specified in the documents submitted to the participant for preparation of its offer shall be prohibited.

3. The participants' eligibility shall be checked by the contracting authority (organizer) at any stage of public procurement procedure, except for the case set forth in paragraph 2 of part one of clause 1 of article 48 hereof based on the documents and data enlisted in the documents submitted to the participant for preparation of its offer.

### **Article 16. The List of Suppliers (Contractors, Service Providers) Temporarily Rejected from Participation in Public Procurement Procedures**

1. The list of suppliers (contractors, service providers) temporarily rejected from participation in public procurement procedures (hereinafter referred to for the purposes of this Article as the list) shall include:

legal entities and individuals, including individual entrepreneurs that refused to conclude contracts in case they were selected to be winning participants unless it was due to the changes to the terms and conditions of conducting public procurement procedures as well as if such legal entities and individuals, including individual entrepreneurs, did not provide tender or auction security;

legal entities and individuals, including individual entrepreneurs with whom contracts have been terminated due to their non-execution or improper execution thereof, except for the contracts terminated due to force majeure circumstances;

legal entities and individual entrepreneurs, whose employees (employee) were found guilty by the effective court judgment of grave professional misconduct related to the conduct of public procurement procedure including an act of bribery towards the members of the commission and

(or) responsible persons of the contracting authority (organizer) responsible for conducting the public procurement procedure, as well as individuals that committed such misconduct.

Inclusion into the list shall not be made in case the data specified in part one of this clause were submitted to the authorized state body on public procurements one year after the date of contract termination, the court judgment entry into its full force or after the date of expiration of the term for the contract conclusion which a person refused to conclude.

2. The supplier (contractor, service provider) included in the list cannot participate in public procurement procedures within twelve months from the date of its inclusion in this list. Upon the expiration of the above term, the supplier (contractor, service provider) shall be considered to be excluded from the list.

3. The supplier (contractor, service provider) shall have the right to appeal the decision on its inclusion in the list through legal proceedings.

## **CHAPTER 4 GENERAL PUBLIC PROCUREMENT REQUIREMENTS**

### **Article 17. Types of Public Procurement Procedures**

The main types of public procurement procedure include:

- open tender;
- restricted tender;
- electronic auction;
- request for proposals;
- single source procurement procedure;
- exchange trading.

### **Article 18. Information on Public Procurements and its Placement**

1. Information on public procurements, except for the data specified in part one of clause 3 of this Article, and acts of legislation on public procurements shall be openly posted in the Belarusian and (or) Russian languages on the official website.

The procedure for placement of information on public procurements and acts of legislation on public procurements on the official website shall be determined by the Council of Ministers of the Republic of Belarus.

The information on public procurements includes annual public procurement plans, invitations to participate in public procurement procedures (hereinafter referred to as, unless otherwise established by this Law, the invitation), documents submitted to the participant for preparation of its proposals for participation in the open tender, electronic auction, announcements about public procurement results, data on contracts to be determined by the Council of Ministers of the Republic of Belarus, the list of suppliers (contractors, service providers) temporarily rejected from participation in public procurement procedures, as well as changes and amendments thereto, minutes of the meetings of the commissions on opening of proposals, rejection of offers and closing of public procurement procedures in case of holding open tenders, electronic auctions.

When conducting an electronic auction, the information on public procurements shall also be placed on the electronic trading platform.

Information on public procurements shall be posted on the official website and electronic trading platform by the contracting authority (organizer), authorized state body on public procurements in electronic form unless otherwise established by this Law and other acts of legislation on public procurements.

2. The contracting authority shall yearly approve annual public procurement plans and shall post it on the official website till March 8 of the current year.

The contracting authority shall have the right to make changes and (or) additions to the annual public procurement plans according to the procedure pursuant to which the annual public procurement plan is approved. Changes and (or) additions to the annual public procurement plan shall, within fifteen calendar days from the date of their acceptance, be posted on the official website.

3. Information which shall not be posted on the official website includes the following:  
 the data on public procurements which are the state secrets, the trade and professional secret, other information access to which is restricted by legal acts;  
 objects of copyright and the related rights, the author or other owner of which is the contracting authority (organizer), the participant and (or) the supplier (contractor, service provider).

Information shall not be subject to placement according to part one of this clause upon decisions or statements of the contracting authority (organizer), participant and (or) supplier (contractor, service provider) containing a reference to such information or its direct indication, as well as grounds for restricting access to such information.

### **Article 19. Commission**

1. In case of organization and conduct of an open or restricted tender, electronic auction, request for proposals, the contracting authority (organizer) establishes a commission (where relevant - several commissions), defines its tasks and delegates powers to fulfill these tasks.

The commission is accountable to the contracting authority (organizer) that has established it and performs its assignments and instructions drawn up in writing. The need to establish the commission for the organization and conduct of single source procurement procedure shall be determined by the contracting authority (organizer).

2. The contracting authority (organizer) shall ensure inclusion into the composition of the commission of specialists in the subject matter of public procurement and annual replacement of at least one third composition of the permanent commission, including its chairman.

An individual, including an individual entrepreneur, can be a member of the permanent commission no more than three years in a row.

3. Membership in the commission cannot be provided to individuals having personal interest in the results of public procurement procedures including individuals that have submitted proposals, employees of potential suppliers (contractors, service providers) that have submitted proposals, or individuals that can be affected by potential suppliers (contractors, service providers), including individuals being members of potential suppliers (contractors, service providers), members of their governing bodies or creditors of potential suppliers (contractors, service providers), as well as officials of the state body authorized by legal acts to control (supervise) in the area of public procurements that directly control (supervise) public procurements.

Members of the commission and experts involved in its work cannot present to the persons that are not members of the commission, information on contents of offers, on their evaluation and comparison unless otherwise established by the legislation.

### **Article 20. Description of the Subject Matter of Public Procurement**

1. The description of consumer, technical and economic properties (characteristics) of the subject matter of public procurement, including where relevant technical specifications, plans, drawings and layouts, as well as volume (quantity), term (terms) and the place of delivery or otherwise acquisition of goods (performance of works, delivery of services) that are the subject matter of public procurement shall give full understanding of the subject matter of public procurement and shall be stated in a way that excludes a choice of the goods (works, services) to be delivered or otherwise sold (performed, provided) by only one supplier (contractor, service provider).

2. During the description of technical properties (characteristics) of the subject matter of public procurement, it is required to use characteristics, requirements, symbols and terms according to technical regulations, technical codes of common practice, standards, specifications.

3. Technical properties (characteristics) of the subject matter of public procurement shall not contain references to specific trademarks, service marks, trade names, patents, layouts or models, the specific source of origin of goods (work, service) and its producer or supplier (contractor, service provider).

If such references are caused by lack of the specific method of the requirement description to the subject matter of public procurement, then technical properties (characteristics) shall contain the words "or analogue".

The exception is cases when the use of analogues is unauthorized in order to ensure compatibility with earlier acquired goods (works performed and services provided). The contracting authority shall be responsible for finding proper justification for the need to ensure compatibility.

4. The volume (quantity) of homogeneous goods (works, services), constituting the subject matter of public procurement cannot be less than a quarterly needed volume set forth by the annual public procurement plan. It is permissible during the public procurement procedure or contract performance to change the volume (quantity) of the subject matter of public procurement, but no more than by ten percent if this is permissible by the terms and conditions of conduct of public procurement procedure or the contract.

5. The subject matter of public procurement and its volume (quantity) can be divided into parts (lots) for the purpose of submission of offers by participants on any of such parts (lots).

6. It is not allowed to unite in the subject matter of public procurement or its part (lot):  
technologically different and functionally disconnected heterogeneous goods (works, services), including for the purpose of excluding of fair competition among suppliers (contractors, service providers);

goods (works, services), including homogeneous goods (works, services), data about a part of which are state secrets.

It is not allowed to divide volume (quantity) of the subject matter of public procurement, unless otherwise specified in clause 4 of this article if this way it is possible to avoid conduct of the relevant type of the public procurement procedure determined in article 17 hereof.

## **Article 21. Creation and Placement of Invitations**

1. Invitations shall be drawn in the Belarusian and (or) Russian languages, and where relevant and in other languages and shall contain:

type of the public procurement procedure;

description of the subject matter of public procurement, including its volume (quantity), as well as the term (terms) and the place of delivery or otherwise acquisition of goods (performance of works, delivery of services) that are subject matter of public procurement;

name (the surname, first name, the middle name (if any) - for an individual entrepreneur), residence address and payer's identification number of the contracting authority, as well as organizer and (or) operator of the electronic trading platform in case of their participation in the organization and conduct of public procurement procedures, an e-mail address and (or) website on the global computer Internet network of the contracting authority, as well as organizer and (or) operator of the electronic trading platform;

source of funding of public procurement;

dates, place and procedure for receipt of the documents submitted to the participant for preparation of its offers as well as information about the price of such documents if such price is established by the contracting authority (organizer) (except for open tenders and electronic auctions);

deadlines for preparation and submission of offers, as well as the place of their submission;

date of biddings if the electronic auction is conducted. Time of the beginning of the biddings is established by the operator of electronic trading platform according to requirements of its regulations;

requirements for the list of participants;

requirements for eligibility criteria for participants, including the list of documents and data for their check if the contracting authority (organizer) performs this check;

procedure for participation in public procurement procedure of small and medium businesses if the public procurement procedure is conducted considering the requirements of article 31 hereof;

surnames, first names, middle names (if any), phone numbers of employees of the contracting authority (organizer) designated to be contact persons for participants or other legal entities and individuals, including individual entrepreneurs;

a fee for the services of the organizer and (or) the operator of electronic trading platform if the organizer and (or) the operator of electronic trading platform participate in the organization and conduct of public procurement procedure and the obligation of payment for such services by the participant is established by the legislation on public procurements;

requirement for the provision of tender or auction security and its amount if the contracting authority (organizer) sets forth this requirement;

initial price of the electronic auction if it determines the estimated value of public procurement, or indication that initial price of the electronic auction shall be the lowest price of the proposals of the participants admitted to trading if the electronic auction is conducted;

other data according to the legislation on public procurements.

2. To maintain publicity and transparency of public procurement process, the contracting authority (organizer) shall post the invitation on the official website (except for conducting single source procurement procedure), as well as have the right to post this invitation additionally in mass media and the global computer Internet network.

The invitation to participation in the electronic auction is placed the contracting authority (organizer) also in open access on electronic trading platform.

Invitations to participate in public procurement procedures, the data about which are the state secrets, shall not be posted on the official website, as well as in mass media and the global computer network. Potential suppliers (contractors, service providers) shall be invited individually to participate in such public procurement procedures.

3. The invitation shall be considered posted from the date of its placement on the official website.

It is prohibited to send an individual invitation to the potential supplier (contractor, service provider), including for the purpose of familiarization, post the invitation in mass media and the global computer network before the invitation is posted on the official website.

