

RESOLUTION OF THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN

from May 15, 2012 of No. 623

On Approval of the Rules for Holding Electronic Government Procurement

(Last edition from 14-04-2014)

According to subparagraph 14) from July 21, 2007 "About government procurements" the Government of the Republic of Kazakhstan DECIDES [Articles 13](#) of the Law of the Republic of Kazakhstan:

1. To approve enclosed [Rules of carrying out electronic government procurements](#).
2. To declare invalid the order of the Government of the Republic of Kazakhstan from April 2, 2010 of No. 281 "About approval of Rules of carrying out electronic government procurements" (SAPP of the Republic of Kazakhstan, 2010, No. 28, Art. 216).
3. This resolution becomes effective from the date of the first official publication.

Prime Minister of the Republic of Kazakhstan

K.Masimov

Are approved as the Order of the Government of the Republic of Kazakhstan from May 15, 2012 of No. 623

Rules carrying out electronic government procurements

These rules of carrying out electronic government procurements (further - Rules) are developed according to [the Law](#) of the Republic of Kazakhstan from July 21, 2007 "About government procurements" (further - the Law), the laws of the Republic of Kazakhstan from January 11, 2007 "[About informatization](#)", from January 7, 2003 "[About the electronic document and the digital signature](#)" and determine the procedure for carrying out electronic government procurements.

Rules do not extend on the government procurements performed according to special and special by procedures of government procurements by method of tender, and also the special procedure of government procurements for ensuring requirements of the defense provided [by the Law](#).

1. General provisions

1. In these rules the following concepts are used:
 - 1) the single operator in the sphere of electronic government procurements (further - the operator) - the legal entity created on the decision of the Government of the Republic of Kazakhstan, the single owner of shares (shares of participation in the authorized capital) which is the state or the national holding, realizing single technical policy in the sphere of electronic government procurements;
 - 2) the web portal of government procurements (further - the web portal) - the state information system providing the single point of access to electronic services of electronic government procurements;
 - 3) registration on the web portal of government procurements (further - registration) - the admission of the subject of system of government procurements, to participation in government procurements by means of the web portal;
 - 4) the participant of the web portal (further - the participant) - the customer, the organizer of government procurements, the single organizer of government procurements, the potential supplier, registered on the web portal;
 - 5) the user of the web portal (further - the user) - the official of the participant or the representative of the participant;
 - 6) participation on the web portal - use by the user of the web portal of government procurements on behalf of the participant for receipt of electronic services in the sphere of government procurements;
 - 7) the private office - the automated workplace of the user on the web portal;
 - 8) the electronic document - the document in which information is provided in the electronic and digital form and it is witnessed by means of the digital signature;
 - 9) the conditional discount - percentage value of conditional reduction of the competitive price proposal of the potential supplier, provided by the competitive commission based on the criteria stipulated in electronic competitive documentation according to [Item 4 of Article 17](#) of the Law;

10) the electronic copy of the document - the document which is completely reproducing the type and information (data) of the authentic document in the electronic and digital form, certified by the digital signature of the applicant or the person having powers on the certificate of this document, or the authorized employee of service center of the population, based on the written consent of the receiver of the state service this at the moment of its personal presence;

11) the authorized representative on the web portal - the user of the participant of the web portal to whom the relevant decision of the first head of the participant of the web portal delegates the rights to accomplishment of all actions on the web portal, including assurance of electronic copies of documents;

12) the digital signature - the set of electronic digital symbols created by means of the digital signature and confirming reliability of the electronic document, its accessory and the invariance of content;

13) the electronic agreement - the agreement on government procurements in the electronic and digital form, certified by means of the digital signature and concluded on the web portal;

14) use of the web portal - action of participants and the users, carried out on the web portal for the purpose of implementation of activities in the sphere of government procurements, participations in government procurements, and also receipts of information placed on the web portal.

2. Electronic government procurements by methods of tender, request of price offers, auction and from one source are carried out according to the procedure, determined by these rules.

3. Use of the web portal of government procurements, and also its work in case of technical failures, are performed according to the procedure, determined by authorized body.

2. The procedure for carrying out electronic government procurements of the goods, works, the services performed by method of tender

The organization and carrying out electronic government procurements of the goods, works, services by the organizer or the customer acting with it in one person, performed by method of tender

4. The organization and carrying out electronic government procurements of the goods, works, the services performed by the organizer or the customer, acting with it in one person, method of tender, provides accomplishment of the following consecutive actions:

1) determination by the customer of the organizer and the official of the customer representing interests of the last in the forthcoming government procurements, except as specified, when the customer and the organizer act in one person;

2) the direction as the customer by means of the web portal of the invitation to the organizer being the participant of the web portal, except as specified, when the customer and the organizer act in one person;

3) approval by the customer of competitive documentation;

4) forming and approval of competitive documentation on the web portal;

5) education by the organizer and approval by the customer, if necessary, structure of the commission of experts or expert;

6) approval by the customer of structure of the competitive commission and determination of the secretary of the competitive commission;

7) forming by the organizer of structure of the competitive commission and determination of the secretary of the competitive commission on the web portal;

8) the publication on the web portal of the announcement of carrying out electronic tender (further - tender);

9) obtaining by potential suppliers - participants of the web portal of competitive documentation with automatic registration of the fact of its obtaining on the web portal;

10) the explanation by means of the web portal of provisions of competitive documentation to the potential suppliers who have received it, in the cases provided [by Items 49 and 50](#) of these rules;

11) automatic registration on the web portal of applications for participation in the tender, submitted in the form of the electronic document;

12) opening of requests and the publication on the web portal of the corresponding protocol of opening;

13) consideration by the competitive commission by means of the web portal of applications for participation in tender for determination of the potential suppliers, conforming to qualification requirements, requirements of competitive documentation;

14) determination by the competitive commission by means of the web portal of the list of potential suppliers not conforming to qualification requirements and requirements of competitive documentation with indication of the reasons of their discrepancy and information on missing documents or data for reduction by potential suppliers of applications for participation in tender according to qualification requirements and requirements of competitive documentation. The publication of results of this determination is performed on the web portal in the corresponding protocol of the preliminary admission to participation in tender;

15) automatic registration on the web portal, given by potential suppliers according to qualification requirements and requirements of competitive documentation of applications for participation in the tender, submitted in the form of the electronic document;

16) determination by the competitive commission by means of the web portal of the list of potential suppliers which are allowed to participation in tender and the size of conditional discounts. The publication of results of this determination is performed on the web portal in the corresponding protocol on the admission to participation in tender;

17) determination by the competitive commission taking into account opinion of the commission of experts or the expert (in case of their attraction) the best technical specification (the best technical specifications) goods, the services, provided by potential suppliers in the application for participation in tender. The publication of results of this determination is performed on the web portal in the corresponding protocol on the admission to participation in tender;

18) automatic registration on the web portal of the competitive price offers provided by potential suppliers, allowed to participation in tender, in the form of electronic documents;

19) automatic opening, assessment, comparison of competitive price proposals of participants of tender and determination of the winner by the web portal;

20) the automatic publication on the web portal of the protocol on results;

21) following the results of the tender which has been carried out by the organizer, the conclusion between the customer and the winner of tender of the agreement on government procurements.

The actions provided by subparagraphs 14) and 15) of this Item, are performed in case of identification by the competitive commission of potential suppliers not conforming to qualification requirements and requirements of competitive documentation.

The action provided by subparagraph 17) of this Item, is performed in case of acquisition of the goods, services.

5. Under the organization of tender on government procurements of the goods, works, the services which are not homogeneous, the organizer can organize and carry out single government procurements by the specified method with separation of such goods, works, services in competitive documentation on prizes by their homogeneous types.

When implementing tender on government procurements of the homogeneous goods, works, services, the organizer in competitive documentation divides the homogeneous goods, works, services into prizes in the place of their delivery (accomplishment, rendering).

When implementing tender on government procurements of several types of the homogeneous goods, works, services, the organizer in competitive documentation divides the goods, works, services into prizes by their homogeneous types and (or) in the place of their delivery (accomplishment, rendering).

When implementing government procurements of works on construction the organizer of government procurements shall divide in competitive documentation into the prizes of work which are inseparably linked with construction, and the goods which have not been connected with construction.

The organization and carrying out electronic government procurements of the goods, works, the services by the single organizer performed by method of tender

6. The organization and carrying out electronic government procurements of the goods, works, services by method of tender is performed by the single organizer based on representation by the customer of the task containing the following documents:

1) the request of the customer for carrying out electronic government procurements of the goods, works, services by method of the tender, signed by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer;

2) approved by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer, the technical specification. In cases, stipulated by the

legislation the Republic of Kazakhstan, the technical specification shall be approved with the relevant authorized body;

3) approved by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer, the decision on determination of structure of the commission of experts or the expert;

4) approved by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer, the draft agreement about the government procurements, being the integral part of competitive documentation.

7. When implementing government procurements of works on construction the customer sends to the single organizer the task containing information on obligatory separation in competitive documentation on prizes of work, inseparably linked with construction, and the goods which have not been connected with construction.

8. The organization and carrying out by the single organizer of electronic government procurements of the goods, works, the services performed by method of tender, provides accomplishment of the following consecutive stages:

1) approval by the single organizer of the competitive documentation containing approved by the customer the technical specification, the draft agreement about government procurements, structure of the commission of experts or the expert and her forming by means of the web portal;

2) approval by the single organizer of structure of the competitive commission and determination of the secretary of the competitive commission from among users of the web portal and forming by means of the web portal of structure of the competitive commission and determination of the secretary of the competitive commission;

3) the publication on the web portal of the announcement of carrying out tender;

4) obtaining by potential suppliers - participants of the web portal of competitive documentation with automatic registration of the fact of its obtaining on the web portal;

5) the explanation the single organizer by means of the web portal of provisions of competitive documentation to the potential suppliers who have received it, in the cases provided [by Items 51, 52, 53, 54 and 55](#) of these rules;

6) automatic registration on the web portal of applications for participation in the tender, submitted in the form of the electronic document;

7) opening of requests and the publication on the web portal of the corresponding protocol of opening;

8) consideration by the competitive commission by means of the web portal of applications for participation in tender for determination of the potential suppliers, conforming to qualification requirements, requirements of competitive documentation;

9) determination by the competitive commission by means of the web portal of the list of potential suppliers not conforming to qualification requirements and requirements of competitive documentation with indication of the reasons of their discrepancy and information on missing documents or data for reduction by potential suppliers of applications for participation in tender according to qualification requirements and requirements of competitive documentation. The publication of results of this determination is performed on the web portal in the corresponding protocol of the preliminary admission to participation in tender;

10) automatic registration on the web portal, given by potential suppliers according to qualification requirements and requirements of competitive documentation of applications for participation in the tender, submitted in the form of the electronic document;

11) determination by the competitive commission by means of the web portal of the list of potential suppliers which are allowed to participation in tender and the size of conditional discounts. The publication of results of this determination is performed on the web portal in the protocol on the admission to participation in tender;

12) determination by the competitive commission taking into account opinion of the commission of experts or the expert in case of their availability of the best technical specification (the best technical specifications) goods, the services, provided by potential suppliers in the application for participation in tender. The publication of results of this determination is performed on the web portal in the protocol on the admission to participation in tender;

13) automatic registration on the web portal of the competitive price offers provided by potential suppliers, allowed to participation in tender, in the form of electronic documents;

14) automatic opening, assessment, comparison of competitive price proposals of participants of tender and determination of the winner by the web portal;

15) the automatic publication on the web portal of the protocol on results;

16) following the results of tender the conclusion between the customer and the winner of tender of the agreement on government procurements.

The actions provided by subparagraphs 9) and 10) of this Item, are performed in case of identification by the competitive commission of potential suppliers not conforming to qualification requirements and requirements of competitive documentation.

The action provided by subparagraph 12) of this Item, are performed in case of acquisition of the goods, services.

9. Under the organization of tender on government procurements of the goods, works, the services which are not homogeneous, the single organizer can organize and carry out single government procurements by the specified method with separation of such goods, works, services in competitive documentation on prizes by their homogeneous types.

When implementing tender on government procurements of the homogeneous goods, works, services, the single organizer in competitive documentation divides the homogeneous goods, works, services into prizes in the place of their delivery (accomplishment, rendering).

When implementing tender on government procurements of several types of the homogeneous goods, works, services, the single organizer in competitive documentation divides the goods, works, services into prizes by their homogeneous types and (or) in the place of their delivery (accomplishment, rendering).

Forming by means of the web portal and approval of competitive documentation, in case of the organization and carrying out electronic government procurements by method of tender by the organizer or the customer acting with it in one person

10. The organizer for determination of conditions and the procedure for carrying out tender creates in the state and Russian languages the electronic form of competitive documentation on the web portal, according to [appendix 1](#) to these rules, and approves it with the customer, except as specified, when the customer and the organizer act in one person.

11. The competitive documentation developed by the organizer, affirms the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer.

Forming by means of the web portal and approval of competitive documentation, in case of the organization and carrying out electronic government procurements by method of tender by the single organizer

12. The competitive documentation developed by the organizer, the determined single organizer of government procurements according to [subparagraph 2\) Item 5 of Article 7](#) of the Law affirms the first heads of customers or persons, the acting as the first heads of customers.

13. The competitive documentation developed by the organizer, the determined single organizer of government procurements according to [subparagraphs 3\), 4\) and 5\) Item 5 of Article 7](#) of the Law affirms the first heads either responsible secretaries or others performing powers of the responsible secretary the officials determined by the President of the Republic of Kazakhstan, customers or persons, the acting as the first heads of customers.

14. The single organizer for determination of conditions and the procedure for carrying out tender creates in the state and Russian languages the electronic form of competitive documentation on the web portal according to [appendix 1](#) to these rules.

15. The competitive documentation developed by the single organizer, affirms the first head or the person, the acting as the first head of the single organizer.

The competitive documentation developed by the organizer, the determined single organizer of government procurements according to [subparagraph 2\) Item 5 of Article 7](#) of the Law, affirms according to [Item of 12](#) these rules.

16. Competitive documentation developed and approved by the single organizer shall contain:

1) approved according to subparagraph 2) Item of 7 these rules the customer, and in cases, stipulated by the legislation the Republic of Kazakhstan, approved by the customer with the relevant authorized body the technical specification;

2) approved according to subparagraph 3) Item of 7 these rules the customer the commission of experts or the expert for determination of the best technical specification (the best technical specifications) the goods, the services, provided by potential suppliers in the application for participation in tender;

3) approved according to subparagraph 4) Item of 7 these rules the customer the draft agreement about the government procurements, being the integral part of competitive documentation.

Approval of structure of the competitive commission, commission of experts or the expert in case of the organization and carrying out electronic government procurements by method of tender by the organizer or the customer acting with it in one person

17. For accomplishment of procedures of carrying out tender the organizer on each tender separately creates and approves the competitive commission and determines the secretary of the competitive commission.

The decision on creation of the competitive commission and determination of the secretary of the competitive commission is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the organizer or the person, the acting as the first head of the organizer.

If as the organizer the customer directly or on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, the decision on creation of the competitive commission and determination of the secretary of the competitive commission is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer.

When implementing government procurements of works the organizer and if as the organizer the customer directly, or on behalf of the structural division acts, the customer if necessary includes in structure of the competitive commission of representatives of authorized body in the corresponding field of activity in coordination with it, from among his workers registered on the web portal.

For development of the specification and (or) the technical specification of the bought goods, works, services, the organizer and if as the organizer the customer directly, or on behalf of the structural division acts, the customer in development of competitive documentation if necessary creates the commission of experts or involves the expert.

18. Members of the competitive commission are the chairman, the vice-chairman and other members of the competitive commission. During absence of the chairman of its function the vice-chairman carries out. The total quantity of members of the competitive commission shall constitute odd number and to be at least three people.

If as the organizer the customer directly acts, the chairman of the competitive commission determines the official not below the deputy first head.

If as the organizer the customer on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, the chairman of the competitive commission determines the official not below the head of this structural division of the customer.

In case of carrying out tender within the budget development programs providing implementation of budget investment projects, the chairman of the competitive commission determines the first head of the customer.

In case of carrying out tender within the budget development programs providing implementation of budget investment projects by local executive body, the executive body financed from the local budget, the chairman of the competitive commission it is determined aky the corresponding administrative and territorial unit of the Republic of Kazakhstan.

19. Chairman of the competitive commission:

- 1) directs activities of the competitive commission;
- 2) performs other functions provided by these rules.

20. The competitive commission is effective from the date of entry into force of the decision on its creation and stops the activities from the date of the conclusion of the agreement on government procurements of the goods, works, services.

21. The decision of the competitive commission is accepted by vote with use of the web portal and is deemed accepted, if for it the majority of votes from total quantity of members of the competitive commission is submitted. In case of equality of votes accepted it is considered the decision for which the chairman of the competitive commission or, in case of its absence, the vice-chairman voted.

In case of disagreement with the decision of the competitive commission any member of the granted competitive commission has the right to special opinion which is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the competitive commission in the corresponding protocols of the competitive commission the secretary of the competitive commission on the web portal publishes the document or information containing the absence reason of the signature.

22. Organizational activities of the competitive commission are provided with the secretary of the competitive commission. The secretary of the competitive commission is not the member of the competitive commission and has no voting power in case of acceptance by the competitive commission of decisions.

The secretary of the competitive commission is determined from among officials of structural division of the organizer responsible for the organization and carrying out government procurements.

Secretary of the competitive commission:

- 1) creates competitive documentation on the web portal;
- 2) publishes the announcement of carrying out tender on the web portal,

the protocol of opening of applications for participation in tender, the protocol on the preliminary admission in case of its availability, the protocol on the admission to participation in tender, and also other documents on the web portal, in case of their availability;

- 3) publishes on the web portal the conclusion of the commission of experts or the expert;
- 4) performs other functions provided by these rules.

23. Under the organization and carrying out tender on government procurements of works the organizer or the customer acting with it in one person, according to [Item 3 of Article 25](#) of the Law has the right to approve the commission of experts or the expert for preparation of the expert opinion concerning compliance of the works offered by potential suppliers, the technical specification being the integral part of competitive documentation.

Under the organization and carrying out tender on government procurements of works where instead of the technical specification being the integral part of competitive documentation, competitive documentation contains the design estimates approved in accordance with the established procedure, the commission of experts or the expert does not affirm.

24. Under the organization and carrying out tender on government procurements of the goods, services the organizer or the customer acting with it in one person, according to [Item 2 of Article 25-1](#) of the Law has the right to approve structure of the commission of experts or the expert.

25. The decision on creation of the commission of experts is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the organizer or the customer acting with it in one person, or the person, the acting as the first head of the organizer or the customer acting with it in one person.

26. Members of the commission of experts are the chairman, the vice-chairman and other members of the commission of experts. During absence of the chairman of its function the vice-chairman carries out. The total quantity of members of the commission of experts shall constitute odd number and to be at least three people.

27. The conclusion of the commission of experts or the expert is surely considered by the competitive commission only if it is constituted within the requirements provided by competitive documentation. The expert opinion is signed by members of the commission of experts or the expert, in case of determination of the expert without creation of the commission of experts and is applied to the protocol on the admission to participation in tender on the web portal in the form of the electronic copy of the document certified by the digital signature of the secretary of the competitive commission.

28. Under the organization and carrying out tender on government procurements of works the commission of experts or the expert draw the expert opinion about compliance of works offered by potential suppliers to requirements of competitive documentation and have no voting power in case of acceptance by the competitive commission of the decision.

