



TESIM

Technical support to the implementation and management of ENI CBC programmes

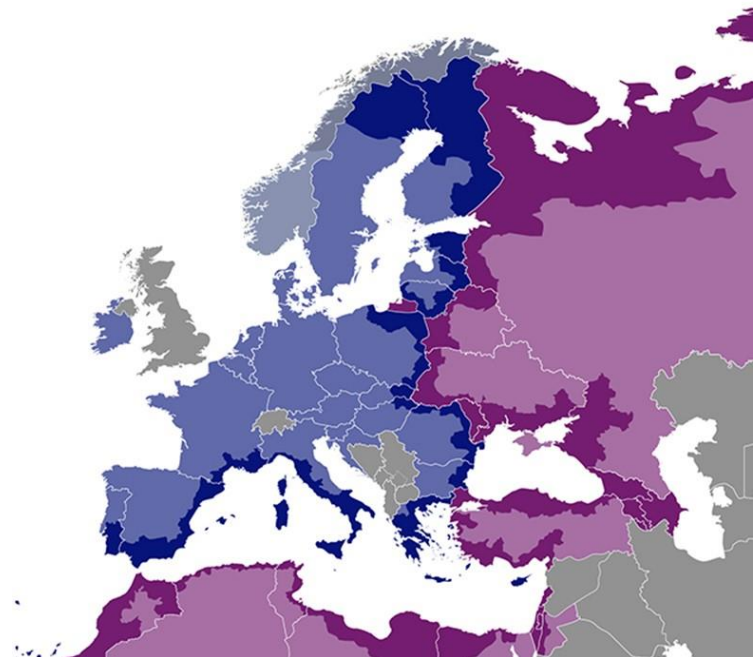
Main changes in procurement for public beneficiaries in Ukraine

In accordance with the entry into force of the new Law of Ukraine "On Public Procurement" published on April 19, 2020

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The new Law of Ukraine "On Public Procurement" introduced several significant changes which concern public beneficiaries. The main ones are listed below.

1. Changes in procurement procedures

Introduction of the restricted tender

The restricted tender procedure requires a mandatory pre-qualification check of participants. It should be noted that this procedure can be applied by contracting authorities only from October 10, 2020.

Simplified procedures

The simplified procedure is applied to procurement, the cost of which is equal to or exceeds UAH 50 000 (EUR 1.620,97 as for April 2020), but less than 200.000 UAH for the procurement of goods and services, and less than 1.500.000 UAH for the procurement of works. If a contractor is a legal entity, which carries out activities in special areas defined in paragraph 2 of the article 2 of the Law of Ukraine "On Public Procurement", the maximum purchase cost for the simplified procurement procedure is 1.000.000 UAH for goods and services, and 5.000.000 UAH for works.

2. Use of on-line system "Prozorro"

The new law provides the use of the electronic catalogue ProZorro Market for low-amount public procurement. The electronic catalogue works on the principle of an online shop. To receive an order from public contractors via the electronic catalogue, the supplier must be qualified. All qualified suppliers are entered in the Register of Qualified Suppliers. [ProZorro Market](#) system generates and publishes the report on such procurements automatically.

3. Composition of tender committee

Article 11 of the Law of Ukraine "On Public Procurement" stipulates instead of creating a tender committee to appoint an authorized person, which contradicts the rules of ENI CBC. Part 4 of Section X of the Law stipulates that until 1 January 2022, the contracting authority may either create a tender committee or appoint an authorized person.

IMPORTANT!

The beneficiaries must always consider the requirement of the ENI CBC Implementing Rules to designate a tender committee with an odd number of members. The appointment of an authorized person must be avoided.

4. Changes in procurement procedures

Abnormal low price

According to the new version of the Law of Ukraine "On Public Procurement" the abnormal low price will be determined automatically by the electronic system. Thus, participants in the tender will be protected from dumping. This does not mean that a participant who set such a price will not be able to win the tender. If the participant provides a justification for the price, it will be able to continue participating in the tender. The abnormally low price is determined only in competitive tender procedures.

Alternative qualifications criteria

Another important point in the changes for contracting authorities is the possibility to include alternative qualification criteria in the tender documents.

As part of the EU Association Lab project, an electronic designer of non-price criteria was created. It can be accessed at the following link: <https://nk.prozorro.ua/>.

Procurement complaint procedures

The new Law introduced changes in procurement complaint procedures. The changes concern deadlines for filing complaints and taking decisions.

You can find more details in the updated [factsheet on procurement by public beneficiaries](#).