4. The contracting authority (organizer) shall before the expiry of the term for preparation and submission of offers have the right to change and amend the invitation, except for changes to the subject matter of public procurement, requirements for the composition of participants, as well as requirements for eligibility of participants should such requirements be provided for in paragraph ten of clause 1 of this Article. Meanwhile, the term for preparation and submission of offers where relevant shall be changed and from the date of placement of such changes and (or) amendments shall be at least fifteen calendar days in case of the open and restricted tender, the electronic auction and at least five business days in case of repeated conduct of such public procurement procedures, as well as in case of requests for proposal and electronic auctions if the estimated value of public procurement does not exceed 3000 base units, except for the case stipulated in clause 3 articles 22 hereof. When conducting an electronic auction where relevant the date of biddings shall be changed.

After the expiry of the term for preparation and submission of offers, no changes and (or) amendments to the invitation are allowed.

5. The contracting authority (organizer) shall have the right to cancel the public procurement procedure at any stage of its conduct in case of no funding available, no need to acquire goods (works, services), need to make changes and (or) modifications to the subject matter of public procurement, requirements for the list of participants, requirements for the eligibility of participants if such requirements are provided for in paragraph ten of clause 1 of this article, as well as in case of detection by the contracting authority (organizer) of irregularities in organization and conduct of public procurement procedures.

6. Changes and (or) modifications to the invitation, as well as the announcement about cancellation of the public procurement procedure shall be posted on the official website, in open access on electronic trading platform, as well as in mass media and the global computer network where this invitation was posted.

7. Collection by the contracting authority from the participants of a fee for participation in the public procurement procedure shall be prohibited.

The exceptions include costs of production of documents to be submitted to the participant for preparation of its offer if such documents are submitted in paper on the paid basis. The price to be paid for such documents shall include only costs of their production and delivery to participants.

## **Article 22. Term for Preparation and Submission of Offers**

1. The term for preparation and submission of offers shall be as follows in the event of conducting:

open tender - at least thirty calendar days from the date of placement of the invitation on the official website;

restricted tender - at least thirty calendar days from the date of forward of the individual invitation to potential suppliers (contractors, service providers);

electronic auction - at least twenty calendar days from the date of placement of the invitation on the official website or at least ten business days if the estimated value of public procurement does not exceed 3000 base units;

request for proposals - at least ten business days from the date of placement of the invitation on the official website (from the date of forward of the individual invitation to potential suppliers (contractors, service providers) in case of public procurements the details of which are a state secret (state secrets)).

In the event of a single source procurement procedure, the term for preparation and submission of offers shall be determined by the contracting authority (organizer) at its own discretion.

In case the invitation is to be posted in foreign mass media, the term for preparation and submission of offers shall be ten calendar days more than the term specified in part one of this clause.

2. In case the repeated public procurement procedures are conducted, the term for preparation and submission of offers can be reduced by the contracting authority (organizer), but no more than twice the minimum term specified in clause 1 of this article.

3. The contracting authority (organizer) before the expiry of the term for preparation and submission of offers shall have the right at its own discretion or upon a reasonable request of the participant or other legal entity or individual, including the individual entrepreneur, to extend this term. All the participants shall be informed of extension of the term for preparation and submission of offers. Meanwhile, a relevant change in the invitation shall be posted on the official website, in open access on electronic trading platform, as well as in mass media and the global computer network where this invitation has been posted.

## **Article 23. Languages Used for Drafting Documents**

1. The documents submitted to the participant for preparation of the offer shall be drafted by the contracting authority (organizer) in the Belarusian and (or) Russian languages, and where relevant in other languages.
2. Offers shall be drafted by participants in the Belarusian and (or) Russian languages.

#### **Article 24. Documents and Data Exchange**

1. Documents and data exchange shall be effected in writing by means of mail or fax, courier or electronic delivery unless otherwise established by this Law and other acts of legislation on public procurements.
2. The offer shall be submitted electronically or on paper in a closed envelope. Submission of offers by fax shall be prohibited.
3. The contracting authority (organizer) shall have the right to request submission of the originals of the documents submitted by fax through postal delivery, courier or electronic delivery.
4. The selected patterns of documents and data exchange shall be publicly available and not limit the possibility of potential suppliers (contractors, service providers) to participate in the public procurement procedure.
5. Documents and data forwarded electronically shall be signed with the digital signature of the person empowered to act on behalf of the relevant participant, contracting authority (organizer), operator of electronic trading platform, authorized state body on public procurements.

#### **Article 25. Contract**

1. The contract between the contracting authority and the winning participant (participant of the single source procurement procedure) shall be concluded under the terms and conditions specified in the proposal of this participant and documents submitted to the participant for preparation of the offer, and in the event of an electronic auction - at the price of the last bid of this participant, considering its downward according to part four of clause 5 of article 47 hereof should this downward occur, as well as bearing in mind the preference margin should its application be established by the Council of Ministers of the Republic of Belarus.  
In the event the term of production of the procured goods (performance of works, delivery of services) exceeds a year, the contract shall be concluded for the required term, but it shall be executed within the annual allocations provided for these purposes and modified where relevant annually in the contract.
2. The contract shall contain the compulsory provision about responsibility of the parties for non-execution or improper execution of the obligations under this contract as well as compulsory provisions about the payment procedure and implementation by the contracting authority of acceptance of the result of public procurement from the perspective of its consistency with the volume (quantity), completeness, quality and other requirements established by the contract.
3. The contract may contain the condition about provision of contract performance security by the supplier (contractor, service provider). For state-financed organizations the requirement for provision of contract performance security shall not be established.  
The amount and procedure for provision of contract performance security shall be specified in the draft contract and documents submitted to the participant for preparation of the offer.  
The amount of contract performance security shall not exceed fifteen percent of the price of the contract unless otherwise established by the legislation on public procurements.  
Contract performance security shall include a bank guarantee, transfer to the contracting authority of the money, other forms of obligation performance securities determined by the Council of Ministers of the Republic of Belarus.

In the event the draft contract and documents submitted to the participant for preparation of the offer provide for a contract performance security, the winning participant (the participant of the single source procurement procedure) shall provide such providing this security along with the signed draft contract.

In the event of non-execution of obligations for the performance of which the contract performance security was provided, the funds shall be transferred to the relevant budget which is to disburse funds for the conduct of the public procurement.

4. The contract between the contracting authority and the winning participant, except for the single source procurement procedure shall be concluded after the expiry of the term for appeal of the decision about the award of the contract to the winning participant specified in paragraph three of clause 2 of article 54 hereof and in the event of appeal - after decision making based on the results of handling a complaint within:

twenty calendar days - in case of open and restricted tenders, an electronic auction;

thirty calendar days - in case of other types of public procurement procedures.

5. The details of the contract shall be posted on the official website. These details and the price of the contract starting from which the details of the contract are to be posted on the official website shall be determined by the Council of Ministers of the Republic of Belarus.

6. The procedure for obligation fulfillment by the contracting authorities regarding payment with the use of budgetary funds and (or) state non-budgetary funds shall be governed by the budget legislation.

7. Changes to the terms and conditions of the contract at the stage of its conclusion or execution regarding the amount (quantity) of the subject matter of public procurement, the price and term of its execution shall be prohibited other than in respect of:

changes to the volume (quantity) of the subject matter of public procurement according to clause 4 of article 20 hereof. In this case the cost of goods (works, services) shall change in proportion to changes to their volume (quantity), and of the accompanying works (services) - taking into account this change;

changes to the price of the contract if the change in value of the acquired raw materials, materials, accessories and other goods (works, services) could not be foreseen at the beginning of the public procurement procedure, as well as due to changes in the legislation;

increases in the term of obligations execution of the supplier (contractor, service provider) at the initiative of the contracting authority after payment fully or partially for contract obligations if changes to the construction, technology solutions request from the supplier (contractor, service provider) extra time for delivery or otherwise sale of goods (performance of work, delivery of service).

8. In the event of proper execution of contract obligations, the unilateral refusal by the contracting authority or supplier (contractor, service provider) of their execution shall be prohibited.

## **Article 26. Recognition of the Public Procurement Procedure Void**

1. The public procurement procedure in total or with regard to individual parts (lots) of the subject matter of public procurement shall be recognized void after the term for preparation and submission of offers in the following cases:

the winning participant is not selected (only one proposal is submitted (except for the single source procurement procedures), proposals are not submitted, evaluation and rejection of proposals result in less than two proposals, all the proposals are rejected, during bidding none participants bid);

the winning participant (the participant of the single source procurement procedure) refused to conclude the contract;

a complaint of the participant or other legal entity or individual, including the individual entrepreneur, is found justified and the authorized state body on public procurements resolves to

terminate the public procurement procedure and obliges the contracting authority (organizer) to conduct the repeated public procurement procedure or in the case specified in clause 33 of the Annex hereto, - the single source procurement procedure.

2. In the event the public procurement procedure is declared void, the contracting authority (organizer) shall have the right to conduct the following:

repeated public procurement procedure;

request for proposals in the event the public procurement procedure is declared void with regard to individual parts (lots) of the subject matter of public procurement, the estimated value of public procurement of which does not exceed the threshold value established by the Council of Ministers of the Republic of Belarus for application of request for proposals;

single source procurement procedure upon agreement with the authorized state body on public procurements, except for the cases specified in clause 5 of Annex hereto when such agreement is not required.

### **Article 27. Notification of Participants**

1. The contracting authority (organizer), unless otherwise established by this Law, shall inform within three business days:

all participants - from the date of decision making about all changes to be made to the documents submitted to the participant for preparation of the offer as well as selection of the winning participant, the conclusion of the contract, cancellation of the public procurement procedure or its recognition as void;

participants whose proposals are rejected, - from the date of decision making about the selection of the winning participant or about cancellation of the public procurement procedure or its recognition as void;

any of the participants upon its request - after receipt of the request.

2. In the event of an electronic auction, the operator of electronic trading platform informs participants of the relevant information on the date day of its placement by the contracting authority (organizer) on electronic trading platform unless otherwise established by this Law.

### **Article 28. Announcement about the Result of the Public Procurement Procedure**

1. The contracting authority (organizer) shall post publicly on the official website, and in the event of an electronic auction - on electronic trading platform an announcement about the result of the public procurement procedure the invitation to participate in which is subject to placement, after the conclusion of the contract or decision making about cancellation of the public procurement procedure or its recognition as void.

2. The announcement about the result of the public procurement procedure shall contain the following:

type of the public procurement procedure;

description of the subject matter of public procurement, including its volume (quantity);

name (surname, first name, the middle name (if any) - for an individual entrepreneur), residence address and payer's identification number of the contracting authority, as well as organizer and (or) operator of the electronic trading platform in case of their participation in the organization and conduct of public procurement procedures;

date of contract conclusion or decision-making about cancellation of the public procurement procedure or its recognition as void;

name (surname, first name, the middle name (if any) - details of the identification document, - for the individual, including the individual entrepreneur), residence address and payer's identification number of the participant with whom the contract is concluded in the event the contract is concluded;

price of the concluded contract in the event the contract is concluded;

name (surname, first name, middle name (if any), details of the identification document, - for the individual, including the individual entrepreneur), residence address and payer's identification number of the participant out of other participants (in the event of an electronic auction - the participants that made the last and one-to-last bids) and prices of their proposals (bids).