Determination by the commission of experts about compliance of works offered by potential suppliers to requirements of competitive documentation is performed by voting by show of hands and deemed accepted, if

for it the majority of votes from total quantity of members of the commission of experts is submitted. In case of the equality of votes, accepted it is considered the decision for which the chairman of the commission of experts or, in case of its absence, the vice-chairman voted.

In case of disagreement with the conclusion of the commission of experts, any member of the granted commission of experts has the right to special opinion which is applied to the conclusion of the commission of experts and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the commission of experts to the corresponding expert opinion the secretary of the competitive commission on the web portal publishes the document or information containing the absence reason of the signature.

Under the organization and carrying out tender on government procurements of works where instead of the technical specification being the integral part of competitive documentation, competitive documentation contains the design estimates approved in accordance with the established procedure, the expert opinion about compliance of works offered by potential suppliers to requirements of competitive documentation is not represented.

29. Under the organization and carrying out tender by government procurements of the goods, services the commission of experts or the expert determine the best technical specification (the best technical specifications) goods, the services, provided by potential suppliers in the application for participation in tender and have no voting power in case of acceptance by the competitive commission of the decision.

Determination by the commission of experts of the best technical specification (the best technical specifications) the goods, the services, provided by potential suppliers in the application for participation in tender is performed by voting by show of hands and deemed accepted, if for it the majority of votes from total quantity of members of the commission of experts is submitted. In case of equality of votes accepted it is considered the decision for which the chairman of the commission of experts or, in case of its absence, the vice-chairman voted.

In case of disagreement with the conclusion of the commission of experts, any member of the granted commission of experts has the right to special opinion which is applied to the conclusion of the commission of experts and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the commission of experts to the corresponding expert opinion the secretary of the competitive commission on the web portal publishes the document or information containing the absence reason of the signature.

30. Prior to the beginning of carrying out tender members of the competitive commission, the secretary of the competitive commission, and also the commission of experts or the expert familiarize with approved competitive documentation and appendices to it.

Approval of structure of the competitive commission, commission of experts or the expert in case of the organization and carrying out electronic government procurements by method of tender by the single organizer

31. The single organizer on each tender separately develops for accomplishment of procedures of carrying out tender and approves the competitive commission and determines the secretary of the competitive commission.

The decision on creation of the competitive commission and determination of the secretary of the competitive commission is accepted by the first head or the person, the acting as the first head of the single organizer.

32. Members of the competitive commission are the chairman, the vice-chairman and other members of the competitive commission. The total quantity of members of the competitive commission shall constitute odd number and to be at least five people.

Under the organization and carrying out tender by the single organizer determined according to [subparagraph 1\) of Item 5 of Article 7](#) of the Law, the chairman of the competitive commission determines the first head of the customer.

Under the organization and carrying out tender by the single organizer determined according to [subparagraph 2\) of Item 5 of Article 7](#) of the Law, by the chairman of the competitive commission it is determined any the corresponding area, the city of republican value and the capital.

The customer has the right to offer the employees in structure of the competitive commission.

33. Chairman of the competitive commission:

1) directs activities of the competitive commission;

2) performs other functions provided by these rules.

34. The competitive commission is effective from the date of entry into force of the decision on its creation and stops the activities from the date of the conclusion of the agreement on government procurements of the goods, works, services.

35. The decision of the competitive commission is accepted by vote with use of the web portal and is deemed accepted, if for it the majority of votes from total quantity of members of the competitive commission is submitted. In case of the equality of votes, accepted it is considered the decision for which the chairman of the competitive commission or, in case of its absence, the vice-chairman voted.

In case of disagreement with the decision of the competitive commission any member of the granted competitive commission has the right to special opinion which is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the competitive commission in the corresponding protocols of the competitive commission the secretary of the competitive commission on the web portal publishes the document or information containing the absence reason of the signature.

36. Organizational activities of the competitive commission are provided with the secretary of the competitive commission. The secretary of the competitive commission is not the member of the competitive commission and has no voting power in case of acceptance by the competitive commission of decisions.

The secretary of the competitive commission is determined from among officials of the single organizer.

Secretary of the competitive commission:

1) creates competitive documentation on the web portal;

2) publishes the announcement of carrying out tender not the web portal,

the protocol of opening of applications for participation in tender, the protocol on the preliminary admission in case of its availability, the protocol on the admission to participation in tender, and also other documents on the web portal, in case of their availability;

3) publishes on the web portal the conclusion of the commission of experts or the expert;

4) performs other functions provided by these rules.

37. Under the organization and carrying out tender on government procurements of works the customer, according to [Item 3 of Article 25](#) of the Law approves the commission of experts or the expert for preparation of the expert opinion concerning compliance of the works offered by potential suppliers, the technical specification being the integral part of competitive documentation.

Under the organization and carrying out tender on government procurements of works where instead of the technical specification being the integral part of competitive documentation, competitive documentation contains the design estimates approved in accordance with the established procedure, the commission of experts or the expert does not affirm.

38. Under the organization and carrying out tender on government procurements of the goods, services the customer according to [Item 2 of Article 25-1](#) of the Law approves the commission of experts or the expert for determination of the best technical specification (the best technical specifications) the goods, the services, provided by potential suppliers in the application for participation in tender.

39. The decision on creation of the commission of experts is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer.

40. Members of the commission of experts including are the chairman, the vice-chairman of the commission of experts. During absence of the chairman of its function the vice-chairman carries out. The total quantity of members of the commission of experts shall constitute odd number and to be at least three people.

41. The conclusion of the commission of experts or the expert is surely considered by the competitive commission only if it is constituted within the requirements provided by competitive documentation. The expert opinion is signed by members of the commission of experts or the expert, in case of determination of the expert without creation of the commission of experts and is applied to the protocol on the admission to participation in tender on the web portal in the form of the electronic copy of the document certified by the digital signature of the secretary of the competitive commission.

42. Under the organization and carrying out tender on government procurements of works the commission of experts or the expert draw the expert opinion about compliance of works offered by potential

suppliers to requirements of competitive documentation and have no voting power in case of acceptance by the competitive commission of the decision.

Determination by the commission of experts about compliance of works offered by potential suppliers to requirements of competitive documentation is performed by voting by show of hands and deemed accepted, if for it the majority of votes from total quantity of members of the commission of experts is submitted. In case of equality of votes accepted it is considered the decision for which the chairman of the commission of experts or, in case of its absence, the vice-chairman voted.

In case of disagreement with the conclusion of the commission of experts any member of the granted commission of experts has the right to special opinion which is applied to the conclusion of the commission of experts and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the commission of experts to the corresponding expert opinion the secretary of the competitive commission on the web portal publishes the document or information containing the absence reason of the signature.

Under the organization and carrying out tender on government procurements of works where instead of the technical specification being the integral part of competitive documentation, competitive documentation contains the design estimates approved in accordance with the established procedure, the expert opinion about compliance of works offered by potential suppliers to requirements of competitive documentation is not given.

43. Under the organization and carrying out tender by government procurements of the goods, services the commission of experts or the expert determine the best technical specification (the best technical specifications) goods, the services, provided by potential suppliers in the application for participation in tender and have no voting power in case of acceptance by the competitive commission of the decision.

Determination by the commission of experts of the best technical specification (the best technical specifications) the goods, the services, provided by potential suppliers in the application for participation in tender, is performed by voting by show of hands and deemed accepted, if for it the majority of votes from total quantity of members of the commission of experts is submitted. In case of equality of votes accepted it is considered the decision for which the chairman of the commission of experts or, in case of its absence, the vice-chairman voted.

In case of disagreement with the conclusion of the commission of experts any member of the granted commission of experts has the right to special opinion which is applied to the conclusion of the commission of experts and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the commission of experts to the corresponding expert opinion the secretary of the competitive commission on the web portal publishes the document or information containing the absence reason of the signature.

44. Prior to the beginning of carrying out tender members of the competitive commission, the secretary of the competitive commission, and also the commission of experts or the expert familiarize with approved competitive documentation and appendices to it.

Notice on carrying out tender

45. The organizer, the single organizer no later than three working days from the date of approval of competitive documentation, but at least in twenty calendar days prior to final date of representation by potential suppliers of applications for participation in tender, and in case of implementation of repeated tender the organizer no later than three working days from the date of approval of competitive documentation, but at least in ten calendar days prior to final date of submission of applications for participation in tender, publishes the announcement of carried-out tender, and also approved competitive documentation by means of the web portal.

Representation to potential suppliers of competitive documentation

46. From the date of the publication of the announcement of carrying out tender by all wishing opportunity of free receipt of competitive documentation from the web portal is given.

47. Provision of competitive documentation to potential suppliers - to participants of the web portal automatically is registered on the web portal.

48. Provision of competitive documentation till the notice on carrying out tender on the web portal is not allowed.

Explanation of provisions of competitive documentation the organizer or the customer acting with it in one person

49. The potential supplier - the participant of the web portal if necessary sends to the organizer request about the explanation of provisions of competitive documentation with use of the web portal, but no later than five calendar days before the expiration of final term of submission of applications for participation in tender.

The organizer within two working days from the date of receipt of request publishes the text of the explanation of provisions of competitive documentation on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received competitive documentation.

50. The organizer in need of term no later than three calendar days before the expiration of final date of submission of applications for participation in tender on own initiative or in response to request of potential suppliers - participants of the web portal, makes changes and (or) amendments to competitive documentation. Modification and (or) amendments in competitive documentation affirms according to the procedure, established [by Items 11, 12, 13](#) of these rules.

The organizer no later than one working day from the date of decision making about modification and (or) amendments in competitive documentation publishes on the web portal the specified competitive documentation with indication of the brought changes and (or) amendments, with the automatic notification of potential suppliers - the participants of the web portal who have received competitive documentation.

In that case final term of submission of applications for participation in tender is prolonged for term at least fifteen calendar days.

Explanation of provisions of competitive documentation single organizer

51. The potential supplier - the participant of the web portal if necessary sends to the single organizer request about the explanation of provisions of competitive documentation with use of the web portal, but no later than five calendar days before the expiration of final term of submission of applications for participation in tender.

The single organizer within two working days from the date of receipt of request publishes the text of the explanation of provisions of competitive documentation on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received competitive documentation.

52. In case of the direction the potential supplier - the participant of the web portal of request about the explanation of provisions of the technical specification and the draft agreement about the government procurements being the integral part of competitive documentation, the single organizer in day of receipt of such request sends it to the customer with use of the web portal.

The customer within one working day from the date of receipt of request of the potential supplier - the participant of the web portal from the single organizer shall answer it with use of the web portal.

The single organizer in day of receipt of the answer to request of the potential supplier - the participant of the web portal shall publish the text of the explanation of provisions of the technical specification and the draft agreement about the government procurements being the integral part of competitive documentation, on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received competitive documentation.

53. The single organizer in need of term no later than three calendar days before the expiration of final date of submission of applications for participation in tender on own initiative or in response to request of potential suppliers - participants of the web portal makes changes and (or) amendments to competitive documentation, except for changes and (or) amendments in the technical specification and the draft agreement, being the integral part of competitive documentation. Modification and (or) amendments in competitive documentation, except for changes and (or) amendments in the technical specification and the draft agreement, being the integral part of competitive documentation, affirms the single organizer according to the procedure, [stipulated in Item 15](#) these rules.

The customer if necessary sends the approved decision on modification and (or) amendments to the technical specification or the draft agreement about the government procurements being the integral part of competitive documentation, to the single organizer in time no later than five calendar days before the expiration of final date of submission of applications for participation in tender.

The single organizer based on the decision approved by the customer brings in time no later than three calendar days before the expiration of final date of submission of applications for participation in tender, change and (or) amendments in the technical specification or the draft agreement about the government procurements being the integral part of competitive documentation.

54. The single organizer no later than one working day from the date of decision making about modification and (or) amendments in competitive documentation publishes on the web portal the specified competitive documentation with indication of the brought changes and (or) amendments with the automatic notification of potential suppliers - the participants of the web portal who have received competitive documentation.

55. The single organizer in day of obtaining from the customer of the approved decision on modification and (or) amendments in the technical specification or the draft agreement about the government procurements being the integral part of competitive documentation, publishes on the web portal the specified competitive documentation with indication of the brought changes and (or) amendments, with the automatic notification of potential suppliers - the participants of the web portal who have received competitive documentation.

In the cases provided [by Items 54 and 55](#) of these rules, final term of submission of applications for participation in tender is prolonged for term at least fifteen calendar days.

Content and submission of applications for participation in tender

56. The application for participation in tender moves in the form of the electronic document and is the form of expression of the consent of the potential supplier applying for participation in tender, to perform delivery of the goods (to perform work to render service) according to requirements and the conditions provided by competitive documentation.

57. The application for participation in the tender, represented to the organizer, the single organizer the potential supplier who has expressed desire to participate in tender, shall contain the documents listed electronically to competitive documentation.

58. Potential suppliers have the right within three working days from the date of publication on the web portal of the protocol of the preliminary admission to participation in tender to bring the submitted applications for participation in tender into compliance with qualification requirements and requirements of competitive documentation.

59. Representation by the potential supplier of the separate documents required according to the electronic form of competitive documentation, received by means of the address to the state information systems and (or) the state databases, or by means of filling of the electronic form with use of the web portal is allowed.

60. The application for participation in tender is represented the potential supplier to the organizer, the single organizer before the expiration of final term of their representation in the form of the electronic document, except for the case, [stipulated in Item 58](#) these rules.

61. The application for participation in tender is considered accepted at the moment of automatic sending by the web portal of the adequate notice to the potential supplier who has made an application on participation in electronic tender.

62. The potential supplier submits only one application for participation in tender.

63. The application for participation in tender of the potential supplier is subject to the automatic variation the web portal in the following cases:

- 1) the potential supplier earlier provides the application for participation in this tender;
- 2) the application for participation in tender arrived on the web portal after the expiration of final term of demands acceptance for participation in this tender;
- 3) provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law.

Effective period of the application for participation in the tender, represented by the potential supplier for participation in tender on government procurements of the goods, works and services, shall be at least thirty five calendar days from the date of opening of applications for participation in tender.

64. Applications for participation in the tender, submitted potential suppliers, automatically are registered on the web portal.

65. The potential supplier if necessary changes or withdraws the application for participation in tender at any time before the expiration of final term of submission of applications for participation in tender, without losing the right to return of the providing the application for participation brought by it in tender.

66. Modification of applications for participation in tender after the expiration of final term of their representation is not allowed.

Providing application for participation in tender

67. Providing the application for participation in tender is brought by the potential supplier according to [Article 23-1](#) of the Law.

In case of participation in tender on several prizes the potential supplier has the right to provide providing the application for participation in tender on each prize separately.

68. In case of introduction by the potential supplier of providing the application for participation in tender in the form of the bank guarantee on paper its original is represented to the organizer, the single organizer,

according to [appendix 6](#) of the electronic form of competitive documentation, to final term of submission of applications for participation in tender.

69. In case of introduction by the potential supplier of providing the application for participation in tender in the form of the guarantee money contribution which is deposited on the bank account of the organizer or to account, provided by the budget legislation of the Republic of Kazakhstan for organizers, the single organizer, being state bodies and public institutions, it is represented in the form of the electronic copy of the payment document confirming the guarantee money contribution. Thus the guarantee money contribution shall be brought on the bank account specified in competitive documentation to final term of submission of applications for participation in tender.

70. In case of introduction by the potential supplier of providing on participation in tender according to [Item of 68](#) these rules the organizer, the single organizer fix the fact of receipt of such providing on participation in tender in the magazine of registration of bank guarantees.

The organizer, the single organizer specify the following data in the magazine of registration of bank guarantees:

- 1) name and term of carrying out government procurements of the goods, works, services;
- 2) surname, name, patronymic of the authorized representative of the potential supplier;
- 3) date and time of registration of the bank guarantee.

The magazine of registration of bank guarantees is stitched, pages are numbered and initialed by the secretary of the competitive commission. The last page of the magazine of registration of bank guarantees is sealed the organizer, the single organizer.

Maintaining the single magazine of registration of bank guarantees on all government procurements of the goods, works, services, by method of tender within one financial year is allowed.

Carrying out government procurements of the goods, works, services by method of tender Opening of applications for participation in tender

71. Opening of applications for participation in tender is made by the secretary by means of the web portal.

Access to the secretary of the competitive commission to opening of applications for participation in tender is provided by the web portal automatically on approach of date and time of final submission of the requests specified by the organizer, the single organizer in competitive documentation.

72. Applications for participation in tender are opened and considered according to these rules. If on tender (prize) only one application for participation in tender (prize) is provided, such request also is opened and considered according to these rules.

73. The protocol of opening of applications for participation in tender is published by the secretary of the competitive commission on the web portal in day of opening according to [appendix 3](#) to these rules. Thus the web portal dispatches automatic notifications to members of the competitive commission, the potential suppliers who have submitted applications for participation in tender.

Consideration of applications for participation in tender, the admission to participation in tender

74. The competitive commission considers applications for participation in tender for the purpose of determination of the potential suppliers, conforming to qualification requirements and requirements of competitive documentation, with use of the web portal and makes the decision on the admission of potential suppliers to participation in tender (recognizes as participants of tender).

75. No later than one working day from the date of opening of applications for participation in tender the secretary of the competitive commission provides for consideration of the commission of experts or the expert, in case of their attraction, technical specifications on the works, offered by potential suppliers in the request for the purpose of determination of compliance to their requirements of competitive documentation, except for carrying out government procurements of works where competitive documentation instead of the technical specification contains the design estimates approved in accordance with the established procedure.

76. No later than one working day from the date of opening of applications for participation in tender the secretary of the competitive commission provides for consideration of the commission of experts or the expert, in case of their attraction, technical specifications on the goods, the services, offered by potential suppliers in the request for the purpose of determination of the best technical specification (the best technical specifications).

77. By results of consideration by the competitive commission of applications for participation in tender the protocol is drawn up:

- 1) the preliminary admission to participation in tender, in the case specified in Item of 78 these rules;

2) the admission to participation in tender.

78. The protocol of the preliminary admission to participation in tender is drawn up in case of identification by the competitive commission of the potential suppliers, not conforming to qualification requirements and requirements of competitive documentation.

79. The protocol of the preliminary admission to participation in tender shall contain the following information:

1) the list of the potential suppliers, not conforming to qualification requirements and requirements of competitive documentation;

2) the list of documents which are necessary for providing and bringing into accord with qualification requirements and requirements of competitive documentation to the potential supplier by means of the web portal for reduction of the application for participation in tender in compliance with qualification requirements and requirements of competitive documentation.

80. The decision of the competitive commission on the preliminary admission of potential suppliers to participation in tender is accepted within ten calendar days from the date of opening of applications for participation in tender and is published by the secretary of the competitive commission in day of decision making about the preliminary admission to participation in tender, on the web portal, according to [appendices 4 and 5](#) to these rules, with the automatic e-mail notification of all potential suppliers who have submitted applications for participation in tender.

81. The protocol on the preliminary admission to participation in tender is signed on the web portal by all members of the competitive commission.

82. In case of disagreement with the decision of the competitive commission any member of the granted competitive commission has the right to special opinion which is applied to the protocol on the preliminary admission to participation in tender and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the competitive commission to the corresponding protocol on the preliminary admission to participation in tender by the secretary of the competitive commission on the web portal the document or information containing the absence reason of the signature is published.

83. The protocol of the preliminary admission to participation in tender is not drawn up in case of compliance of potential suppliers to qualification requirements and requirements of competitive documentation.

