

LAW ON AMENDMENTS AND MODIFICATIONS TO THE LAW ON PUBLIC PROCUREMENT*

Article 1

In the Law on public procurement ("Official Gazette of the Republic of Macedonia" No. 136/2007), in the Article 3 paragraph (1), the item 31 is amended as follows:

"Common procurement vocabulary (CPV) is reference nomenclature that is applied in the procedures for awarding public contracts and the same provides uniformity with the other existing nomenclatures."

Article 2

In Article 4, paragraph (1) item c) the words: "legal persons" are replaced with the word "associations".

Article 3

In Article 8, paragraph (1) indent 4 the words: "brokerage services" are replaced with the words: "and especially the transactions of the contracting authorities for obtaining money assets or capital".

Article 4

In Article 12, a new paragraph (2) is added, as follows:

"The Bureau is in function of legal person."

Article 5

After Article 12, a new Article 12-a is added, as follows:

"Article 12-a

The assets for financing the Bureau are provided from the Budget of the Republic of Macedonia and from personal incomes".

Article 6

After Article 14, a new Article 14-a is added, as follows:

"Article 14-a

- (1) The Bureau prepares and implements training on public procurement.
- (2) The participants in the training pay a fee that is used for covering the costs for organizing and implementing the training.
- (3) After the finished training, an exam is being taken in accordance with the programme on public procurement training.
- (4) The exam is being taken in front of examining commission that is formed by the Director of the Bureau. The persons that will pass the exam will receive a certificate by the Bureau.
- (5) The programme, the manner of implementing the exam, the amount of the fee, as well as the form and the contents of the certificate shall be prescribed by the Minister of finance."

Article 7

(1) In Article 17, paragraph (2), the word "only" is deleted, and after the word "Articles", the number "2" is added.

(2) In paragraph (3), the words: "shall apply the Article" are replaced with the words: "shall apply the Articles 2 and".

* Official Gazette of the Republic of Macedonia" No. 130/08

Article 8

(1) In Article 22, paragraph (1), after the word "procedure", the following words are added: "and the procedure with request for gathering offers with announcement".

Article 9

After Article 26, a new Article 26-a is added, as follows:

"Article 26-a

(1) Before starting the procedure of awarding a multi-annual public contract, the contracting authority is obliged to plan the assets needed for its realization with the budget, the investing program or with the financial plan for the adequate year.

(2) The budget beneficiaries and the individual beneficiaries of the central authority, start the procedure for awarding multi-annual public contract, which is foreseen with a program included within the developing part from the Budget, based on approval issued by the Government of the Republic of Macedonia, upon a prior opinion of the Ministry of finance."

Article 10

In Article 38, the paragraph (4) is deleted.

Article 11

In Article 47, paragraph (2) after the words: "of the tender value" the following words are added: "without VAT included".

Article 12

In Article 51, the paragraph (2) is amended as follows:

"For the purpose of precisely determining the subject of the public contract or the framework agreement, the contracting authority shall use the Common procurement vocabulary in the public contracts whose estimated value, without VAT included, is above:

- 130.000 Euros, in counter-value in denars, for goods and services and 4.000.000 Euros, in counter-value in denars, for works at the contracting authorities from Article 4, paragraph (1) items a), b) and c) of this Law or
- 200.000 Euros, in counter-value in denars, for goods and services and 4.000.000 Euros, in counter-value in denars, for works at the contracting authorities from Article 4, paragraph (1) items d) and f) of this Law."

Article 13

In Article 100, paragraph (4) the words: "for maintenance of ESPN" are replaced with the words: "for improvement and development of the system of public procurement".

Article 14

In Article 102, paragraph (6), the word "capability" is replaced with the words: "personal standing".

Paragraph (9) is amended as follows:

"In the simplified competitive procedure with publication of a contract notice, electronic auctions shall be carried out."

Article 15

In article 108, paragraph (1) the number "52" is replaced with the number "35".

Article 16

In Article 121, paragraph (1) indent 1 after the words: "restricted procedure", a comma is placed and the words "simplified competitive procedure with publication of a contract notice" are added.

Article 17

In Article 136, paragraph (2), the full stop is replaced with a comma, and the following words are added: "except with the purchase of consultation services".

Article 18

In Article 144, the paragraph (3) is deleted.

Article 19

In Article 154, paragraph (2) the word "financial" is being replaced with the words "technical or professional".

Article 20

In Article 169, paragraph (1), indent 2 is amended as follows:

"- no submitted tender or no acceptable tender;"

After indent 5, a new indent 6 is added, as follows:

"- to mark that the tender documentation contains important errors or deficiencies."

Article 21

In Article 208, a new paragraph (2) is added, as follows:

"With exception to paragraph (1) of this Article, the contracting authority must not sign a public contract in the simplified competitive procedure with publication of a contract notice and to start with its performance within five days starting from the day of receiving the decision, which decides on individual right in the procedure."

Article 22

In Article 216, paragraph (2) after the words: "eight days", the following is added: "or three days for the simplified competitive procedure with publication of a contract notice".

Article 23

In Article 235, paragraph (1) the words: "30th June 2008" are replaced with the words: "30th November 2008".

Article 24

The contracting authority is obliged to use electronic auction in accordance with Chapter VI Par 2 from the Law on public procurement, as follows:

- in at least 30% from the estimated value of the planned procedures for awarding public contracts from 1st January 2010,
- in at least 50% from the estimated value of the planned procedures for awarding public contracts from 1st January 2011 and
- in 100% from the estimated value of the planned procedures for awarding public contracts from 1st January 2012.

Article 25

The Article 4 of this Law shall apply from 1st September 2009.

Article 26

The Article 6 of this Law shall apply from 1st September 2010.

Article 27

This Law shall enter into force on the eight day following the day of its publication in the "Official Gazette of the Republic of Macedonia".