



Fiscal Accountability and Sustainable Trade (FAST) Project

Task 6: Effective Public Procurement for Kyrgyzstani Taxpayers

**REPORT
TRANSPARENT PUBLIC PROCUREMENT
RATING – KYRGYZ REPUBLIC 2021**

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REPORT TRANSPARENT PUBLIC PROCUREMENT RATING (TPPR) REPORT - KYRGYZ REPUBLIC 2021

Fiscal Accountability and Sustainable Trade (FAST)

Task 6: Effective Public Procurement for Kyrgyzstani Taxpayers

Program Title:	Fiscal Accountability and Sustainable Trade
Sponsoring USAID Office:	The Bureau for Development, Democracy, and Innovation (DDI) and The Center for Economics and Market Development (EMD)
COR:	Theresa Stattel
ACOR:	Anton Kamenov
Activity Manager:	Chnara Mamatova
Contract No.	7200AA18D00010 Task No. 7200AA19F00015
Contractor:	DevTech Systems, Inc.
Chief of Party:	Mark Gallagher
Team Lead:	John Yates
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ACRONYMS

CPV	Common Procurement Vocabulary
CSO	Civil Society Organization
DPP	Department of Public Procurement
EU	European Union
FAST	Fiscal Accountability and Sustainable Trade
GPA	Government Agreement on Public Procurement (World Trade Organization)
IDFI	Institute for Development of Freedom of Information
KR	Kyrgyz Republic
LEPL	Legal Entities of Public Law
MP	Member of Parliament
NGO	Non-Governmental Organization
OECD	Organization for Economic Co-Operation and Development
PFM	Public Financial Management
PPL	Public Procurement Legislation
QC	Quality Control
TCB	Trade Capacity Building
TPPR	Transparent Public Procurement Rating
USAID	United States Agency for International Development

I. EXECUTIVE SUMMARY

The “Effective Public Procurement for Kyrgyzstani Taxpayers” is a USAID-assisted project that seeks to improve self-reliance of the Kyrgyz Republic through reforms in public procurement systems and processes to increase efficiency and transparency, and to reduce corruption, as well as enable civic engagement. One of the activities under the project was to update the Transparent Public Procurement Rating (TPPR) Assessment for the Kyrgyz Republic, last done in 2018. This is intended to measure progress since 2018; identify current strengths and weaknesses; identify areas requiring improvement; and provide a baseline against which to measure future progress.

The TPPR Methodology is a tool to assess public procurement legislation from the perspective of transparency. It consists of 64 indicators, each with equal weighting. The indicators are arranged in the following categories:

- Transparency – 5 indicators
- General Characteristics of the Procurement System – 20 indicators
- Pre-Tendering Phase – 9 indicators
- Tendering Phase – 17 indicators
- Post-Tendering Phase – 13 indicators

A TPPR assessment of the public procurement legislation of the Kyrgyz Republic was conducted in 2018. The country scored a total of 65.96 percent, which, ranked it as number 24 of 40 countries that have conducted the assessment.

The assessment was updated in June 2021. Full details are included in the Annex to this report.

Overall, the score for the Kyrgyz Republic increased to 72.24 percent in 2021. While the scores for the Transparency category remained the same, the other categories have seen improvement. Details of the scores by category are provided in Section 3.

The main recommendations resulting for the assessment are:

- To include a stipulation in the Law on Public Procurement (PPL) that information provided on the e-portal must be in machine-readable format. More information on this is provided in Section 4.1.
- Rescind the amendments to the PPL that extend the required timeframe for publishing information from one calendar day to two business days.
- Stipulate the publication of Common Procurement Vocabulary (CPV) or similar codes in procurement plans, procurement notices, and tender documentation, and of contract award announcements. More information on this is provided in Section 4.3.

In addition, consider the following updates to the PPL:

- Obligate the Procurement Regulatory Body to regularly use a mechanism for consultation with the private and civil society sectors to receive feedback and identify problems in the procurement system.
- Allow the general public or potential suppliers to submit complaints.
- Review the justifications for the use of Direct Contracting and harmonize with international good practice.
- Stipulate that procurement notices and tender documentation include information on payment conditions, source of funding, and payment information for multi-year contracts.
- Stipulate that those responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants.
- Stipulate that in cases where evaluation criteria include both price and quality, the winner shall be chosen using a cost effectiveness approach such as life-cycle cost, best price-quality ratio and/or environmental and/or social costs.

2. INTRODUCTION

2.1. PROJECT BACKGROUND

The Fiscal Accountability and Sustainable Trade (FAST) task order supports rapid, sustainable, and equitable economic growth in USAID-assisted countries by enabling the Agency to bring a systems approach to addressing Public Financial Management (PFM; public revenue, budget, expenditure, and debt), trade capacity building (TCB), macroeconomic planning and policies, and other economic governance issues, such as regulatory reform. It supports Missions to improve a) host-country capacity to mobilize revenue and provide public services; b) the policy climate for investment that generates more productive employment and inclusive growth, including issues specific to women and disadvantaged populations; c) host-country ability to recover from, prevent, and/or mitigate the impact of conflict, natural disasters, or fiscal crises; and d) host-country institutional capacity to identify, design, advocate, and implement better economic policies to enhance inclusive growth and gender equity.

“Effective Public Procurement for Kyrgyzstani Taxpayers” is a task under FAST that seeks to improve the self-reliance of the Kyrgyz Republic by improving public procurement systems. The project seeks reforms in public procurement systems and processes to increase efficiency and transparency and to reduce corruption, as well as enabling civic engagement in the conduct of public procurement operations.

The project has two objectives:

- Objective One: Increase efficiency and transparency of public procurement
- Objective Two: Enable civic engagement and oversight over public procurement

Technical assistance under the project is divided into three broad categories. They include: 1) technical assistance to improve the capacity of the Ministry of Economy and Finance (Department of Public Procurement (DPP) and the capacity of procuring entities to conduct efficient procurements; 2) technical assistance to civil society organizations (CSOs) in order to enable their participation in the public procurement tenders' oversight as well as building their capacity to better understand public procurement operations; and 3) capacity building of both the Department of Public Procurement (DPP) and procurement entities' staff to promote efficient and transparent public procurement operations. In addition, the project seeks to improve the legal, regulatory, and policy environment for public procurement operations while helping to upgrade current procurement processes with the use of digital technologies, which will help reduce discretionary gaps that allow for corruption.

2.2. TRANSPARENT PUBLIC PROCUREMENT RATING (TPPR) METHODOLOGY

The TPPR Methodology is a tool to assess public procurement legislation from the perspective of transparency, with a view to identifying the strengths and weaknesses. It has been developed by the Institute for Development of Freedom of Information (IDFI) within the framework of the project “Transparent Public Procurement Rating – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region.”

The methodology consists of 64 indicators, each with equal weighting. The indicators are arranged according to the procurement process, though with some indicators being more general and/or related specifically to transparency aspects:

- Transparency – 5 indicators
- General Characteristics of the Procurement System – 20 indicators
- Pre-Tendering Phase – 9 indicators
- Tendering Phase – 17 indicators
- Post-Tendering Phase – 13 indicators

Each indicator has a maximum score of one point. Some of the indicators are further broken down into scoring components, but with a total value of one point. Overall, therefore, the legislation is rated on a scale of 64, which is then converted to a percentage score.

According to the TPPR website (<https://www.tpp-rating.org>), 40 countries have been assessed using this methodology. It is recommended that the assessment is updated every second year.

2.3. TPPR IN THE KYRGYZ REPUBLIC

An assessment of the public procurement legislation of the Kyrgyz Republic (KR) using the TPPR methodology was conducted in 2018. The full report is available at https://www.tpp-rating.org/public/uploads/PPL%20Assessments%20ENG/PPL_Assessment_Kyrgyzstan_16_18.pdf

In 2018, the KR scored a total of 65.96 percent, distributed as follows:

- Transparency – 80 percent
- General Characteristics of the Procurement System – 83 percent
- Pre-Tendering Phase – 69.44 percent
- Tendering Phase – 66.26 percent
- Post-Tendering Phase – 31.54 percent

With this score, the Kyrgyz Republic was ranked number 24 out of 40 countries.

Updating the TPPR is one of the activities under the “Effective Public Procurement for Kyrgyzstani Taxpayers” Project. The goals of the update are to: measure progress since 2018; identify current strengths and weakness; identify areas requiring improvement; and provide a baseline against which to measure future progress.

To facilitate the measurement of progress since 2018, the assessment used a table including:

- TPPR indicators
- 2018 score with relevant article and law
- 2021 score with relevant article and law

This table with details of the scores along with the justification (relevant laws and articles) is included in an Annex.

3. FINDINGS

The KR’s overall TPPR score increased from 65.96 percent in 2018 to 72.24 percent in 2021. This should move the country from 24th to 16th place in the overall rating. The distribution of the scores in 2018 and 2021 are shown in Table I.

TABLE I:TPPR SCORES FOR KYRGYZ REPUBLIC 2018 AND 2021

	2018			2021	
	Max Score	Score	%	Score	%
Transparency Environment	5	4.00	80%	4.00	80%
General Characterstics	20	16.60	83%	17.05	85%
Pre-Tendering	9	6.25	69%	7.75	86%
Tendering	17	11.27	66%	11.435	67%
Post-Tendering	13	4.10	32%	6.00	46%

	Max Score	2018		2021	
		Score	%	Score	%
OVERALL	64	42.22	65.96%	46.235	72.24%

3.1. TRANSPARENCY ENVIRONMENT

This category consists of five indicators that are used to assess legal components that are not directly part of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. Specific indicators are listed in the Annex.

There has been no change in the scoring from 2018 to 2021, with a score of four out of five, or 80 percent. The only gap that remains is that legislation in KR does not include provisions regulating whistleblower protection.

TABLE 2: SCORING SUMMARY OF TRANSPARENCY INDICATORS

INDICATOR	SCORE	
	2018	2021
1	1	1
2	1	1
3	1	1
4	1	1
5	0	0
Total	4	4

3.2. GENERAL CHARACTERISTICS OF THE PROCUREMENT SYSTEM

This category consists of 20 indicators relating to the overall procurement system and not specific phases in the process. Specific indicators are listed in the Annex.

The score has improved from 16.6 (83 percent) in 2018 to 17.05 (85 percent) in 2021. However, some of the change is attributed not to improvements in the system, but to incorrect scoring in 2018. The main improvement is the amendment to the Law on Public Procurement that now authorizes the Procurement Regulatory Body to have income other than state funding.

TABLE 3: SCORING SUMMARY OF GENERAL CHARACTERISTICS

INDICATOR	SCORE	
	2018	2021
1	1	1
2	1	1
3	1	1
4	1	1
5	0.75	1
6	1	1
7	0.5	0.5
8	1	1
9	1	1
10	1	1
11	0.60	0.80
12	0	0
13	1	1
14	1	1
15	1	1
16	0.75	0.25
17	1	1
18	1	1
19	0.5	0
20	0.5	0.5
Total	16.6	17.05

Gaps in this category include:

- The PPL in the Kyrgyz Republic does not obligate the Procurement Regulatory Body to regularly use a mechanism for consultation with the private and civil society sectors that receives feedback and identifies problems in the procurement system.
- The PPL allows preferences for domestic suppliers.
- Only tender participants have the right to submit complaints, not the general public or potential suppliers.
- The PPL does not ensure that information on submitted complaints and dispute resolutions by the independent review body shall be in a machine-readable format.

3.3. PRE-TENDERING PHASE

This category consists of nine indicators relating to procurement processes leading up to the publication of a notice of intended procurement. Specific indicators are listed in the Annex.

The score has improved from 6.25 (69 percent) in 2018 to 7.75 (86 percent) in 2021. However, again, some of this improvement can be attributed to an incorrect assessment in 2018.

TABLE 4: SCORING SUMMARY OF PRE-TENDERING PHASE

INDICATOR	SCORE	
	2018	2021
1	0.75	0.75
2	0.5	0.5
3	1	1
4	1	1
5	1	1
6	1	1
7	1	1
8	0	1
9	0	0.5
Total	6.25	7.75

Gaps in this category include:

- The PPL does not specify that published procurement plans must include CPV¹ or another similar classificatory system of planned procurements.
- The PPL does not ensure that procurement plans will be published in a machine-readable format.
- The PPL allows the use of non-competitive procedures (Direct Contracting) in many more circumstances than the five allowable in the indicator and does not specify that it may not be used for routine purchases from regular suppliers.

3.4. TENDERING PHASE

This category consists of 17 indicators relating to the procurement processes between publication of a notice of intended procurement and selection of a tender winner. Specific indicators are listed in the Annex.

The score has improved marginally from 11.27 (66 percent) in 2018 to 11.435 (67 percent) in 2021, but the basis of this improvement is an incorrect scoring from 2018. In January 2019, an amendment in the PPL improved the time limit for publishing evaluation results from three working days to one calendar day, which would have improved the score by one point. However, the law was again amended in December 2020 to extend this period to two business days and therefore the PPL no longer meets the requirements.