84. After term, [stipulated in Item 58](#) these rules, the secretary of the competitive commission by means of the web portal initiates procedure of de novo review of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation.

85. Competitive commission:

1) repeatedly considers applications for participation in tender of the potential suppliers specified in the list of the protocol of the preliminary admission to participation in tender, about completeness of their reduction in compliance with qualification requirements and requirements of competitive documentation, for the list of the documents specified in the protocol of the preliminary admission to participation in tender;

2) determines the potential suppliers who have provided incomplete and not conforming to qualification requirements and requirements of competitive documentation the list of documents, specified in the protocol of the preliminary admission to participation in tender;

3) in writing and (or) in the form of the electronic document requests from potential suppliers, applications for participation in which tender were brought into accord with qualification requirements and requirements of competitive documentation, materials and explanations in connection with their applications for participation in tender to facilitate consideration, the assessment and comparison of applications for participation in tender;

4) for the purpose of refining of the data containing in applications for participation in tender which were brought into accord with qualification requirements and requirements of competitive documentation, in writing and (or) in the form of the electronic document requests necessary information from the relevant physical persons or legal entities, state bodies.

The direction of requests and other actions of the competitive commission connected with reduction of the application for participation in tender in compliance with requirements of competitive documentation are not allowed.

As reduction of the application for participation in tender in compliance with requirements of competitive documentation are understood the actions of the competitive commission directed on amendment of the application for participation in tender by missing documents, replacement of the documents provided in the

application for participation in tender, reduction in compliance by correction by inadequate image of the drawn-up documents after the expiration of reduction of applications for participation in tender in compliance with qualification requirements and requirements of competitive documentation, stipulated in Item 58 these rules.

5) determines potential suppliers who conform to qualification and other requirements of competitive documentation, and recognizes as participants of tender;

6) determines the best technical specification (the best technical specifications) goods, services.

For the purpose of refining of compliance of potential suppliers to general qualification requirements regarding their non-participation in insolvency proceeding or liquidation the competitive commission considers information placed on the Internet resource of authorized body, exercising control of carrying out insolvency proceedings or liquidation.

86. In case of de novo review of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation, it is not allowed to reject the competitive commission (not to recognize as participants of tender) potential suppliers:

the potential suppliers who have not entered into the list, not conforming qualifying the requirement and to the requirements of competitive documentation containing in the protocol of the preliminary admission to participation in tender;

not provided documents, by means of the web portal for reduction of the request in compliance with qualifying and requirements of the competitive documentation, documents of the protocol of the preliminary admission not containing in the list to participation in tender.

87. By results of de novo review of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation, the protocol on the admission to participation in tender within five calendar days from the date of final term of repeated representation by potential suppliers of applications for participation in the tender, brought into accord with qualification requirements and requirements of competitive documentation is drawn up.

88. The expert opinion on compliance of works or the expert opinion on determination of the best technical specification (the best technical specifications), special opinion of the member of the commission of experts are attached to the protocol on the admission to participation in tender in the form of the electronic copy of the document, in case of its availability.

89. The protocol on the admission to participation in tender is signed on the web portal by all members of the competitive commission and published by the secretary of the competitive commission in day of decision making about the admission to participation in tender, on the web portal, according to [appendices 6 and 7](#) to these rules, with the automatic e-mail notification of all potential suppliers who have submitted applications for participation in tender.

In case of disagreement with the decision of the competitive commission any member of the granted competitive commission has the right to special opinion which is applied to the protocol on the admission to participation in tender and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the competitive commission to the corresponding protocol on the admission to participation in tender by the secretary of the competitive commission on the web portal the document or information containing the absence reason of the signature is published.

90. The competitive commission recognizes the brought providing the application for participation in the tender, not conforming to requirements of competitive documentation, in cases:

1) insufficient effective period of providing the application for participation in the tender, provided in the form of the bank guarantee;

2) inadequate registration of providing the application for participation in tender which is expressed in lack of the data which are not allowing the competitive commission to establish:

the person which has issued providing the application for participation in tender;

the name of government procurements of the goods, works, the services performed by method of tender, for participation in which is brought providing the application for participation in tender in the form of the bank guarantee;

effective period of providing the application for participation in tender, conditions of its provision, provided in the form of the bank guarantee and (or) the amount of providing the application for participation in tender;

the person to whom providing the application for participation in tender is issued;

the person for benefit of whom providing the application for participation in tender is brought;

3) introduction of providing the application for participation in tender in the amount of less than one percent from the amount allocated for tender (prize).

Introduction of providing the application for participation in tender for the total amount allocated for tender, consisting of prizes is allowed, by provision of the request not on all prizes of tender.

91. The competitive commission in the protocol of the preliminary admission to participation in tender specifies the reason of recognition of the brought providing the application for participation in tender of competitive documentation not conforming to requirements.

The potential supplier in the terms established [by the Law](#), represents by means of the web portal brought into accord with requirements of competitive documentation providing the application for participation in tender.

In case of introduction of providing the application for participation in tender in the amount of less than one percent from the amount allocated for tender (prize), the potential supplier has the right for the purpose of reduction in compliance with requirements of competitive documentation of the amount of providing the application for participation in tender to bring collateral security of the application for participation in tender in one of [stipulated in Item 3 Articles 23-1](#) of the Law the type.

92. The potential supplier being the legal entity, is not allowed to participation in tender (it is recognized as the participant of tender), if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements by the following bases:

non-presentation of electronic copies of licenses or licenses in the form of the electronic document and (or) patents, certificates, certificates, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services;

non-presentation of the electronic copy of the statement from the register of the security holders signed and confirmed by the seal in accordance with the established procedure, issued not earlier than date of the announcement of tender;

non-presentation of the electronic copy of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 8](#) to the electronic form of competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and also foreign bank, non-presentation of such references from each of such banks), issued not earlier than date of the announcement of tender;

availability in the reference of bank or branch of bank with the signature and the seal of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of this reference;

non-presentation of the electronic copy of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than date of the announcement of tender;

availability in the certificate of the relevant tax authority of data of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments in the amount of one tenge and more (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan);

non-presentation of data on qualification according to [appendices 4, 5 and 6](#) to the electronic form of competitive documentation;

discrepancy of the potential supplier to special qualification requirements regarding possession material, financial and the manpower, sufficient for obligation fulfillment under the agreement on the government procurements, specified in competitive documentation. Thus material and the manpower necessary for the customer for obligation fulfillment on the agreement on government procurements, can be specified in the technical specification being the integral part of competitive documentation. The possession financial resources the potential supplier proves to be true the reference of bank (banks), tax authority;

established fact of representation of unreliable information on qualification requirements;

is subject to insolvency proceeding or liquidation;

2) if its application for participation in tender is determined competitive documentation not conforming to requirements on the following bases:

non-presentation of the technical specification, except for the case when competitive documentation instead of the technical specification contains the design estimates approved in accordance with the established procedure;

non-presentation of data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender, and also work types and the services, the transferred potential supplier to subcontractors (collaborators), according to [appendix 8](#) to the electronic form of competitive documentation (in case of attraction by the potential supplier of subcontractors (collaborators));

transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services in case of idea of data of subcontractors;

non-presentation of providing the application for participation in tender according to requirements of competitive documentation and these rules;

3) broke requirements [of Article 6](#) of the Law. On the restrictions connected with participation in government procurements, provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law, the application for participation in tender of the potential supplier is subject to the automatic variation the web portal. On the restrictions connected with participation in government procurements, provided [by subparagraphs 5\), 5-1\), 6\)](#) and [7\) Item 1 of Article 6](#) of the Law, the competitive commission considers information on Internet resources of the relevant authorized bodies.

93. The potential supplier being physical person, performing business activity, is not allowed to participation in tender (it is recognized as the participant of tender), if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements by the following bases:

non-presentation of electronic copies of licenses or licenses in the form of the electronic document and (or) patents, certificates, certificates, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services;

non-presentation of the electronic copy of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 8](#) to the electronic form of competitive documentation (if the potential supplier is the client of several banks of the second level or branches, and also foreign bank, non-presentation of such references from each of such banks), issued not earlier than date of the announcement of tender;

availability in the reference of bank or branch of bank with the signature and the seal of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of this reference;

non-presentation of the electronic copy of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than date of the announcement of tender;

availability in the certificate of the relevant tax authority of data of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments in the amount of one tenge and more (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan);

non-presentation of data on qualification according to [appendices 4, 5 and 6](#) to the electronic form of competitive documentation;

discrepancy of the potential supplier to special qualification requirements, regarding possession material, financial and the manpower, sufficient for obligation fulfillment under the agreement on the government procurements, specified in competitive documentation. Thus material and the manpower necessary for the customer for obligation fulfillment on the agreement on government procurements, can be specified in the

technical specification being the integral part of competitive documentation. The possession financial resources the potential supplier proves to be true the reference of bank (banks), tax authority;

established fact of representation of unreliable information on qualification requirements;

is subject to insolvency proceeding or liquidation;

2) its application for participation in tender is determined competitive documentation not conforming to requirements on the following bases:

non-presentation of the technical specification, except for the case when competitive documentation instead of the technical specification contains the design estimates approved in accordance with the established procedure;

non-presentation of data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at tender, and also work types and the services, the transferred potential supplier to subcontractors (collaborators), according to [appendix 8](#) to the electronic form of competitive documentation (in case of attraction by the potential supplier of subcontractors (collaborators));

transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services in case of idea of data of subcontractors;

non-presentation of providing the application for participation in tender according to requirements of competitive documentation and these rules;

3) broke requirements [of Article 6](#) of the Law. On the restrictions connected with participation in government procurements, provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law the application for participation in tender of the potential supplier is subject to the automatic variation the web portal. On the restrictions connected with participation in government procurements, provided [by subparagraphs 5\), 5-1\), 6\)](#) and [7\) Item 1 of Article 6](#) of the Law, the competitive commission considers information on Internet resources of the relevant authorized bodies.

94. The commission of experts or the expert in the terms established by the chairman of the competitive commission, but no later than term of consideration of applications for participation in tender:

1) in case of government procurements of works considers and studies within the competence about completeness of the documents provided by potential suppliers for confirmation of conformity of works offered by them to requirements of competitive documentation;

2) draws up, signs and represents the expert opinion on compliance or discrepancy of works of the technical specification being the integral part of competitive documentation offered by potential suppliers, to the secretary of the competitive commission;

3) in case of government procurements of the goods, services considers and studies within the competence about completeness of the documents provided by potential suppliers for determination of the best technical specification (the best technical specifications);

4) draws up, signs and represents the expert opinion on determination of the best technical specification (the best technical specifications) to the secretary of the competitive commission.

95. The expert opinion is signed and polistno is initialed by all experts, except as specified, when the expert expresses special opinion.

96. After receipt of the expert opinion the secretary of the competitive commission publishes the expert opinion on the web portal and dispatches notifications to all members of the competitive commission by means of the web portal. The competitive commission considers applications for participation in tender taking into account the expert opinion.

97. The competitive commission when forming the protocol of the admission to participation in tender determines conditional discounts according to the criteria provided in competitive documentation according to [Item 4 of Article 17](#) of the Law, with reference to each potential supplier who has provided the application for participation in tender, except as specified, when on participation in tender one request is provided.

98. In case of carrying out government procurements of works the competitive commission in case of the assessment and comparison of all provided applications for participation in tender considers the criteria provided in competitive documentation, according to [Item 4 of Article 17](#) of the Law and applies them in the equal size to all applications for participation in tender, except as specified, when on participation in tender one request is provided.

The competitive commission for calculation of the conditional price estimates and compares all provided applications for participation in electronic tender by criteria, [stipulated in Item 4 Articles 17](#) of the Law, and calculates relative value of each of such criteria by the design procedure of the conditional price determined by

the organizer of government procurements (the single organizer of government procurements) in competitive documentation.

In case of non-presentation by the potential supplier of the documents confirming these criteria, the competitive commission does not apply the corresponding conditional discount to such potential supplier. The conditions offered by the potential supplier for application of conditional discounts, join in the agreement on government procurements.

99. Discrepancy of the technical specification for works of the potential supplier of the technical specification for the works, specified in competitive documentation if the best technological decisions and (or) performance of works from the best materials are offered more is allowed.

100. By consideration of the question of availability of the work experience of the potential supplier participating in tender on government procurements of works, the competitive commission considers the work experience only in the market of the performance of works, acquired at this tender.

101. The certified quality management system of performance of works proves to be true the potential supplier the document issued according to requirements of national standards.

102. The certified system of management of management of environment in case of performance of works proves to be true the potential supplier the document issued according to requirements of national standards and (or) according to standards of the ecological net production based on the legislation of the Republic of Kazakhstan about technical regulation on bought works.

103. The criterion for availability of local content is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements of works, performed by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

104. The criterion for availability of the status of the domestic supplier of works is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements, performed by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

105. The criterion - the potential supplier of works - the resident of the states of Agreement parties is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements, performed by state bodies, public institutions, under condition of participation in such tender of the foreign potential suppliers who are not residents of the states of Agreement parties.

106. The criterion - the potential supplier of works being the state company of correctional facilities, is applied to the competitive application for participation in tender of the potential supplier who is determined by the Government of the Republic of Kazakhstan and taking part in government procurements of works, established by the Government of the Republic of Kazakhstan.

107. In case of carrying out government procurements of the goods, services the competitive commission in case of the assessment and comparison of all provided applications for participation in tender considers the criteria stipulated in competitive documentation according to [Item 4 of Article 17](#) of the Law, and applies them in the equal size to all applications for participation in tender, except as specified, when on participation in tender one request is provided.

The competitive commission for calculation of the conditional price estimates and compares all provided applications for participation in electronic tender by criteria, [stipulated in Item 4 Articles 17](#) of the Law, and calculates relative value of each of such criteria by the design procedure of the conditional price determined by the organizer of government procurements (the single organizer of government procurements).

In case of non-presentation by the potential supplier of the documents confirming these criteria, the competitive commission does not apply the corresponding conditional discount to such potential supplier. The conditions offered by the potential supplier for application of conditional discounts, join in the agreement on government procurements.

108. By consideration of the question of availability of experiment on delivery of the goods, rendering of services of the potential supplier participating in tender on government procurements of the goods, services, the competitive commission considers the work experience only in the market of delivery of the goods, rendering of the services acquired at this tender.

109. Availability of the document confirming carrying out voluntary certification, the offered goods according to the legislation of the Republic of Kazakhstan on technical regulation influences the competitive price proposal of the participant of tender.

110. The certified quality management system of production of the goods, accomplishment of services proves to be true the potential supplier the document issued according to requirements of national standards.

111. The certified system of management of environment in case of production of the goods, rendering of services proves to be true the potential supplier the document issued according to requirements of national standards and (or) according to standards of the ecological net production based on the legislation of the Republic of Kazakhstan about technical regulation on bought works.

112. The criterion for availability of local content is applied to the competitive request of the potential supplier who is taking part in government procurements of the goods, the services performed by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

113. The criterion for availability of the status of the domestic service provider is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements, performed by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

114. The criterion for availability of the status of the domestic producer is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements, performed by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state.

115. The criterion - the potential supplier of the goods, services - the resident of the states of Agreement parties is applied to the competitive application for participation in tender of the potential supplier who is taking part in government procurements, performed by state bodies, public institutions, under condition of participation in such tender of the foreign potential suppliers who are not residents of the states of Agreement parties.

116. The criterion - the potential supplier of the goods, the services, being the state company of correctional facilities, is applied to the competitive application for participation in tender of the potential supplier who is determined by the Government of the Republic of Kazakhstan and taking part in government procurements of works, established by the Government of the Republic of Kazakhstan.

117. In case of carrying out government procurements of the goods the commission of experts or the expert determine the best technical specification (the best technical specifications) based on the assessment of functional, technical, quality and operational characteristics.

In case of carrying out government procurements of services the commission of experts or the expert determine the best technical specification (the best technical specifications) based on the assessment of technical and quality characteristics.

118. The commission of experts or the expert in case of determination of the best technical specification (the best technical specifications) estimate functional characteristics of the goods about achievement of the limit or the excess of possibilities of the offered goods specified in the technical specification, provided by potential suppliers in the application for participation in tender, in the ratio with the description of the functional characteristics specified in the technical specification of competitive documentation. If functional characteristics of the goods in the technical specification offered by potential suppliers in the application for participation in tender, reach limits or exceed limits of possibilities of the goods established in the technical specification of competitive documentation, the commission of experts or the expert establish one percent for each possibility. Thus general total expression shall not exceed five percent.

119. The commission of experts or the expert in case of determination of the best technical specification (the best technical specifications) estimate technical characteristics of the goods, services about achievement or excess of parameters of the goods, the services specified in the technical specification, provided by potential suppliers in the application for participation in tender in the ratio with the specified parameters in the technical specification of competitive documentation. If technical characteristics of the goods, services in the technical specification offered by potential suppliers in the application for participation in tender, reach parameters or exceed parameters of the goods, the services established in the technical specification of competitive documentation, the commission of experts or the expert establish one percent for each reached or exceeded parameter. Thus general total expression shall not exceed five percent.

120. The commission of experts or the expert in case of determination of the best technical specification (the best technical specifications) estimate quality characteristics of the goods, services about compliance of set of characteristics to requirements and purpose of the goods, services. If quality characteristics of the goods, services in the technical specification offered by potential suppliers in the application for participation in tender, correspond or exceed requirements and purpose of the goods, service which are established in the technical specification of competitive documentation, the commission of experts or the expert establish five percent for this characteristic.

121. The commission of experts or the expert in case of determination of the best technical specification (the best technical specifications) estimate operational characteristics of the goods about compliance or excess

to conditions of transportation, storage, maintenance and the repair of the goods specified in the technical specification, provided by potential suppliers in the application for participation in tender in the ratio with the specified conditions in the technical specification of competitive documentation. If conditions of transportation, storage, maintenance and repair of the goods in the technical specification offered by potential suppliers in the application for participation in tender, are reached or exceeded the conditions established in the technical specification of competitive documentation, the commission of experts or the expert establish one percent for each reached or exceeded condition. Thus general total expression shall not exceed five percent.

122. The application for participation in tender is recognized to meeting the requirements competitive documentation if at it there are grammatical or arithmetic mistakes which can be corrected, without mentioning the being of the provided application for participation in tender.

123. The potential supplier applying for participation in tender, cannot be allowed to participation in tender (it is recognized as the participant of tender) on the bases, [stipulated in Item the 7th Articles 25](#) and [Item 7 of Article 25-1](#) of the Law.

124. Consideration of competitive requests of potential suppliers on compliance of works offered by them to requirements of competitive documentation in case of carrying out government procurements of works and in case of government procurements of the goods, services for determination of the best technical specification (the best technical specifications) is performed by the competitive commission if the organizations and carrying out government procurements by the single organizer according to [Article 7-1](#) of the Law are not determined the commission of experts or the expert, except as specified.

Assessment and comparison of competitive price offers

125. The potential supplier allowed to participation in tender (the participant of tender), on works no later than three working days from the moment of publication of the protocol on the admission to participation in tender provides on the web portal the competitive price offer according to [appendix 10](#) to the electronic form of competitive documentation.

126. The potential supplier allowed to participation in tender (the participant of tender), on the goods, services no later than three working days from the moment of publication of the protocol on the admission to participation in tender provides on the web portal the competitive price offer on the best technical specification according to appendix 10 to the electronic form of competitive documentation.