### **Article 29. Public Procurement Procedure Certificate**

1. The public procurement procedure certificate shall be drawn by the contracting authority (organizer) within five business days from the date of contract conclusion or decision making about cancellation of the public procurement procedure or its recognition as void.

2. The public procurement procedure certificate shall contain the following:

type of the public procurement procedure and rationale for its selection;

short description of the subject matter of public procurement, including its volume (quantity)

name (surname, first name, the middle name (if any) - for an individual entrepreneur), residence address and payer's identification number of the contracting authority, as well as organizer and (or) operator of the electronic trading platform in case of their participation in the organization and conduct of public procurement procedures;

name (surname, first name, middle name (if any), details of the identification document, - for the individual, including the individual entrepreneur), residence address and payer's identification number of the participant out of other participants (in the event of an electronic auction - the participants that made the last and the last but one bids);

short description of the results of inspection of the requirements for the list of participants, as well as requirements for eligibility of participants if such requirements are provided for in paragraph ten of clause 1 of article 21 hereof;

prices of the proposals or the last and one-to-last bids in the event of an electronic auction;

short description of the results of evaluation and comparison of proposals bearing in mind the application of the preference margin in the event its application is established by the Council of Ministers of the Republic of Belarus;

name of the winning participant (participant of the single source procurement procedure) and the price of the concluded contract or rationale for cancellation of the public procurement procedure or its recognition as void. In the event the winning participant (participant of the single source procurement procedure) refused to conclude contract, the certificate shall include this details;

in the event of rejection of proposals - information about it;

reasons of restriction of participation of potential suppliers (contractors, service providers) in the public procurement procedure in the event such restriction applied;

date and sources of placement of the invitation and announcement about the result of the public procurement procedure;

short summary of the requests for clarification of the documents submitted to the participant for preparation of the offer, replies to them, as well as every change and (or) modification made to these documents or the invitation;

details of the complaints filed against actions (omissions) and (or) decisions of the contracting authority (organizer), the commission and (or) its members, commodity exchange, the operator of electronic trading platform, the operator of the official website, statements regarding such actions (omissions) and (or) the decision, as well as about the results of their handling in the event such complaints and statements were submitted;

other information as provided for hereby or determined where relevant by the authorized state body on public procurements.

Information on public procurements specified in paragraphs two – twelve of part one of this clause, except for information containing the data specified in part one of clause 3 of article

18 hereof shall be submitted to participants upon their requests after the contract conclusion or cancellation of the public procurement procedure or its recognition as void.

The public procurement procedure certificate in the event of exchange biddings shall be completed with regard to data specified in paragraphs two - eight, ten, twelve and fifteen of part one of this clause.

### **Article 30. Public Procurement Procedure Records**

1. The contracting authority (organizer) shall keep records of public procurement procedures and stores them for five years. The operator of electronic trading platform shall ensure storage of electronic documents on public procurement procedures in the form of electronic auction for seven years.

2. The records of the public procurement procedures shall include the documents submitted to the participant for preparation of the offer, the invitation, minutes of the meetings of the commission, proposals, the contract (except for the records of the public procurement procedures kept by the organizer), public procurement procedure certificate, as well as other documents determined by the state authorized body on public procurements.

### **Article 31. Public Procurements of Goods (Works, Services) with the Participation of Small and Medium Businesses**

1. Small and medium businesses shall be guaranteed an opportunity for participation in the procedures of public procurements of goods (works, services) under the list specified by the Council of Ministers of the Republic of Belarus. The procedure of public procurement of goods (works, services) under this list shall be conducted in accordance with the requirements set forth by this Article.

2. In the event the subject matter of public procurement and its scope (quantity) can be divided in parts (lots), the parts (lots) shall be formed whereas one of which shall be no more than ten percent of the scope (quantity) of this subject matter of public procurement. Participants for such part (lot) shall be solely small and medium businesses offering goods (works, services) of their own production under the list specified in clause 1 of this Article. In the event the public procurement procedure is cancelled or declared void for this part (lot), its scope (quantity) shall be included into the other parts (lots) of the subject matter of public procurement or a new public procurement procedure is conducted which can be participated by other legal entities and individuals, including individual entrepreneurs.

In the event of possible inclusion of the scope (quantity) of this part (lot) in other relevant parts (lots):

qualification, evaluation and comparison of offers for such part (lot) shall be performed before qualification, evaluation and comparison of offers for other parts (lots);

documents submitted to the participant for preparation of the offer shall contain the procedure for participation in the public procurement of small and medium businesses, as well as procedure for inclusion of the scope (quantity) of the part (lot) of the subject matter of public procurement which is cancelled or declared void into the other relevant parts (lots).

## **CHAPTER 5 OPEN AND RESTRICTED TENDERS**

### **Article 32. Concept of the Open Tender and Conditions of its Application**

1. An open tender means a type of the public procurement procedure which is a public and competitive method of selection of the supplier (contractor, service provider) during the public

procurements within the framework of which any potential supplier (contractor, service provider) can submit its proposal.

2. An open tender shall be used in cases as not provided for by this Law for the use of other types of public procurement procedures.

3. In order to organize and conduct an open tender and participation in it, the contracting authority (organizer) and potential suppliers (contractors, service providers) in the procedure established by the legislation ensure receipt by the authorized representatives of public key certificates of digital signature in the certifying and registration centers determined by the operator of the official website.

4. The open tender shall be conducted according to this Chapter and Chapters 1-4 hereof.

### **Article 33. Tender Documents and Conditions of their Placement, Change and Clarification**

1. Tender documents shall be approved by the contracting authority (organizer) before the invitation is posted. Tender documents shall contain:

data specified in the invitation including description of the subject matter of the public procurement, including scope (quantity), as well as the term (terms) and place of delivery or otherwise acquisition of goods (performance of works, delivery of services) which are the subject matter of public procurement;

description of parts (lots) of the subject matter of public procurement in case the submission of proposals for such parts (lots) is allowed;

requirements for the term and (or) scope of quality warranty for goods (work, service), maintenance of goods, operational costs of the goods;

draft contract (in the event the subject matter of public procurement is divided into parts (lots), - draft contract for each part (lot)) and term of its conclusion;

requirements for the content and form of the offer, term of its effect;

formula for estimating the price of the proposal;

currency in which the price of the proposal shall be expressed;

conditions of application of the preference margin if its application is established by the Council of Ministers of the Republic of Belarus;

procedure for submission of proposals;

procedure for clarification of tender documents, including the term during which the contracting authority (organizer) shall respond to the request to provide clarifications about tender documents;

date, place and procedure for opening of proposals;

criteria, method of evaluation and comparison of offers;

currency and where relevant the exchange rate which will be used for evaluation and comparison of offers, as well as contract conclusion;

acts of legislation on public procurements according to which the public procurement procedure is conducted.

2. Tender documents may contain:

requirements for tender and (or) contract performance security;

indication of the possibility of submission of the alternative offer, minimum mandatory requirements it shall meet, procedure for evaluation and comparisons of such offers. The alternative offer means the offer with regard to the subject matter of public procurement prepared upon participant's discretion bearing in mind the mandatory minimum requirements of the contracting authority (organizer) to such offer;

other requirements in accordance herewith and other legal acts.

3. Electronic tender documents shall be posted by the contracting authority (organizer) along with the invitation on the official website.

4. Before the invitation is posted on the official website, submission of tender documents, including for the purpose of familiarization, shall be prohibited.

5. The contracting authority (organizer) shall have the right at its discretion or upon request from any participant or other legal entity or an individual, including the individual entrepreneur to change and (or) modify tender documents before the deadline for preparation and submission of proposals. Meanwhile, the term for preparation and submission of proposals shall be extended so that from the date of placement of such changes and (or) modifications on the official website, this term shall be at least fifteen calendar days, and in case of the repeated tender - at least five business days.

6. Any participant, other legal entity or an individual, including the individual entrepreneur, shall, no later than five business days prior to the deadline for preparation and submission of proposals, have the right to request the contracting authority (organizer) to clarify tender documents. The contracting authority (organizer) shall respond the request about clarification of the tender documents within the terms specified in tender documents and enabling the potential supplier (contractor, service provider) to timely prepare and submit the proposal. No later than five business days before the deadline for preparation and submission of proposals, the contracting authority (organizer) shall have the right to hold a meeting with the participants and (or) legal entities and individuals including individual entrepreneurs to clarify tender documents subject to their prior notification of this meeting, time and venue. The meeting shall result in the minutes to specify the question (without indication of the names of persons that raised the questions) and the replies to them that shall be an integral part of the tender documents.

The content of the request about clarifications of tender documents and the reply to it (without indication of the name of the person has submitted the request), the minutes of the meeting about clarifications of tender documents shall be posted by the contracting authority (organizer) on the official website as an electronic document.

7. No later than one business day following the date of placement of on the official website of changes and (or) modifications to tender documents, as well as clarifications specified in clause 6 of this article, the operator of the official website shall notify of this the participants according to the procedure set forth by its regulations.

#### **Article 34. Tender Security**

1. The contracting authority (organizer) can request the participants to furnish the tender security as a security of the performance of the following obligations:

the participant after the expiry of the deadline for preparation and submission of proposals will not withdraw the proposal or will not make changes and (or) modifications to it (except for error correction, including arithmetic ones, and inaccuracies upon proposals of the contracting authority (organizer));

the winning participant will not refuse to sign the contract;

the winning participant will not break the term of contract signing;

the winning participant will furnish a contract performance security in case such requirement is set forth in tender documents.

State-financed organizations shall not be required to furnish a tender security.

Errors, including arithmetic ones, and inaccuracies shall mean the following:

inconsistency of the offer with the requirements for its execution and content (including lack of signatures on documents or documents themselves) provided that correction of this inconsistency will not lead to a material change of the offer with regards to the subject matter of the public procurement and the terms and conditions of the draft contract, as well as to unfair competition;

discrepancy between the price (tariff) of the unit of the goods (work, service) and the total price received as a result of multiplication of the price (tariff) of the unit of the goods (work,

service) by the quantity (volume), or between the subtotals and the total price. The price (tariff) of the unit of the goods (work, service) or the subtotals shall prevail;

discrepancy between the words and figures when specifying the price (tariff). The price (tariff) specified in words shall prevail.

2. The amount of the tender security shall not exceed three percent of the proposal price.

The contract performance security shall include a bank guarantee, transfer to the contracting authority of the funds, other forms of obligation performance securities determined by the Council of Ministers of the Republic of Belarus.

3. The tender security shall be furnished by the participant along with the submission of the proposal or no later than the expiry of the deadline for preparation and submission of proposals. Meanwhile, the term of its effect shall exceed the validity term of the by at least thirty calendar days.

4. The tender security shall be returned to the participant that furnished thereof within three business days, unless he violated the conditions specified in part one of clause 1 of this Article, in the following cases:

the participant withdraws the proposal before the expiry of the deadline for preparation and submission of proposals;

the contract is concluded or the open tender is cancelled or declared void;

expiry of the term of effect of the tender security.