TABLE 5: SCORING SUMMARY OF TENDERING PHASE

INDICATOR	SCORE	
	2018	2021
1	0.875	0.875
2	0.4	0.4
3	1	1
4	1	1
5	0.5	0.5
6	0.5	0.5
7	0.5	0.5
8	0.5	0.5

¹ The CPV establishes a single classification system for public procurement aimed at standardizing the references used by contracting authorities and entities to describe the subject of procurement contracts. More information can be found at: <https://simap.ted.europa.eu/web/simap/cpv>.

INDICATOR	SCORE	
	2018	2021
9	0.5	0.5
10	1	1
11	1	1
12	0.66	0.66
13	1	1
14	0.5	1
15	0	0
16	1	1
17	0.33	0
Total	11.265	11.435

Gaps in this category include:

- The PPL does not stipulate that procurement notices and/or tender documentation must include CPV codes or other classificatory system of a similar nature; payment conditions; source of funding; or payment information for multi-year contracts.
- The PPL does not ensure that procurement notices, tender documentation, tender documentation amendments, tender candidate applications (bids/tenders), information about the bids offered by tender participants, and/or decisions of the tender commission will be published in a machine-readable format.
- The PPL does not stipulate that those responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants.
- The PPL does not meet the requirement that tender participants be informed of a decision immediately and no later than the end of the following day.
- The PPL does not stipulate that in cases when evaluation criteria include both price and quality, best-price quality ratio and/or environmental and/or social costs shall be possible cost-effectiveness approaches, along with life-cycle costs.

POST-TENDERING PHASE

This consists of 13 indicators relating to the procurement processes after the selection of a tender winner. Specific indicators are listed in the Annex.

The score for the post-tendering phase has improved since 2018, increasing from 4.1 (32 percent) to 6 (46 percent). This is despite the fact that two indicators have regressed with the removal from the Law on Public Procurement, in 2019, of the requirement for audit of the procurement process prior to contract award for large value procurements as well as an amendment from December 2020 reducing the timeframe for posting contract award information from one calendar day to two business days. The improvement in the score is due to amendments that introduce requirements to publish various information relating to contracts and contract management. However, there is no requirement that this information should be in machine-readable format; otherwise, the score would have been higher.

TABLE 6: SCORING SUMMARY OF POST-TENDERING PHASE

INDICATOR	SCORE	
	2018	2021
1	0.6	0
2	0	0
3	0	0.5
4	0	0.5
5	0	0.5
6	0	0.5
7	1	1
8	0	0
9	0	0
10	0	1
11	1	1
12	0.5	1
13	1	0
Total	4.1	6.0

Gaps in this category include:

- The PPL does not stipulate that contract award announcements should include: CPV codes (or other classificatory system of similar nature); date of signing contract; contract duration; contact details of winner and information whether the contract was awarded to a group of economic operators (joint venture, consortium or other).

- The PPL does not stipulate that information on sub-contractors must be made public upon selection and announcing the winner of the tender.
- The PPL does not stipulate that the following information be published in machine readable format: procurement contracts, contract amendments, contract performance information (acceptance and milestone reports), payment receipts, and inspection and quality control reports.
- Procedures for acceptance of final products and processing of final payments are not clearly defined by, nor even included in, the PPL.
- The PPL does not stipulate that public procurement operations must be subject to internal and external audit conducted by qualified specialists.

4. RECOMMENDATIONS

4.1. MACHINE READABLE ACCESS TO INFORMATION

A significant number of indicators (13) relate to whether or not the PPL **ensures** that various types of information are accessible in electronic, machine-readable format and free of charge. The PPL ensures electronic access to much of this information but does not require that it should be in machine-readable format (although in practice, most of it is). By including this stipulation in the Law, the overall TPPR Score of Kyrgyz Republic would potentially increase by 6.5 points (providing the other requirements of those indicators are met) taking the overall score to 81.51 percent. This would put Kyrgyz Republic in 6th place in the overall rating. Of course, this would require an investment in ensuring that the e-portal was updated to allow for machine-readable access to all the required information. This would include:

- General: Information on submitted complaints and dispute resolutions by the independent review body.
- Pre-Tendering Phase: Procurement plans.
- Tendering Phase: Procurement notices, tender documentation, tender documentation amendments, tender candidate applications (bids/tenders), information about the bids offered by tender participants, and/or decisions of the tender commission.
- Post-Tendering Phase: Procurement contracts, contract amendments, contract performance information (acceptance and milestone reports), payment receipts, and inspection and quality control reports.

4.2. TIME-FRAMES FOR PUBLICATION

Some scores have regressed since 2018 due to legal amendments that extend the required timeframe for publishing information from one calendar day to two business days. It is recommended that these amendments be rescinded.

4.3. CLASSIFICATION SYSTEM

CPV codes or other similar classificatory systems assist suppliers in finding relevant procurement notices and facilitate monitoring of public procurement. Three TPPR indicators refer to the stipulation of CPV (or similar) codes: in procurement plans; procurement notices and tender documentation; and contract award announcements. It is recommended that the PPL be amended to stipulate the inclusion of such codes, and that the e-portal be updated to reflect this.

OTHER RECOMMENDATIONS

Consider updating the PPL to include the following:

- Obligate the Procurement Regulatory Body to regularly use a mechanism for consultation with the private and civil society sectors that receives feedback and identifies problems in the procurement system.
- Allow the general public or potential suppliers to submit complaints.
- Review the justifications for the use of Direct Contracting and harmonize with international good practice.
- Stipulate that procurement notices and tender documentation include information on payment conditions, source of funding, and payment information for multi-year contracts.
- Stipulate that those responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants.
- Stipulate that in cases where evaluation criteria include both price and quality, the winner shall be chosen using a cost effectiveness approach such as life-cycle cost, best price-quality ratio, and/or environmental and/or social costs.

ANNEX: TPR METHODOLOGY INDICATORS

TRANSPARENCY ENVIRONMENT

		2018		2021	
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point]		In accordance with Part 1 of Article 20 of the Law of the Kyrgyz Republic “On State Registration of Legal Entities, Branches (Representative Offices),” information contained in the state register (the unified state register of legal entities, branches) is open to general public. Electronic database of legal entities, branches (representative offices) - http://register.minjust.gov.kg/register/SearchAction .	1	No change
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	In accordance with Article 125 of the Budget Code of the Kyrgyz Republic, the law on the republican budget, the law on the budget of the Social Fund, the law on the budget of the Mandatory Medical Insurance Fund, and the approved budgets of local physical and monetary terms for the next financial year or another planning period and places it on the public procurement portal. The reference to the approved laws on the republican budget - http://minfin.kg/ru/novosti/byudzhet/zakony.html Links to the “Open Budget” Portal in which information on the execution of the republican budget and local budgets is published online.	1	No change http://minfin.kg/ru/novosti/byudzhet
3.	Public officials are required by law to file asset declarations. – [1 point]	1	In accordance with paragraph 10 of the Resolution of the Government of the Kyrgyz Republic, “The Regulations on the Procedure for Declaring Income, Expenses, Obligations and Property of State and Municipal Employees,” public officials are not subject to disclosure and	1	No change

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>publication of the information contained in the declaration, with the exception of summary information on incomes, expenditures, property and liabilities, contained in the declaration of civil servants specified in Article 1 of the Law of the Kyrgyz Republic “On declaration of incomes, expenses, liabilities and property of persons who replace or occupy the state administrative and municipal positions”:</p> <p>1) persons who hold political, special public positions; 2) persons holding administrative public offices; 3) servicemen, law enforcement officers and diplomatic services; 4) persons who hold political and administrative municipal offices; 5) the Chairman of the National Bank of the Kyrgyz Republic and his deputies. The reference to summary information contained in the declarations of civil servants -</p> <p>According to Part 1 of Article 26 of the Law of the Kyrgyz Republic “On Conflict of Interest,” information contained in declarations of personal (private) interests, with the exception of cases established by legislation on the protection of personal data, is posted on the official website of the state body, local government, institution, organization or enterprises where the persons specified in Article 6 of this Law are carrying out their activities.</p>		
4.	The country has adopted legal provisions ensuring the right to request public information. – [1 point]	1	Law of the Kyrgyz Republic “On access to information under the jurisdiction of state bodies and local self-government bodies of the Kyrgyz Republic.” This law regulates relations related to the access of individuals and legal entities to information held by state bodies and local self-government bodies. Law of the Kyrgyz Republic “On the procedures of consideration of citizen petitions.” This law regulates the	1	No change

		2018		2021	
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			realization of the right of everyone to apply to state bodies and local self-government bodies enshrined in the Constitution of the Kyrgyz Republic, as well as the procedure for considering citizens' requests by state bodies, local governments, and officials.		
5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	0	In accordance with Article 10 of the Law of the Kyrgyz Republic “On Combating Corruption,” information on a person assisting in the fight against corruption is a state secret and is provided only upon written requests of state bodies authorized to fight corruption or courts in the manner established by the legislation of the Kyrgyz Republic. It should be noted that in this law there is no detailed procedure for protecting whistleblowers.	0	No change

INDICATORS BY PROCUREMENT PROCESS

GENERAL CHARACTERISTICS OF THE PROCUREMENT SYSTEM

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
1.	Public Procurement Legislation (PPL), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [1 point] <i>Uniformity of the Legislative Framework</i>	1	Law of the Kyrgyz Republic “On Public Procurement.” Commentary: The PPL of the Kyrgyz Republic includes 1 additional law and 23 by-laws.	1	The Law of Kyrgyz Republic on Public Procurement and supporting regulations include the basic principles and general framework of the procurement process, make it operational and indicate application.
2.	PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Uniformity of the Legislative Framework</i>	1	A reference to the PPL of the Kyrgyz Republic - http://zakupki.gov.kg/popp/home.xhtml?cid=1	1	No change Posted on Portal (zakupki.gov.kg) in machine readable format (.doc and .pdf)

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [1 point]</p> <p>Point Distribution</p> <p>a) All state budget entities – [0.2]</p> <p>b) Local government entities – [0.2]</p> <p>c) Legal Entities of Public Law (LEPL) – [0.2]</p> <p>d) State owned companies – [0.2]</p> <p>e) State non-commercial legal entities – [0.2]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0.2</p> <p>e) 0.2</p>	<p>In accordance with Article 3 of the Law of the Kyrgyz Republic “On Public Procurement,” public procurement is the acquisition by the procuring entity of goods, works, services and consulting services using methods established by this Law, financed in whole or in part from public funds: funds of the republican and local budgets for carrying out activities procuring entities and capital investments; means defined by the law on the budget as “extra budgetary funds,” joint-stock companies where the state or municipal share is more than 50 percent of funds and other economic entities created from public funds; funds provided as foreign aid on the basis of the ones entered in accordance with the law by virtue of international treaties to which the Kyrgyz Republic is a party, unless otherwise provided by the contract; credit funds guaranteed and secured by the state.</p> <p>In accordance with Article 3 of the Law of the Kyrgyz Republic “On Public Procurement,” procuring entities (buyers) are state or municipal organizations that have the status of a legal entity, joint-stock companies in which the state and (or) local governments, together or individually, own 50 or more percent of shares, and other economic entities created at the expense of public funds.</p>	1	<p>No change. However, a proposal from the Minister of Economy Finance from June 2021 proposes removing state-owned companies from the PPL.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible, and exemptions are clearly listed in the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5]</p> <p>b) PPL clearly lists or refers to all exemptions. – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>In accordance with Article 3 of the Law of the Kyrgyz Republic “On Public Procurement,” state bodies, budget institutions, local governments and state enterprises are obliged to purchase in accordance with the law (concepts: public procurement and procuring entity (buyer)).</p> <p>The Law of the Kyrgyz Republic “On Public Procurement” does not regulate public procurement directly related to 1) national security; 2) defense; 3) protection of state secrets; 4) natural disasters.</p> <p>These government purchases are regulated by the Decree of the Government of the Kyrgyz Republic “On Approving the Procedure for Procurement of Goods, Works and Services Related to National Defense, National Security, Protection of State Secrets, Information Security and Disaster Relief”</p>	1	No change.
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [1 point]</p> <p>Scoring Method</p> <p>PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [1]</p> <p>PPL determines a separate state body responsible for managing public procurement. – [0.75]</p>	0.75	<p>According to Article 9 of the Law of the Kyrgyz Republic “On Public Procurement,” an authorized state body for public procurement has been established whose functions are:</p> <p>1) development of draft normative legal acts for the functioning of the public procurement system, including procurement procedures.</p> <p>2) coordination and regulation of the activities of procuring entities in the implementation of procurement of goods, works, services and consulting services.</p> <p>3) application of penal sanctions in case of violations by the authorized state body on state purchases, auditors, and other bodies, as well as on the results of the consideration of complaints by the inter-ministerial commission.</p>	1	<p>Law of the Kyrgyz Republic on Public Procurement Article 9. Amended in 2019 to include:</p> <p>10) accumulation and management of the related deposit and special accounts of monetary funds received from the suppliers (contractors) and consultants participating in the public procurements of the procuring entities in the form of an agreement performance security, payment for the periodical subscription for a public procurement web-portal, including e-catalogue, for submission of a complaint to the independent committee for its review. The order of accumulation and management of monetary funds shall be defined by decision of the Government of the Kyrgyz Republic.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>PPL assigns this function to a subordinated public body(ies). – [0.5]</p> <p>There is no responsible state body. – [0]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>4) formation and maintenance of unified republican registries of procuring entities, contracts for public procurement and a database of unreliable and unfair suppliers (contractors);</p> <p>5) assistance to procuring entities in the procurement of goods, works, services and consulting services, training and counseling;</p> <p>6) ensuring openness and publicity of procurement procedures, including publication of the complaints reviewed on the public procurement portal;</p> <p>7) compilation of statistical and analytical information on public procurement;</p> <p>8) introduction of best practices and innovative technologies in the public procurement system.</p>		
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e., data collection and analysis as opposed to regulation and control) of public procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>According to Part 1 of Article 9 of the Law of the Kyrgyz Republic “On Public Procurement,” the authorized state body compiles statistical and analytical information on public procurement conducted.</p> <p>Link to the analytical reports on public procurement - http://zakupki.gov.kg/popp/home.xhtml?cid=1</p>	1	No change.
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis.</p>	<p>Overall: 0.5</p> <p>Components :</p> <p>a) 0.25</p> <p>b) 0.25</p> <p>c) 0</p>	<p>The order of the Ministry of Finance of the Kyrgyz Republic “On approval of the Expert Council on Public Procurement” established a mechanism for consultations with the civil sector. The expert council included 2 MPs, 2 representatives of business associations, representative of the National Institute for Strategic Studies under the Government, and NGO representative. However, the Law on Public Procurement does not contain provisions</p>	0.5	No change