If some best technical specifications, the potential supplier allowed to participation in tender (the participant of tender) are determined by the goods, services, provides on the web portal the competitive price offer on one of such technical specifications according to appendix 10 to the electronic form of competitive documentation.

127. If the best technical specification (the best technical specifications) goods, services is not determined, the potential suppliers allowed to participation in tender (recognized as participants of tender), represent the competitive price offer to the technical specification being the integral part of competitive documentation.

128. The potential supplier allowed to participation in tender (recognized as the participant of tender) which technical specification is not determined by the best, according to [Article 25-1](#) of the Law has the right not to represent the competitive price offer, except for the case, [stipulated in Item 127](#) these rules.

129. The competitive price offer is deemed accepted after sending by the web portal of the adequate notice to the potential supplier who has submitted the competitive price offer.

130. Data on the competitive price offers provided by potential suppliers automatically are registered on the web portal.

131. The competitive price proposal of the potential supplier is subject to the automatic variation the web portal in the following cases:

- 1) the price of the competitive price offer is dumping;
- 2) the competitive price offer exceeds the amount allocated for acquisition of these goods, works, services;
- 3) the participant of tender earlier provides the price offer on this tender;
- 4) the competitive price offer arrived after the term established [by Items 125 and 126](#) of these rules.

132. In established by the protocol on the admission to participation in tender day and time are made by the web portal the automatic assessment and comparison of competitive price proposals of participants of tender:

the dumping price determined according to these rules is calculated, and the competitive price proposal of the participant of the tender, being dumping is rejected;

if after the variation of competitive price offers with dumping prices in tender participate two and more competitive price proposals of participants of tender, the conditional prices of participants of tender by means of application to them the conditional discounts specified in the protocol on the admission to participation in tender are determined;

the conditional prices of participants of tender are compared, the winner of tender on the basis of the smallest conditional price is determined;

in case of equality of the conditional prices of competitive price offers the winner the potential supplier having the bigger work experience in the market of the bought goods, works, the services being the subject of tender is recognized. In case of equality of the work experience of several potential suppliers having the equal conditional prices, the winner the potential supplier is recognized, the competitive which price offer arrived earlier competitive price proposals of other potential suppliers.

133. The protocol on results of tender is automatically created and published by the web portal in the form, according to [appendix 8](#) to these rules, with the automatic e-mail notification of all members of the competitive commission and all potential suppliers automatically registered on the web portal.

Procedure for determination of dumping price of the application for participation in tender

134. The price of the application for participation in tender of the potential supplier for works is recognized dumping if it is lower than the price specified in the feasibility statement (for production of design estimates) and the design estimates passed state examination according to the legislation of the Republic of Kazakhstan about architectural, town-planning and construction activities and approved in accordance with the established procedure, or the departmental examination which has been carried out according to the legislation of the Republic of Kazakhstan about highways, and approved in accordance with the established procedure, more than for five percent.

The price of the application for participation in tender of the potential supplier for works on development of the feasibility statement and development project and estimate (standard project and estimate) documentation is recognized dumping if it is lower than the price calculated by the customer according to the state standard rates, approved by authorized body in the sphere of architecture, town planning and construction according to the legislation of the Republic of Kazakhstan on architectural, town-planning and construction activities, more than for five percent.

135. The price of the application for participation in tender of the potential supplier for consulting services is recognized dumping if it is lower more, than for seventy percent from the arithmetic-mean price not than rejected competitive price proposals of participants of tender.

Bases of recognition of tender by the cancelled

136. Tender is recognized cancelled the following cases:

- 1) absence of the provided applications for participation in tender;
- 2) provisions less than two applications for participation in tender;
- 3) any potential supplier is not allowed to participation in tender;
- 4) one potential supplier is allowed to participation in tender;
- 5) absence of the provided competitive price proposals of participants of tender;
- 6) submissions less than two competitive price proposals of participants of tender;
- 7) after the variation of competitive price proposals of participants of tender in cases, [stipulated in Item 1 Articles 26-1](#) of the Law, less than two competitive price proposals of participants of tender are subject to the assessment and comparison;
- 8) the winner of tender evaded from the conclusion of the agreement on government procurements.

3. The organization and carrying out electronic government procurements of the goods, works, the services performed by method of request of price offers

The notice on carrying out electronic government procurements of the goods, works, the services performed by method of request of price offers

137. The organizer no later than five working days before the termination of term of submission of price offers, publishes on the web portal of data on carried-out government procurements by method of request of price offers, and also the draft agreement about government procurements.

Representation by potential suppliers of price offers

138. Each potential supplier submits only one price offer which is the form of expression of its consent to perform delivery of the goods, performance of works, rendering of services with observance of the essential conditions provided in the draft agreement about government procurements.

139. The price proposal of the potential supplier joins all expenses connected with delivery of the goods, performance of works, rendering of services.

140. The price offer is represented the potential supplier with use of the web portal to the organizer before the termination of term of acceptance of price offers specified by the organizer in the announcement.

141. The price offer is deemed accepted after automatic sending by the web portal of the adequate notice to the potential supplier who has submitted the price offer.

142. Potential suppliers before the expiration of submission of price offers if necessary withdraw and make changes to the submitted price offers.

143. The price proposal of the potential supplier is subject to the automatic variation the web portal in the following cases:

- 1) if it exceeds the amount allocated for acquisition of these goods, works, services;
- 2) if the potential supplier earlier provides the price offer on this prize;
- 3) provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law.

144. If during term of submission of price offers less than two price proposals of potential suppliers are provided, such government procurements automatically the web portal are recognized cancelled and the organizer performs repeated government procurements by method of request of price offers.

Comparison of price offers and summarizing of electronic government procurements by method of request of price offers

145. After term of submission of price offers the web portal makes automatic opening and summarizing of government procurements by method of request of price offers.

146. The winner of government procurements by method of request of price offers the potential supplier who has offered the smallest price offer is recognized.

147. If the smallest price offer is provided by several potential suppliers, the winner the potential supplier which price offer arrived earlier price proposals of other potential suppliers is recognized. Comparison of price offers is made by the web portal automatically.

148. If after the automatic variation the web portal of price offers on the bases, [stipulated in Item 143](#) these rules, there were less than two price proposals of potential suppliers, such government procurements are recognized cancelled and the organizer performs repeated government procurements by method of request of price offers.

149. Results of government procurements by method of request of price offers are published by the web portal automatically after their leading.

150. The published results of government procurements of the goods, works, services by method of request of price offers contain data on the winner of the government procurements which have been carried out by method of request of price offers, and also on the potential supplier who has offered the price, same, as well as the winner, or about the potential supplier which price offer is the smallest after the price offered by the winner.

4. Carrying out electronic government procurements by method from one source

151. The organization and carrying out electronic government procurements by method from one source provide accomplishment of the following consecutive actions on the web portal:

1) decision making by the customer about carrying out electronic government procurements by method from one source with reasons for application of this method of government procurements;

2) determination by the customer of the organizer for the organization and carrying out electronic government procurements by method from one source;

3) when implementing government procurements by method from one source in the cases provided [by subparagraphs 1\) and 3\) of Article 32](#) of the Law, development by the organizer of the technical specification of the acquired goods, works, services with determination of conditions, the place and delivery dates of the goods, performance of works, rendering of services, conditions and payment due dates;

4) the direction the organizer to the potential supplier by means of the web portal of the invitation about participation in electronic government procurements by method from one source containing data, [stipulated in Item 1 Articles 33](#) of the Law;

5) consideration by the organizer by means of the web portal of the documents provided by the potential supplier confirming compliance of the potential supplier to qualification requirements, except as specified, when electronic government procurements with method from one source [Articles 32](#) of the Law, reasons for

the price offered by it on participation in electronic government procurements by method from one source are performed based on [subparagraph 4](#));

6) the publication on the web portal of the protocol on results of electronic government procurements by method from one source.

152. When implementing electronic government procurements by method from one source in the cases provided [by subparagraphs 2\) and 5\) of Article 32](#) of the Law, development by the organizer and approval by the customer of the technical specification of the acquired goods, works, services are not required. In that case, the technical specification of the acquired goods, works, services, and also conditions, the place and delivery date of the goods, performance of works, rendering of services and the conditions of their payment provided electronically to competitive or auction documentation of tender or auction, recognized as the cancelled are applied.

153. The organizer within three working days from the date of decision making of the customer about implementation of electronic government procurements by method from one source by means of the web portal sends to the potential supplier registered on the web portal, the invitation about participation in electronic government procurements by method from one source, and also places the invitation in the form of the electronic document on the web portal according to [appendix 14](#) to these rules.

The list of electronic government procurements (prizes) from one source is drawn up by method on the web portal according to [appendix 16](#) to these rules.

In case of carrying out electronic government procurements by method from one source in the cases provided [by subparagraphs 2\) and 5\) of Article 32](#) of the Law, the data containing in the invitation, [stipulated in Item 1 Articles 33](#) of the Law, shall correspond to conditions of the electronic form of competitive or auction documentation of tender or the auction recognized as the cancelled. Thus, excess of delivery dates of the goods, performance of works, rendering of services to the terms provided electronically to competitive or auction documentation of tender or auction, recognized cancelled, but is allowed no more than fifteen calendar days.

154. In cases of absence of the provided applications for participation in tender and the provided applications for participation in auction the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier determined by the customer.

Under the organization and carrying out government procurements by the single organizer the customer in cases of absence of the provided applications for participation in tender and the provided applications for participation in auction determines the potential supplier and sends it the invitation about participation in electronic government procurements by method from one source.

155. In the cases provided [by subparagraph 2\) of Item 4 of Article 16](#) of the Law and [subparagraph 1\) of Item 1 of Article 35-9](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier who has taken part in tender or auction.

Under the organization and carrying out government procurements by the single organizer the customer in the cases provided [by subparagraph 2\) of Item 4 of Article 16](#) of the Law and [subparagraph 1\) of Item 1 of Article 35-9](#) of the Law, sends the invitation about participation in electronic government procurements by method from one source to the potential supplier who has taken part in tender or auction.

156. In the case provided [by subparagraph 3\) of Item 4 of Article 16](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier having the greatest conditional discount according to the protocol on the admission to participation in tender except for the person, the broken requirement [of Article 6](#) of the Law.

Under the organization and carrying out government procurements by the single organizer the customer in the cases provided [by subparagraph 3\) of Item 4 of Article 16](#) of the Law, sends the invitation about participation in electronic government procurements by method from one source to the potential supplier having the greatest conditional discount according to the protocol on the admission to participation in tender except for the person, the broken requirement of Article 6 of the Law.

157. In the cases provided [by subparagraph 4\) of Item 4 of Article 16](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier allowed to participation in tender.

Under the organization and carrying out government procurements by the single organizer the customer in the cases provided [by subparagraph 4\) of Item 4 of Article 16](#) of the Law, sends the invitation about participation in electronic government procurements by method from one source to the potential supplier allowed to participation in tender.

158. In the cases provided [by subparagraph 6\) of Item 4 of Article 16](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the participant of tender, the competitive which price offer was the only thing.

Under the organization and carrying out government procurements by the single organizer the customer in the cases provided by subparagraph 6) of Item 4 of Article 16 of the Law, sends the invitation about participation in electronic government procurements by method from one source to the participant of tender, the competitive which price offer was the only thing.

159. In the cases provided [by subparagraph 7\) of Item 4 of Article 16](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the participant of tender, the competitive which price offer is the only thing not rejected.

Under the organization and carrying out government procurements by the single organizer the customer in the cases provided by subparagraph 7) of Item 4 of Article 16 of the Law, sends the invitation about participation in electronic government procurements by method from one source to the participant of tender, the competitive which price offer is the only thing not rejected.

160. In cases, [stipulated in Item 10th Articles 35-6](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier recognized as the participant of auction.

Under the organization and carrying out government procurements by the single organizer the customer in cases, stipulated in Item 10th Articles 35-6 of the Law, sends the invitation about participation in electronic government procurements by method from one source to the potential supplier recognized as the participant of auction.

161. In cases, [stipulated in Item 9th Articles 35-7](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier determined by the customer from among potential suppliers, recognized as participants of auction.

Under the organization and carrying out government procurements by the single organizer the customer in cases, stipulated in Item 9th Articles 35-7 of the Law, determines the potential supplier from among the potential suppliers recognized as participants of auction, and sends it the invitation about participation in electronic government procurements by method from one source.

162. In cases, [stipulated in Item 6th Articles 35-8](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier, the offer on which price is the smallest, submitted at auction.

Under the organization and carrying out government procurements by the single organizer the customer in cases, stipulated in Item 6th Articles 35-8 of the Law, sends the invitation about participation in electronic government procurements by method from one source to the potential supplier, the offer on which price is the smallest, submitted at auction.

163. In the cases provided [by subparagraph 4\) of Article 32](#) of the Law, the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier determined by the customer if any potential supplier did not take part in government procurements by method of request of price offers.

In case of acceptance of participation in government procurements by method of request of price offers less than two potential suppliers the organizer sends the invitation about participation in electronic government procurements by method from one source to the potential supplier who has taken part in government procurements by method of request of price offers.

164. The potential supplier to whom the invitation is sent, in time, established by the organizer, and in cases of the organization and carrying out government procurements by method of tender or auction by the single organizer, the customer, having the right to accept the offer on delivery of the goods, performance of works, rendering of services or to refuse by means of the web portal.

165. In cases of adoption of the offer on delivery of the goods, performance of works, rendering of services, the potential supplier represents to the organizer required information by means of the direction of the electronic document on the web portal.

The potential supplier accepts the contribution agreement in electronic government procurements by method from one source according to [appendix 15](#) to these rules.

Thus the price proposal of the potential supplier on electronic government procurements by method from one source is drawn up by the potential supplier according to [appendix 17](#) to these rules.

166. Discrepancy of the technical specification of the potential supplier of the technical specification offered by the organizer if the goods are offered, works and services with more best functional and other

characteristics, and also when the best technological decisions and (or) performance of works from the best materials are offered more is allowed.

167. The organizer within three working days from the date of representation by the potential supplier of required information creates and places on the web portal the protocol on results of electronic government procurements by method from one source according to [appendix 18](#) to these rules.

To the protocol on results of electronic government procurements the method from one source attaches the expert opinion, special opinion of the expert (the member of the commission of experts) in case of their availability.

168. Electronic government procurements by method from one source are recognized not taken place in cases:

1) if the potential supplier does not conform to qualification requirements, except as specified, when electronic government procurements by method from one source are performed based on [subparagraph 4\) Articles 32](#) of the Law;

2) if the potential supplier refused participation in electronic government procurements by method from one source.

If electronic government procurements by method from one source are acknowledged not taken place based on this Item of Rules, government procurements are performed by the methods provided by the Law.

5. The procedure for carrying out electronic government procurements of the goods, works, the services performed by method of auction

The organization and carrying out electronic government procurements of the goods, works, services, the organizer or the customer acting with it in one person, performed by method of auction

169. The organization and carrying out electronic government procurements of the goods, works, the services performed by method of auction, provide accomplishment of the following consecutive actions:

1) determination by the customer of the organizer, the authorized representative of the customer, except as specified, provided by subparagraphs 2) and 3) [Item of 3](#) these rules;

2) the direction as the customer by means of the web portal of the invitation to the organizer being the participant of the web portal, except as specified, when the customer and the organizer act in one person, and also provided by subparagraphs 2) and 3) Item of 3 these rules;

3) forming by the organizer of auction documentation, and also forming by the organizer and approval by the customer, if necessary, structure of the commission of experts or expert;

4) approval by the customer by means of the web portal of auction documentation;

5) forming by the organizer of structure of the auction commission and determination of the secretary of the auction commission from among users of the web portal;

6) the publication the organizer on the web portal of the announcement of carrying out auction;

7) obtaining by potential suppliers - participants of the web portal of auction documentation with automatic registration of the fact of its obtaining on the web portal;

8) the explanation the organizer by means of the web portal of provisions of auction documentation to the potential suppliers who have received it, in the cases provided [by Items 205 and 206](#) of these rules;

9) automatic registration on the web portal of the first and second parts of applications for participation in the auction, submitted in the form of the electronic document;

10) opening by means of the web portal without observance of confidentiality of providing the request containing in the first part of the request;

11) consideration by the auction commission of providing the request for determination of the potential suppliers, conforming to requirements of auction documentation, and in case of government procurements of works, services, recognition by their participants of auction;

12) opening by means of the web portal with observance of confidentiality of the technical specification of the goods containing in the first part of requests, except for government procurements of works, services;

13) consideration by means of the web portal the auction commission taking into account opinion of the commission of experts or the expert (in case of their availability) the technical specification of the goods for determination of the potential suppliers, conforming to requirements of auction documentation, and recognition by their participants of auction;

14) forming and the publication of the protocol on the admission to participation in auction on the web portal;

15) carrying out auction by means of the web portal;

16) consideration by means of the web portal with observance of confidentiality by the auction commission of the second part of applications for participation in auction;

17) determination by the auction commission by means of the web portal of the list of the potential suppliers, not conforming to qualification requirements, with indication of the reasons of their discrepancy and information on missing documents or data for reduction by potential suppliers of applications for participation in auction according to the qualification requirements established by auction documentation. The publication of results of this determination is performed on the web portal in the corresponding protocol of consideration of the second part of applications for participation in auction;

18) automatic registration on the web portal, the applications for participation provided by potential suppliers in the auction, submitted in the form of the electronic document according to the qualification requirements established by auction documentation;

19) determination by the auction commission of the winner of auction and applicants for the conclusion of the agreement on government procurements;

20) forming and the publication on the web portal of the protocol of results;

21) the conclusion between the customer and the winner of auction of the agreement on government procurements.

Auction is carried out on one prize, thus the subject of auction are the goods, work, the service which annual amount in value term exceeds the four-thousandfold size of the monthly settlement indicator established by the law on the republican budget for the corresponding financial year, according to the list approved by the Government of the Republic of Kazakhstan.

Specifying in the prize of several places of deliveries (accomplishment, rendering) the goods (work, service), in case of availability of several places of deliveries (accomplishment, rendering) the goods (work, service) is allowed.

The organization and carrying out electronic government procurements of the goods, works, the services by the single organizer performed by method of auction

170. The organization and carrying out electronic government procurements of the goods, works, services by method of auction is performed by the single organizer based on representation by the customer of the task containing the following documents:

1) the request of the customer for carrying out electronic government procurements of the goods, works, services by method of the auction, signed by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer;

2) approved by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer, the technical specification. In cases, stipulated by the legislation the Republic of Kazakhstan, the technical specification shall be approved with the relevant authorized body;

3) approved by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer, the decision on determination of structure of the commission of experts or the expert;

4) approved by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer, the draft agreement about the government procurements, being the integral part of competitive documentation.