5. In the event of non-execution of obligations for the performance of which the tender security is furnished, the funds shall be transferred to the relevant budget which is to disburse funds for the conduct of the public procurement.

### **Article 35. The Proposal and Terms and Conditions of its Submission, Change and (or) Modification and Withdrawal**

1. The proposal shall be submitted by the participant by its placement on the official website within the terms specified in the invitation according to the procedure established by the tender documents.

2. The proposal shall be posted in an electronic form according to the requirements of the tender documents and shall contain:

name (the surname, first name, the middle name (if any), details of the identification document - for an individual, including an individual entrepreneur), residence address and payer's identification number of the participant;

documents and data specified in tender documents;

the participant's consent with the terms and conditions of the draft contract to be attached to tender documents.

3. Registration of the proposals in the order of their placement on the official website and confirmation for the participants of placement of their proposals shall be carried out by the operator of the official website within one business day following the date of such placement.

4. Participants, the contracting authority (organizer) and the operator of the official website shall maintain confidentiality of the data contained in the proposals.

5. Placement of proposals after the deadline for preparation and submission of proposals shall be prohibited.

6. Before the expiry of the validity term of the proposal the contracting authority (organizer) can propose the participant to extend such term.

The participant shall have the right:

to refuse extension of the validity term of its proposal without losing the right to the return of the tender security;

to extend the validity term of its proposal by extending the term of effect of its tender security or furnishing a new tender security in view of the extended term. The participant that has

not extended the term of effect of the tender security or has not furnished a new tender security is considered to have refused to extend the validity term of the proposal.

7. The participant shall have the right to make changes and (or) modifications to the offer or withdraw it before the expiration of the deadline for preparation and submission of offers.

### **Article 36. Alternative Proposal**

1. The participant shall have the right to submit the alternative proposal when provided by the tender documents within the terms set forth for preparation and submission of offers.

2. Evaluation and comparison of alternative proposals shall be carried out separately from the proposals according to the procedure established by this Chapter for evaluation and comparison of proposals, except for receipt of only one alternative proposal.

In case of assignment to the alternative proposal of the serial number 1 (the first place) among alternative proposals or receipt of only one alternative proposal, such alternative proposal is subject to evaluation and comparison with the proposal assigned serial number 1 (the first place).

### **Article 37. Opening of Proposals**

1. Proposals shall be opened by the commission upon the expiry of the deadline for preparation and submission of offers or in case of occurrence of organizational reasons within other terms (but no later than the date of expiry of the deadline for preparation and submission of offers) according to the procedure and in the place specified in the tender documents.

2. Participants or their representatives shall have the right to be present during opening of proposals.

3. The name (surname, first name, the middle name (if any), details of the identification document, - for the individual, including the individual entrepreneur), the residence address and the payer's identification number of each participant whose proposal is opened, the price of such proposal, including possible discounts as well as the information about the participants or their representatives present shall be announced during opening of proposals and included into the minutes of the meeting of the commission. The minutes in an electronic form shall be posted on the official website on the date of opening of proposals.

### **Article 38. Examination and Rejection of Proposals**

1. Consistency of proposals with the requirements of tender documents is examined by the commission.

Negotiations between the commission and participants with regard to the proposals submitted by them shall be prohibited.

The commission can request the participants to clarify their proposals, but shall have no right to allow changes of the essence of proposals. Changes in the price of proposal or other changes and (or) modifications which will make the proposal inconsistent with the requirements of tender documents consistent with these requirements shall be prohibited (except for error correction, including arithmetic ones, and elimination of inaccuracies upon the proposal of the contracting authority (organizer)).

2. The commission shall have the right to reject all proposals before the selection of the winning participant in case there is insufficient amount of funding available and reduction of the volume (quantity) of the subject matter of public procurement specified in clause 4 of articles 20 hereof is deemed inexpedient.

3. The commission shall reject the proposal in case:  
the proposal does not meet the requirements of tender documents;

the participant that has submitted the proposal refuses to correct errors detected in the proposal, including arithmetic ones, and (or) to correct inaccuracies upon the proposal of the contracting authority (organizer);

the participant that has submitted the proposal does not meet the eligibility requirements specified in tender documents according to the paragraph ten of clause 1 of article 21 hereof;

the participant that has submitted the proposal according to clause 3 of article 14 hereof cannot participate in the open tender;

the participant that has submitted the proposal makes changes and (or) modifications to the proposal after the expiry of the deadline for preparation and submission of offers (except for error correction, including arithmetic ones, and correction of inaccuracies upon the proposal of the contracting authority (organizer));

the participant that has submitted the proposal is found out to provide inaccurate documents and data;

the winning participant that has submitted the proposal does not fulfill the requirements set forth in tender documents preceding contract signing.

### **Article 39. Evaluation and Comparison of Proposals**

1. Evaluation and comparison of offers in the event of an open tender shall be effected by the commission in the presence of at least two participants consistent with the requirements of documents in order to select the most beneficial proposal. Criteria for evaluation and comparison of proposals shall be as follows in case of public procurement of:

goods – price of the proposal, delivery date or otherwise acquisitions, payment terms, esthetic, functional and technical characteristics, quality, opportunity and cost of maintenance and repair, other criteria;

works and services - price of the proposal, quality, term of performance of works (delivery of services), payment terms, experience of the participant and other criteria.

Evaluation and comparison of proposals in the event of an open tender for the creation of new works of fiction, movies, theatrical performances and concert programs, other results of creative activities, the organization and holding of exhibitions, festivals, shows, competitions, other cultural events, rendering services in the sphere of culture can be performed under the following criteria:

art and cultural importance of the result of creative activities, cultural action, services in the sphere of culture;

quality characteristics of the result of creative activities, cultural action, services in the sphere of culture;

terms of creation of the result of creative activities, holding the cultural action, rendering services in the sphere of culture;

qualification of participants, work experience in the respective area of culture;

price of the proposal;

cost efficiency of use of the result of creative activities, holding the cultural action, rendering service in the sphere of culture;

other criteria.

2. Criteria of evaluation and comparisons of proposals shall be objective and (or) can be assessed quantitatively, except for the public procurement as provided for in part two of clause 1 of this Article. By defining the percentage of criteria, the ratio of each of them is determined. The ratio of criterion "price of the proposal" shall be at least forty percent.

3. The use of criteria and methods of evaluation and comparison of proposals not established by tender documents shall be prohibited.

4. In the result of evaluation and comparison of proposals each of them is awarded a sequence number (place) based on the degree of their benefit. The participant that has submitted the proposal awarded the sequence number 1 (the first place) shall be the winning participant.

In case of submission of alternative proposals, evaluation and comparison of proposals shall be effected bearing in mind requirements in part two of clause 2 of article 36 hereof. Meanwhile, the winning participant shall be determined based on the results of such evaluation and comparison.

In the event the proposal of the winning participant is rejected, the commission can select as a winner the participant whose proposal was awarded sequence number 2 (the second place).

5. The contracting authority (organizer) shall post the minutes of the winner selection or another result of the open tender on the official website in electronic form and inform thereof all the participants.

The minutes shall include:

the name (surname, first name, middle name (if any), details of the identification document, - for the individual, including the individual entrepreneur), residence address and payer's identification number of the winning participant;

price of the winner's proposal;

the term as provided for in paragraph three of clause 2 of article 54 hereof during which participants where relevant can appeal the decision about the selection of the winner;

the term of contract conclusion;

results of evaluation and comparison of proposals.

6. After contract conclusion or cancellation of the open tender or its recognition as void, all the participants of the open tender shall be informed thereof and the relevant data shall be posted on the official website.

#### **Article 40. Restricted Tender**

1. A restricted tender means a type of the public procurement procedure which is a competitive method of selection of the supplier (contractor, service provider) during the public procurements to be participated solely by the potential suppliers (contractors, service providers) invited individually by the contracting authority (organizer) upon their notification.

A restricted tender is applied when the data on public procurements are state secrets.

A restricted tender is conducted according to the procedure established by this Law in view of the specific features set forth in this article.

2. The number of participants invited to participate in a restricted tender shall maintain fair competition in view of the time and expenses required for appraisal, evaluation and comparison of a large number of proposals.

3. Information about the restricted tender shall not be posted on the official website, as well as in mass media and the global computer network and forwarded to its participants individually.

4. Participants shall not be allowed to be present at the opening of proposals submitted for the restricted tender.

5. During the restricted tender, documents can be drawn on papers and (or) in electronic form.

## **CHAPTER 6 ELECTRONIC AUCTION**

#### **Article 41. Concept of the Electronic Auction and its Application**

1. An electronic auction means a type of public procurement procedure which is a public and competitive method of selection of the supplier (contractor, service provider) during public procurements on electronic trading platforms.

2. An electronic auction is conducted in case of public procurements under the list of goods (works, services) determined by the Council of Ministers of the Republic of Belarus. This list shall not contain the goods included in the list as provided for in clause 1 of article 51 hereof.

3. Electronic auctions are conducted on electronic trading platforms of the operators determined by the Council of Ministers of the Republic of Belarus.

#### **Article 42. Accreditation on the Electronic Trading Platform**

1. An accreditation on the electronic trading platform means provision by the operator of the electronic trading platform of the rights to access the electronic trading platform for the following purposes:

conduct of electronic auctions - to the contracting authority (organizer);

participations in electronic auctions - to potential suppliers (contractors, service providers).

Persons that failed to get accreditation on electronic trading platform shall not be allowed to conduct the electronic auction and participate in it.

2. Accreditation on electronic trading platform shall be effected by the operator of electronic trading platform for the term of at least three years according to the procedure determined by the Council of Ministers of the Republic of Belarus.

#### **Article 43. Auction Documents and Conditions of their Submission**

1. Auction documents shall be approved by the contracting authority (organizer) before the invitation is posted. Auction documents shall contain:

data specified in the invitation including description of the subject matter of public procurement, volume (quantity), as well as term (terms) and place of delivery or otherwise acquisition of goods (performance of works, delivery of services) which are the subject matter of public procurement;

description of parts (lots) of the subject matter of public procurement in case the subject matter of public procurement consists of parts (lots);

requirements for the term and (or) scope of quality warranty for goods (work, service), maintenance of goods, operational costs of the goods;

draft contract (in case the subject matter of public procurement is divided into parts (lots), - draft contract for each part (lot)) and its conclusion term;

data to be contained in the proposal, requirements for its execution in view of the regulations of the operator of electronic trading platform, as well as requirements for the proposal validity;

formula of calculation of the bid;

currency in which the bid shall be expressed;

terms and conditions of application of the preference margin in case its application is established by the Council of Ministers of the Republic of Belarus;

step of the electronic auction;

procedure for the clarification of auction documents;

indication of acts of legislation on public procurements according to which the procedure of public procurement is conducted.

2. Auction documents may contain:

requirements for auction security and (or) contract performance security;

currency and where relevant the exchange rate to be used exchange the bid to the price of the contract;

other requirements in accordance herewith and other legal acts.

