

LAW  
ON MODIFICATIONS AND AMENDMENTS TO THE LAW ON PUBLIC PROCUREMENT<sup>1</sup>

Article 1

New paragraph (3) shall be added after paragraph (2) in Article 26-a in the Law on Public Procurement (Official Gazette of the Republic of Macedonia, nos. 136 /2007 and 130/2008), and shall read:

“(3) Government of the Republic of Macedonia shall give an approval, upon prior opinion by the Ministry of Finance, on the change of the performance schedule and/or payment of liabilities under concluded public contracts envisaged in a programme included in the development component of the Budget, which change shall require prior consent by the other contracting party”.

Article 2

New Article 26-b shall be added after Article 26-a and shall read:

“Article 26-b

Budget users may, when modifications and amendments to the Budget of the Republic of Macedonia are being adopted, pertaining to reduction of appropriations, change the performance schedule and/or payment of liabilities under the concluded one-year contracts, upon prior consent by the other contracting party, by concluding an annex to the contract as regards extension of the time limit for the next year or more years. Such annex to the contract shall be concluded by consent by the Government of the Republic of Macedonia”.

Article 3

Wording: “or in the invitation to participate in electronic auction” shall be added after the words “tender documentation“ in the first sentence in Article 124.

Article 4

Comma following the word “public” in paragraph (1) of Article 136 shall be replaced with full stop, and the words to the end of the sentence shall be deleted.

Article 5

New indents 3 and 4 shall be added after indent 2 in paragraph (1) in Article 147 and shall read:

“- is being pronounced secondary penalty - prohibition to participate in public invitation procedures, awarding public contracts and public-private partnership contracts.

---

<sup>1</sup> Published in „Official Gazette of the Republic of Macedonia“ no. 97/2010.

- is being pronounced secondary penalty - temporary or permanent prohibition for pursuing certain activity,”.

Conjunction “and” at the end in paragraph (2) indent 4 shall be replaced with comma and new indents 5 and 6 shall be added and shall read:

“- certificate from the Penal Registry for crimes committed by legal entities, that it is not pronounced secondary penalty - prohibition for participation in public invitation procedures, awarding public contracts and public-private partnership contracts.

- certificate from the Penal Registry for crimes committed by legal entities, that it is not pronounced secondary penalty - temporary or permanent prohibition for pursuing certain activity and”.

Word "court certificate" in indent 5 becoming indent 7 shall be replaced with the word: "certificate".

#### Article 6

New paragraph (2) shall be added in Article 162 and shall read:

“(2) Contracting authority shall be obliged to reach decision for selection or cancellation of the procedure within a time limit not longer than the one for submission of tenders, i.e. requests to participate in the specific procedure, from the day determined as time limit for submission of tenders, i.e. requests to participate”.

#### Article 7

Paragraph (3) in Article 216 shall be amended and shall read:

“When the procedure ends with an electronic auction, the time limit for lodging appeal regarding qualification of tenderers and the overall evaluation of the initial tenders shall be considered from the day of receipt of the award decision, after the completion of the electronic auction”.

#### Article 8

Indents 2 and 3 in Article 24 in the Law on Modifications and Amendments to the Law on Public Procurement (“Official Gazette of the Republic of Macedonia”, no. 130/2008) shall be amended and shall read:

“ in at least 70% of the number of published contract notices for open procedure, restricted procedure, negotiated procedure with prior publication of a contract notice, as well as simplified competitive procedure, with publication of a contract notice, as of 1<sup>st</sup> January 2011 and

“ in 100% of the number of published contract notices for open procedure, restricted procedure, negotiated procedure with prior publication of a contract notice, as well as simplified competitive procedure, with publication of a contract notice, as of 1<sup>st</sup> January 2012.”

#### Article 9

Public procurement procedures commenced up to the day of entry into force of this Law shall be completed pursuant to the regulations being valid until the day of entry into force of this Law.

#### Article 10

Provisions referred to in Articles 1 and 2 of this Law shall apply on the concluded public contracts.

#### Article 11

Provisions referred to in Article 2 of this Law shall apply by 31<sup>st</sup> December 2011.

#### Article 12

This Law shall enter into force on the eighth day from the day it is published in the "Official Gazette of the Republic of Macedonia".