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>– [1 point]</p> <p>Point Distribution</p> <p>a) Legislation provides for a mechanism of consultation with the private sector. – [0.25]</p> <p>b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25]</p> <p>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5]</p> <p><i>Accountability and Integrity</i></p>		on mechanisms for consultation with all interested representatives of civil society.		
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants.</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement.</p> <p>– [0.5]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants.</p> <p>– [0.5]</p> <p><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>In accordance with Article 10 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity places a protocol of opening envelopes with competitive applications, a protocol of procurement procedures and information on the results of the tender on the public procurement portal, with the exception of electronic procurement, where protocols are generated and posted on the web-portal system automatically.</p> <p>According to Article 15 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity, during the tender, places an announcement about the tender and the entire package of bidding documents developed in accordance with Article 14 of this Law on the public procurement portal. According to point 6 of the Order of the Ministry of Finance of the Kyrgyz Republic “On approval of the Regulation on the rules of electronic public procurement” organization and conduct of public procurement in the electronic format of goods, works,</p>	1	<p>Ministry of Finance of the Kyrgyz Republic Order Bishkek June 23, 2014 No. 113-P</p> <p>Order: “On the launch of the e-procurement portal in the Kyrgyz Republic”</p> <p>In accordance with paragraphs 3, 3-1, 3-2 and 4 of Article 13 and paragraph 6 of Article 14 of the Law of the Kyrgyz Republic “On Public Procurement”:</p> <p>1.To launch the Portal of electronic public procurement in the Kyrgyz Republic (zakupki.gov.kg), which is a unified system for conducting electronic public procurement.</p> <p>2. For all procuring organizations, when conducting electronic public procurement, carry out the entire procedure for purchasing goods, works and services on the Portal of electronic public procurement.</p> <p>Minister O. Lavrova</p>

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>services “provide for the following procedures on the Web portal:</p> <p>Registration of procuring entities and suppliers (contractors);</p> <p>Formation and publication of the annual public procurement plan;</p> <p>Formation of tender documentation, as well as the formation and approval of the composition of the competitive commission;</p> <p>Approval of the tender documentation by the tender commission and publication of the announcement of electronic procurement;</p> <p>Clarification by the procuring entity of the provisions in the bidding documents to suppliers (contractors);</p> <p>Formation of a competitive bid by suppliers (contractors);</p> <p>Submission of competitive bids by suppliers (contractors);</p> <p>Opening of competitive bids of participants of the competition by the procuring entity and publication of the protocol of opening bids;</p> <p>Evaluation and comparison of competitive bids by the competitive commission and determination of the winner;</p> <p>Based on the results of e-procurement, the procurement department’s decision on the decision of the tender commission on awarding a contract or other decision on the competition in accordance with the provisions of the Law and publication of the results of the competition on the Web portal.</p> <p>According to article 18 of the Order of the Ministry of Finance of the Kyrgyz Republic “On</p>		

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			approval of the Regulation on the rules of electronic public procurement” organization and conduct of public procurement in electronic format of goods, works, services “supplier (contractor) no later than 5 (five) working days before the expiry of the deadline for submission of competitive bids may request clarification of tender documentation from the procuring entity through the Web portal. The procuring entity shall, not later than 3 (three) business days, publish on the Web portal the text of clarification of the provisions of the tender documentation, without disclosing the source of the request.		
9.	PPL establishes a single official point of access (i.e., an online portal) for all procedures and information related to public procurement. – [1 point] <i>Efficiency</i>		Article 3 of the Law of the Kyrgyz Republic “On Public Procurement”		No change
10	Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators’ access to the procurement procedure. – [1 point] <i>Competitiveness and Impartiality</i> Source: EU Standard		In accordance with Part 1 of Article 4 of the Law of the Kyrgyz Republic “On Public Procurement,” domestic and foreign suppliers (contractors) should be given equal opportunities to participate in procurement proceedings, with the exception of parts 2 and 3 of this article Pursuant to Part 2 of Article 4 of the Law on Public Procurement “When purchasing goods that are produced in the Kyrgyz Republic by domestic suppliers, the procuring entity may grant privileges for the proposed price of up to 20 percent when assessing bids.”		Incorrect reference in 2018. Law of the KR On Access to Information: Article 25, 3. The website of state organizations on the Internet should provide the opportunity for free viewing and free electronic copying of documents and materials posted on the site. Article 31. Access to information in information system para. 1: To ensure the right to access information from information system..... organize the posting of information from the information systems of state and local governments on the websites of state and local governments in the format of open data.

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
11	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency, or political affiliation: – [1point]</p> <p>Point Distribution</p> <p>PPL should not allow domestic preferences. – [1/5]</p> <p>Participation of any candidate or group of candidates is based on qualification. – [1/5]</p> <p>Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5]</p> <p>State owned companies are not given any preference. – [1/5]</p> <p>Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates. – [1/5]</p> <p><i>Competitiveness and Impartiality</i></p> <p>Source: GPA Standard</p>	<p>Overall: 3/5</p> <p>Components :</p> <p>a) 0</p> <p>b) 1/5</p> <p>c) 1/5</p> <p>d) 0</p> <p>e) 1/5</p>	<p>Commentary to point “a”:</p> <p>Pursuant to Paragraph 2 of Article 4 of the Law on Public Procurement “When purchasing goods that are produced in the Kyrgyz Republic by domestic suppliers, the procuring entity may grant privileges for the proposed price of up to 20 percent when assessing bids.”</p> <p>Commentary to point “b”:</p> <p>According to paragraph 15 of the Order of the Ministry of Finance of the Kyrgyz Republic “On approval of the Regulation on the rules of electronic public procurement,” depending on the subject of procurement, the procuring entity shall establish: technical requirements for goods, work, services, content of bids and qualifications for suppliers (contractors) agreement conditions. There are no restrictions on the participation of suppliers in the tender in the legislation of the Kyrgyz Republic.</p> <p>Commentary to point “c”:</p> <p>According to paragraph 26 of the Order of the Ministry of Finance of the Kyrgyz Republic “On Approval of the Regulation on the Rules for Electronic Public Procurement,” when a new user completes an electronic registration form on the Web portal, users need to study and accept the terms of the user agreement, as well as the privacy policy when working in the system. In case of refusal, the user is not allowed to the registration process.</p> <p>“Privacy Policy” of the Ministry of Finance of the Kyrgyz Republic specifies the conditions for processing the personal information of the supplier. At the same time, the Ministry of Finance of the Kyrgyz Republic takes necessary and sufficient organizational and technical</p>	<p>Overall</p> <p>4/5</p> <p>Components :</p> <p>a) 0</p> <p>b) 1/5</p> <p>c) 1/5</p> <p>d) 1/5</p> <p>e) 1/5</p>	<p>Commentary to a) – No change.</p> <p>Commentary to b) – No change</p> <p>Commentary to c) – No change</p> <p>Commentary to d) – Incorrect reference in 2018. No preferences are given by the Law on Public Procurement to State owned companies (as opposed to domestic suppliers).</p> <p>Commentary to e) – No change</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>measures to protect the user’s personal information from unauthorized or accidental access, destruction, modification, blocking, copying, distribution, as well as from other illegal actions of third parties. A link to the page for registering procuring entities and suppliers on the public procurement website -</p> <p>https://trade.okmot.kg/uac/view/user/registration/role-choice.xhtml</p> <p>Commentary to point “d”:</p> <p>Pursuant to Paragraph 2 of Article 4 of the Law on Public Procurement “When purchasing goods that are produced in the Kyrgyz Republic by domestic suppliers, the procuring entity may grant privileges for the proposed price of up to 20 percent when assessing bids.”</p> <p>Commentary on item “e”:</p> <p>According to paragraph 24 of the Order of the Ministry of Finance of the Kyrgyz Republic “On Approval of the Regulation on the Rules for Conducting Electronic Public Procurement,” the procuring entity shall fix the deadline for submitting bids, which must be at least 3 (three) weeks after the announcement of tenders if the tender is announced in a one-stage and two-stages. When conducting a tender by a simplified method and a method to reduce the price, the submission deadline is not less than one week. The web portal does not automatically accept bids submitted after the deadline for submitting bids.</p>		
12	PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to	0	According to the Government Agreement on Public Procurement of the WB (Hereinafter referred to as GPA), the minimum threshold for the filing of tenders is 10 days (if all the conditions specified in Article XI are satisfied)	0	Article XI part 3 and 4 of GPA state: Except as provided for in paragraphs 4, 5, 7 and 8 a procuring entity shall establish that the final

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	<p>prepare and submit tender application.</p> <p>– [1 point]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>from the date of publication of the notification of the proposed procurement. The PPL of the Kyrgyz Republic does not comply with this standard due to the availability of two methods of procurement.</p> <p>Purchase by the simplified method is carried out within 7 days (article 24 of the Order of the Ministry of Finance of the Kyrgyz Republic “On approval of the Regulation on the rules of electronic public procurement”), and by direct contracting method it is granted only 2 days (part 2 of Article 21 of the Law of the Kyrgyz Republic “On Public Procurement “And article 60 of the Order of the Ministry of Finance of the Kyrgyz Republic” On approval of the Regulation on the rules for electronic public procurement “).</p>		<p>date for the submission of tenders shall not be less than 40 days from the date on which:</p> <p>in the case of open tendering, the notice of intended procurement is published; or</p> <p>in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders, whether or not it uses a multi-use list.</p> <p>A procuring entity may reduce the time-period for tendering established in accordance with paragraph 3 to not less than 10 days.</p> <p>A procuring entity may reduce the time-period for tendering established in accordance with paragraph 3 by five days for each one of the following circumstances:</p> <p>the notice of intended procurement is published by electronic means;</p> <p>all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and</p> <p>the entity accepts tenders by electronic means.</p> <p>Part 2 of Article 24 of KR PPL:</p> <p>2. Procuring entity shall set the bid submission deadline, which shall be as follows:</p> <p>1) for biddings procedures based on the single- and two-stage methods – at least two weeks; for biddings procedures based on single-stage methods by two-package approach - at least three weeks after publication of a procurement notice;</p> <p>2) for biddings procedures based on the simplified acquisition and the method of lowering</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
					of price – at least one week after publication of a procurement notice. This is less than the requirement of GPA.
13	PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point] <i>Uniformity of the Legislative Framework</i>	1	In accordance with Part I of Article 10 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity assigns responsibility for procurement to one of its divisions.	1	No change
14	PPL references sanctions for violations of the PPL. – [1 point] <i>Accountability and Integrity</i>	1	In accordance with Part I of Article 9 of the Law of the Kyrgyz Republic “On Public Procurement,” the function of the authorized state body for state procurement includes the imposition of penalties in case of violations by procurers, auditors, and other bodies.	1	According to the Law of the Kyrgyz Republic “On Public Procurement” Article 9, part 1, para 3 the functions of the Public Procurement Authority include “application of penalties in case of violations detected by the Public Procurement Authority, auditors and other bodies, as well as based on the findings of consideration of complaints by the Independent Committee on Complaints and Protests.”
15	Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [1 point] <i>Accountability and Integrity</i> Source: OECD Methodology	1	In accordance with Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” state, municipal employees, and employees of procuring entities and members of the competition commission are prohibited from: 1) to exert any influence on the decision in the public procurement in the interests of either party to the procurement; 2) participate as suppliers (contractors) or be affiliated with them in procurement, regulated by this Law; 3) be an affiliated person.	1	In accordance with Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” Public and municipal servants, employees of procuring entities and members of tender commissions shall be prohibited to: 1) influence in any way public procurement decisions in favor of any of the procurement parties; 2) participate as suppliers (contractors), consultants or be affiliated with them in procurement regulated by this Law;

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			In case of violation of the provisions of this part by employees of procurement organizations or members of the procurement commission, they are held liable in accordance with the procedure established by the legislation of the Kyrgyz Republic, and the procurement procedures are suspended or terminated upon the decision of the procuring entity or court.		<p>(Note: para 3 became invalid in accordance with the KR Law No. 4 dated January 11, 2019)</p> <p>In the event of violation of provisions of this Section by employees of procuring entities or members of the tender committee, they shall be held liable as provided by the legislation of the Kyrgyz Republic, and the procurement procedures shall be suspended or terminated by the decision of procuring entity or court.</p> <p>Part 6 of Article 6:</p> <p>In the course of public procurement and procurement contract implementation, all bidders should abide by the basic principles of professional ethics. They should not be involved in any wrongful acts, such as corruption, fraud, collusion, and compulsion, stipulated in the Criminal Code of the Kyrgyz Republic.</p>
16	PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants, and potential suppliers. – [1 point] Scoring Method •PPL ensures the right to review, for general public, tender participants, and potential suppliers. – [1] • PPL ensures the right to review, for tender participants and potential suppliers. – [0.75] • PPL ensures the right to review, for tender participants. – [0.25] • No one has the right to review.	0.75	In accordance with Part I of Article 48 of the Law of the Kyrgyz Republic “On Public Procurement,” bidders have the right to file a complaint through the public procurement portal to an independent inter-ministerial at any stage of the procurement procedure.	0.25	The Law of the Kyrgyz Republic on Public Procurement Article 48 Part I: 1. The supplier (contractor), consultant has the right to file a complaint regarding all methods of public procurement to the independent committee at any stage of procurement procedure.