3. Electronic auction documents shall be posted by the contracting authority (organizer) along with the invitation on the official website and shall be publicly available on electronic trading platform.

4. Before the invitation is posted on the official website and on electronic trading platform, submission of the auction documents to participants, including for the purpose of familiarization, shall be prohibited.

5. Any participant, other legal entity or an individual, including the individual entrepreneur, shall no later than five business days before the deadline for preparation and submission of proposals have the right to request the contracting authority (organizer) to clarify auction documents. The content of the request about clarifications of auction documents and the reply to it (without indication of the person that has submitted the request) as an electronic document shall be posted by the contracting authority (organizer) on the electronic trading platform no later than three business days before the deadline for preparation and submission of proposals. No later than one working day following the date of placement of such data, the operator of electronic trading platform shall notify of this the participants of the electronic auction according to the procedure set forth by its regulations.

6. The contracting authority (organizer) shall have the right at its discretion or upon the request from any participant or other legal entity or an individual, including the individual entrepreneur, to change and (or) modify the auction documents before the deadline for preparation and submission of proposals, except for requirements for the composition of participants, as well as requirements for eligibility of participants in case such requirements are provided for according to paragraph ten of clause 1 of article 21 hereof. Meanwhile, the deadline for preparation and submission of proposals shall be extended so that from the date of placement of such changes and (or) modifications this term shall be at least fifteen calendar days and in case of the repeated electronic auction or an electronic auction in case the estimated value of public procurement does not exceed 3000 base units, - at least five business days. In this case, where relevant, the date of auction shall be changed.

7. Changes and (or) modifications to auction documents as an electronic form shall be posted by the contracting authority (organizer) on the official website and openly on electronic trading platform. No later than one working day following the date of placement of such changes and (or) modifications, the operator of electronic trading platform shall notify of this the participants of the electronic auction according to the procedure set forth by its regulations.

#### **Article 44. Auction Security**

1. An auction security shall include a bank guarantee or a transfer to the contracting authority of the funds furnished by the participant as a security of the performance of the following obligations:

- the participant will take part in the biddings;
- the winning participant will not refuse to sign the contract;
- the winning participant will not break the term of contract signing;
- the winning participant will furnish a contract performance security in case such requirement is set forth in auction documents

The type of auction security shall be determined by the participant.

2. The contracting authority (organizer) can request the participants to furnish an auction security in the amount that shall not exceed three percent of the initial price of the electronic auction, in case such price is an estimated value of public procurement or the price of the participant's proposal in case the initial price of the electronic auction is the smallest bid of the participants admitted to trading.

State-financed organizations shall not be required to furnish a tender security.

3. The bank guarantee shall be furnished (funds to be transferred) to the operator of electronic trading platform no later than the deadline for preparation and submission of proposals. Meanwhile, the validity of auction security shall be at least thirty calendar days more than the validity of the proposal.

4. Within one business day after the deadline for preparation and submission of proposals, the operator of electronic trading platform shall check availability of auction security and its compliance with auction documents. In case the participant failed to furnish an auction security or a furnished auction security is not compliant with the requirements of auction documents, the

operator of electronic trading platform shall notify of this the contracting authority (organizer) according to the procedure set forth by its regulations.

5. An auction security shall be returned to the participant that has furnished it within three business days unless the participant violated the terms and conditions set forth in part one of clause 1 of this article.

An auction security shall be returned:

to the participant that withdrew the proposal before the delaine for preparation and submission of proposals - no later than three business days following the date of receipt by the operator of electronic trading platform of such withdrawal;

to the participant whose proposal is rejected, - no later than three business days following the date of placement on electronic trading platform of the relevant protocol of the commission;

to the participants that made the last and one-to-last bids and declared by the commission as compliant with the requirements of auction documents for the composition of participants, as well as requirements for eligibility of participants in case such requirements are provided for according to paragraph ten of clause 1 of article 21 hereof, - no later than three business days following the date of notification by the contracting authority (organizer) of the operator of electronic trading platform about contract conclusion with the winning participant;

to other participants - no later than three business days following the date of placement on the electronic trading platform of the protocol of the commission about the selection of the winning participant or cancellation of the electronic auction or its recognition as void.

6. In case of non-execution by the participant that made the last (one-to-last) bid of the obligations set forth in part one of clause 1 of this article, the funds furnished as an auction security shall, no later than three business days following the date of receipt by the operator of electronic trading platform of the relevant notification from the contracting authority (organizer), be transferred by the operator of electronic trading platform to the budget which is to disburse funds for the conduct of the public procurement. In case a bank guarantee is furnished as an auction security, the operator of electronic trading platform shall, no later than three business days following the date of receipt of the relevant notification from the contracting authority (organizer), hand over the bank guarantee to the person against which the guarantee is issued and which is, according to the procedure established by the legislation, to secure a transfer of funds to the budget which is to disburse funds for the conduct of the public procurement.

#### **Article 45. Proposal and Terms and Conditions of its Submission, Change and (or) Modification and Withdrawal**

1. To participate in the electronic auction, the participant shall have the right to submit only one proposal. In case the subject matter of public procurement consists of parts (lots), one participant shall be allowed to submit no more than one proposal for each of the parts (lots).

2. The proposal shall be submitted by the participant through its placement as an electronic document on the electronic trading platform and shall include two sections.

The first section of the proposal shall contain:

data specified in auction documents except for the data specified in part three of this clause as well as a statement about the right to application of the preference margin if its application is established by the Council of Ministers of the Republic of Belarus;

statement about the consent of the participant (in case it is selected as a winning participant) to conclude the contract under the terms and conditions specified in auction documents and its proposal having a form determined by the regulations of the operator of electronic trading platform;

price of the proposal in case the contracting authority (organizer) determines the smallest price of proposals of the participants admitted to trading to be the initial price of the electronic auction.

The second section of the proposal shall contain:

the name (surname, first name, middle name (if any), details of the identification document - for an individual, including the individual entrepreneur), residence address and payer's identification number of the participant;

documents confirming compliance of the participant with the requirements of auction documents for the composition of participants as well as requirements for eligibility of participants should such requirements be provided for in paragraph ten of clause 1 of article 21 hereof;

other documents and data to be provided in accordance with auction documents.

3. The operator of electronic trading platform shall register the proposals in the order of their placement and notify the participant of the date and time of registration thereof.

4. Participants, the contracting authority (organizer) and the operator of electronic trading platform shall maintain confidentiality of the data contained in the proposals.

5. The operator of electronic trading platform shall prohibit placement of proposals in the following cases:

requirement of clause 5 of article 24 hereof are not met;

deadline for preparation and submission of proposals is expired;

participant has already submitted one proposal.

6. The participant shall have the right to make changes and (or) modifications to the proposal or withdraw it before the deadline for preparation and submission of proposals.

#### **Article 46. Proposal Appraisal and Rejection**

1. The operator of electronic trading platform shall, no later than one business day following the deadline for preparation and submission of proposals, provide access to the contracting authority (organizer) to the first sections of the proposals of the participants to verify their compliance with the requirements of auction documents.

2. The first sections of the proposals made accessible by the operator of electronic trading platform shall be appraised against their compliance with the auction documents within no more than ten business days after the deadline for preparation and submission of proposals and not later than two business days before the date of biddings. Considering the specific characteristics and (or) complexity of the subject matter of public procurement, the contracting authority (organizer) can set a longer term for verification of the first sections of proposals.

Negotiations between the commission and participants shall be prohibited.

The commission can through the electronic trading platform request the participant to make clarifications about the first section of its proposal, but shall have no right to permit any changes and (or) modifications thereto.

The commission shall reject the proposal in case its first section does not meet the requirements of the auction documents or contain the name (surname, first name, middle name (if any)) of the participant or other identification data and documents of the participant as well as shall have the right to reject all the proposals before the selection of the winning participant in case there is insufficient amount of funding available and reduction of the volume (quantity) of the subject matter of public procurement specified in clause 4 of articles 20 hereof is deemed inexpedient.

3. The contracting authority (organizer) shall, no later than one business day following the date of appraisal of the first sections of proposal, post on the official website and in open access on electronic trading platform the minutes of the commission's meetings about opening of proposals that shall contain:

3.1. initial price of the electronic auction in case the contracting authority (organizer) determines the smallest price of proposals of the participants admitted to biddings to be the initial price of the electronic auction;

3.2. registration numbers of proposals of participants: admitted to participation in the biddings;

having the right to the preference margin in case its application is established by the Council of Ministers of the Republic of Belarus;

whose proposals were rejected with reasons for rejection (in case one or several proposals are rejected);

3.3. decision about the conduct or cancellation of the electronic auction or its recognition as void.

4. The operator of electronic trading platform shall, within one business day following the date of placement on the electronic trading platform of the minutes specified in clause 3 of this article, send the participants relevant notices.

### **Article 47. Conducting Biddings**

1. Biddings shall be conducted on the electronic trading platform in presence of at least two participants admitted to participation in them (including for the parts (lots) of the subject matter of public procurement).

2. From the beginning of the biddings the electronic trading platform shall display the following:

name of the subject matter of public procurement, including its volume (quantity);

name (surname, first name, middle name (if any) - for the individual entrepreneur) of the contracting authority (organizer);

the number of participants admitted to biddings;

initial price of the electronic auction (its parts (lots) in case the subject matter of public procurement is divided into parts (lots)) and the step of the electronic auction;

time during which participants can bid;

bids of participants and time when they were made;

information enabling participants to determine at any moment of biddings the status of their bids against the bids of other participants.

3. It shall be prohibited to display during the biddings on the electronic trading platform the name (surname, first name, middle name (if any)), details of the identification document - for an individual, including the individual entrepreneur), residence address and payer's identification number of the participants.

4. The contracting authority (organizer) shall have the right to watch the course of the biddings according to the procedure set forth by the regulations of the operator of electronic trading platform.

5. The biddings shall begin with the initial price of the electronic auction.

During the biddings participants shall have the right to bid within ten minutes from the beginning of the biddings or the next bid in view of the amount equal to the step of the electronic auction according to the procedure set forth by the regulations of the operator of electronic trading platform. In case several participants make the same bids, the bid of the participant that made its bid first shall prevail.

The participant shall have no right to make a new bid in case he made the previous bid as well as the bid equal to zero.

In case within ten minutes from the successive bid none of the participants make a new bid, the participant who made the last bid shall be granted the right within ten minutes to reduce it up to any positive amount notwithstanding the amount of the step of the electronic auction.

6. The biddings shall be considered complete in case:

within ten minutes from the beginning of the biddings none of the participants make a bid;

within ten minutes from the successive bid none of the participants make a new bid and the participant who made the last bid reduced or did not reduce it according to part four of clause 5 of this Article.

7. The regulations of the operator of electronic trading platform shall define the procedure for the certificate by the participants with the digital signature of all the bids or the last and one-to-last bids.