171. The organization and carrying out by the single organizer of electronic government procurements of the goods, works, the services performed by method of auction, provide accomplishment of the following consecutive actions:

1) the direction the customer by means of the web portal of the invitation to the single organizer being the participant of the web portal;

2) forming by means of the web portal and approval by the single organizer of the auction documentation containing approved by the customer the technical specification, the draft agreement about government procurements, structure of the commission of experts or the expert;

3) forming by means of the web portal and approval by the single organizer of structure of the auction commission and determination of the secretary of the auction commission from among users of the web portal;

4) the publication the single organizer on the web portal of the announcement of carrying out auction;

5) obtaining by potential suppliers - participants of the web portal of auction documentation with automatic registration of the fact of its obtaining on the web portal;

6) the explanation the single organizer by means of the web portal of provisions of auction documentation to the potential suppliers who have received it, in the cases provided [by Items 207, 208, 209, 210 and 211](#) of these rules;

7) automatic registration on the web portal of the first and second parts of applications for participation in the auction, submitted in the form of the electronic document;

8) opening by means of the web portal without observance of confidentiality of providing the request containing in the first part of the request;

9) consideration by the auction commission of providing the request for determination of the potential suppliers, conforming to requirements of auction documentation, and in case of government procurements of works, services, recognition by their participants of auction;

10) opening by means of the web portal with observance of confidentiality of the technical specification of the goods containing in the first part of requests, except for government procurements of works, services;

11) consideration by the commission of experts or the expert of the technical specification of the goods for determination of the potential suppliers, conforming to requirements of auction documentation, and recognition by their participants of auction;

12) forming and the publication of the protocol on the admission to participation in auction;

13) carrying out auction by means of the web portal;

14) consideration by means of the web portal with observance of confidentiality by the auction commission of the second part of applications for participation in auction;

15) determination by the auction commission by means of the web portal of the list of the potential suppliers, not conforming to qualification requirements, and requirements of auction documentation with indication of the reasons of their discrepancy and information on missing documents or data for reduction by potential suppliers of applications for participation in auction according to the qualification requirements established by auction documentation. The publication of results of this determination is performed on the web portal in the corresponding protocol of consideration of the second part of applications for participation in auction;

16) automatic registration on the web portal, the applications for participation provided by potential suppliers in the auction, submitted in the form of the electronic document according to the qualification requirements established by auction documentation;

17) determination by the auction commission of the winner of auction and applicants for the conclusion of the agreement on government procurements;

18) forming and the publication on the web portal of the protocol of results;

20) the conclusion between the customer and the winner of auction of the agreement on government procurements.

Auction is carried out on one prize, thus the subject of auction are the goods, work, the service which annual amount in value term exceeds the four-thousandfold size of the monthly settlement indicator established by the law on the republican budget for the corresponding financial year, according to the list approved by the Government of the Republic of Kazakhstan.

Specifying in the prize of several places of deliveries (accomplishment, rendering) the goods (work, service), in case of availability of several places of deliveries (accomplishment, rendering) the goods (work, service) is allowed.

Forming by means of the web portal and approval of auction documentation in cases of the organization and carrying out electronic government procurements by method of auction by the organizer or the customer acting in one person

172. The organizer for determination of conditions and the procedure for carrying out auction creates in the state and Russian languages the electronic form of auction documentation on the web portal, according to [appendix 2](#) to these rules, and approves it with the customer, except as specified, when the customer and the organizer act in one person.

173. The auction documentation developed by the organizer, affirms the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer.

174. The auction documentation developed by the organizer, the determined single organizer of government procurements according to [subparagraph 2\) Item 5 of Article 7](#) of the Law, affirms the first heads of customers or persons, the acting as the first heads of customers.

175. The auction documentation developed by the organizer, the determined single organizer of government procurements according to [subparagraphs 3\), 4\)](#) and [5\) Item 5 of Article 7](#) of the Law, affirms the first heads either responsible secretaries or others performing powers of the responsible secretary the officials determined by the President of the Republic of Kazakhstan, customers or persons, the acting as the first heads of customers.

Forming by means of the web portal and approval of auction documentation in cases of the organization and carrying out electronic government procurements by method of auction by the single organizer

176. The single organizer for determination of conditions and the procedure for carrying out auction creates in the state and Russian languages the electronic form of auction documentation on the web portal according to [appendix 2](#) to these rules.

177. The auction documentation developed by the single organizer, affirms the first head or the person, the acting as the first head of the single organizer.

The auction documentation developed by the organizer, the determined single organizer of government procurements according to [subparagraph 2\) Item 5 of Article 7](#) of the Law, affirms according to [Item of 174](#) these rules.

178. Auction documentation developed and approved by the single organizer shall contain:

1) approved according to [subparagraph 2\) Item of 170](#) these rules the customer, and in cases, stipulated by the legislation the Republic of Kazakhstan, approved by the customer with the relevant authorized body the technical specification;

2) approved according to [subparagraph 3\) Item of 170](#) these rules the customer the commission of experts or the expert;

3) approved according to [subparagraph 4\) Item of 170](#) these rules the customer the draft agreement about the government procurements, being the integral part of competitive documentation.

Approval of structure of the auction commission, commission of experts or the expert in cases of the organization and carrying out electronic government procurements by method of auction by the organizer or the customer acting with it in one person

179. For accomplishment of procedures of carrying out auction the organizer on each auction separately creates the auction commission and determines the secretary of the auction commission.

The decision on creation of the auction commission and determination of the secretary of the auction commission is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the organizer or the person, the acting as the first head of the organizer.

If as the organizer the customer directly or on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, the decision on creation of the auction commission and determination of the secretary of the auction commission is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer.

When implementing government procurements of works the organizer and if as the organizer the customer directly, or on behalf of the structural division acts, the customer if necessary includes in structure of the auction commission of representatives of authorized body in the corresponding field of activity in coordination with it, from among his workers registered on the web portal.

For development of the specification and (or) the technical specification of the bought goods, works, services, the organizer and if as the organizer the customer directly, or on behalf of the structural division acts,

the customer in development of auction documentation if necessary creates the commission of experts or involves the expert.

180. Members of the auction commission are the chairman, the vice-chairman and other members of the auction commission. During absence of the chairman of its function the vice-chairman carries out. The total quantity of members of the auction commission shall constitute odd number and to be at least three people.

If as the organizer the customer directly acts, the chairman of the auction commission determines the official not below the deputy first head. If as the organizer the customer on behalf of the structural division responsible for accomplishment of procedures of the organization and carrying out government procurements acts, the chairman of the auction commission determines the official not below the head of this structural division of the customer.

In case of carrying out auction within the budget development programs providing implementation of budget investment projects, the chairman of the auction commission determines the first head of the customer.

In case of carrying out auction within budget to the development programs, budget investment projects providing sale by local executive body, the executive body financed from the local budget, the chairman of the auction commission it is determined any the corresponding administrative and territorial unit of the Republic of Kazakhstan.

181. Chairman of the auction commission:

- 1) directs activities of the auction commission;
- 2) performs other functions provided by these rules.

182. The auction commission is effective from the date of entry into force of the decision on its creation and stops the activities from the date of the conclusion of the agreement on government procurements of the goods, works, services.

183. The decision of the auction commission is accepted by vote with use of the web portal and is deemed accepted, if for it the majority of votes from total quantity of members of the auction commission is submitted. In case of the equality of votes, accepted it is considered the decision for which voted the chairman of the auction commission or, in case of its absence, the vice-chairman.

In case of disagreement with the decision of the auction commission any member of the granted auction commission has the right to special opinion which is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the auction commission in the corresponding protocols of the auction commission, the secretary of the auction commission on the web portal publishes the document or information containing the absence reason of the signature.

184. Organizational activities of the auction commission are provided with the secretary of the auction commission. The secretary of the auction commission is not the member of the auction commission and has no voting power in case of acceptance by the auction commission of decisions.

The secretary of the auction commission is determined from among officials of structural division of the organizer responsible for the organization and carrying out government procurements.

Secretary of the auction commission:

- 1) creates auction documentation on the web portal;
- 2) publishes the announcement of carrying out auction on the web portal, the protocol on the admission to participation in auction, the protocol of carrying out auction, the protocol of consideration of the second part of applications for participation in auction in case of its availability, the protocol on results of auction, and also other documents on the web portal, in case of their availability;
- 3) publishes on the web portal the conclusion of the commission of experts or the expert;
- 4) performs other functions provided by these rules.

185. In case of absence at the organizer of specialists of the corresponding profile for determination of the compliance, the goods offered by potential suppliers, to requirements of auction documentation, the organizer if necessary involves as experts of government employees on the non-paid basis, and other experts, both on paid, and on the non-paid basis according to the arrangement of the parties.

The compulsory provision for involvement of this or that person as the expert is compliance of the profile of its activities to the subject of government procurements.

The choice of the expert on the paid basis is performed by the organizer according to [the Law](#).

Experts have not the right to vote in case of acceptance by the auction commission of the decision.

186. In case of involvement of several experts the organizer creates the commission of experts from among the involved experts and determines among them the chairman of the commission of experts.

Members of the commission of experts are, including the chairman, the vice-chairman of the commission of experts. During absence of the chairman of its function the vice-chairman carries out. The total quantity of members of the commission of experts shall constitute odd number and to be at least three people.

187. The decision on creation of the commission of experts is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the organizer or the customer acting with it in one person, or the person, the acting as the first head of the organizer or the customer acting with it in one person.

188. The commission of experts or the expert draw the expert opinion about compliance of the goods offered by potential suppliers to requirements of auction documentation.

The conclusion of the commission of experts or the expert is surely considered by the auction commission only if it is constituted within the requirements provided by auction documentation. The expert opinion is signed by members of the commission of experts or the expert and applied to the protocol on the admission to participation in auction on the web portal in the form of the electronic copy of the document certified by the digital signature of the secretary of the auction commission.

In case of disagreement with the conclusion of the commission of experts, any member of the granted commission of experts has the right to special opinion which is applied to the conclusion of the commission of experts and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the commission of experts, to the corresponding expert opinion the secretary of the auction commission on the web portal publishes the document or information containing the absence reason of the signature.

189. Prior to the beginning of carrying out auction members of the auction commission, the secretary of the auction commission, and also the commission of experts or the expert familiarize with approved auction documentation and appendices to it.

Approval of structure of the auction commission, commission of experts or the expert in cases of the organization and carrying out electronic government procurements by method of auction by the single organizer

190. For accomplishment of procedures of carrying out auction the single organizer on each auction separately creates the auction commission and determines the secretary of the auction commission.

The decision on creation of the auction commission and determination of the secretary of the auction commission is accepted by the first head or the person, the acting as the first head of the single organizer.

191. Members of the auction commission are the chairman, the vice-chairman and other members of the auction commission. The total quantity of members of the auction commission shall constitute odd number and to be at least five people.

Under the organization and carrying out auction by the single organizer determined according to [subparagraph 1\) of Item 5 of Article 7](#) of the Law, the chairman of the auction commission determines the first head of the customer.

Under the organization and carrying out auction by the single organizer determined according to [subparagraph 2\) of Item 5 of Article 7](#) of the Law, by the chairman of the auction commission it is determined the corresponding area, the city of republican value and the capital.

The customer has the right to offer the employees in structure of the auction commission.

192. Chairman of the auction commission:

- 1) directs activities of the auction commission;
- 2) performs other functions provided by these rules.

193. The auction commission is effective from the date of entry into force of the decision on its creation and stops the activities from the date of the conclusion of the agreement on government procurements of the goods, works, services.

194. The decision of the auction commission is accepted by vote with use of the web portal and is deemed accepted, if for it the majority of votes from total quantity of members of the auction commission is submitted. In case of the equality of votes, accepted it is considered the decision for which the chairman of the auction commission or, in case of its absence, the vice-chairman voted.

In case of disagreement with the decision of the auction commission any member of the granted auction commission has the right to special opinion which is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the auction commission in the corresponding protocols of the auction commission the secretary of the auction commission on the web portal publishes the document or information containing the absence reason of the signature.

195. Organizational activities of the auction commission are provided with the secretary of the auction commission. The secretary of the auction commission is not the member of the auction commission and has no voting power in case of acceptance by the auction commission of decisions.

The secretary of the auction commission is determined from among officials of structural division of the organizer responsible for the organization and carrying out government procurements.

Secretary of the auction commission:

1) creates auction documentation on the web portal;

2) publishes the announcement of carrying out auction on the web portal,

the protocol on the admission to participation in auction, the protocol of carrying out auction, the protocol of consideration of the second part of applications for participation in auction in case of its availability, the protocol on results of auction, and also other documents on the web portal, in case of their availability;

3) publishes on the web portal the conclusion of the commission of experts or the expert;

4) performs other functions provided by these rules.

196. In case of absence at the customer of specialists of the corresponding profile for determination of the compliance, the goods offered by potential suppliers, to requirements of auction documentation, the customer if necessary involves as experts of government employees on the non-paid basis, and other experts, both on paid, and on the non-paid basis according to the arrangement of the parties.

The compulsory provision for involvement of this or that person as the expert is compliance of the profile of its activities to the subject of government procurements.

The choice of the expert on the paid basis is performed by the organizer according to [the Law](#).

Experts have not the right to vote in case of acceptance by the auction commission of the decision.

197. In case of involvement of several experts, the customer creates the commission of experts from among the involved experts and determines among them the chairman of the commission of experts.

Members of the commission of experts are the chairman, the vice-chairman and other members of the commission of experts. During absence of the chairman of its function the vice-chairman carries out. The total quantity of members of the commission of experts shall constitute odd number and to be at least three people.

198. The decision on creation of the commission of experts is accepted by the first head either the responsible secretary or other performing powers of the responsible secretary the official determined by the President of the Republic of Kazakhstan, the customer or the person, the acting as the first head of the customer.

199. The commission of experts or the expert draw the expert opinion about compliance of the goods offered by potential suppliers to requirements of auction documentation.

The conclusion of the commission of experts or the expert is surely considered by the auction commission only if it is constituted within the requirements provided by auction documentation. The expert opinion is signed by members of the commission of experts or the expert and applied to the protocol on the admission to participation in auction on the web portal in the form of the electronic copy of the document certified by the digital signature of the secretary of the auction commission.

In case of disagreement with the conclusion of the commission of experts, any member of the granted commission of experts has the right to special opinion which is applied to the conclusion of the commission of experts and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the commission of experts to the corresponding expert opinion, the secretary of the auction commission on the web portal publishes the document or information containing the absence reason of the signature.

200. Prior to the beginning of carrying out auction members of the auction commission, the secretary of the auction commission, and also the commission of experts or the expert familiarize with approved auction documentation and appendices to it.

Notice on carrying out auction

201. The organizer, the single organizer no later than three working days from the date of approval of auction documentation, but at least in twenty calendar days prior to final date of representation by potential suppliers of applications for participation in auction publish the announcement of carried-out auction, and also approved auction documentation on the web portal.

If the amount allocated for acquisition of the goods, work, the service, the carried-out government procurements which were the subject by method of auction, does not exceed the dvadtsatitsyachekratny size of the monthly settlement indicator established for the corresponding financial year by the law on the republican budget, the organizer, the single organizer publish on the web portal the text of the announcement of carried-out auction at least in seven calendar days prior to final date of representation by potential suppliers of applications for participation in auction.

Representation to potential suppliers of auction documentation

202. From the date of the publication of the announcement of carrying out auction by all wishing opportunity of free receipt of auction documentation from the web portal is given.

203. Provision of auction documentation to potential suppliers - to participants of the web portal automatically is registered on the web portal.

204. Provision of auction documentation till the notice on carrying out auction on the web portal is not allowed.

Explanation of provisions of auction documentation the organizer or the customer acting with it in one person

205. The potential supplier - the participant of the web portal if necessary sends to the organizer request about the explanation of provisions of auction documentation with use of the web portal, but no later than six calendar days before the expiration of final term of submission of applications for participation in auction.

The organizer within one calendar day from the date of receipt of request publishes the text of the explanation of provisions of auction documentation on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received auction documentation.

206. The organizer in need of term no later than five calendar days before the expiration of final date of submission of applications for participation in auction on own initiative or in response to request of potential suppliers - participants of the web portal, makes changes and (or) amendments to auction documentation. Thus change of the subject of carried-out government procurements by method of auction is not allowed. Modification and (or) amendments in auction documentation affirms according to the procedure, established [by Items 173, 174 and 175](#) of these rules.

The organizer no later than one working day from the date of decision making about modification and (or) amendments in auction documentation publishes on the web portal the specified auction documentation with indication of the brought changes and (or) amendments with the automatic notification of potential suppliers - the participants of the web portal who have received auction documentation.

In that case, final term of submission of applications for participation in auction is prolonged for term at least seven calendar days.

Explanation of provisions of auction documentation single organizer

207. The potential participating supplier of the web portal if necessary sends to the single organizer request about the explanation of provisions of auction documentation with use of the web portal, but no later than six calendar days before the expiration of final term of submission of applications for participation in auction.

The single organizer within one calendar day from the date of receipt of request publishes the text of the explanation of provisions of auction documentation on the web portal with the automatic notification of potential participating suppliers of the web portal which has received auction documentation.

208. In case of the direction the potential participating supplier of the web portal of request about the explanation of provisions of the technical specification and the draft agreement about the government procurements being the integral part of auction documentation, the single organizer in day of receipt of such request sends it to the customer with use of the web portal.

The customer within one working day from the date of receipt of request of the potential supplier - the participant of the web portal from the single organizer shall answer it with use of the web portal.

The single organizer in day of receipt of the answer to request of the potential participating supplier of the web portal shall publish the text of the explanation of provisions of the technical specification and the draft agreement about the government procurements being the integral part of auction documentation, on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received auction documentation.

209. The single organizer in need of term no later than five calendar days before the expiration of final date of submission of applications for participation in auction on own initiative or in response to request of potential suppliers - participants of the web portal makes changes and (or) amendments to auction documentation, except for changes and (or) amendments in the technical specification and the draft agreement, being the integral part of auction documentation. Modification and (or) amendments in auction documentation, except for changes and (or) amendments in the technical specification and the draft agreement, being the integral part of auction documentation, affirms the single organizer according to the procedure, [stipulated in Item 177](#) these rules. Thus change of the subject of carried-out government procurements by method of auction is not allowed.

The customer sends the approved decision on modification and (or) amendments to the technical specification or the draft agreement about the government procurements being the integral part of auction documentation, to the single organizer in time no later than six calendar days before the expiration of final date of submission of applications for participation in auction.

The single organizer based on the decision approved by the customer brings in time no later than five calendar days before the expiration of final date of submission of applications for participation in auction, change and (or) amendments in the technical specification or the draft agreement about the government procurements being the integral part of auction documentation.

210. The single organizer no later than one working day from the date of decision making about modification and (or) amendments in auction documentation publishes on the web portal the specified auction documentation with indication of the brought changes and (or) amendments, with the automatic notification of potential suppliers - the participants of the web portal who have received auction documentation.

211. The single organizer in day of obtaining from the customer of the approved decision on modification and (or) amendments in the technical specification or the draft agreement about the government procurements being the integral part of auction documentation, publishes on the web portal the specified auction documentation with indication of the brought changes and (or) amendments, with the automatic notification of potential participating suppliers of the web portal which has received auction documentation.

In the cases provided [by Items 210 and 211](#) of these rules, final term of submission of applications for participation in auction is prolonged for term at least seven calendar days.

[Content and submission of applications for participation in auction](#)

212. The application for participation in auction moves in the form of the electronic document and is the form of expression of the consent of the potential supplier applying for participation in auction, to perform delivery of the goods (to perform works to render services) according to requirements and the conditions provided by auction documentation.

213. The application for participation in the auction, represented to the organizer, the single organizer the potential supplier who has expressed desire to participate in auction, is created in the form of the electronic document on the web portal of government procurements and consists of two parts which contain electronic copies of documents and (or) the electronic documents listed in auction documentation.

214. Potential suppliers have the right within three working days from the date of publication on the web portal of the protocol of consideration of the second part of applications for participation in auction to bring the submitted applications for participation in auction into compliance with the qualification requirements established in auction documentation.

215. Representation by the potential supplier of the separate documents required according to the electronic form of auction documentation, received by means of the address to the state information systems and (or) the state databases, or by means of filling of the electronic form with use of the web portal is allowed.