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	– [0] <i>Uniformity of the Legislative Framework</i>				
17	PPL ensures the right to review throughout the procurement process. – [1 point] Point Distribution a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3] b) A procurement contract cannot be awarded with a pending complaint. – [1/3] c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder, the opportunity to challenge the award decision. – [1/3] <i>Uniformity of the Legislative Framework</i>	Overall: 1 Components : a) 1/3 b) 1/3 c) 1/3	Commentary to point “a”: In accordance with Part 1 of Article 48 of the Law of the Kyrgyz Republic “On Public Procurement,” bidders have the right to file a complaint through the public procurement portal to an independent inter-ministerial at any stage of the procurement procedure. In accordance with Part 7 of Article 49 of the Law, the Independent Inter-ministerial Commission may consider the complaint after the conclusion of the procurement contract for compliance with the requirements of the legislation in the field of public procurement. Commentary to point “b”: In accordance with Part 3 of Article 49 of the Law of the Kyrgyz Republic “On Public Procurement,” an independent inter-ministerial shall promptly notify the procuring entity of receipt of the complaint and suspend the procurement procedure for ten days Commentary to point “c”: In accordance with Part 2 of Article 32 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity, from the date of publication of information on the public procurement web portal, about the selection of the winner signs a contract with the winning supplier (contractor) after seven working days in cases of one-stage and two-stage tenders and in after two working days during the simplified procurement.	Overall: 1	Commentary to point a): In compliance with Part 1 of Article 48 of the PPL “Suppliers (contractors), consultants have the right to file a complaint regarding all methods of public procurements to the independent committee at any stage of the procurement procedure, with the exception of weekends and non-working holidays.” Commentary to point b) and c): In compliance with Part 2 of Article 32 of the KR PPL After the publication of information concerning selection of the public procurement web portal, the procuring entity shall award a contract to the successful supplier (contractor) not earlier than within 10 calendar days and not later than thirty business days excluding terms established by the Government of the Kyrgyz Republic in accordance with Article 32-1 of the present Law unless the procurement procedures were not suspended by decision of the independent in accordance with Section 4 of this Law In case of procurements stipulated in part 4 of Article 21 (except for clauses 6, 10, 11, 15, and 17) of this Law, the procuring entity shall sign the contract no earlier than three working days. Recent amendments to these sections are ambiguous i.e., “not earlier than within 10 calendar days” though it is assumed that it is

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
					intended to mean “not earlier than 10 calendar days.”
18	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL ensures the existence of an independent review body. – [0.7]</p> <p>b) The review body includes civil society members. – [0.3]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.7</p> <p>b) 0.3</p>	<p>According to paragraph 1 of Article 49 of the Law of the Kyrgyz Republic “On Public Procurement” for objective consideration of the complaints the Government of the Kyrgyz Republic creates an independent inter-ministerial commission to deal with complaints and protests, which consists of representatives of the public, certified specialists in the field of public procurement. An independent inter-ministerial commission is guided by the Regulation approved by the Government of the Kyrgyz Republic.</p>	1	<p>In compliance with Part 1 of Article 49:</p> <p>“For objective consideration of complaints, the Government of the Kyrgyz Republic established an Independent Inter-agency Committee, which consists of representatives of ministries, state committees, departments and the public, certified specialists in the field of public procurement. The Independent Inter-agency Committee is guided by the Regulations approved by the Government of the Kyrgyz Republic.”</p> <p>(See Order of the Ministry of Finance of the Kyrgyz Republic as of May 28, 2018, N 2-DP “On the formation of an Independent Inter-agency Committee for consideration of complaints and protests”)</p>
19	<p>PPL ensures electronic, machine-readable, and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p> <p>Electronic, machine-readable, not free of charge – [0.75]</p> <p>Electronic, non-machine-readable – [0.5]</p> <p>Only on paper – [0.25]</p>	0.5	<p>According to Part 1 of Article 48 of the Law of the Kyrgyz Republic “On Public Procurement,” bidders have the right to file a complaint through the public procurement portal to an independent inter-ministerial commission at any stage of the procurement procedure.</p> <p>Link to the database on complaints - http://zakupki.gov.kg/popp/view/services/complaints/complaints-list.xhtml</p>	0	<p>While Article 49 para 3 of the Law of the Kyrgyz Republic “On Public Procurement” required publishing of the decision of the independent review body, it does not specifically mention that the content of submitted complaints, either the full text or key information, be published, although in practice it is the case.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	None – [0] <i>Transparency</i>				
20	PPL ensures electronic, machine-readable, and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Transparency</i>	0.5	According to Part 3 of Article 49 of the Law of the Kyrgyz Republic “On Public Procurement,” an independent inter-ministerial commission immediately notifies the procuring entity of receipt of the complaint and suspends the procurement procedure for ten days. An independent inter-ministerial commission shall consider a complaint with the participation of the procuring entity and the participant who filed the complaint. An independent inter-ministerial commission within seven working days issues a written reasoned decision and places a decision on the public procurement portal. Link to the database on complaints http://zakupki.gov.kg/popp/view/services/complaints/complaints-list.xhtml	0.5	According to the Law of the Kyrgyz Republic “On Public Procurement” Article 49 para 3: The independent committee shall consider the complaint in electronic format and pass on written substantiated decision within seven business days. The decision is published on the public procurement web portal and consists of: 1) justification for decision-making motives; 2) measures toward satisfaction of the set forth requirements in case of complete or partial settlement of compliant.

PRE-TENDERING PHASE

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - “public procurement annual plan.” The annual plan must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25]</p> <p>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25]</p> <p>c) Estimated value of procurements. – [0.25]</p> <p>d) Source of funding. – [0.25]</p> <p><i>Efficiency</i></p>	<p>Overall: 0.75</p> <p>Components :</p> <p>a) 0</p> <p>b) 0.25</p> <p>c) 0.25</p> <p>d) 0.25</p>	<p>In accordance with Part 2 of Article 12 of the Law of the Kyrgyz Republic “On Public Procurement,” the procurement plan should contain information on the subject of public procurement, its quantity and the expected prices and terms of procurement.</p> <p>The Order of the Department of Public Procurement under the Ministry of Finance of the Kyrgyz Republic “On Approval of the Form of Public Procurement Plans” of January 21, 2015, No. 10 / p</p>	<p>Overall: 0.75</p> <p>Components :</p> <p>a) 0</p> <p>b) 0.25</p> <p>c) 0.25</p> <p>d) 0.25</p>	<p>No change</p>
2.	<p>PPL ensures electronic, machine-readable, and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p>	<p>0.5</p>	<p>According to Part 2 of Article 10 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity develops a public procurement plan in physical and monetary terms for the next financial year or another planning period and places it on the public procurement portal.</p> <p>Link to procurement plans:</p> <p>http://zakupki.gov.kg/popp/view/plan/before-sign.xhtml</p>	<p>0.5</p>	<p>No change</p>

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>Electronic, machine-readable, not free of charge – [0.75]</p> <ul style="list-style-type: none"> •Electronic, non-machine-readable – [0.5] •Only on paper – [0.25] •None – [0] <p><i>Transparency</i></p>		http://zakupki.gov.kg/popp/view/plan/listCompanyny.shtml		
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [1 point]</p> <p><i>Efficiency</i></p> <p>Source: OECD Methodology</p>	1	<p>According to part 6 of Article 114 of the Budget Code of the Kyrgyz Republic, the purchase of goods (works, services) by the recipients of budgetary funds is carried out in accordance with the current legislation of the Kyrgyz Republic.</p> <p>Pursuant to Part 1 of Article 12 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity shall, within a month after approval of the republican budget, develop a public procurement plan for a period of not less than one year on the basis of the budget or cost plan and place it on the public procurement web portal.</p>	1	No change
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified.</p> <p>– [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>According to Part 3 of Article 114 of the Budget Code of the Kyrgyz Republic, the conclusion by budget institutions of contracts, contracts, agreements subject to execution at the expense of budgetary funds, including income from the provision of paid services, is made within the limits of budgetary obligations brought to them and taking into account accepted and unfulfilled budget obligations.</p>	1	No change
5.	<p>PPL defines the composition, powers,</p>	1	<p>According to part 3 of Article 10 of the Law of the Kyrgyz Republic “On Public Procurement,”</p>	1	<p>According to Article 10 of the Law of the Kyrgyz Republic “On Public Procurement” Part 3 states: For bidding, the procuring entity shall create the</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>the tender commission of the procuring entity performs the following functions:</p> <ol style="list-style-type: none"> 1) approves the specified criteria in the tender documentation; 2) conducts opening of envelopes with competitive applications, with the exception of electronic procurement, where the opening is carried out by the system automatically within the time specified in the tender documentation; 3) compiles and signs the protocol for opening envelopes with competitive tenders and sends it to the procurement department to post on the web portal, except for electronic procurement where bids are automatically opened by the web portal and the envelope opening protocol with competitive tenders are automatically generated and posted on a web portal; 4) assess the bids, using the procedures and criteria provided by the tender documentation, in accordance with this Law, prepare an evaluation report on the results of the competition indicating the winners' rankings; 5) decide on the issue of determining the winner or another decision based on the results of procurement procedures. <p>According to part 4 of Article 10 of the Law of the Kyrgyz Republic "On Public Procurement," the composition of the tender commission must include at least three persons. One of the members of the competitive commission should be a procurement specialist who has a confirmatory certificate. All procurement specialists of the procuring entity must have confirmatory certificates. Specialists of the procurement department of the procuring entity who are not members of the tender commission</p>		<p>Tender Committee before publishing the tender documentation on the web portal or e-catalogue. The composition of the Tender Committee shall be approved by the Order of the Procuring Entity before the publication of the tender notice and shall consist of representatives of the procuring entity, as well as may include representatives of community-based organization and (or) attracted experts. The tender committee of the procuring entity shall perform the following functions:</p> <ol style="list-style-type: none"> 1) approves the specified criteria in the tender documentation; 2) conducts opening of envelopes with competitive applications, with the exception of electronic procurement, where the opening is carried out by the system automatically within the time specified in the tender documentation; 3) compiles and signs the protocol for opening envelopes with competitive tenders and sends it to the procurement department to post on the web portal, except for electronic procurement where the web portal or e-catalogue opens the bids, prepares minutes of the opening of envelopes with bids, and posts them on the web portal automatically; 4) evaluates the bids, using the procedures and criteria provided by the tender documentation, in accordance with this Law, prepare an evaluation report on the results of the competition indicating the winners' rankings; 5) decide on the issue of determining the winner or another decision based on the results of procurement procedures. 6) in case a justified complaint has been received related to the results of tender bids evaluation, in accordance with the decision of the

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			cannot make decisions when determining the winner of the tender.		<p>Independent committee, repeat the evaluation of tender bids within three business days and notify the state authority in the field of public procurement about fulfilment of the Independent Committee decision.</p> <p>According to Part 4: the composition of the tender commission must include at least three persons. One of the members of the competitive commission should be a procurement specialist who has a confirmatory certificate. All procurement specialists of the procuring entity must have confirmatory certificates. Specialists of the procurement department of the procuring entity who are not members of the tender commission cannot make decisions when determining the winner of the tender.</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement.</p> <p>– [1 point]</p> <p><i>Efficiency</i></p>	1	<p>According to Article 3 of the Law of the Kyrgyz Republic “On Public Procurement,” the threshold amount is the amount of the sums (minimum and maximum) by which the choice of the method of public procurement for each item of expenditure for one year is determined.</p> <p>The size of the threshold and the method of their application are established by the Government of the Kyrgyz Republic. According to Part 1 of Article 19 of the Law of the Kyrgyz Republic “On Public Procurement,” a simplified method is used for procurement of ready-made (off-the-shelf) goods that do not require special manufacturing, works and services with a specific description for an amount less than the maximum threshold amount.</p> <p>Pursuant to Part 4 of Article 21 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity has the right to independently conduct procurement through the</p>	1	No change