8. After the biddings are complete, the electronic trading platform shall display the initial price of the electronic auction, the last bid, including in view of its reduction according to part four of clause 5 of this article, the one-lo-last bid, as well as the name (surname, first name, middle name (if any), details of the identification document, - for an individual, including the individual entrepreneur), residence address and payer's identification number of the participants that made their bids. In case there were no bids made at the biddings, the electronic trading platform shall display information about it and the initial price of the electronic auction.

9. On the date the biddings are complete, the operator of electronic trading platform shall according to the regulations draw and post the protocol of the biddings on the electronic trading platform, notify of this the contracting authority (organizer) and make the second sections of the proposals of the participants that made the last and one-to-last bids accessible for the contracting authority (organizer).

#### **Article 48. Completion of the Electronic Auction**

1. Within ten calendar days following the date of completion of the biddings, the commission shall:

appraise the second sections of the proposals of the participants that made the last and one-to-last bids against their compliance with the requirements of auction documents and compliance of the above participants with the requirements for the composition of the participants, as well as requirements for eligibility of the participants in case such requirements were provided for according to paragraph ten of clause 1 of article 21 hereof, and in cases as provided for in parts three and four of this clause shall reject the proposals;

select the winning participant of the electronic auction or cancel the electronic auction or declare it void.

Negotiations between the commission and the participants, as well as changes and (or) modifications to the proposals shall be prohibited.

The commission upon its appraisal of the second sections of the proposals shall have the right to reject all the proposals before the selection of the winning participant in case there is insufficient funding available and reduction of the volume (quantity) of the subject matter of public procurement specified in clause 4 of articles 20 hereof is deemed inexpedient.

The commission upon its appraisal of the second sections of the proposals shall reject the proposal in the following cases:

the proposal does not meet the requirements of auction documents;

the participant that submitted the proposal does not meet the requirements for the composition of the participants, as well as requirements for eligibility of participants in case such requirements were provided for according to paragraph ten of clause 1 of article 21 hereof;

the participant that submitted the proposal according to clause 3 of article 14 hereof cannot participate in the electronic auction;

the commission finds out that the participant that submitted the proposal provided inaccurate documents and data;

the winning participant that submitted the proposal does not fulfill the requirements set forth in auction documents prior to the contract signing.

2. The winning participant of the electronic auction shall be the participant that:

made the last bid subject to its compliance with the requirements of auction documents for the composition of the participants, as well as requirements for eligibility of participants in case such requirements were provided for according to paragraph ten of clause 1 of article 21 hereof;

made the one-to-last bid subject to its compliance with the requirements of auction documents for the composition of participants, as well as requirements for eligibility of

participants in case such requirements were provided for according to paragraph ten of clause 1 of article 21 hereof in case the proposal of the participant that made the last bid is rejected on the grounds specified in part four of clause 1 of this article, or the participant recognized as the winning participant refuses to conclude the contract.

3. The decision about the selection of the winning participant or cancellation of the electronic auction or its recognition as void shall be drawn up by the protocol which shall contain:

the name (surname, first name, middle name (if any) - for an individual, including the individual entrepreneur) of the participants that made the last and one-to-last bids with specification of the amounts of the bids they made;

information about compliance (non-compliance) of the participants specified in paragraph two of this part with the requirements for the composition of participants, as well as requirements for eligibility in case such requirements were provided for according to paragraph ten of clause 1 of article 21 hereof;

decision about the selection of the winning participant with the information about the contract price under which the contract shall be concluded with it in case the Council of Ministers of the Republic of Belarus establishes the application of the preference margin, or about cancellation of the electronic auction or its recognition as void with reasons.

The protocol shall be posted on the official website and in open access on electronic trading platform no later than one business day following the date of appraisal of the second sections of the proposals. The operator of electronic trading platform shall, within one business day from the date of placement on the electronic trading platform of the protocol, notify the participants of this according to the procedure set forth by the regulations.

4. The contracting authority (organizer) shall notify the operator of electronic trading platform of the contract conclusion no later than one business day following the date of contract conclusion and post an announcement about the result of the electronic auction on the official website and electronic trading platform.

## **CHAPTER 7 OTHER TYPES OF PUBLIC PROCUREMENT PROCEDURES**

### **Article 49. Request for Proposals, Cases of its Application and Procedure of its Conduct**

1. A request for proposals is a type of the public procurement procedure which is a competitive method of selection of the supplier (contractor, service provider) during the public procurements the winner of which shall be the participant who offered the smallest price.

A request for proposals shall be applied in case of public procurement of goods (works, services) the threshold for the estimated value of which shall be determined by the Council of Ministers

A request for proposals shall not be applied in case of public procurement of the creation of new works of fiction, movies, theatrical performances and concert programs, other results of creative activities, the organization and holding of exhibitions, festivals, shows, competitions, other cultural events, rendering services in the sphere of culture.

2. The contracting authority (organizer) shall, after placement of the invitation and issue of the documents to be submitted to the participant for preparation of the proposal to participate in the request for proposals, register the proposals in the order of their receipt. Upon the request of the participant, the participant shall be issued a receipt acknowledgement with the identification of the date and time of receipt of its proposal to be sent in paper. In case of receipt of the proposal in an electronic form, the contracting authority (organizer) shall confirm it with the letter in paper or in electronic form within one business day following the date of receipt of such a proposal.

Before the invitation is posted on the official website, issue of the documents to be submitted to the participant for preparation of the proposal to participate in the request for proposals including for the purpose of familiarization with them, shall be prohibited.

Before the deadline for preparation and submission of proposals, the contracting authority (organizer) shall have the right at its own initiative or upon the request of any participant or other potential supplier (contractor, service provider) to change and modify the invitation or documents submitted to the participant for preparation of the proposal to participate in the request for proposals.

The contracting authority (organizer) shall respond to the request about the clarification of the documents submitted to the participant for preparation of the proposal to participate in the request for proposals received at least three business days before the deadline for preparation and submission of proposals. The summary of the request about clarifications of the request for proposal and a response to it (without indication of the person that sent the request) shall be sent by the contracting authority (organizer) to all the participants no later than the business day following the date of receipt of such request.

3. The documents submitted to the participant for preparation of the proposals to participate in the request for proposals shall be approved by the contracting authority (organizer) and shall contain:

- data specified in the invitation including description of the subject matter of public procurement, including its volume (quantity), as well as the term (terms) and the place of delivery or otherwise acquisition of goods (performance of works, delivery of services) that are subject matter of public procurement;

- description of parts (lots) of the subject matter of public procurement in case the subject matter of public procurement consists of parts (lots);

- requirements for the term and (or) scope of quality warranty for goods (work, service), maintenance of goods, operational costs of the goods;

- draft contract (in the event the subject matter of public procurement is divided into parts (lots), - draft contract for each part (lot)) and term of its conclusion;

- requirements for the content and form of the proposal, term of its validity;

- formula for estimating the price of the proposal;

- currency in which the price of the proposal shall be expressed;

- currency and where relevant the exchange rate to be used for evaluation and comparison of proposals, as well as contract conclusion;

- conditions of application of the preference margin if its application is established by the Council of Ministers of the Republic of Belarus;

- procedure for clarification of the request for proposals;

- acts of legislation on public procurements according to which the public procurement procedure is conducted.

The documents submitted to the participant for preparation of the proposal to participate in the request for proposals may also contain other requirements in accordance herewith and other legal acts.

4. The proposal shall include:

- the name (surname, first name, middle name (if any), details of the identification document, - for an individual, including the individual entrepreneur), residence address and payer's identification number of the participant;

- documents and data specified in the documents submitted to the participant for preparation of the proposal to participate in the request for proposals;

Participant's consent to the terms and conditions of the draft contract attached to the documents submitted to the participant for preparation of the proposal to participate in the request for proposals.

5. Each participant shall have the right to submit only one proposal, including for each part (lot). Changes and (or) modifications to the proposal after the deadline for preparation and submission of proposals shall be prohibited.

6. The proposal received after the deadline for preparation and submission of proposals shall not be opened and shall be returned to the participant that submitted it.

7. Opening of the proposals shall be carried out by the commission on the date of expiry of the deadline for preparation and submission of proposals or in case of occurrence of organizational reasons within other terms (but no later than the date of expiry of the deadline for preparation and submission of offers) according to the procedure and in the place specified in the tender documents in the procedure and the place specified in the documents submitted to the participant for preparation of the proposal to participate in the request for proposals.

8. Negotiations between the contracting authority (organizer) and the participants with regard to the proposals submitted by them shall be prohibited.

9. The name (surname, first name, middle name (if any), details of the identification document, - for an individual, including the individual entrepreneur), residence address and payer's identification number of each participant whose proposal is opened, the price of such a proposal, including possible discounts as well as the information about the participants or their representatives present shall be announced during the opening of proposals and be included in the protocol of the commission, as well as provided to the participants upon their requests.

10. The commission shall have the right to reject all the proposals before selection of the winning participant in case there is insufficient funding available, reduction of the volume (quantity) of the subject matter of public procurement specified in clause 4 of articles 20 hereof is deemed inexpedient.

The commission rejects the proposal in cases similar to cases specified in clause 3 of article 38 hereof.

11. Evaluation and comparison of proposals shall be carried out by the commission in case of availability of proposals of at least two participants compliant with the requirements of the documents submitted to the participant for preparation of the proposal to participate in the request for proposals against the criterion "price of the proposal".

All the participants shall be notified of the selection of the winning participant.

12. After conclusion of the contract or cancellation of the request for proposals or its recognition as void, all the participants shall be notified of this and the announcement about the result of the public procurement procedure shall be posted on the official website.

## **Article 50. Single Source Procurement Procedure, Cases of its Application and Procedure of its Conduct**

1. A single source procurement procedure is a type of the public procurement procedure which is a method of selection of the supplier (contractor, service provider) during the public procurements in case of which the contracting authority (organizer) proposes to conclude a contract to only one potential supplier (contractor, service provider). The proposal to conclude the contract to two and more suppliers (contractors, service providers) shall be allowed in case the subject matter of public procurement is divided into parts (lots).

2. The single source procurement procedure shall be conducted during the public procurements (including cases when data on public procurements are state secrets) according to Annex hereto.

3. The contracting authority (organizer) shall, based on results of market situation study and preliminary negotiations with suppliers (contractors, service providers) it is aware of determine the supplier (contractor, service provider) for the contract conclusion. In case the subject matter of public procurement is divided into parts (lots), the number of suppliers (contractors, service providers) shall be determined by the number of parts (lots).

4. The invitation shall be sent by the contracting authority (organizer) to the participant (participants) along with the draft contract. Negotiations between the contracting authority (organizer) and the participant (participants) shall be prohibited.

### **Article 51. Commodity Exchange Trading**

1. Public procurements of goods shall be conducted with the use of commodity exchange trading in case of determination by the Council of Ministers of the Republic of Belarus of the list of commodities in view of the provisions of clause 2 of article 41, part two of clause 1 of article 49 and clause 2 of article 50 hereof.