216. The application for participation in auction is represented the potential supplier to the organizer before the expiration of final term of their representation in the form of the electronic document.

217. The application for participation in auction is considered accepted at the moment of automatic sending by the web portal of the adequate notice to the supplier who has made an application on participation in auction.

218. The potential supplier submits only one application for participation in auction.

219. The application for participation in auction of the potential supplier is subject to the automatic variation the web portal in the following cases:

- 1) if the potential supplier earlier provides the application for participation in this auction;
- 2) the application for participation in auction arrived on the web portal after the expiration of final term of demands acceptance for participation in auction;
- 3) provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law.

Effective period of the auction request represented by the potential supplier for participation in auction on government procurements of the goods, works and services, shall be at least thirty five calendar days from the date of opening of auction requests.

220. Applications for participation in the auction, submitted potential suppliers, automatically are registered on the web portal.

221. The potential supplier if necessary changes or withdraws the application for participation in auction at any time before the expiration of final term of submission of applications for participation in auction, without losing the right to return of the providing the application for participation brought by it in auction.

222. Modification of applications for participation in auction after the expiration of final term of their representation is not allowed.

Providing application for participation in auction

223. Providing the application for participation in auction is brought by the potential supplier according to [Article 35-5](#) of the Law.

224. In case of introduction by the potential supplier of providing the application for participation in auction in the form of the bank guarantee, its original is represented to the organizer, the single organizer, according to [appendix 7](#) of the electronic form of auction documentation, to final term of submission of applications for participation in auction.

225. In case of introduction by the potential supplier of providing the application for participation in auction in the form of the guarantee money contribution which is deposited on the bank account of the organizer or to account, provided by the budget legislation of the Republic of Kazakhstan for organizers, the single organizer, being state bodies and public institutions, it is represented in the form of the electronic copy of the payment document confirming the guarantee money contribution.

226. In case of introduction by the potential supplier of providing on participation in auction according to [Item of 224](#) these rules the organizer, the single organizer fix the fact of receipt of such providing on participation in auction in the magazine of registration of bank guarantees.

The organizer, the single organizer specify the following data in the magazine of registration of bank guarantees:

- 1) name and term of carrying out government procurements of the goods, works, services;
- 2) surname, name, patronymic of the authorized representative of the potential supplier;
- 3) date and time of registration of the bank guarantee.

The magazine of registration of bank guarantees is stitched, pages are numbered and initialed by the secretary of the competitive commission.

The last page of the magazine of registration of bank guarantees is sealed the organizer, the single organizer.

Maintaining the single magazine of registration of bank guarantees on all government procurements of the goods, works, services, by method of auction within one financial year is allowed.

Carrying out government procurements of the goods, works, services by method of auction Opening and consideration of the first part of applications for participation in auction, the admission to participation in auction

227. On approach of date and time of final term of submission of the requests specified by the organizer, the single organizer in auction documentation, automatically without observance of confidentiality access to opening of the first part of applications for participation in auction on consideration and determination by the auction commission of providing the request for compliance of auction documentation is provided to the secretary of the auction commission by the web portal of government procurements.

228. The auction commission recognizes providing the request containing in the first part of the application for participation in auction, auction documentation not conforming to requirements, in cases:

1) insufficient effective period of providing the application for participation in the auction, provided in the form of the bank guarantee;

2) inadequate registration of providing the application for participation in auction which is expressed in lack of the data which are not allowing the auction commission to establish:

the person which has issued providing the application for participation in auction;

the name of government procurements of the goods, works, services by method of auction, for participation in which is brought providing the request provided in the form of the bank guarantee;

effective period of providing the application for participation in the auction, provided in the form of the bank guarantee, and (or) the amount of providing the request, and also the condition of its provision;

the person to whom providing the application for participation in auction is issued;

the person for benefit of whom providing the application for participation in auction is brought;

3) introduction of providing the auction request in the amount of less than one percent from the amount allocated for auction.

229. Following the results of decision making by the auction commission about compliance of providing the request containing in the first part of the application for participation in auction, auction documentation, automatically with observance of confidentiality access to opening of the technical specification of the goods containing in the first part of requests is provided to the secretary of the auction commission by the web portal of government procurements.

230. No later than one working day from the date of opening of applications for participation in auction the secretary of the auction commission provides for consideration of the commission of experts or to the expert, in case of their attraction, the documents confirming compliance of the goods offered by the potential supplier to requirements of auction documentation, [229](#) these rules specified in [Item](#).

231. The commission of experts or the expert in the terms established by the chairman of the auction commission, but no later than term of consideration of applications for participation in auction:

1) consider and study within the competence about completeness of the documents provided by potential suppliers for confirmation of conformity of the goods offered by them to requirements of auction documentation;

2) draw up, sign and represent the expert opinion on compliance or discrepancy of the goods of the technical specification being the integral part of auction documentation offered by potential suppliers, to the secretary of the auction commission.

232. The expert opinion is signed and polistno is initialed by all experts, except as specified, when the expert expresses special opinion.

233. After receipt of the expert opinion the secretary of the auction commission publishes the expert opinion on the web portal with automatic mailing of notifications to the chairman and members of the auction commission.

The auction commission considers the technical specification of the goods containing in the first part of requests, taking into account the expert opinion

234. The auction commission considers the first part of the application for participation in auction as meeting the requirements of auction documentation if at it there are the grammatical or arithmetic mistakes which are not mentioning the being of the provided first part of the request.

235. The auction commission recognizes the first part of the request of auction documentation not conforming to requirements in cases, [stipulated in Item 228](#) these rules, and also in cases:

1) non-presentations of the technical specification if the subject of auction are the goods;

2) representations by the potential supplier of the technical specification, not conforming to the requirements established in the technical specification of auction documentation, except as specified submissions of the technical specification with more best technical, quality and operational characteristics.

236. The auction commission considers the first part of the application for participation in auction and makes the decision on the admission of potential suppliers to participation in auction (recognizes as participants of auction) no later than seven calendar days from date and time of the termination of submission due date of applications for participation in auction.

237. The protocol on the admission to participation in auction is signed on the web portal by all members of the auction commission and published by the secretary in day of decision making about the admission on the web portal, according to [appendix 9](#) to these rules, with the automatic e-mail notification of all potential suppliers automatically registered on the web portal.

The expert opinion, special opinion of the member of the auction commission, special opinion of the member of the commission of experts or the expert are attached to the protocol on the admission to participation in auction in case of their availability.

238. In case of submission of one application for participation in auction, both parts of the application for participation in auction are opened and considered according to these rules.

Carrying out auction

239. Auction is carried out on the web portal of government procurements in day and time specified in the notice on implementation of government procurements by method of auction.

Day of carrying out auction is the working day following after the expiration of two working days from end date of term of consideration of applications for participation in auction.

Time of the beginning of auction is established in working hours and not later 18.00 on time of Astana.

240. The potential suppliers recognized as participants of auction participate in auction.

241. Auction is carried out by decrease in the current offer on the price, since the allocated amount for acquisition of the goods, work, the service, being the subject of carried-out auction, on the step of auction.

The step of auction constitutes from the half of percent (0,5) to five percent from the allocated amount for acquisition of the goods, work, the service, being the subject of carried-out auction.

242. In case of carrying out auction participants of auction submit offers on the price of the goods, work, the service, being the subject of the carried-out auction, providing decrease in the current minimum offer on the price for size within the step of auction.

243. In case of carrying out auction any participant of auction has the right to submit the offer on the price of the goods, work, the service, being the subject of the carried-out auction, reduced from the allocated amount for acquisition of the goods, work, the service, being the subject of carried-out auction, irrespective of the step of auction under condition of absence of the current minimum offer.

244. The participant of auction has not the right to submit the offer on the price of the goods, work, the service, being the subject of carried-out auction, below than the current minimum offer on the price of the goods, work, the service, being the subject of carried-out auction if such offer on the price of the goods, works, the services, being the subject of carried-out auction, is submitted by the same participant of auction.

245. Time of acceptance of proposals of participants of auction about the price of the goods, work, the service, being the subject of carried-out auction, constitutes thirty minutes from the beginning of carrying out auction, and also ten minutes after receipt of the last offer on the price of the goods, work, the service, being the subject of carried-out auction. If during specified time of any offer on lower price of the goods, work, the service, being the subject of carried-out auction, did not arrive, auction comes to the end.

246. If there was the suggested price of the goods, work, the service, being the subject of the carried-out auction, equal to the price offered by other participant of auction, the offer on the price of the goods, work, the service, being the subject of the carried-out auction, arrived before other offers is recognized to the best.

247. If within thirty minutes after the beginning of carrying out auction any of participants of auction did not submit the offer on the price of the goods, work, the service, being the subject of carried-out auction according to [Item of 242](#) these rules, auction is recognized cancelled.

248. The protocol on results of carrying out auction automatically is created and takes place on the web portal of government procurements in day of the completion of carrying out auction in the form according to [appendix 10](#) to these rules.

Consideration of the second part of applications for participation in auction and determination of the winner of auction

249. Access of the auction commission to consideration of the second part of applications for participation in auction of the potential suppliers recognized as participants of auction, is provided by the web portal of government procurements automatically in day of the completion of auction and placement of the protocol on results of carrying out auction, except for the case, [stipulated in Item 247](#) these rules.

250. The auction commission considers the second part of applications for participation in auction and makes the decision on compliance or on discrepancy of the potential suppliers recognized as participants of auction to qualification requirements, established by auction documentation.

251. By results of consideration by the auction commission of the second part of applications for participation in auction the protocol is drawn up:

- 1) considerations of the second part of applications for participation in auction;
- 2) about results of auction.

252. The protocol of consideration of the second part of applications for participation in auction is drawn up in case of identification by the auction commission of the potential suppliers, not conforming to the qualification requirements established by auction documentation.

253. The protocol of consideration of the second part of applications for participation in auction shall contain the following information:

1) the list of the potential suppliers, not conforming to the qualification requirements established by auction documentation;

2) the list of documents which are necessary for providing and bringing into accord with the qualification requirements established by auction documentation, to the potential supplier by means of the web portal for reduction of the request in compliance with the qualification requirements established by auction documentation.

254. The decision of the auction commission on compliance or discrepancy of the potential suppliers recognized as participants of auction, to the qualification requirements established by auction documentation, is accepted within seven calendar days from the date of placement of the protocol on results of carrying out auction with the automatic e-mail notification of all potential suppliers recognized as participants of auction, automatically registered on the web portal.

255. The protocol of consideration of the second part of applications for participation in auction is signed on the web portal by all members of the auction commission and published by the secretary of the auction commission on the web portal according to [appendix 11](#) to these rules.

In case of disagreement with the decision of the auction commission, any member of the granted auction commission has the right to special opinion which is applied to the protocol about considerations of the second part of applications for participation in auction and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the auction commission to the corresponding protocol of consideration of the second part of applications for participation in auction, the secretary of the auction commission on the web portal publishes the document or information containing the absence reason of the signature.

256. The protocol of consideration of the second part of applications for participation in auction is not drawn up in case of compliance of potential suppliers to the qualification requirements established by auction documentation.

257. After term, [stipulated in Item 214](#) these rules, the secretary of the auction commission by means of the web portal initiates procedure of de novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements established by auction documentation.

258. Auction commission:

1) repeatedly considers the second parts of the application for participation in auction of the potential suppliers specified in the list of the protocol of consideration of the second part of applications for participation in auction about their completeness of reduction in compliance with qualification requirements, established by auction documentation on the list of the documents specified in the protocol of consideration of the second part of applications for participation in auction;

2) determines the potential suppliers who have provided incomplete and not conforming qualification requirements, established by auction documentation, the list of the documents specified in the protocol of consideration of the second part of applications for participation in auction;

3) in writing and (or) in the form of the electronic document requests from potential suppliers, applications for participation in which auction were brought into accord with the qualification requirements established by auction documentation, materials and explanations in connection with their applications for participation in auction to facilitate their consideration;

4) for the purpose of refining of the data containing in applications for participation in auction which were brought into accord with the qualification requirements established by auction documentation, in writing and (or) in the form of the electronic document, requests necessary information from the relevant physical persons or legal entities, state bodies.

The direction of requests and other actions of the auction commission connected with reduction of the second part of the application for participation in auction in compliance with requirements of auction documentation are not allowed.

Reduction of the second part of applications for participation in auction in compliance with requirements of auction documentation is understood the actions of the auction commission directed on amendment of the second part of applications for participation in auction by missing documents, replacement of the documents provided in the second part of applications for participation in auction, reduction in compliance by correction by inadequate image of the drawn-up documents after the expiration of reduction of applications for participation in auction in compliance with the qualification requirements established by auction documentation, [as stipulated in Item 214](#) these rules.

5) determines potential suppliers who conform to the qualification requirements established by auction documentation, and sums up auction.

For the purpose of refining of compliance of potential suppliers to general qualification requirements regarding their non-participation in insolvency proceeding or liquidation the auction commission considers information placed on the Internet resource of authorized body, exercising control of carrying out insolvency proceedings or liquidation.

259. By results of de novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements, established by auction documentation, the auction commission:

determines the winner of auction from among the potential suppliers recognized as participants of auction and conforming qualification requirements, established by auction documentation on the smallest offer on the price;

determines applicants for the conclusion of the agreement on government procurements from among the potential suppliers recognized as participants of auction and conforming qualification requirements, established by auction documentation in case of their availability;

recognizes auction not taken place if any potential supplier who recognized as the participant of auction and has submitted the offer on the price, does not conform to the qualification requirements established by auction documentation;

the protocol on results of auction is drawn up.

260. The participant of auction being the legal entity, deviates in case of de novo review of the second part of the application for participation in auction, if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements by the following bases:

non-presentation of electronic copies of licenses or licenses in the form of the electronic document and (or) patents, certificates, certificates, diplomas, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services;

non-presentation of the electronic copy of the statement from the register of the shareholders, issued not earlier than date of the announcement of auction;

non-presentation of the electronic copy of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 8](#) to the electronic form of auction documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, non-presentation of such references from each of such banks), issued not earlier than date of the announcement of auction;

availability in the reference of bank or branch of bank with the signature and the seal of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of this reference;

non-presentation of the electronic copy of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than date of the announcement of auction;

availability in the certificate of the relevant tax authority of data of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments in the amount of one tenge and more (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan);

non-presentation of data on qualification according to [appendices 4, 5 and 6](#) to the electronic form of auction documentation;

discrepancy of the potential supplier to special qualification requirements, regarding possession material, financial and the manpower, sufficient for obligation fulfillment under the agreement on the government procurements, specified in competitive documentation. Thus, material and the manpower necessary for the customer for obligation fulfillment on the agreement on government procurements, can be specified in the

technical specification being the integral part of competitive documentation. The possession financial resources the potential supplier proves to be true the reference of bank (banks), tax authority;

non-presentation of data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject of auction, and also work types and the services, the transferred potential supplier to subcontractors (collaborators), according to [appendix 8](#) to the electronic form of auction documentation (in case of attraction by the potential supplier of subcontractors (collaborators));

transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services in case of idea of data of subcontractors;

factual determination of representation of unreliable information on qualification requirements;

2) violation of requirements [of Article 6](#) of the Law. On the restrictions connected with participation in government procurements, provided [by subparagraphs 3\), 3-1\), 3-2\)](#), and [4\) Item 1 of Article 6](#) of the Law, the application for participation in auction of the potential supplier is subject to the automatic variation the web portal. On the restrictions connected with participation in government procurements, provided [by subparagraphs 5\), 5-1\), 6\)](#), and [7\) Item 1 of Article 6](#) of the Law, the auction commission considers information on the Internet - resources of the relevant authorized bodies.

261. The participant of auction being physical person, performing business activity, deviates in case of de novo review of the second part of the application for participation in auction, if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements by the following bases:

non-presentation of electronic copies of licenses or licenses in the form of the electronic document and (or) patents, certificates, certificates, diplomas, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, performance of works, rendering of services;

non-presentation of the electronic copy of the reference of bank or branch of bank with the signature and the seal in which the potential supplier is served, about lack of overdue debt on all obligation types of the potential supplier, lasting more than three months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 8](#) to the electronic form of auction documentation (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, non-presentation of such references from each of such banks), issued not earlier than date of the announcement of auction;

availability in the reference of bank or branch of bank with the signature and the seal of overdue debt on all obligation types of the potential supplier, lasting more than three months, prior date of issue of this reference;

non-presentation of the electronic copy of the reference of the established form of the relevant tax authority about lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than date of the announcement of auction;

availability in the certificate of the relevant tax authority of data of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments in the amount of one tenge and more (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan);

non-presentation of data on qualification according to [appendices 4, 5 and 6](#) to the electronic form of auction documentation;

discrepancy of the potential supplier to special qualification requirements, regarding possession material, financial and the manpower, sufficient for obligation fulfillment under the agreement on the government procurements, specified in competitive documentation. Thus, material and the manpower necessary for the customer for obligation fulfillment under the agreement on government procurements, can be specified in the technical specification being the integral part of competitive documentation. The possession financial resources the potential supplier proves to be true the reference of bank (banks), tax authority;

factual determination of representation of unreliable information on qualification requirements;

2) violation of requirements [of Article 6](#) of the Law. On the restrictions connected with participation in government procurements, provided [by subparagraphs 3\), 3-1\), 3-2\)](#), and [4\) Item 1 of Article 6](#) of the Law, the application for participation in auction of the potential supplier is subject to the automatic variation the web

portal. On the restrictions connected with participation in government procurements, provided [by subparagraphs 5\), 5-1\), 6\), and 7\) Item 1 of Article 6](#) of the Law, the auction commission considers information on Internet resources of the relevant authorized bodies.

262. The auction commission in case of de novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements, established auction documentation does not allow to reject potential suppliers:

the potential suppliers who have not entered into the list, not conforming to the qualification requirements established by auction documentation, containing in the protocol of consideration of the second part of applications for participation in auction;

not provided documents, by means of the web portal for reduction of the request in compliance with the qualification requirements established by auction documentation, documents of the protocol of consideration of the second part of applications for participation not containing in the list in auction.

263. The direction of request and other actions of the auction commission connected with reduction of the second part of the application for participation in auction in compliance with requirements of auction documentation are not allowed.

264. The second part of the application for participation in auction is recognized meeting to qualification requirements if at it there are grammatical or arithmetic mistakes which can be corrected, without mentioning the being of the provided application for participation in auction.

265. By results of de novo review of the second part of applications for participation in auction the auction commission determines the winner of auction from among the potential suppliers recognized as participants of auction and conforming qualification requirements, established by auction documentation on the smallest offer on the price, determines applicants for the conclusion of the agreement on government procurements from among the potential suppliers recognized as participants of auction and conforming qualification requirements, established by auction documentation in case of their availability, or recognizes auction not taken place in the case, [stipulated in Item 6th Articles 35-8](#) of the Law.

266. If by results of de novo review of the second part of applications for participation in auction the auction commission recognized only one potential supplier, conforming to the qualification requirements established by auction documentation, such potential supplier is recognized the winner of auction.

267. De novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements established by auction documentation, is performed by the auction commission within five calendar days from the date of initiation by the secretary of the auction commission by means of the web portal of procedure of de novo review of the second part of applications for participation in auction.

Results of de novo review of the second part of applications for participation in auction are drawn up in the protocol on results of auction.

The protocol on results of auction is signed on the web portal by all members of the auction commission and published by the secretary of the competitive commission in day of decision making about results of auction on the web portal, according to [appendix 8](#) to these rules, with the automatic e-mail notification of all potential suppliers recognized as participants of auction, submitted the offer on the price and conforming to the qualification requirements established by auction documentation, automatically registered on the web portal.