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>direct conclusion of an agreement in the case of procurement of goods, works and services for each item of expenditure once a year to the minimum threshold amount.</p> <p>The Resolution of the Government of the Kyrgyz Republic “On Approval of Threshold Amounts in the Conduct of Procurement of Goods, Works and Services” specifies minimum and maximum thresholds for procuring entities.</p>		
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL.</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Commentary to point “a”:</p> <p>In accordance with paragraph 22 of the Order of the Ministry of Finance of the Kyrgyz Republic “On approval of the Regulation on the rules of electronic public procurement” public procurement in electronic format is carried out by the following methods:</p> <ul style="list-style-type: none"> • one-stage; • two-stage; • Simplified; • to lower the price; • Direct conclusion of the contract. <p>Commentary to point “b”:</p>	1	<p>Commentary to point a):</p> <p>Article 17 para 1: “The main method of public procurement is a one-stage tender. When holding a tender using a one-stage method, the number of suppliers (contractors) wishing to participate in procurement procedures is not limited.”</p> <p>Commentary to point b):</p> <p>Article 21 Part 4 lists the circumstances under which the procuring entity may hold direct contracting for goods, works and services and Article 47-4 Part 4. Lists the circumstances where the direct contracting method can be used for consulting services.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>According to Part 4 of Article 21 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity has the right to independently conduct purchases through direct contracting in the following cases:</p> <ol style="list-style-type: none"> 1) Additional purchase of goods that do not exceed 15 percent of the value of the contract, concluded on the basis of the tender held while preserving the price and technical specifications; 2) Implementation of additional construction works or services not exceeding 25 percent of the cost of the contract concluded on the basis of a tender related to the expansion of previously initiated works or an increase in volume, and the involvement of the same contractor will ensure the economy and compatibility of results with respect to the quality of previously performed work or services; 3) Acquisition of goods, works and services for each item of expenditure once a year to the minimum threshold amount; 4) procurement of goods from enterprises and institutions of the penal-executive system; 5) purchase of goods, works and services from manufacturers or from a particular supplier (contractor) that has intellectual or exclusive rights with respect to these goods, works and services, and there is no possibility of applying another method of procurement; 5 procurement for the execution of a creative project or 1) creative activity in the field of culture and art; 6) acquisition of goods, works and services for the localization of consequences of force 		

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>majeure circumstances that require immediate restoration;</p> <p>7) if the tenders were declared invalid and the re-holding of the tender, taking into account the revised requirements of the bidding documents, did not lead to the conclusion of the contract;</p> <p>8) the emergence of an urgent need to conduct purchases of daily consumed goods in connection with circumstances that the procuring entity did not foresee, provided that the tender is compulsorily held within a month from the date of the occurrence of the specified circumstances;</p> <p>9) early elections or referendums;</p> <p>10) procurement of goods, works and services by foreign institutions of the Kyrgyz Republic to ensure their activities in the territory of a foreign state;</p> <p>11) purchase of goods, works and services to support the activities of the President of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic, the Prime Minister of the Kyrgyz Republic, including organizing events with the participation of these persons, as well as procurement related to the provision of visits by foreign delegations to level of heads of state, heads of government, parliament speakers, heads of foreign affairs agencies, international organizations, as well as persons equated to them procurement of goods, works and services by local governments to ensure their activities up to 1 million soms within one year.</p> <p>According to Part 3 of Article 2, the Law of the Kyrgyz Republic “On Public Procurement” does not regulate public procurement directly related</p>		

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			to: 1) national security; 2) defense; 3) protection of state secrets; 4) natural disasters. Such procurement is regulated by the Decree of the Government of the Kyrgyz Republic “On Approving the Procedure for Procurement of Goods, Works and Services Related to National Defense, National Security, Protection of State Secrets, Information Security and Disaster Relief.”		
8	PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point] <i>Accountability and Integrity</i>	0	According to Part 4 of Article 4 of the Law of the Kyrgyz Republic “On Public Procurement,” in case of granting benefits to domestic suppliers (contractors), the procuring entity should provide for the size of benefits in the bidding documents and in the announcement of the forthcoming tender. In Article 21 of the Law of the Kyrgyz Republic “On Public Procurement” there is no rule on disclosing the grounds for using a non-competitive procurement procedure.	1	According to Article 30 part 3 of the Law of the Kyrgyz Republic “On Public Procurement” in case of direct contracting, the procurement department shall prepare the records of procurement proceedings, except for items 2, 6, 11, 15 and 17 of Part 4 of Article 21 of this Law, which should include following information: 1) description of the procurement item; 2) grounds for selection of a method; 3) monitoring results; name and address of supplier (contractor); information on qualification of supplier (contractor); bid price; 7) information regarding expert involved (if any). Part 4 of Article 30 states, that the records of procurement proceedings are posted on the public procurement web portal... for public: “Procuring entity shall prepare the records of procurement proceedings and post it on the public procurement web portal within two business days and includes into such records information related to the procurement procedures, with the exception of confidential

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
					information. In case of electronic procurement, records of procurement proceedings shall be independently generated by the system on the public procurement web portal”
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when:</p> <p>– [1 point]</p> <p>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</p> <p>b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</p>	0	<p>According to Part 4 of Article 21 of the Law of the Kyrgyz Republic “On Public Procurement,” the Procuring Entity has the right to independently conduct purchases through direct contracting in the following cases:</p> <p>1) the additional purchase of goods that do not exceed 15 percent of the value of the contract, concluded on the basis of the tender held while preserving the price and technical specifications;</p> <p>2) Implementation of additional construction works or services not exceeding 25 percent of the cost of the contract concluded on the basis of a tender related to the expansion of previously initiated works or an increase in volume, and the involvement of the same contractor will ensure the economy and compatibility of results with respect to the quality of previously performed work or services;</p> <p>3) Acquisition of goods, works and services for each item of expenditure once a year to the minimum threshold amount;</p> <p>4) procurement of goods from enterprises and institutions of the penal-executive system;</p> <p>5) purchase of goods, works and services from manufacturers or from a particular supplier (contractor) that has intellectual or exclusive rights with respect to these goods, works and services, and there is no possibility of applying another method of procurement;</p>	0.5	<p>Law of the Kyrgyz Republic On Public Procurement Article 21 Part 4.</p> <p>Includes many additional exceptions to those stated in the indicator.</p> <p>Does not specify that it may not be used for routine purchases from regular suppliers.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</p> <p>d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study, or original development.</p> <p>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular suppliers. – [1]</p> <p>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i> Source: GPA Standard</p>	<p>6) procurement for the execution of a creative project or creative activity in the field of culture and art;</p> <p>7) acquisition of goods, works and services for the localization of consequences of force majeure circumstances that require immediate restoration;</p> <p>8) if the tenders were declared invalid and the re-holding of the tender, taking into account the revised requirements of the bidding documents, did not lead to the conclusion of the contract;</p> <p>9) the emergence of an urgent need to conduct purchases of daily consumed goods in connection with circumstances that the procuring entity did not foresee, provided that the tender is compulsorily held within a month from the date of the occurrence of the specified circumstances;</p> <p>10) early elections or referendums;</p> <p>11) procurement of goods, works and services by foreign institutions of the Kyrgyz Republic to ensure their activities in the territory of a foreign state; purchase of goods, works and services to support the activities of the President of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic, the Prime Minister of the Kyrgyz Republic, including organizing events with the participation of these persons, as well as procurement related to the provision of visits by foreign delegations to level of heads of state, heads of government, parliament speakers, heads of foreign affairs agencies, international organizations, as well as persons equated to them</p>			

2018		2021			
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			12) procurement of goods, works and services by local governments to ensure their activities up to 1 million soms within one year.		

TENDERING PHASE

2018		2021			
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
I.	PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]	Overall: 7/8	In accordance with Part 2 of Article 14 of the Law of the Kyrgyz Republic “On Public Procurement,” the tender documentation necessarily contains the following information:	Overall: 7/8	Commentary to point a):
	Point Distribution	Components :		Components :	Article 14, part 2, para 17:
	a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [1/8]	a) 1/8	1) instructions for the preparation of bids;	a) 1/8	first and last names, positions and address of one or more officials or employees of procuring entity authorized to maintain direct contacts with suppliers (contractors), as well as the methods of communication;
	b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8]	b) 1/8	2) qualification of suppliers (contractors) in accordance with Article 27 of this Law;	b) 1/8	Commentary to point b):
	c) CPV codes (or other classificatory system of a similar nature). – [1/8]	c) 0	3) documentary evidence, which must be submitted by the suppliers (contractors) to confirm their qualifications;	c) 0	Article 14, part 2, para 4:
		d) 1/8	4) detailed description of the subject of procurement, technical, quality characteristics of the goods, works or services purchased, including technical specifications, design estimates for the entire volume of construction, state expertise in design and engineering solutions, plans, drawings, and sketches; quantity of goods; services to be provided; the place where goods are to be delivered, work is done, or services are provided;	d) 1/8	detailed description of the procurement item, requirements for technical and/or quality characteristics of the goods, works or services to be procured, including technical specifications, design specifications and estimates for total volume of construction, state expert review of design and technical solutions, plans, drawings, and sketches; quantity of goods; additional services to be provided; destination of supply of goods, performance of works, or delivery of services;
		e) 1/8	5) terms of the contract;	e) 1/8	Commentary to point c): 0
		f) 1/8		f) 1/8	Commentary to point d):
		g) 1/8		g) 1/8	
		h) 1/8		h) 1/8	

2018		2021				
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)	
	<p>d) Estimated value of the goods or services to be procured. – [1/8]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. –[1/8]</p> <p>f) The procurement method that will be used. – [1/8]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8]</p> <p><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>		<p>6) a description of all the criteria that are used in the evaluation of bids by the procuring entity, including the weight of these criteria, which must be expressed in monetary terms, and the provision of benefits in accordance with Article 4 of this Law. Criteria for evaluating medicinal products should include criteria that ensure the greatest clinical safety and therapeutic effectiveness for the patient, proven in the prescribed way, and the least risk of adverse reactions;</p> <p>7) the provisions defined by the procuring entity as necessary, which will be included in the written contract;</p> <p>8) description of lots of goods, works and services for which bids can be submitted, if suppliers (contractors) are allowed to submit bids for individual lots of goods, works or services to be procured;</p> <p>9) the price (in national currency), which must contain other elements, except the cost of the goods, works or services purchased, such as transportation and insurance costs, customs duties, and taxes, and others;</p> <p>10) the currency of the tender: when submitting bids in foreign currency - the way of comparing the prices of bids expressed in foreign currency, the way to determine the exchange rate;</p> <p>the form, amount, and other basic conditions for guaranteeing the bid and performance of the contract, as well as the validity of such guarantees or the requirement</p> <p>11) to sign a declaration guaranteeing the tender application;</p> <p>12) address, place and deadline for submitting bids; a description of the procedure for</p>			<p>Article 14, part 2, para 9: price (expressed in the national currency), which should include elements other than the cost of the procured goods, works or services, such as transport and insurance costs, customs duties and taxes, and other;</p> <p>Commentary to point e): Article 15, part 2, para 3: the nature, list, quantity, place and term of delivery of goods subject to delivery, and timeframe when they are to be provided;</p> <p>Commentary to point f): Article 15, part 2, para 2: the method of public procurement;</p> <p>Commentary to point g): Article 14, part 2, para 12: address, place and deadline of bid submission;</p> <p>Commentary to point h) Article 27, part 1, In addition to the legal competence to conclude a contract, in the course of arranging for public procurement, procuring entity shall establish in the bidding documents the following requirements for the level of qualification of suppliers (contractors) by using standard bidding documents approved by the Government of the Kyrgyz Republic, including:</p> <p>1) work experience and performed scope of goods, works and services;</p> <p>2) existing financial capacity, absence of losses, availability of sufficient working capital;</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>2) the method of public procurement;</p> <p>3) the nature, list, quantity, place and term of delivery of goods subject to delivery, and timeframe when they are to be provided;</p> <p>4) information on the granting of benefits in accordance with Article 4 of this Law;</p> <p>5) place and deadline for submitting bids;</p> <p>6) place and deadline for opening envelopes with competitive applications.</p> <p>For the purchase of goods in a one-stage, two-stage, simplified methods and a method for reducing the price “payment to the Supplier for the delivered goods must be made in accordance with the contract in the form and terms specified in the Special Conditions of the contract.</p>		
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include:</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) Payment conditions – [0.2]</p> <p>b) Information about bid security (if required) – [0.2]</p> <p>c) Source of funding – [0.2]</p> <p>d) Payment information for multi-year contracts – [0.2]</p> <p>e) Draft of contract – [0.2]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.4</p> <p>Components :</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0</p> <p>d) 0</p> <p>e) 0</p>	<p>Commentary to point “a”:</p> <p>According to paragraph 15.2. Order of the Ministry of Finance of the Kyrgyz Republic on approval of the “Standard tender documentation for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price” payment to the Supplier for the delivered goods must be made in accordance with the contract in the form and terms specified in the Special Conditions of the Treaty.</p> <p>Commentary to paragraph “b”: in accordance with Part 12 of Article 24 of the Law of the Kyrgyz Republic “On Public Procurement,” the supplier (contractor) has the right to change or withdraw its bid before the deadline for submitting the tender application, without losing the right to return the guarantee of its competitive bid.</p>	<p>Overall: 0.4</p> <p>Components :</p> <p>a) 0</p> <p>b) 0.2</p> <p>c) 0</p> <p>d) 0</p> <p>e) 0.2</p>	<p>Commentary to point b):</p> <p>Article 14, part 2, para 11</p> <p>form, amount and other main terms of the bid security and performance security, as well as the terms of such guarantees, or a requirement to sign a declaration of bid security;</p> <p>Commentary to point e):</p> <p>Article 14, part 2, para 19</p> <p>general and special conditions of the procurement agreement, including the draft procurement agreement (contract);</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>Commentary to clause “e”: In accordance with Part 2 of Article 14 of the Law of the Kyrgyz Republic “On Public Procurement,” the tender documentation necessarily contains information about the general and specific terms of the procurement contract and the form of the contract, as well as any conditions for entry into force contract of purchase, including registration of the contract in an authorized state body in accordance with Article 51 of this Law, and the estimated period that will be required for registration. Commentary on item “e”:</p> <p>According to the Order of the Ministry of Finance of the Kyrgyz Republic on approval of the “Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for lowering prices,” special conditions of the contract are included in the tender documentation</p> <p>(Appendix No. 4).</p> <p>In the special conditions of the contract are indicated:</p> <ul style="list-style-type: none"> - Guaranteeing the performance of the contract; - Technical control and testing; - Supplies and transportation, documentation; - Payment; - Penalties; - Settlement of disputes; 		
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least:</p> <p>– [1 point]</p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 1/3</p>	<p>According to Part 1 of Article 27 of the Law of the Kyrgyz Republic “On Public Procurement,” in addition to the legal competence for concluding an agreement, the procuring entity, in conducting public procurement, establishes the following requirements in competitive</p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 1/3</p>	<p>Component a)</p> <p>Article 27 Part I para 3:</p> <p>Technical capacity, availability of required equipment, skilled personnel, and licenses (if activity is subject to licensing for participants,</p>