2. The commodity exchange trading during the public procurements shall be conducted according to the legislation on commodity exchanges in view of the provisions of this article and articles 1-4, 11, 17, part three of clause 1 and clause 2 of article 18, part two of clause 1 and clauses 2, 3, 5 and 6 of article 25, articles 29, 30, 52-58 hereof.

3. Public procurements of goods with the use of commodity exchange trading shall be conducted at the commodity exchanges determined by the Council of Ministers of the Republic of Belarus.

## **CHAPTER 8**

### **PROTECTION OF THE RIGHTS AND LEGITIMATE INTERESTS OF PERSONS WHEN CONDUCTING PUBLIC PROCUREMENT PROCEDURES AND RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION ON PUBLIC PROCUREMENTS**

#### **Article 52. Dispute Resolution between the Participant or other Legal Entity or Individual, including the Individual Entrepreneur, and the Contracting Authority (Organizer), Commodity Exchange, Operator of Electronic Trading Platform, Operator of the Official Website**

1. In case actions (omissions) and (or) decisions of the contracting authority (organizer), commission and (or) its members, commodity exchange, operator of electronic trading platform, operator of the official website violate the rights and legitimate interests of the participant or other legal entity or individual, including the individual entrepreneur, then this person shall have the right to address respectively the contracting authority (organizer), commodity exchange, the operator of electronic trading platform, operator of the official website with a petition to terminate such actions (omissions) and eliminate their results and (or) cancel the decisions.

The participant shall have the right to file such a petition unless the contract is concluded and the appeal procedure is started in the authorized state body on public procurements according to the procedure established in articles 53-56 hereof. A legal entity or individual, including the individual entrepreneur not being the participant shall have the right to file such a petition before the deadline for preparation and submission of proposals with regard to the invitation or documents submitted to the participant for preparation of the proposal.

2. The contracting authority (organizer), commodity exchange, the operator of electronic trading platform, operator of the official website shall make a decision in writing upon a petition of the participant or other legal entity or individual, including the individual entrepreneur specified in clause 1 of this article no later than seven business days after the receipt of this petition. This decision shall contain the grounds for its taking and where relevant provide for measures to be taken. The decision shall be sent to the applicant within three business days after its acceptance.

#### **Article 53. Right to Appeal**

1. The participant or other legal entity or individual, including the individual entrepreneur shall have the right to file a complaint to the authorized state body on public procurements according to the procedure established in this article and articles 54-56 hereof, and (or) to the court against the actions (omissions) and (or) decisions of the contracting authority (organizer), the commission and (or) its members, commodity exchange, the operator of electronic trading platform, the operator of the official website in case their rights and legitimate interests are violated.

2. The legal entity or individual, including the individual entrepreneur, not being the participant shall have the right to file a complaint to the authorized body on public procurements only before the deadline for preparation and submission of proposals with regard to the invitation or the documents submitted to the participant for preparation of the proposal.

#### **Article 54. Appeals to the Authorized State Body on Public Procurements**

1. The claim shall be filed to the authorized state body on public procurements in writing and shall contain:

the name (surname, first name, middle name (if any), details of the identification document, - for an individual, including the individual entrepreneur), residence address and payer's identification number of the participant or other legal entity or individual, including the individual entrepreneur filing a claim or their representative, contact phone number;

the name (surname, first name, middle name (if any) - for an individual, including the individual entrepreneur), residence address, payer's identification number and contact phone number of the contracting authority (organizer), the commission and (or) its members, commodity exchange, operator of electronic trading platform, operator of the official website, whose actions (omissions) and (or) decisions are appealed;

type of the public procurement procedure specifying of the source of funding for public procurement;

essence of the appealed actions (omissions) and (or) decisions;

documents and data justifying the claim with the identification of the evidence and other circumstances indicative of non-compliance of the actions (omissions) and (or) decisions appealed with the legislation on public procurements.

The claim shall be signed by the participant or other legal entity or individual, including the individual entrepreneur, or their representative. The claim filed by the representative of the participant or other legal entity or individual, including the individual entrepreneur shall be attached with the power of attorney or other document confirming its powers for signing the claim.

2. The claim to the authorized state body on public procurements can be filed:

against the invitation and documents submitted to the participant for preparation of the proposal - during the term for preparation and submission of proposals;

in other cases - no later than ten business days from the date of notification of the participants on the selection of the winning participant or cancellation of the public procurement procedure or its recognition as void.

3. The participant or other legal entity or individual, including the individual entrepreneur shall have the right to file a claim to the authorized state body on public procurements unless the contract is concluded, as well as the contracting authority (organizer), the commodity exchange, the operator of electronic trading platform or the operator of the official website made within the relevant time set a decision based on the results of handling of the petition of such a person or such a person is satisfied with the decision made upon handling of its petition.

4. The participant or other legal entity or individual, including the individual entrepreneur that filed a claim shall have the right to withdraw it before decision is made upon the substance of the claim. The person that withdrew the claim filed shall have no rights to file a repeated claim against the same actions (omissions) and (or) decisions of the contracting authority (organizer),

the commission and (or) its members, commodity exchange, the operator of electronic trading platform, the operator of the official website according to the procedure, established by this article, articles 55 and 56 hereof.

The authorized state body on public procurements within three business days from the date of withdrawal of the claim shall notify of this the persons that were notified of the claim filed.

### **Article 55. Handling of the Claim by the Authorized State Body on Public Procurements**

1. The authorized state body on public procurements, except for the case specified in clause seven of this article, shall within three business days from the date of receipt of the claim notify in writing all the participants and other persons whose rights and legitimate interests can be affected in the result of handling the claim filed, of the content, venue and time of this claim handling and the term the public procurement procedure is to be suspended for.

The claim handling procedure shall be determined by the authorized state body on public procurements.

2. The participants and other persons properly notified of time and venue of claim handling and that due to reasonable excuses fail to participate in the claim handling procedure shall have no right afterwards to address the authorized state body on public procurements with the claim against the same actions (omissions) and (or) decisions of the contracting authority (organizer), the commissions and (or) its members, commodity exchange, the operator of electronic trading platform, the operator of the official website.

3. Upon the request of the authorized state body on public procurements, the contracting authority (organizer), commodity exchange, the operator of electronic trading platform, operator of the official website shall submit the documents related to the subject matter of the claim.

Persons whose rights and legitimate interests are directly affected in the result of the claim handling shall have the right to send to the authorized state body on public procurements the objection against the claim at least two business days before the claim is handled.

4. The contracting authority shall have no right to conclude the contract before the decision is made upon the results of the claim handling.

5. The authorized state body on public procurements shall on a collective basis handle the claim, take the decision upon the results of claim handling and draw it up in writing. The term of claim handling shall not exceed the term of suspension of the public procurement procedure. Where relevant, the date of contract conclusion shall be postponed.

6. The authorized state body on public procurements upon the results of the claim handling shall have the right to take one or several of the following decisions:

to bind to take actions, to apply procedures or to take the decision consistent with the legislation on public procurements;

to cancel an illegal decision;

to dispose of termination of the public procurement procedure and to bind the contracting authority (organizer) to conduct the repeated public procurement procedure or in case specified in clause 33 of the Annex hereto, the single source procurement procedure;

to recognize the claim unreasonable;

to permit contract conclusion.

The person that filed the claim as well as persons notified of the complaint receipt shall be notified of the decision taken upon the results of the claim handling.

Permission to conclude the contract shall be sent by the authorized state body on public procurements to the contracting authority within three business days from the date the relevant decision is taken.

7. The claim shall not be subject to handling and shall be returned to the person that filed it in case the claim:

is not compliant with the requirements set forth in clause 1 of article 54 hereof;

is filed after the terms specified in clause 2 of article 54 hereof;  
 against the same actions (omissions) and (or) decisions of the contracting authority (organizer), the commission and (or) its members, commodity exchange, the operator of electronic trading platform, the operator of the official website a claim was filed, is being handled or a decision was taken upon it by the authorized state body on public procurements or court.

#### **Article 56. Suspension of the Public Procurement Procedure**

1. In case the authorized state body on public procurements receives a claim, the public procurement procedure shall be suspended.

2. The term of suspension of the public procurement procedure cannot exceed thirty calendar days and shall not be subject to extension.

In case the public procurement is conducted to maintain defense capability and the national security of the Republic of Belarus, operations of the state organizations, the term of suspension of the public procurement procedure cannot exceed the term determined by the contracting authority (organizer) for the conclusion of the contract.

#### **Article 57. Judicial Appeals**

1. The public procurement procedure conducted in violation of the legislation on public procurements can be recognized by the court invalid upon the claim of the concerned person.

2. Recognition of the public procurement procedure invalid shall entail invalidity of the contract concluded in the result of such a procedure.

3. The decision of the authorized state body on public procurements can be appealed by the person concerned to the court.

#### **Article 58. Responsibility for Violation of the Legislation on Public Procurements**

The persons guilty of violation of the legislation on public procurements shall be held liable in accordance with the legislative acts.

### **CHAPTER 9 FINAL PROVISIONS**

#### **Article 59. Changes and Amendments to Some Laws**

1. To amend the Civil Code of the Republic of Belarus dated December 7, 1998 (Journal No. 7-9 of the National Assembly of the Republic of Belarus, 1999, Art. 101; National Register of Legal Acts of the Republic of Belarus, 2008, No. 157, 2/1444) as follows:

to amend and restate Article 495 to read as follows:

#### **"Article 495. The Grounds for the Supply of Goods for State Needs**

1. Supply of goods for state needs shall be performed under the concluded contracts for the supply of goods for state needs. State needs shall mean the needs of the Republic of Belarus determined by the Government of the Republic of Belarus, needs of administrative and territorial units determined by the regional and Minsk City Councils of Deputies or according to the procedure determined by them, except for the needs met through the conduct of public procurements.

2. Unless otherwise established by this Code and other acts of legislation, regulations about the supply contracts (Article 476-493) shall apply to the supply of goods for state needs.";

Articles 496-504 shall be omitted;  
 in Clause 2, Article 505 the words ", and where applicable - contracts for the supply of goods for state needs (Articles 495-504) «shall be omitted»;  
 in Clause 2, Article 656 the words ", contractor works for state needs" shall be omitted;  
 paragraph 5, Chapter 37 shall be omitted;  
 Article 732 shall be read as follows:

**"Article 732. Legal Regulation of Contracts for Performance of Research, Developmental and Technological Works**

The regulations of Article 662, 663 and 693 of this Code shall apply to the terms of performance and the price of work, as well as implications of the contracting authority's non-attendance to receive result of works."

2. To amend and restate Clause 1, Article 57 of the Law of the Republic of Belarus dated July 5, 2004 "About Architecture, Urban Planning and Construction Activities in the Republic of Belarus" (National register of legal acts of the Republic of Belarus, 2004, No. 109, 2/1049; 2010, No. 291, 2/1748) as follows:

part two after the word "Clause" shall be added with the words ", except for public procurements";

to add to the Clause part three to read as follows:

"In cases of public procurements, selection of contractors for the conclusion of construction contracts shall be performed in accordance with the legislation on public procurements."