In case of disagreement with the decision of the auction commission, any member of the granted auction commission has the right to special opinion which is applied to the protocol on results of auction and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the auction commission

to the corresponding protocol on results of auction, the secretary of the auction commission on the web portal publishes the document or information containing the absence reason of the signature.

[Bases of recognition of auction by the cancelled](#)

268. Auction is recognized cancelled cases:

1) if less than two applications for participation in government procurements by method of auction are submitted;

2) [stipulated in Item 10th Articles 35-6, Item 9 of Article 35-7 and Item 6 of Article 35-8](#) of the Law;

3) if the winner of auction evaded from the conclusion of the agreement on government procurements and the customer did not use the right provided [by Items 10 and 11 of Article 35-8](#) of the Law;

4) if the agreement on government procurements is not signed with the applicant for the conclusion of the agreement on government procurements according to [Item 9 of Article 35-8](#) of the Law.

6. Special conditions of participation in government procurements of temporary associations of legal entities (consortium)

269. In case of participation in electronic government procurements of temporary associations legal entities (consortium), the legal entities being participants of this consortium, in addition to the documents established by these rules for confirmation of the qualification requirements, shall provide the following electronic copies of documents or electronic documents:

1) the agreement on the joint economic activity, concluded between members of legal entities (the konsortsiálny agreement);

2) licenses for the right of provision of the goods, performance of works, rendering of services regarding the activities provided by the agreement on joint economic activity.

In case of participation of the consortium in tender calculation of the criteria influencing the competitive price offer, is applied concerning the consortium from the moment of the conclusion of the konsortsiálny agreement.

7. Agreement on government procurements

Conclusion of the agreement on government procurements of the goods, works, services

270. The customer by means of the web portal chooses one of two following forms of the conclusion of the agreement on government procurements:

1) on paper;

2) in the form of the electronic agreement.

271. In case of the conclusion of the agreement on government procurements on paper, the customer within five working days from the date of signing of the protocol on results of government procurements sends to the supplier two copies of the draft agreement about the government procurements, constituted according to the standard agreement, according to [appendices 19, 20 and 21](#) to these rules which are signed by the customer and polistno are initialed by the authorized representative of the customer, except as specified, when the authorized representative of the customer is not appointed.

272. In case of the conclusion of the electronic agreement, the customer within one working day from the date of signing of the protocol on results of government procurements sends by means of the web portal to the supplier request of data on the person signing the agreement, and details of the supplier for registration of the electronic agreement.

The supplier within three working days from the moment of obtaining on the web portal of the corresponding request fills and confirms data on the person signing the agreement, and details of the supplier.

In case of absence of confirmation by the supplier of data on the person signing the agreement, and details of the supplier, the supplier is recognized evaded from the conclusion of the agreement.

The customer no later than one working day from the date of confirmation by the supplier of data on the person signing the agreement, and details of the supplier by means of the web portal creates the draft of the electronic agreement according to the standard agreement according to [appendices 19, 20 and 21](#) to these rules, signs the digital signature and sends for signing to the supplier.

The supplier signs the electronic agreement the digital signature by means of the web portal in the terms established by the Law.

273. The supplier within ten working days from the date of the conclusion of the agreement on government procurements brings ensuring agreement performance about government procurements.

274. Ensuring agreement performance about government procurements is brought by the supplier as the guarantee of that it timely, fully and properly will perform the obligations under the agreement signed with it on government procurements.

275. The amount of ensuring agreement performance is established by the organizer in the amount of three percent from total amount of the agreement on government procurements, except as specified, when the agreement on government procurements provides advance payment.

If the agreement on government procurements provides advance payment, ensuring agreement performance is established by the organizer in the amount of, equal to advance payment which shall be at least three percent from total amount of the agreement on government procurements.

276. The supplier has the right to choose one of the following types of ensuring agreement performance about government procurements:

1) the guarantee money contribution which is deposited on the bank account of the customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) the bank guarantee on paper according to [appendix 13](#) to these rules.

277. Making by the supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the agreement is not allowed.

278. Use by the customer of the guarantee money contribution brought by the supplier, on the purposes which have not been provided [by the Law](#) is not allowed.

279. The customer returns brought ensuring agreement performance about government procurements to the supplier in the terms specified in the agreement, or within five working days from the moment of complete and proper execution by the supplier of the agreement obligations.

In case of improper execution by the supplier of undertaken obligations under the agreement on government procurements, the customer returns brought ensuring agreement performance about government procurements within five working days from the date of factual determination of payment of the penalty in the income of the relevant budget, the state company, the legal entity, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affilirovanny with them legal entities.

280. The customer does not return ensuring agreement performance if the agreement on government procurements will terminate in connection with failure to carry out by the supplier of the goods, works, services of contractual commitments.

281. The winner of tender on government procurements of the goods, having conditional reduction of the competitive request for availability of local content in the goods, in case of the conclusion of the agreement on government procurements represents to the customer the certificate of origin of the goods of the CT-KZ form on all batch of the delivered goods.

282. The agreement on government procurements shall contain conditions of the tax discharge on value added and excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan.

283. The agreement on the government procurements, concluded with the winner of government procurements by method of tender, shall include the best technical specification determined by the competitive commission on which the supplier recognized as the winner, submitted the price offer.

Agreement performance about government procurements of the goods, works, services

284. In case of agreement performance about government procurements the name, quantity, quality, the technical specification, cost, the place and delivery dates of the goods (performance of works, rendering of services) shall correspond to contents of the agreement on government procurements.

285. The agreement on government procurements is considered the customer performed under condition of full implementation and the supplier of undertaken obligations under the specified agreement.

Appendix 1

to Rules of carrying out electronic government procurements

I argue:

(full name of the customer)

(single organizer)

(First name, middle initial, last name, approved competitive documentation)

Solution of No. ____ Date ____ Time ____

Electronic form of competitive documentation

(the type of the subject of purchases) is specified

(the name of electronic tender) is specified

Customer _____

(the name, the location, the BIN, bank details) is specified

Customer representative _____

(it is specified First name, middle initial, last name, IIN, the position, phone, the e-mail)

Organizer (the single organizer) _____

(the name, the location, the BIN, bank details) is specified

Representative of the organizer (the single organizer) _____

(it is specified First name, middle initial, last name, IIN, the position, phone, the e-mail)

Secretary of the competitive commission _____

(it is specified First name, middle initial, last name, the position, phone, the e-mail)

1. General provisions

1. Electronic tender is carried out for the purpose of the choice of the supplier (ov) according to the enclosed list of prizes.

2. This competitive documentation (further - CD) includes:

1) the list of prizes according to [appendix 1](#) to this CD;

2) the description and required functional, technical, quality and operational characteristics of the bought goods, works, services, technical specifications with indication of the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan, in case of its availability, according to [appendix 2](#) to this Cd.

when implementing government procurements of the works, requiring design estimates, instead of the description and required functional, technical, quality and operational characteristics of bought works the design estimates are attached to CD;

3) the contribution agreement in electronic tender according to [appendix 3](#) to this CD;

4) data on qualification of the potential supplier for delivery of the goods (performance of works, rendering of services) according to [appendices 4, 5 and 6](#) to this CD;

5) the list of obligatory criteria which will be considered by the competitive commission in case of determination of the winner of electronic tender for the purpose of determination of the participant of the electronic tender offering the most high-quality goods, work, service, according to [Item 4 of Article 17](#) of the Law;

6) the amount allocated for this tender on government procurements of the goods (works, services), constitutes __ tenge.

The amount allocated for this tender, by prizes constitutes:

No. of the prize	Description of goods (works, services)	The amount allocated on the prize (tenge)
(No. of the prize)	(description of goods ____ works _	(the amount allocated __

	services)	on the prize)
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3. The potential supplier who has expressed desire to participate in electronic tender, brings with the application for participation in electronic tender providing the application for participation in electronic tender in the amount of one percent from the amount allocated for acquisition of the goods, works, services, in one of below listed forms:

- 1) the guarantee money contribution of the money placed on the following bank account

(complete bank account details

organizer (the single organizer);

- 2) the bank guarantee on paper according to [appendix 7](#) to this Cd.

Effective period of providing the application for participation in electronic tender cannot be less effective period of the application for participation in electronic tender.

2. The explanation the organizer of provisions CD to potential suppliers - to participants of the web portal

4. The potential supplier - the participant of the web portal if necessary sends with use of the web portal electronic request to the organizer on the explanation of provisions CD, but not later (date and time of the completion of acceptance of requests are specified).

5. The organizer within two working days from the date of receipt of request publishes the text of the explanation of provisions CD on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received Cd.

6. The organizer in need of term not later (the deadline of change of CD) on own initiative is specified or in response to request of the potential supplier makes changes and (or) amendments to Cd. Modification of CD is drawn up in the same order, as approval of Cd. The made changes are binding, and in time no more than one working day from the date of approval of changes in CD are published on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received Cd. Final term of submission of applications for participation in electronic tender is prolonged in that case for the term of at least fifteen calendar days, for accounting by potential suppliers of these changes in applications for participation in electronic tender.

3. Requirements to registration of the application for participation in electronic tender and representation by potential suppliers of applications for participation in electronic tender **Application for participation in electronic tender**

7. The application for participation in electronic tender is the form of expression of the consent of the potential supplier applying for participation in electronic tender, to perform delivery of the goods (to perform works to render services) according to requirements and the conditions provided by this Cd.

8. The potential supplier before forming of the request accepts the contribution agreement in electronic tender according to [appendix 3](#) to this Cd.

The contribution agreement in electronic tender also provides the condition about the consent of the potential supplier to perform work according to the design estimates approved in accordance with the established procedure with participation in the CD electronic tender which instead of the technical specification contains these design estimates.

9. The application for participation in the electronic tender, represented to the organizer the potential supplier who has expressed desire to participate in electronic tender, shall contain:

- 1) electronic copies of the documents certified by the digital signature, or the electronic documents represented by the potential supplier in confirmation of its compliance to general qualification requirements:

licenses and (or) patents, certificates, certificates, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, on performance of works, rendering of services;

the statement from the register the security holders signed and confirmed by the seal in accordance with the established procedure, issued not earlier than date of the announcement of tender;

the documents confirming solvency:

the reference of bank or branch of bank with the signature and the seal in which the potential supplier about lack of overdue debt on all obligation types of the potential supplier is served, lasting more than three

months, previous date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of Board of National Bank of the Republic of Kazakhstan, according to [appendix 8](#) to this CD (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, this reference is represented from each of such banks). The reference shall be issued not earlier than date of the announcement of tender;

the certificate of the established form of the relevant tax authority of lack of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than date of the announcement of electronic tender.

The potential supplier if necessary confirms compliance to the general qualification requirement about solvency by means of provision of ensuring agreement performance in the form of the bank guarantee on paper one or several resident banks of the Republic of Kazakhstan in the amount of, equal to hundred percent from the amount of carried-out government procurements together with the application for participation in tender. Ensuring agreement performance about government procurements is provided by the potential supplier for the term established in CD, for complete obligation fulfillment under the agreement on government procurements in the form of the bank guarantee on paper which original is represented to final term of submission of applications for participation in electronic tender.

The potential supplier if necessary confirms the compliance, and also involved subcontractors (collaborators) to general qualification requirements by means of provision of one of the following electronic copies of documents:

a) the document confirming assignment to the potential supplier (to the subcontractor, the collaborator) the rating of the international rating organization;

6) statements from stock exchange about inclusion of the potential supplier (the subcontractor, the collaborator) in official listing of the exchange;

2) the documents confirming compliance of the potential supplier to special qualification requirements:

data on qualification for participation in process of government procurements according to [appendices 4, 5 and 6](#) to this CD;

data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at electronic tender, according to [appendix 9](#) to this CD, and the condition of the prohibition of transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services.

If the potential supplier provides to involve subcontractors (collaborators) of works or services, the potential supplier provides to the organizer electronic copies of the documents confirming compliance of involved subcontractors (collaborators) to general and special qualification requirements;

3) the technical specification with the description of the functional, technical, quality and operational characteristics, the bought goods, works, services, with indication of the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan, the specifications and technical documentation, and also with indication of on trademarks, service marks, company names, the patents, useful models, industrial designs, the name of the place of the origin of the goods and the name of the producer, and other characteristics determining accessory of the acquired goods, work, service to the certain potential supplier.

4) providing the application for participation in electronic tender in the amount of, established [by the Law](#), in the type:

the bank guarantee on paper according to [appendix 7](#) to this CD, thus the original of the bank guarantee on paper is represented to the organizer, to final term of submission of applications for participation in electronic tender;

electronic copy of the payment document confirming the guarantee money contribution, the organizer placed on the bank account.

Effective period of the competitive request shall constitute at least _____ calendar days from the date of opening of competitive requests.

Requirements to registration of the application for participation in electronic tender

10. The application for participation in electronic tender is represented the potential supplier to the organizer in the form of the electronic document.

11. The electronic copies of documents containing in the application for participation in electronic tender, shall be accurate and legible.

12. The application for participation in the electronic tender, prepared by the potential supplier, and also all correspondence and documents concerning the application for participation in electronic tender, are constituted and represented in language on which this Cd is constituted. In case of their creation and representation by the potential supplier in other language, accurate (notarized) translation is applied to them.

Procedure for submission of the application for participation in electronic tender

13. The application for participation in electronic tender is represented the potential supplier to the organizer with use of the web portal in the form of the electronic document.

14. The applications for participation provided by potential suppliers in electronic tender automatically are registered on the web portal.

15. The application for participation in electronic tender is considered accepted at the moment of automatic sending by the web portal of the adequate notice to the supplier who has made an application on participation in electronic tender.

16. The application for participation in electronic tender of the potential supplier automatically rejects the web portal in the following cases:

- 1) if the potential supplier earlier provides the application for participation in this electronic tender;
- 2) the application for participation in electronic tender arrived on the web portal after the expiration of final term of demands acceptance for participation in electronic tender;
- 3) provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law.

Change of applications for participation in electronic tender and their response

17. The potential supplier can change or withdraw the application for participation in electronic tender with use of the web portal at any time before the expiration of final term of submission of applications for participation in electronic tender, without losing the right to return of the providing the application for participation brought by it in electronic tender.

18. Modification is not allowed and (or) amendments, is equal as the withdrawal of the application for participation in electronic tender, after the expiration of final term of submission of applications for participation in electronic tender.

19. The organizer no later than ten calendar days before expiration of applications for participation in the electronic tender, established in the CD, if necessary does request to potential suppliers about prolongation of effective period of their application for participation in electronic tender for the specific period of time. The potential supplier has the right to refuse to renew the application for participation in electronic tender, having withdrawn the application for participation in electronic tender, without forfeiting the right to return of the providing the application for participation brought by it in electronic tender.

20. The potential supplier incurs all expenses connected with its participation in electronic tender. The customer, the organizer, the competitive commission, the commission of experts (expert) do not bear the obligation on compensation of these expenses irrespective of results of electronic tender.

4. Opening by the competitive commission of applications for participation in electronic tender

21. (Date and time of opening of requests are specified) the web portal makes automatic opening of applications for participation in electronic tender. If on electronic tender (prize) only one application for participation in electronic tender is provided, this application for participation in electronic tender also is opened.

22. The protocol of opening of applications for participation in electronic tender is published by the secretary of the competitive commission on the web portal in day of opening. Thus the web portal dispatches automatic notifications to members of the competitive commission, the potential suppliers automatically registered on the web portal.

5. Consideration by the competitive commission of applications for participation in electronic tender about their compliance to requirements of competitive documentation and the admission of potential suppliers to participation in electronic tender

23. Consideration of applications for participation in electronic tender is performed by the competitive commission for the purpose of determination of the potential suppliers, conforming to qualification requirements and requirements of CD, and recognition by their participants of electronic tender.

24. By consideration of applications for participation in electronic tender the competitive commission draws up:

1) the protocol of the preliminary admission to participation in tender in the case specified in Item 25 of this CD;

2) the protocol of the admission to participation in tender.

25. The protocol of the preliminary admission to participation in tender is drawn up by the competitive commission in case of identification by the competitive commission of the potential suppliers, not conforming to qualification requirements and requirements of competitive documentation.

26. The protocol of the preliminary admission to participation in tender contains the following information:

1) the list of the potential suppliers, not conforming to qualification requirements and requirements of competitive documentation;

2) the list of documents which are necessary for providing and bringing into accord with qualification requirements and requirements of competitive documentation to the potential supplier by means of the web portal for reduction of the application for participation in tender in compliance with qualification requirements and requirements of competitive documentation;

3) date of representation to the potential suppliers specified in the protocol of the preliminary admission to participation in tender, brought into accord with qualification requirements and requirements of competitive documentation of applications for participation in electronic tender.

27. The decision of the competitive commission on the preliminary admission of potential suppliers to participation in tender is accepted within ten calendar days from the date of opening of applications for participation in tender and is published by the secretary of the competitive commission in day of decision making about the preliminary admission to participation in tender, on the web portal, according to [appendices 4 and 5](#) to these rules, with the automatic e-mail notification of all potential suppliers automatically registered on the web portal.

28. In case of de novo review of applications for participation in electronic tender the competitive commission:

1) considers applications for participation in tender of the potential suppliers specified in the list of the protocol of the preliminary admission to participation in tender about their completeness of reduction in compliance with qualification requirements and requirements of competitive documentation, on the list of the documents specified in the protocol of the preliminary admission to participation in tender;

2) determines the potential suppliers who have provided incomplete and not conforming to qualification requirements and requirements of competitive documentation the list of documents, specified in the protocol of the preliminary admission to participation in tender;

3) in writing and (or) in the form of the electronic document requests from potential suppliers, applications for participation in which tender were brought into accord with qualification requirements and requirements of competitive documentation, materials and explanations in connection with their applications for participation in tender to facilitate consideration, the assessment and comparison of applications for participation in tender;

4) for the purpose of refining of the data containing in applications for participation in tender which were brought into accord with qualification requirements and requirements of competitive documentation, in writing and (or) in the form of the electronic document, requests necessary information from the relevant physical persons or legal entities, state bodies.

The direction of requests and other actions of the competitive commission connected with reduction of the application for participation in tender in compliance with requirements of competitive documentation are not allowed.

As reduction of the application for participation in tender in compliance with requirements of competitive documentation are understood the actions of the competitive commission directed on amendment of the application for participation in tender by missing documents, replacement of the documents provided in the application for participation in tender, reduction in compliance by correction by inadequate image of the drawn-up documents after the expiration of reduction of applications for participation in tender in compliance with qualification requirements and requirements of competitive documentation.

5) determines potential suppliers who conform to qualification and other requirements of competitive documentation, and recognizes as participants of electronic tender;

6) determines the best technical specification (the best technical specifications) goods, services.

For the purpose of refining of compliance of potential suppliers to general qualification requirements regarding their non-participation in insolvency proceeding or liquidation the competitive commission considers

information placed on the Internet resource of authorized body, exercising control of carrying out insolvency proceedings or liquidation.

The competitive commission considers the application for participation in electronic tender as the meeting the requirements CD if at it there are grammatical or arithmetic mistakes which can be corrected, without mentioning the being of the provided application for participation in electronic tender.