		2018		2021	
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	Point Distribution	b) 1/3	documents using standard tender documents approved by the Government of the Kyrgyz Republic to the level of qualifications of suppliers (contractors) including:	b) 1/3	which are not residents of the Kyrgyz Republic, availability of license of the country of origin in case of mutual recognition of license by the parties based on the international treaty where to the Kyrgyz Republic is a party), availability of registration of activity associated with production, processing, storage, selling of products and raw material of animal origin and production facilities in accordance with the legislation of the Kyrgyz Republic in the field of veterinary
	a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [1/3]	c) 1/3	1) work experience and completed deliveries of goods, works and services;	c) 1/3	Component b) Article 27 Part 1 para 2: existing financial capacity absence of losses, availability of sufficient working capital.
	b) Financial position. – [1/3]		2) availability of financial opportunities, absence of losses, availability of sufficient working capital;		Component c):
	c) Grounds of restriction for participation. –[1/3]		3) technical capabilities, availability of necessary equipment, qualified personnel, licenses (if the activity is licensed);		In accordance with Article 5 “ Conditions for Disqualification from Participation in Public Procurement and Inclusion into Database of Unreliable and <i>Mala fide</i> Suppliers (Contractors)” and
	<i>Competitiveness and Impartiality</i>		4) information on tax arrears and insurance premiums in the Kyrgyz Republic.		Article 6 “Conflict of Interests” the KR PPL determines the eligibility criteria as ground of restrictions for participation.
	Source: EBRD Methodology		In accordance with Parts 3 and 4 of Article 27 of the Law of the Kyrgyz Republic “On Public Procurement,” any requirement established in accordance with this article is set forth in prequalification documents and (or) in tender documentation, applies equally to all suppliers (contractors). The procuring entity does not establish any other criteria, requirements or procedures for the qualifications of suppliers or contractors other than those provided for in this Law. The procuring entity evaluates the qualifications of the suppliers (contractors) in accordance with the qualification criteria and procedures set forth in the prequalification documents and / or in the bidding documents. The procuring entity should not establish criteria, requirements or procedures that discriminate against suppliers or contractors.		

		2018		2021	
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation).</p> <p>– [1 Point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [0.5]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [0.5]</p> <p><i>Efficiency</i></p> <p>Source: EU Standard</p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Commentary to point “a”:</p> <p>According to paragraph 11 of the “Regulations on the rules of electronic public procurement” for the formation of tender documentation, with respect to the development and evaluation of technical requirements for goods, work and services purchased, the procuring entity may involve an expert commission and / or an expert in the relevant field.</p> <p>According to paragraph 12 of the Regulation “Experts (expert commission) assess the technical characteristics for compliance with the requirements of the tender documentation offered by suppliers (contractors) of goods, works and services and submit an expert opinion, and experts do not have the right to vote when the decision is taken by the competitive commission. The expert opinion (expert commission) is taken into account by the competitive commission in the event that it is made within the limits of the requirements provided by the tender documentation.”</p> <p>Commentary to point “b”:</p> <p>According to Part 5 of Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity cannot conclude a procurement agreement or framework agreement with the supplier (contractor) whose employee was responsible for the preparation of specifications or bidding documents or the supplier (contractor) for the past two years was an employee of this procuring entity.</p>	1	No change.
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation),</p>	0.5	<p>Pursuant to Part 1 of Article 15 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity, during the tender, places an announcement about the tender and the entire</p>	0.5	No change

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>either the full text or key information contained in these documents.</p> <p>– [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p> <p>Electronic, machine-readable, not free of charge – [0.75]</p> <p>Electronic, non-machine-readable – [0.5]</p> <p>Only on paper – [0.25]</p> <p>None – [0]</p> <p><i>Transparency</i></p>		<p>package of bidding documents developed in accordance with Article 14 of this Law on the public procurement portal.</p>		
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents.</p> <p>– [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p> <p>Electronic, machine-readable, not free of charge – [0.75]</p> <p>Electronic, non-machine-readable – [0.5]</p> <p>Only on paper – [0.25]</p> <p>None – [0]</p>	0.5	<p>Pursuant to Part 5 of Article 23 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity may make changes in the tender documentation without changing the subject of procurement by changing the technical specifications or changing the basic requirements by issuing supplements in time allowing the suppliers (contractors) to timely take into account the changes made to the tender documentation in the preparation of their bids, and in time to send their bid, but in any case not later than three working days before expiration of the deadline for submission of tenders.</p> <p>Information on the change of the tender documentation is published on the web portal of public procurement with notification of tender candidates about changes being obligatory.</p>	0.5	No change

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
<i>Transparency</i>					
7.	PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Transparency</i>	0.5	According to Part 10 of Article 28 of the Law of the Kyrgyz Republic “On Public Procurement,” when electronic procurement is made, report on bid opening is automatically generated by the system and posted on a web portal. The report is formed from competitive bids of suppliers, which includes the following information: 1) the name and address of each supplier (contractor) whose application was opened; 2) the price and currency of the tender application, information on the proposed discount, if the subject of procurement is divided into lots - the price of each lot; 3) the form, the size of the guarantee provision of the bid; 4) the validity of the offer; 5) the name of the organization that issued a certificate of debt for taxes and insurance premiums in the Kyrgyz Republic, reference numbers; 6) availability of all required documents.	0.5	No change
8.	PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1]	0.5	According to paragraph 10 of the Order of the Ministry of Finance of the Kyrgyz Republic on approval of the “Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for lowering prices,” the tender application includes the bid price. Prices listed in the price table should include all costs: all taxes, duties, fees collected in accordance with the legislation of the Kyrgyz Republic, as well as costs associated with	0.5	(Previous is wrong reference) Regulation on the order of the Ministry of Finance of the Kyrgyz Republic on procedures for electronic public procurement Article 12 part 39. After the deadline for submitting competitive applications, the opening of the tenders is automatically completed and the minutes of bids opening of bidding participants is posted on the Web portal.

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Transparency</i>		delivery and other costs for the performance of contractual obligations specified in the contract. The prices offered by the Bidder must remain fixed for the duration of the contract and must not be changed under any circumstances. The competitive bid, allowing to adjust prices, will be considered as not meeting the conditions of the competition, and will be rejected in accordance with part 27 of this instruction.		
9.	PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Transparency</i>	0.5	According to Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” in carrying out procurement procedures, the procuring entity shall draw up a protocol of procurement procedures in which the decision to conclude a procurement contract should be reflected. The protocol of procurement procedures is signed by all members of the tender commission and transferred to the procurement department. The procuring entity shall post a record of the procurement procedures on the public procurement web portal within three working days, which includes information relating to the procurement procedures, except confidential. When carrying out electronic procurement, the protocol is formed by the system independently on the web portal of public procurement.	0.5	No change

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
10	Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [1 point] <i>Competitiveness and Impartiality</i> Source: EU Standard	1	According to paragraph 10 of the Order of the Ministry of Finance of the Kyrgyz Republic on approval of the “Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price” technical specifications in no case may contain an indication of: a) a trademark; b) trademarks; c) the name of the country and place of origin of the goods, or the name of the manufacturer.	1	Part 2 of the Regulations on the usage of Standard Bidding Documents: Technical requirements should not contain an indication of: a) Trademark; b) Trade Signs; c) Manufacturer’s name.
11	PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [1 point] <i>Efficiency</i>	1	Paragraph 35 of the Regulation on the rules for electronic public procurement: If the supplier (contractor) makes sure that the competitive bid for participation in electronic procurement is in the form of a bank guarantee, the bank guarantee is submitted electronically (scanned copy), and the original one – within three days at the request of the procuring entity. If the supplier (contractor) makes sure that the bid for participation in electronic public procurement in monetary terms is paid to the bank account of the procuring entity or to the cashier, the supplier must provide an electronic (scanned) copy of the payment document confirming the guarantee money contribution.	1	Law of KR On Public Procurement Article 26. Bid Security 1. The procuring entity shall establish the size of the bid security, not exceeding 2 percent of the planned amount of the procurement subject matter, excluding the procurement of audit services, in accordance with international auditing standards. The validity of the bid security shall comply with the validity term of the tender bid. 2. When submitting their bids, suppliers (contractors) must deposit the bid security in the amount and form specified in the bidding documents of the procuring entity. 3. Bid security may be provided in the form of cash deposits, bonds, bank guarantees, bearer’s deposit certificates. 4. Bid security shall be returned within three business days in any of the following cases:

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
					<p>1) expiry of bid validity term specified in bidding documents;</p> <p>2) conclusion of a procurement contract and provision of contract performance security, if the provision of such security is specified in the bidding documents;</p> <p>3) withdrawal of a bid before the bid submission deadline;</p> <p>4) discontinuation of procurement procedures without award of a public procurement contract.</p>
12	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention:</p> <p>– [1 point]</p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [1/3]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants.</p>	<p>Overall: 2/3</p> <p>Components :</p> <p>1/3</p> <p>0</p> <p>1/3</p>	<p>Commentary to paragraph “a”: According to Part 1 of Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” state, municipal employees and employees of procuring entities and members of the tender commission are prohibited from:</p> <p>1) to exert any influence on the decision in public procurement in the interests of either party to the procurement;</p> <p>2) participate as suppliers (contractors) or be affiliated with them in procurement, regulated by this Law;</p> <p>3) be an affiliated person.</p> <p>In case of violation of the provisions of this part by employees of procurement organizations or members of the tender commission, they are held liable in accordance with the procedure established by the legislation of the Kyrgyz Republic, and the procurement procedures are suspended or terminated upon the decision of the procuring entity or court.</p> <p>Commentary to clause “c”: According to Part 1 of Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” state, municipal</p>	<p>Overall: 2/3</p> <p>Components</p> <p>a) 1/3</p> <p>b) 0</p> <p>c) 1/3</p>	<p>Law of the Kyrgyz Republic On Conflict of Interest defines conflict of interest and includes mechanisms for prevention.</p> <p>Component a) Law of the Kyrgyz Republic On Public Procurement Article 6 Part 1:1. Public and municipal servants, employees of procuring entities and members of tender commissions shall be prohibited to:</p> <p>1) influence in any way public procurement decisions in favor of any of the procurement parties;</p> <p>2) participate as suppliers (contractors), consultants or be affiliated with them in procurement regulated by this Law;</p> <p>In the event of violation of provisions of this Section by employees of procuring entities or members of the tender committee, they shall be held liable as provided by the legislation of the Kyrgyz Republic, and the procurement procedures shall be suspended or terminated by the decision of procuring entity or court.</p> <p>Component b) No provisions in PPL</p> <p>Component c) No change</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>– [1/3]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [1/3]</p> <p><i>Accountability and Integrity</i></p> <p>Source for a): EU Standard Source for b): OECD Methodology</p>		<p>employees and employees of procuring entities and members of the competitive commission are not allowed to exert any influence on the decision in public procurement in the interests of either party to the procurement.</p> <p>According to Part 4 of Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity cannot enter into a contract or a framework agreement on procurement with a supplier or contractor whose founder and / or participants are persons holding political, state, municipal offices, special state positions and their close relatives.</p> <p>Pursuant to Part 5 of Article 6 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity cannot conclude a procurement agreement or framework agreement with the supplier (contractor) whose employee was responsible for the preparation of specifications or tender documents or the supplier (contractor) for the past two years was an employee of this procuring entity.</p>		
13	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation.</p> <p>– [1 point]</p> <p><i>Competitiveness and Impartiality</i></p>	1	<p>Pursuant to Part 7 of Article 29 of the Law of the Kyrgyz Republic “On Public Procurement,” during the evaluation, the procuring entity rejects the tender application if:</p> <p>1) the supplier (contractor) that submitted this competitive bid does not meet the qualification requirements established in the tender documentation;</p> <p>2) suppliers (contractors) did not sign the declaration guaranteeing the bid, or did not provide guarantee support for the tender application (if required by the condition of the tender documentation);</p>	1	<p>The Law of Kyrgyz Republic On Public Procurement Article 14 Part 2: Bidding documents shall mandatorily contain the following information: 6) description of all criteria to be used by procuring entity in evaluation of bids, including the weights of these criteria,</p> <p>Article 29 Part 1 Only the procedures and criteria stipulated in this Law and bidding documents may be used in the evaluation and comparison of bids.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>3) suppliers (contractors) are in arrears in taxes or on insurance premiums on state social insurance and social payments;</p> <p>4) the technical parameters proposed in the tender application do not correspond to the technical specification of the tender documentation;</p> <p>5) competitive bid essentially does not meet the requirements of the tender documentation.</p>		
14	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications:</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) To all tender candidates; and – [0.5]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.5</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0</p>	<p>Commentary to point “a”:</p> <p>According to Part 5 of Article 23 and Part 7 of Article 24 of the Law of the Kyrgyz Republic “On Public Procurement” and Clause 20 of the Order of the Ministry of Finance of the Kyrgyz Republic “On Approval of the Regulation on Electronic Procurement Procedures” “The procuring entity in case of changes to technical specifications or changes in basic requirements may, not less than 3 (three) working days before the deadline for the submission of bids, change the bidding documents and place information about the change on the Web portal with mandatory notification to all bidders and is binding on them. At the same time, the subject of procurement does not change. “</p> <p>Commentary to point “b”:</p> <p>Pursuant to Part 5 of Article 23 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity may make changes in the tender documentation without changing the subject of procurement by providing additional time, allowing suppliers (contractors) to timely make relevant changes. Information on the change of the bidding documents is published on the web portal of public procurement with</p>	1	<p>Commentary to point a):</p> <p>Part 5 of Article 23</p> <p>The procuring entity, upon changing technical specifications or changing the basic requirements, may amend the bidding documents without changing the subject matter of procurement by issuing addenda in time, allowing suppliers (contractors) to timely take into account the changes made to the bidding documents when preparing their bids, and timely submit their bids, but in any case, no later than three working days before the deadline for submitting bids. Information on changes in the bidding documents is published on the public procurement web portal with mandatory notification of all bidding participants and shall be binding on them.</p> <p>Commentary to point b):</p> <p>Part 7 of Article 24</p> <p>In cases specified in part 5 of Article 23 of this Law, when procuring entity modifies bidding documents, it should extend the bid submission deadline when procurements to be implemented by the single- or two - stage method for at least 10 calendar days, and for procurements to be implemented by the simplified acquisition and</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			obligatory notification to all bidders and is binding on them.		the method on lowering of price – for three calendar days in order to provide enough time to suppliers (contractors) to reflect such modifications in their bids.
15	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day.</p> <p>– [1 point]</p> <p><i>Transparency</i></p>		<p>According to Part 4 of Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity prepares a protocol of procurement procedures and places it on the public procurement web portal within three working days, which includes information related to procurement procedures, except confidential. When carrying out electronic procurement, the protocol is made by the system independently on the web portal of public procurement.</p> <p>Pursuant to Part 1 of Article 32 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity shall, within three working days, publish information on the selection made with the name of the supplier (contractor) that won the tender, the prices of the bid submitted to it on the public procurement portal.</p>		<p>Article 30, part 4. (amended December 18, 2020)</p> <p>The procuring entity shall draw up a record of procurement procedures and post it on the public procurement web portal within two business days, in which it includes information related to procurement procedures, except for confidential information. When conducting electronic procurement, the record is generated by the system independently on the public procurement web portal.</p> <p>Article 32, part 1. (amended December 18, 2020)</p> <p>The procuring entity, within two business days, shall post on the web portal of public procurement information on the selection made, indicating the name of the supplier (contractor) that won the tender, the price of the application submitted by it. The supplier (contractor), determined as the winner of the tender, must confirm the notification of its recognition as the winner within three working days when holding a tender using one-stage and two-stage methods,</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
					when holding a tender using a simplified method and methods to reduce the price and direct conclusion of a contract - within one business day.
16	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform:</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5]</p> <p>*** If a) is not applicable, b) equals [1 point].</p> <p><i>Transparency</i></p> <p>Source: EU Standard</p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Commentary to point “a”:</p> <p>Pursuant to Part I of Article 25 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity may conduct prequalification procedures in cases of public procurement of complex, expensive or highly specialized types of goods, works and services when conducting procurement procedures.</p> <p>Pursuant to part 8 of the above article of the law, the procuring entity shall notify each supplier (contractor) about the results of the prequalification selection process within three working days from the date of the decision.</p> <p>Commentary to point “b”:</p> <p>Pursuant to Part I of Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” in carrying out procurement procedures, the procuring entity shall draw up a protocol of procurement procedures in which information should be provided on the basis for rejecting all bids in the event of their rejection.</p> <p>It should be noted that this paragraph indicates only the possibility of rejecting all submitted bids in which there is no winner of the competition.</p>	1	<p>Commentary to a) No change</p> <p>Commentary to b) Not included in the Law on Public Procurement, but in the Standard Bidding Document for One-Stage Bidding (Dec.31,2019) Clause 31, para 4) If, after the publication of the results of the tendering, any of the bidders will wish to clarify the reasons why his bid was not determined to be the winner, he should address his written request to the buyer. The buyer, within one working day, will provide clarifications to the Bidder, indicating the reasons for rejection of his Bid, if any. Clarifications will be provided on the bid of the bidder requesting clarification, but the content of the bids of other bidders will not be disclosed or discussed.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
17	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as:</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) Life-cycle cost – [1/3]</p> <p>b) Best price-quality ratio – [1/3]</p> <p>c) Environmental and/or social costs – [1/3]</p> <p><i>Efficiency</i></p> <p>Source: EU Standard</p>	<p>Overall: 1/3</p> <p>Components :</p> <p>a) 1/3</p> <p>b) 0</p> <p>c) 0</p>	<p>According to Part 9 of Article 29 of the Law of the Kyrgyz Republic “On Public Procurement,” the tender commission determines the winning bid, which essentially meets the requirements of the tender documentation:</p> <p>1) with the lowest price, if the only criterion is price;</p> <p>2) with the lowest estimated value, taking into account the established criteria, if the competitive documentation provides, along with the price and other evaluation criteria.</p> <p>Commentary to point “a”:</p> <p>According to paragraph 21 of the “Methodical Instructions for the Evaluation of Bids,” other than the price, other evaluation criteria should be specified in the bidding documents, including the time period for providing quality assurance of the goods (works, services).</p> <p>According to Appendix No. 4 “Standard bidding documents for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price,” the Special Conditions of the Agreement include the section “Guarantee.”</p>	<p>Overall: 0</p> <p>Components :</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</p>	<p>According to Article 29 Part 8:</p> <p>The Tender Committee shall select the successful bid that is substantially responsive to the requirement of the bidding documents:</p> <p>1) with the lowest price, taking into account provided benefits, if price is the only criterion;</p> <p>2) with the least evaluated cost based on the established criteria, if, in addition to the price, quality criteria are also specified in the bidding documents.</p> <p>This does not preclude the use of life-cycle costing, but it does not stipulate that it shall be used.</p>

POST-TENDERING PHASE

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
I.	PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [1 point] Point Distribution a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. –[0.1] b) Subject of procurement. – [0.1] c) CPV codes (or other classificatory system of similar nature). – [0.1] d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [0.1] e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1] f) Date of the signing of contract(s) or of framework agreement(s).	Overall: 0.6 Components: a) 0.1 b) 0.1 c) 0 d) 0.1 e) 0.1 f) 0 g) 0 h) 0.1 i) 0 j) 0.1	Commentary to point “a”: According to Article 14 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity in the tender documentation indicates the address: - place and deadline for submitting bids; - the name, title, position and address of one or more officials or employees of the procuring entity that are authorized to directly communicate with suppliers (contractors), as well as ways of maintaining communication. The above information is stored on the public procurement web portal upon successful completion of the tender. Commentary to paragraph “b”: According to Part I of Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” the procurement subject for each lot is reflected in the procurement procedure protocol. Commentary to paragraph “d”: According to Part I of Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” the price and other basic conditions of each competitive bid are reflected in the protocol of procurement procedures. Commentary to paragraph “e”: According to Part I of Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” the procurement procedure is reflected in the protocol of procurement procedures and the basis for its selection, in case of application of the framework agreement procedure, an	Overall: 0	Law of Kyrgyz Republic on Public Procurement Article 30 Records of Procurement proceedings: Part I contents. Part 4. Procuring entity shall prepare the records of procurement proceedings and post it on the public procurement web portal within two business days and includes into such records information related to the procurement procedures, with the exception of confidential information. In case of electronic procurement, records of procurement proceedings shall be independently generated by the system on the public procurement web portal. (Note. Amended on December 18 from one calendar day to two business days which does not meet the requirement of being as soon as it is available).

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>– [0.1]</p> <p>g) Duration of the contract. – [0.1]</p> <p>h) Number of bids and their respective amounts received.</p> <p>– [0.1]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [0.1]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [0.1]</p> <p><i>Transparency</i></p> <p>Source: EU Standard</p>		<p>explanation of the reasons and circumstances that the procuring entity was guided by application of the framework agreement procedure.</p> <p>Commentary to item “e”:</p> <p>Article 51. Public Procurement Contract</p> <p>Within five working days from the date of signing the contract, the procuring entity shall post on the public procurement web portal information that includes the following information:</p> <ol style="list-style-type: none"> 1) the name and legal address of the supplier (contractor); 2) the date of the tender; 3) the subject of public procurement; 4) the unit price in the national currency; 5) the total amount of public procurement under the contract. <p>According to Part 2 of Article 32 of the Law of the Kyrgyz Republic “On Public Procurement,” the procuring entity signs the contract with the winning supplier or contractor from the date of publication of information on the public procurement portal on the selection made, unless the procurement procedures were suspended by an independent inter-ministerial commission in accordance with Chapter 4 of this Law on time:</p> <ol style="list-style-type: none"> 1) after seven working days during the competition by one-stage and two-stage methods; 		

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>2) after two business days during the tender process by a simplified method and a method to reduce the price.</p> <p>Commentary to the item “f”:</p> <p>According to clause 9 of the “Standard tender documentation for the purchase of goods in single-stage, two-stage, simplified methods and a method for reducing the price,” the supplier must deliver goods on time and to the destination specified in the List of Purchased Goods and Related Services and must provide the documentation specified in the Special terms of the contract. Taking into account the special conditions of the contract, the transportation of the Goods to the place specified by the Buyer is carried out and paid by the Supplier, as well as the costs associated with it are included in the Contract Value</p> <p>Commentary to paragraph “h”:</p> <p>According to Part 1 of Article 30 of the Law of the Kyrgyz Republic “On Public Procurement,” the price and other basic conditions of each competitive bid are reflected in the protocol of procurement procedures.</p> <p>Commentary to paragraph “and”:</p> <p>According to Part 2 of Article 51 of the Law of the Kyrgyz Republic “On Public Procurement,” within five working days from the date of signing the contract, the procuring entity places on the public procurement web portal information that includes the following information:</p> <ol style="list-style-type: none"> 1) the name and legal address of the supplier (contractor); 2) the date of the tender; 3) the subject of public procurement; 		

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>4) the unit price in the national currency;</p> <p>5) the total amount of public procurement under the contract.</p> <p>Commentary to item “k”: Not applicable to the Kyrgyz Republic.</p> <p>Complaints are received electronically through the web portal of government procurement. Article 48. Right to complaint</p> <p>The participants of the tender have the right to file a complaint through the web portal of government procurement to an independent inter-ministerial commission at any stage of the procurement procedure.</p>		
2.	PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [1 point]	Overall:0 Components: a) 0 b) 0		0	No provisions
	Point Distribution				
	a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [0.5]				
	b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [0.5]				
	<i>Transparency</i>				