**Article 60. Recognition of Some Legal Acts and Separate Provisions of the Laws as Null and Void**

It is hereby to recognize the following as null and void:

The Law of the Republic of Belarus dated November 24, 1993 "About the Supply of Goods for State Needs" (Journal No. 33 of the National Assembly of the Republic of Belarus, 1993, Art. 432)

article 8 of the Law of the Republic of Belarus dated July 20, 2006 "About Changes and Amendments to some Laws of the Republic of Belarus Concerning Technical Regulation, Standardization and Evaluation of Conformity to Requirements of Technical Regulatory Legal Acts in the Area of Technical Regulation and Standardization" (National register of legal acts of the Republic of Belarus, 2006, No. 122, 2/1259);

article 10 of the Law of the Republic of Belarus dated December 31, 2009 "About Changes and Amendments to some Laws of the Republic of Belarus Concerning the Budget Relations" (National register of legal acts of the Republic of Belarus, 2010, No. 15, 2/1666);

The resolution of the Supreme Council of the Republic of Belarus dated November 24, 1993 "About Enforcement of the Law of the Republic of Belarus "About Supplies of Goods for State Needs" (Journal No. 33 of the Supreme Council of the Republic of Belarus, 1993, Art. 433).

**Article 61. Transitional Provisions**

1. This Law shall not apply to public procurements in case public procurement procedures have been started or contracts have been concluded before this Law enters into force. The public procurement procedure is viewed as started from the date the contracting authority takes a decision about its conduct. These public procurements shall be completed in accordance with the legislation in force before this Law enters into force.

2. Public contracts for the supply of goods for the state needs, contracts for supply of goods for the state needs, as well as public contracts for contractor works for the state needs concluded

before this Law enters into force shall be effective till their validity under the terms and conditions of their conclusion and shall not be subject to adjustments to make them compliant with this Law.

#### **Article 62. Law Enforcement Measures**

To Council of Ministers of the Republic of Belarus shall within a month:  
 draft and in accordance with the established procedure make proposals about making the acts of legislation consistent with this Law;  
 make resolutions of the Government of the Republic of Belarus consistent with this Law;  
 to ensure that the republican state bodies subordinated to the Government of the Republic of Belarus will make their regulatory legal acts consistent with this Law;  
 to take other measures required for its enforcement.

#### **Article 63. Entry into Force**

This Law shall enter into force since January 1, 2013, except for this Article and Article 62 which enter into force from the date of official publication hereof.

**President Republic of Belarus**

**A. Lukashenko**

Annex  
 to the Law of the Republic of  
 Belarus "About Public Procurements  
 of Goods (Works, Services)"

#### **THE LIST**

#### **of cases of conduct of public procurements with the use of single source procurement procedure**

1. Acquisition of services in water supply, water disposal, sewerage, heat supply, gas supply (except for services in sale of the liquefied gas), connection to technical engineering networks at regulated prices (tariffs), energy supply services or acquisition and sale of the electrical energy with the guaranteeing supplier of the electrical energy, as well as other goods (works, services) pertinent to the activities of natural monopolies.

2. Supply (acquisition) of cultural values, including museum exhibits and museum collections, as well as rare and valuable editions, manuscripts, archive documents, including copies having historical, art or other cultural value to be used to enlarge the stock of state museums, libraries, archives, film, photo stocks and other similar stocks.

3. Acquisition of works for mobilization preparation.

4. Acquisition of works or services to be performed or delivered only by executive bodies in accordance with their mandate or public institutions, state unitary enterprises subordinated to them whose relevant mandate is established by legal acts.

5. Occurrence of need for acquisition of certain goods (works, services) due to force majeure, including natural and man-made emergency situations (localization and (or) mitigation of consequences of natural and man-made emergency situations), need of urgent medical intervention due to which application of other types of public procurement procedures requiring lots of time is inexpedient.

6. Acquisition by criminal and penal organizations and companies of the goods (works, services) made (performed, delivered) by criminal and penal organizations and companies.

7. Recognition of the public procurement procedure void.

8. Acquisition of communication services to maintain defense capability and the national security of the Republic of Belarus, as well as to maintain law and order.

9. Acquisition of goods (works, services) the estimated value of annual public procurements of which exceeds 300 base units.
10. Acquisition of arms and military equipment according to the list determined by the Council of Ministers of the Republic of Belarus.
11. Acquisition of specific goods (works, services) from the potential supplier (contractor, service provider) determined by the resolution of the President of the Republic of Belarus.
12. Acquisition of specific goods (works, services) at the potential supplier (contractor, service provider) determined by the decision of the Council of Ministers of the Republic of Belarus by the decision or the order of the President of the Republic of Belarus.
13. Acquisition of works of literature and art of the specific authors, performances of specific performers, soundtracks of specific producers in case the exclusive rights in such works, performances, soundtracks and (or) their sale belong to a single person.
14. Subscription to certain periodic printing and electronic editions, as well as acquisition of printed and electronic editions of certain authors, services in provision of access to electronic editions for ensuring activities of public institutions of education, state libraries, state scientific organizations from publishers of such printed and electronic editions in case the specified publishers possess exclusive rights to the use of such editions.
15. Visits to the zoo, theater, cinema, concert, circus, museum, exhibition, sporting event.
16. Acquisition of materials of exhibitions, seminars, conferences, meetings, forums, symposiums, trainings, as well as cases of payment for participation in the above events.
17. Acquisition of teaching services from individuals.
18. Placement of an order by the theatrical and spectacular organization, museum, club organization, organization of cinematography, other organization of culture, the telebroadcasting organization with a particular individual or particular individuals - a scriptwriter, an actor, ballet master, TV or radio program facilitator, designer, conductor, playwright, animal trainer, composer, concert master, author of the libretto, film, video, sound operator, writer, poet, director, tutor, sculptor, choreographer, chorus master, artist and other creative specialist for creation or performance of works of literature or art.
19. Acquisition of services in designer supervision of development of the design documentation for capital construction facilities, designer supervision of the construction, reconstruction, capital repairs of capital construction facilities by the relevant designers.
20. Technical and designer supervision of works for preserving historical and cultural values of the Republic of Belarus.
21. Acquisition of services related to sending an employee to official business trips (journey to the place of the official business trip and back, accommodation rental, transportation services, meals, as well as with official entertainment expenses).
22. Acquisition of services related to visits of heads of foreign states, heads of governments of foreign states, heads of the international organizations, parliamentary delegations, government delegations, delegations of foreign states (hotel, transportation, computer equipment, meals).
23. Acquisition of services related to offsite events held by the President of the Republic of Belarus, National Assembly of the Republic of Belarus, Council of Ministers of the Republic of Belarus (hotel, transportation, computer equipment, and meals).
24. Acquisition of sports gear and equipment, sports outfit necessary for training of sports national teams of the Republic of Belarus for the Olympic and Paralympic sports, as well as for participation of sports national teams of the Republic of Belarus in the Olympic and Paralympic Games.
25. Acquisition by penal organizations of commodities, materials and components for production of goods (performance of works, delivery of services) to employ inmates under the civil contracts concluded with legal entities, provided that acquisition by the above institutions of commodities, materials and components necessary for production of goods (performance of works, delivery of services) is carried out from the funds to be allocated under the above civil contracts.

26. Acquisition of material valuables sold from the state and mobilization material reserves.
27. Occurrence in the contracting authority that conducted the public procurement from a relevant supplier of the need for additional quantity of the procured goods. Meanwhile, the number of additionally procured goods cannot exceed ten percent of the goods provided for under the contract. The price unit for additionally procured goods shall be determined as the quotient of the original price of the contract divided by the number of such goods provided for in the contract.
28. Acquisition of goods (works, services) of own production (in case of not involvement of co-contractors) from penal organizations, occupational therapy (labor) clinics of the Ministry of Internal Affairs of the Republic of Belarus and medical and production (labor) workshops of the Ministry of Health of the Republic of Belarus, as well as from the organizations (in case of not involvement of co-contractors) in which the number of people with disabilities is at least fifty percent of the staff, state production and trade association "Belkhudozhpromysly" and the organizations which are its part (in case of not involvement of co-contractors).
29. Acquisition of goods (works, services) for the purpose of providing state bodies and other organizations with presidential, governmental, operational and other types of special communication, organization and maintenance of safety of such communication in the Republic of Belarus and in the organizations of the Republic of Belarus outside Belarus, surreptitious obtaining of information.
30. Acquisition of property seized, arrested, confiscated or turned into the state's income otherwise, including property seized to recover outstanding taxes, penalties.
31. Acquisition of services in management of multi-apartment residential buildings based on the selection by the tenants of the multi-apartment residential buildings or local executive and administrative authorities according to the housing legislation of the organization managing the common property.
32. Acquisition of services in maintenance, protection and servicing of one or several non-residential premises provided for free use to the contracting authority if these services are provided to other person or persons using non-residential premises which are in the capital structure (building, construction) in which the rooms provided for free use and (or) operational management are located.
33. Need to conduct public procurements of goods (works, services) of daily and (or) weekly demand for a period before the public procurements procedure is complete and the contract enters into force in case such public procurement is conducted within the first month of year under the list determined by the Council of Ministers of the Republic of Belarus. In this case the amount of public procurement cannot exceed the quantity of goods (works, services) necessary to meet the needs of the contracting authority during the period of conducting the public procurement, but no more than for two months.
34. Acquisition of goods (works, services) for operational search activities.
35. Acquisition of rights of environmental management.
36. Acquisition of services in preparation, retraining and qualification upgrade of workers abroad.
37. Acquisition of services of rating agencies, financial services in transfer of the salary into accounts of individuals if the individual independently determined the credit (bank) institution, as well as regarding cash transactions.
38. Acquisition of securities, shares in the authorized capital of legal entities.
39. Acquisition of services related to elections.
40. Acquisition of works, services in design, production, storage, delivery of banknotes and coins of national currency, as well as goods (works, services) necessary for their design and production.
41. Acquisition of goods (works, services) related to the use of money of the grants provided directly to the Council of Ministers of the Republic of Belarus, National Bank of the

Republic of Belarus on a grant basis by the states, the governments of the states, the international and state organizations, foreign non-governmental public organizations and funds whose activities have charitable and international character, as well as the money allocated for joint financing of these grants in cases when grant contracts provide for other procedures of acquisition of goods (works, services).

42. Acquisition of services in treatment of citizens of the Republic of Belarus abroad, as well as services in their transportation and follow-up.

43. Acquisition of goods, services which are intellectual property from a person having exclusive rights in the acquired goods, services.

44. Acquisition of services in submission of information to international information organizations.

45. Acquisition of goods (works, services), necessary for implementation of monetary activities.

46. Acquisition of goods (works, services) related to maintaining safety of persons subject to state protection, protected facilities and other facilities intended for stay of protected persons, as well as services in forming the video archive and information servicing of activities of the President of the Republic of Belarus.

47. Acquisition of consulting and legal services in protection and representation of the interests of the state or contracting authorities in the international commercial arbitrations and foreign judicial authorities.

48. Acquisition of services in processing of data of statistical monitoring.