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents.</p> <p>– [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p> <p>Electronic, machine-readable, not free of charge – [0.75]</p> <p>Electronic, non-machine-readable – [0.5]</p> <p>Only on paper – [0.25]</p> <p>None – [0]</p> <p><i>Transparency</i></p>	0	<p>According to Part 2 of Article 51 of the Law of the Kyrgyz Republic “On Public Procurement,” within five working days from the date of signing the contract, the procuring entity places information on the public procurement web portal, including the following information:</p> <p>1) the name and legal address of the supplier (contractor);</p> <p>2) the date of the tender;</p> <p>3) the subject of public procurement;</p> <p>4) the unit price in the national currency;</p> <p>5) the total amount of public procurement under the contract.</p>	05	<p>Article 51 part 2 states:</p> <p>Within one business day of signing the contract the procuring entity shall post information on the public procurement web portal, including the following details:</p> <p>1) name and legal address of the supplier (contractor), consultant and their beneficiary owners;</p> <p>2) date of the bidding</p> <p>3) the subject of public procurement</p> <p>4) cost per unit expressed in national currency</p> <p>5) total public procurement value under the contract</p> <p>6) date of contract</p> <p>7) terms of contract performance</p> <p>8) conditions and schedule of contract performance (goods delivery, service rendering, work performance).</p> <p>9) amount of contract performance security:</p> <p>10) availability of contract guarantee term.</p> <p>Part 8 states: The texts of contracts shall be accessible to the public except for confidential information and personal data according to the legislation of the Kyrgyz Republic.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents.</p> <p>– [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p> <p>Electronic, machine-readable, not free of charge – [0.75]</p> <p>Electronic, non-machine-readable – [0.5]</p> <p>Only on paper – [0.25]</p> <p>None – [0]</p> <p><i>Transparency</i></p>	0	<p>Pursuant to Part 1 of Article 53 of the Law of the Kyrgyz Republic “On Public Procurement,” amending the concluded contract on public procurement, provided that the quality and other conditions that are the basis for selection of the supplier (contractor), are allowed, by mutual agreement of the parties in terms of reducing the price of goods, work, services and, accordingly, the amount of the contract, if during the execution of the contract on public procurement the prices for similar purchased goods, works, services have changed in the direction of decrease.</p> <p>There is no requirement to publish changes to the procurement contract on the public procurement portal.</p>	0.5	<p>Article 51 Part 7 states: The procuring entity, based on the results of contract performance by the supplier (contractor), consultant shall within three business days public on the public procurement web-portal the following information about the process of public procurement contract performance</p> <p>1) date of contract amendments</p> <p>2) basis for changes.</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents.</p> <p>– [1 point]</p> <p>Scoring Method</p> <p>Electronic, machine-readable, free of charge – [1]</p> <p>Electronic, machine-readable, not free of charge – [0.75]</p> <p>Electronic, non-machine-readable – [0.5]</p>	0		0.5	<p>Article 51 Part 7 states: The procuring entity, based on the results of contract performance by the supplier (contractor), consultant shall within three business days public on the public procurement web-portal the following information about the process of public procurement contract performance.</p> <p>3) date of acceptance certificate signing</p> <p>4) amount of fine sanctions</p> <p>5) whether the procedure of contract performance security retention has been applied.</p> <p>6) amount of retained contract performance security.</p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	Only on paper – [0.25] None – [0] <i>Transparency</i>				
6.	PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Transparency</i>	0		0.5	Article 51 Part 7 states: The procuring entity, based on the results of contract performance by the supplier (contractor), consultant shall within three business days public on the public procurement web-portal the following information about the process of public procurement contract performance. 7) date and amount of payment.
7.	PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]	Overall: 1 Components :	According to paragraph 7 of the “Standard tender documentation for the purchase of goods in single-stage, two-stage, simplified methods and a method to reduce prices” the Buyer or its representatives may carry out technical control	Overall: 1 Components : a) 0.5	Though the Standard Bidding Documents “For procuring of goods, works and services by the one-stage bidding method” (approved by order of the Ministry of Finance of the Kyrgyz Republic from 31.12. 2019 No. 150-P)

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	Point Distribution	a) 0.5 b) 0.5	and / or testing of the Goods to confirm their compliance with the Technical Specifications of the Contract, if specified in the Bid Instruction Document. All costs of these tests are borne by the Supplier. In the Special Conditions of the Contract, what kind of inspections and tests are required by the Buyer are indicated, and also where they should be conducted. The Buyer shall, in writing and in a timely manner notify the Supplier of its representatives intended for these purposes. Technical control and testing may be carried out on the territory of the Supplier, at the place of delivery and / or at the final destination of the Goods. If they are carried out on the territory of the Supplier, the Buyer will be provided with all necessary facilities and assistance, including access to drawings and production information, without any additional costs on the part of the Buyer. If the Goods that have passed technical inspection or tests do not meet the Technical Specifications, the Buyer may refuse them and the Supplier shall either replace the rejected Goods, at no additional cost from the Buyer. The buyer has the right to inspect, test and, if necessary, to refuse the Goods after their delivery to the Kyrgyz Republic, if they have not passed the tests or parameters obtained after the test, do not comply with the required parameters of the Technical Specifications. According to item 4 of the “Standard tender documentation for the procurement of works in single-stage, two-stage and simplified methods”: 4.1. The technical supervision supervises over the performance of the Contractual relations between the Buyer and the Contractor,	b) 0.5	superseded the Standard Bidding Documents for procurement of goods by one-stage, two-stage, simplified methods and a method of lowering price (approved by order of the Ministry of Finance, The Kyrgyz Republic dated October 14, 2015, N 175-p) the General and Special Condition of contract remained the same. It means that the provisions on Quality Control and Inspection of Works are the same in these two documents.
	Efficiency				
	Source: OECD Methodology				

		2018	2021		
#	Indicator	Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>representing the interests of the Buyer. Technical supervision within its competence can make decisions, give orders and instructions that are binding for the Contractor.</p> <p>4.2. The Contractor shall grant to the Technical Supervision Authority and any other person authorized by the Technical Supervision Authority access to the site or to any other place where the work is under way, or it is intended to carry out such work in accordance with the Contract.</p> <p>4.3. The Contractor shall notify the Technical Supervision of events or circumstances that may adversely affect the quality of work, increase the cost of the Contract or delay the execution of work on the construction of Facilities.</p> <p>Technical supervision may require the Contractor to provide an estimate of the impact of a future event or circumstance on the value of the Contract and the completion date of the work. The contractor must provide an assessment whenever possible as soon as possible.</p> <p>paragraph 18: Defect detection and elimination of Defects</p> <p>18.1. The technical supervision checks the work of the Contractor and notifies the Contractor about the revealed defects. Such verification does not entail a change in the Contractor's liability. The technical supervision has the right to demand from the Contractor the search for a defect, and also to open and check the results of the works, which, in the opinion of the Technical Supervision, may have the existence of a Defect.</p> <p>21. Act of Delivery and Acceptance</p>		

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			21.1. Acceptance of each stage of work or the final result of works is confirmed by signing by the parties of the act of the executed Works (act of delivery and acceptance). The technical supervision should check the acts of the executed works of the Contractor and approve them for payment to the Contractor. "Technical Supervision" means a competent person specified in the Special Conditions of the Contract, designated by the Buyer as a Technical Supervision and notified to the Contractor; responsible for controlling the construction of facilities and for the quality of the Works.		
8.	PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point] Scoring Method Electronic, machine-readable, free of charge – [1] Electronic, machine-readable, not free of charge – [0.75] Electronic, non-machine-readable – [0.5] Only on paper – [0.25] None – [0] <i>Transparency</i>	0		0	No provisions
9.	Procedures for acceptance of final products and processing of final payments are clearly defined by the	0		0	

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>PPL or contract law and are incorporated as standard clauses in contracts.</p> <p>– [1 point]</p> <p><i>Efficiency</i></p> <p>Source: OECD Methodology</p>				
10	<p>PPL defines specific procedures for modifying contracts.</p> <p>– [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	0	<p>Pursuant to Part I of Article 53 of the Law of the Kyrgyz Republic “On Public Procurement,” amending the concluded contract on public procurement, provided that the quality and other conditions that are the basis for selection of the supplier (contractor), are allowed, by mutual agreement of the parties in terms of reducing the price of goods, work, services and, accordingly, the amount of the contract, if during the execution of the contract on public procurement the prices for similar purchased goods, works, services have changed in the direction of decrease.</p>	1	<p>Law of KR on Public Procurement Part I and 3 of Article 53</p> <p>1, Awarded public procurement contract may be modified by mutual consent of the parties with regard to reduction in the price of goods, works, and services, and in the contract value, respectively, if during the implementation of a public procurement contract prices for the similar goods, works, and services have been reduced.</p> <p>3. No modifications shall be made to the awarded public procurement contract, if such modifications were the criteria of supplier (contractor) selection at the bidding stage.</p>
11	<p>PPL stipulates that procurement contract must include dispute resolution procedures.</p> <p>– [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>According to Article 55 of the Law of the Kyrgyz Republic “On Public Procurement,” in the event of disputes and disagreements arising in connection with the performance of the concluded contract, the parties to the contract are entitled to lodge complaints with each other specifying the reasons.</p> <p>The party receiving the claim of the other party is obliged to review it and submit a response in writing within ten working days from the date of the claim.</p> <p>In case of rejection of the claim or failure to respond to it within the period provided for in</p>	1	No change

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			part 2 of this article, the interested party is entitled to apply to the court.		
12	<p>PPL stipulates that all procurement related documentation must be maintained:</p> <p>– [1 point]</p> <p>Scoring Method</p> <p>In electronic form for a period of at least 10 years. – [1]</p> <p>In paper form for a period of at least 3 years. – [0.5]</p> <p><i>Transparency</i></p>	0.5	<p>According to the List of Management Documents Formed in the Activity of Institutions, Organizations, Enterprises, indicating the periods of storage (Resolution of the RCC No. 346 of December 31, 2010) Documents (correspondence, protocols, acts, etc.) for holding a tender are kept: a) in institutions where the tender is held - 6 years; b) in controlling institutions - 3 years.</p> <p>However, it should be noted that the above-mentioned SCR Decree is obsolete. For example, the Law of the Kyrgyz Republic “On Public Procurement” does not use the term “tender” with respect to public procurement.</p> <p>The aforementioned list also specifies the terms of storage of contracts for the supply of materials (raw materials), products, equipment for state needs - 6 years.</p>	1	<p>Wrong reference in 2018</p> <p>Law of KR on Public Procurement Article 10, part 2, para 20</p> <p>2.The procurement department conducts the following functions:</p> <p>20). ensures the collection and storage of tender documents, tender bids of suppliers (contractors) and other documentation, including the electronic version, related to public procurement, for three years.</p> <p>As per an amendment December 18, 2020, Article 3 Definitions under the definition for public procurement web portal states: means a public information system created by the Public Procurement Authority to ensure transparent, accessible and accountable public procurement process with information storage not less than 10 years.</p> <p>This contradicts Article 10, but nonetheless extends the mandatory storage period.</p>
13	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists.</p> <p>– [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that public procurement operations must be</p>	<p>Overall: 1</p> <p>Components :</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Commentary to point “a”:</p> <p>According to Part 11 of Article 29 of the Law of the Kyrgyz Republic “On Public Procurement,” each procuring entity is obliged to audit, before the procurement contract is concluded with the tender winner, to determine the compliance of purchases with the requirements established by this Law and other regulatory legal acts of the Kyrgyz Republic regulating state purchases, one tender (taking into account the total amount of</p>	0	<p>Removed under <i>amendment by the KR Law No. 76 dated June 26, 2019</i></p>

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
	<p>subject to internal audit conducted by qualified specialists. –[0.5]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists.</p> <p>–[0.5]</p> <p><i>Accountability and Integrity</i></p>		<p>all lots) exceeds five times the size of the maximum thresholds.</p> <p>According to Article 7 of the Law “On the Chamber of Accounts of the Kyrgyz Republic,” the Chamber of Accounts is an independent supreme body of state audit.</p> <p>According to Article 7 of the Law of the Kyrgyz Republic “On the Chamber of Accounts of the Kyrgyz Republic” the main activities of the Chamber of Accounts include:</p> <ul style="list-style-type: none"> - Audit and audit of the effectiveness of the execution of the republican budget and the budget of local self-government. - Audit and audit of the efficiency of enterprises and organizations with a greater share of state and / or municipal participation. - audit and performance audit by special means; - conducting audit and audit of efficiency for giving opinions, answers to inquiries of public authorities and other organizations. <p>The Chamber of Accounts of the Kyrgyz Republic conducts an external audit of public procurement on the basis of the Guidelines for conducting public procurement audits approved by Resolution of the Council of the Chamber of Accounts of the Kyrgyz Republic No. 03-7 / 81 of February 25, 2016.</p> <p>Commentary to point “b”:</p> <p>According to article 14 of the Internal Audit Law, the internal audit service has the following main responsibilities:</p> <ul style="list-style-type: none"> - develop strategic and annual internal audit plans based on risk assessment, taking into 		

#	Indicator	2018		2021	
		Score	Relevant Article and Law (if applicable)	Score	Relevant Article and Law (if applicable)
			<p>account the opinion of the head of the internal audit facility.</p> <ul style="list-style-type: none"> - annually report to the head of the internal audit object on the work done according to the plan; - evaluate the reliability and sufficiency of financial, accounting, management and other information; <p>According to the Decree of the Government of the Kyrgyz Republic “On the establishment of internal audit services in state bodies and institutions, local self-government bodies of the Kyrgyz Republic,” internal audit services should function in 28 state bodies and institutions, local self-government bodies.</p> <p>The entire list of NAPs regulating the activities of internal audit services is indicated in the report of the Ministry of Finance on the activities of internal audit services of state bodies and agencies of the KR for 2016 (http://minfin.kg/ru/novosti/novosti/otchet-o-deyatelnosti-sluzhb-vnutrennego-audita-go.html).</p>		