29. The competitive commission recognizes the potential supplier to inappropriate qualification requirements, in cases:

1) non-presentations by the potential supplier of the document (documents) for confirmation of conformity of the potential supplier and the subcontractor (collaborator) of works involved by him or services to qualification requirements;

2) factual determinations of discrepancy to qualification requirements based on information containing in documents, provided by the potential supplier for confirmation of its compliance, and also discrepancy of the subcontractor (collaborator) involved by him to qualification requirements;

3) representations of unreliable information on qualification requirements.

Recognition of the potential supplier to inappropriate qualification requirements on the bases, not [stipulated in Item 1 Articles 9](#) of the Law and [Items 92 and 93](#) of these rules, is not allowed.

The competitive commission recognizes the brought providing the application for participation in electronic tender of this CD conforming to requirements in case of introduction of providing the application for participation in electronic tender in the amount of one and more percent from the amount.

30. The competitive commission recognizes the brought providing the application for participation in tender to not conforming requirements of competitive documentation, in cases:

1) insufficient effective period of providing the application for participation in the tender, provided in the form of the bank guarantee;

2) inadequate registration of providing the application for participation in tender which is expressed in lack of the data which are not allowing the competitive commission to establish:

the person which has issued providing the application for participation in tender;

the name of government procurements of the goods, works, the services performed by method of tender, for participation in which is brought providing the application for participation in tender in the form of the bank guarantee;

effective period of providing the application for participation in tender, conditions of its provision, provided in the form of the bank guarantee and (or) the amount of providing the application for participation in tender;

the person to whom providing the application for participation in tender is issued;

the person for benefit of whom providing the application for participation in tender is brought;

3) introduction of providing the application for participation in tender in the amount of less than one percent from the amount allocated for tender (prize).

Introduction of providing the application for participation in tender for the total amount allocated for tender, consisting of prizes is allowed by provision of the request not on all prizes of tender.

On other bases recognition of the brought providing the application for participation in electronic tender to not conforming requirements of CD is not allowed.

31. The potential supplier applying for participation in electronic tender, is not allowed to participation in electronic tender (is not recognized the participant of electronic tender), if:

1) it and (either) his subcontractor or the collaborator are determined not conforming to qualification requirements;

2) it broke requirements [of Article 6](#) of the Law;

3) its application for participation in electronic tender is determined by CD not conforming to requirements, including if it did not provide providing the application for participation in electronic tender according to requirements of competitive documentation and Rules.

32. The competitive commission for calculation of the conditional price estimates and compares all provided applications for participation in electronic tender and calculates relative value of each of the criteria stipulated in CD according to [Item 4 of Article 17](#) of the Law by the design procedure of the conditional price, determined by the organizer of government procurements (the single organizer of government procurements) in Cd.

The competitive commission applies relative value of criteria in the equal size to all applications for participation in electronic tender by the design procedure of the conditional price determined by the organizer of government procurements (the single organizer of government procurements) in CD, except as specified, when on participation in tender one competitive request is provided.

In case of non-presentation by the potential supplier of the documents confirming these criteria, the competitive commission does not apply the corresponding conditional discount to such potential supplier.

The conditions offered by the potential supplier provided in documents, confirming criteria for receipt of conditional discounts, will be included in the agreement on government procurements.

33. The commission of experts or the expert in the terms established by the chairman of the competitive commission, but no later than term of consideration of applications for participation in tender:

1) in case of government procurements of works considers and studies within the competence about completeness of the documents provided by potential suppliers for confirmation of conformity of works offered by them to requirements of competitive documentation;

2) draws up, signs and represents the expert opinion on compliance or discrepancy of works of the technical specification being the integral part of competitive documentation offered by potential suppliers, to the secretary of the competitive commission;

3) in case of government procurements of the goods, services considers and studies within the competence about completeness of the documents provided by potential suppliers for determination of the best technical specification (the best technical specifications);

4) draws up, signs and represents the expert opinion on determination of the best technical specification (the best technical specifications) to the secretary of the competitive commission.

34. The protocol on the admission to participation in tender is signed on the web portal by all members of the competitive commission and published by the secretary of the competitive commission in day of decision making about the admission to participation in tender, on the web portal, according to [appendices 6 and 7](#) to these rules, with the automatic e-mail notification of all potential suppliers which has submitted applications for participation in tender.

6. Registration by the potential suppliers allowed to participation in electronic tender, competitive price offers

35. The potential suppliers allowed to participation in electronic tender (participants of electronic tender), submit the competitive price offer (further - KTsP) with use of the web portal in the form of the electronic document, according to appendix 10 to this Cd.

36. With participation in electronic tender on government procurements of the goods or services the potential suppliers allowed to participation in electronic tender (participants of electronic tender), submit KTsP on the best technical specification or on one of the best technical specifications specified in the protocol of the preliminary admission to participation in tender.

In case of absence of the protocol of the preliminary admission to participation in tender the potential suppliers allowed to participation in electronic tender (participants of electronic tender), submit KTsP on the best technical specification or on one of the best technical specifications specified in the protocol of the admission to participation in tender.

37. KTsP of domestic potential suppliers shall be expressed in tenge.

38. KTsP expressed not in national currency, are automatically recalculated by the web portal in currency of the Republic of Kazakhstan - tenge on the official rate established by National Bank of the Republic of Kazakhstan on end date of acceptance of KTsP.

39. KTsP is deemed accepted after automatic sending by the web portal of the adequate notice to the supplier who has submitted KTsP.

40. The web portal automatically refuses acceptance of KTsP in cases:

1) giving by the participant of electronic tender more than one KTsP on the same electronic tender (prize);

2) excess of the amount allocated for implementation of electronic tender;

3) if the competitive price offer arrived after three working days from the moment of publication of the protocol on the admission.

41. The potential supplier if necessary changes or withdraws KTsP at any time before the expiration of final term of representation of KTsP.

7. Assessment and comparison by the competitive commission of competitive price proposals of participants of electronic tender and determination of the winner of electronic tender

42. Data on KTsP submitted potential suppliers automatically are registered on the web portal.

43. In established by the protocol on the admission to participation in electronic tender day and time are made by the web portal the automatic assessment and comparison of KTsP of participants of electronic tender:

the dumping price determined according to Rules is calculated, and KTsP of the participant of the electronic tender, being the dumping deviates;

if after the variation of KTsP with dumping prices two and more KTsP of participants of electronic tender participate in electronic tender, the conditional prices of participants of electronic tender by means of application concerning not rejected KTsP of participants of electronic tender of the conditional discounts specified in the protocol on the admission to participation in electronic tender are determined;

the conditional prices of participants of electronic tender are compared, the winner of electronic tender on the basis of the smallest conditional price is determined;

in case of equality of the conditional prices of KTsP the winner the potential supplier having the bigger work experience in the market of the bought goods, works, the services being the subject of tender is recognized. In case of equality of the work experience of several potential suppliers having the equal conditional prices, the winner the potential supplier which KTsP arrived before KTsP of other potential suppliers is recognized.

44. The protocol on results of government procurements by method of electronic tender is automatically created and published by the web portal with the e-mail notification of all members of the competitive commission and all potential suppliers automatically registered on the web portal.

8. Return of providing applications for participation in electronic tender

45. The organizer returns the brought providing the application for participation in electronic tender to the potential supplier within three working days from the date of approach of one of the following cases:

1) the response this potential supplier of the application for participation in electronic tender before the expiration of final term of submission of applications for participation in electronic tender;

2) signings of the protocol on the admission to participation in electronic tender. The specified case does not extend on the potential suppliers recognized as participants of electronic tender;

3) signings of the protocol on results of government procurements by method of electronic tender. The specified case does not extend on the participant of the electronic tender determined by the winner of tender;

4) entries into force of the agreement on government procurements and introduction by the winner of electronic tender of ensuring agreement performance about the government procurements, provided in the Cd.

46. Providing the application for participation in electronic tender does not return the organizer in cases, if:

1) the potential supplier recognized as the participant of electronic tender, did not provide in due time or withdrew the KTsP, except for the potential supplier recognized as the participant of tender, not provided KTsP according to [the part of the third Item 2 of Article 26-1](#) of the Law;

2) the potential supplier determined by the winner of electronic tender, evaded from the conclusion of the agreement on government procurements;

3) the winner of electronic tender, having signed the agreement on government procurements, did not perform or in an inadequate way performed, including out of time performed the requirements established by CD, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements.

9. The agreement on government procurements following the results of electronic tender

47. The customer by means of the web portal chooses one of two following forms of the conclusion of the agreement on government procurements:

1) on paper;

2) in the form of the electronic agreement.

48. In case of the conclusion of the agreement on government procurements on paper the customer within five working days from the date of signing of the protocol on results of electronic tender sends to the supplier two copies of the draft agreement about the government procurements, constituted according to the standard agreement, according to [appendices 19, 20 and 21](#) to these rules which are signed by the customer and polistno are initialed by the authorized representative of the customer, except as specified, when the authorized representative of the customer is not appointed.

49. In case of the conclusion of the electronic agreement the customer within one working day from the date of signing of the protocol on results of government procurements sends by means of the web portal to the supplier request of data on the person signing the agreement, and details of the supplier for registration of the electronic agreement.

The supplier within three working days from the moment of obtaining on the web portal of the corresponding request fills and confirms data on the person signing the agreement, and details of the supplier.

In case of absence of confirmation by the supplier of data on the person signing the agreement, and details of the supplier, the supplier is recognized evaded from the conclusion of the agreement.

The customer no later than one working day from the date of confirmation by the supplier of data on the person signing the agreement, and details of the supplier by means of the web portal creates the draft of the electronic agreement according to the standard agreement according to [appendices 19, 20 and 21](#) to these rules, signs the digital signature and sends for signing to the supplier.

The supplier signs the electronic agreement the digital signature by means of the web portal in the terms established by the Law.

50. The supplier within ten working days from the date of the conclusion of the agreement on government procurements brings ensuring agreement performance about government procurements.

51. Ensuring agreement performance about government procurements is brought by the supplier as the guarantee of that it timely, fully and properly will perform the obligations under the agreement signed with it on government procurements.

52. The amount of ensuring agreement performance is established by the organizer in the amount of three percent from total amount of the agreement on government procurements, except as specified, when the agreement on government procurements provides advance payment.

If the agreement on government procurements provides advance payment, ensuring agreement performance is established by the organizer in the amount of equal to advance payment which shall be at least three percent from total amount of the agreement on government procurements.

53. The supplier has the right to choose one of the following types of ensuring agreement performance about government procurements:

1) the guarantee money contribution which is deposited on the bank account of the customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) the bank guarantee on paper according to [appendix 13](#) to these rules.

54. Making by the supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the agreement is not allowed.

55. Use by the customer of the guarantee money contribution brought by the supplier, on the purposes which have not been provided [by the Law](#) is not allowed.

56. The customer returns brought ensuring agreement performance about government procurements to the supplier in the terms specified in the agreement, or within five working days from the moment of complete and proper execution by the supplier of the agreement obligations.

In case of improper execution by the supplier of undertaken obligations under the agreement on government procurements, the customer returns brought ensuring agreement performance about government procurements within five working days from the date of factual determination of payment of the penalty in the income of the relevant budget, the state company, the legal entity, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affilirovanny with them legal entities.

57. The customer does not return ensuring agreement performance if the agreement on government procurements will terminate in connection with failure to carry out by the supplier of the agreement obligations.

58. In the cases provided [by Items 6, 7 and 8 of Article 37](#) of the Law, the agreement on government procurements shall contain provisions on its conclusion for the term of more than one financial year.

59. The winner of tender on government procurements of the goods, having conditional reduction of the competitive request for availability of local content in the goods, in case of the conclusion of the agreement on government procurements represents to the customer the certificate of origin of the goods of the CT-KZ form on all batch of the delivered goods.

60. The agreement on government procurements shall contain conditions of the tax discharge on value added and excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan.

61. If the potential supplier in the terms established [by the Law](#), did not provide to the customer the signed agreement on government procurements or, having signed the agreement on government procurements, did not bring ensuring agreement performance about government procurements in the cases provided by CD, such potential supplier is recognized evaded from the conclusion of the agreement on government procurements.

62. In case of recognition of the potential supplier evaded from the conclusion of the agreement on government procurements the customer:

1) holds the providing the application for participation brought by it in electronic tender and takes a legal action with the claim about recognition of such potential supplier by the unfair participant of government procurements;

2) if necessary takes a legal action with the claim about compulsion of such potential supplier to sign the agreement on government procurements.

Appendix 1

to the Electronic form of competitive documentation

The list of prizes (it is created on the basis of the approved annual plan)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize	Name of the customer	Description of goods (work of service) *	Unit of measure	Quantity, amount	Delivery conditions (according to the INCOTERMS 2000)	Delivery date of the goods, performance of works, rendering of services	Place of delivery of the goods, performance of works, rendering of services	Size of the advance payment, %	The amount allocated on the prize, tenge
1	2	3	4	5	6	7	8	9	10

* the Complete description and the characteristic of the goods, works, services are specified in the technical specification.

Appendix 2

to the Electronic form of competitive documentation

The technical specification of the bought goods (works, services) (it is represented on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

In the technical specification the complete description and required functional, technical, quality and operational characteristics of the bought goods (works, services), including necessary specifications, plans, drawings, sketches, with indication of the international or internal standards to which there shall correspond the delivered goods (the performed works, rendered services) are given.

In the technical specification on the goods the description of functional, technical, quality and operational characteristics shall be distributed on the appropriate sections containing limits of functionality, parameters of

technical characteristics, purpose of the goods and operational conditions of the goods for the purposes of determination of the best technical specification (the best technical specifications).

If necessary, in the technical specification the accompanying services necessary by delivery of the goods (installation, adjustment, training, checks and testing of the goods etc.) are specified to the customer and where they shall be carried out, year of release of the goods, guarantee period.

In the technical specification on services the description of technical and quality characteristics shall be distributed on the appropriate sections containing parameters of technical characteristics and purpose of rendering of services for the purposes of determination of the best technical specification (the best technical specifications). In case of acquisition of the services which quality of rendering depends on qualification of the worker who is directly rendering such services, in the technical specification the requirement description, shown to the worker, determining its level and the profile of professional training, the length of service, the assigned obligations necessary for accomplishment to it is given.

In the technical specification the national or non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan shall be specified, in case of its availability.

When implementing government procurements of the works requiring design estimates, instead of the technical specification competitive documentation shall contain the design estimates approved in accordance with the established procedure.

Appendix 3 to the Electronic form of competitive documentation

The contribution agreement in electronic tender

Hereby we express desire to take part in these electronic government procurements by method of electronic tender as the potential supplier and the consent to perform (delivery of the goods (ov), performance of works, rendering of services) according to requirements and the conditions provided by competitive documentation.

If competitive documentation instead of the technical specification contains the design estimates approved in accordance with the established procedure, present also we express the consent to perform work according to these design estimates.

This is to confirm absence of violations of restrictions, [stipulated in Clause 6](#) Laws.

Present also we express the consent to termination according to the procedure, established [by the Law](#), agreements on government procurements (the goods (ov), works, services).

We confirm that are acquainted with competitive documentation and are informed on responsibility for representation to the organizer and the competitive commission of doubtful data on the competence, qualification, quality and other characteristics (the delivered goods (ov), the carried-out works, rendered services), observance of copyright and related rights by it, and as other restrictions provided by the current legislation of the Republic of Kazakhstan.

It is undertaken complete responsibility for representation in the application for participation in electronic tender and documents of such doubtful data enclosed to it.

Our application for participation in electronic tender will be effective during the term required by competitive documentation.

In case of recognition of our application for participation in electronic tender won, we will bring ensuring agreement performance about government procurements in the amount of, specified in competitive documentation.

Till the conclusion of the agreement on government procurements the application for participation submitted us in electronic tender together with the notification on recognition it won will carry out the role of the obligatory agreement between the customer and us.

Appendix 4 to the Electronic form of competitive documentation

Data on qualification **(it is filled with the potential supplier when purchasing works)**

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

1. General information about the potential supplier:

Name _____

BIN / IIN / INN / UNP _____

2. Amount of the works executed by the potential supplier within the last ten years similar bought at tender (it is filled in case of availability).

Name of work	Place of performance of work (location of object)	Name of the customer	Phone number of the customer	Year of completion of work	Cost of the agreement, tenge (it can not be specified)

3. The potential supplier specifies data on availability of the equipment (mechanisms, machines), provided by competitive documentation, or the similar (additional) equipment (mechanisms, machines), necessary for performance of works with appendix of electronic copies of supporting documents.

Nº	Name of the equipment (mechanisms, machines)	Quantity of available units	Condition (new, good, bad)	Own, leased (at whom)	The name, date and number of the supporting document (it can not be specified)

4. Fund of compensation of citizens of the Republic Kazakhstan*

Nº	First name, middle initial, last name workers (to specify No. and date of issue ud. persons)	Position	Nationality	Salary
1				
2				
3				
In total compensation of citizens of RK				

5. Data on access to financial resources:

(money: own, credit etc.). To list below.

? Reliability of all data on qualification I confirm

The note * can not be filled

Appendix 5

to the Electronic form of competitive documentation

Data on qualification
(it is filled with the potential supplier when purchasing services)

No. of electronic tender _____

Name of electronic tender _____

No. _____ of _____ the _____ prize

Name of the prize _____

1. General information about the potential supplier:

Name _____

BIN / IIN / INN / UNP _____

2. Amount of the services rendered by the potential supplier within the last ten years similar bought at tender (it is filled in case of availability).

Name of service	Place of rendering of service	Name of the customer	Phone number of the customer	Year of completion of service	Cost of the agreement, tenge (it can not be specified)

3. The potential supplier specifies data on availability of the equipment (materials) provided by competitive documentation, or the similar (additional) equipment (materials) necessary for rendering of services with appendix of electronic copies of supporting documents.

Nº	Name of the equipment (materials)	Quantity of available units (pieces)	Condition (new, good, bad)	Own, leased (at whom)	The name, date and number of the supporting document (it can not be specified)

4. The potential supplier specifies data on skilled workers for accomplishment of the obligations assigned to them, necessary services for the purpose of rendering on this tender (prize) with appendix of electronic copies of supporting documents.

Nº	First name, middle initial, last name worker	Length of service in the sphere of rendering of services bought at this tender	Qualification (specialty) according to the diploma, the certificate, etc. education documents	Category, category, class in the specialty

it is filled under the condition if requirements to workers and on availability of such workers are specified in the technical specification on this tender (prize).

5. Fund of compensation of citizens of the Republic Kazakhstan*

Nº	First name, middle initial,	Position	Nationality	Salary

	last name workers (to specify No. and date of issue ud. persons)			
1				
2				
3				
In total compensation of citizens of RK				

6. Data on access to financial resources:

(money: own, credit etc.). To list below.

? Reliability of all data on qualification I confirm

The note * can not be filled

Appendix 6 to the Electronic form of competitive documentation

Data on qualification (it is filled with the potential supplier when purchasing the goods)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

1. General information about the potential supplier:

Name _____

BIN / IIN / INN / UNP _____

2. Amount of the goods, delivered (made) by the potential supplier within the last ten years similar bought at tender (it is filled in case of availability).

Description of goods	Name of the customer	Phone number of the customer	Place of delivery of the goods	Delivery date of the goods	Cost of the agreement, tenge (it can not be specified)

3. Data on access to financial resources:

(money: own, credit etc.). To list below.

? Reliability of all data on qualification I confirm

Appendix 7 to the Electronic form of competitive documentation

Bank guarantee

Bank name _____

Bank details _____

To whom:

Name of the organizer of government procurements

Details of the organizer of government procurements _____

Warranty obligation of No. _____

" " _____
(location)

We were informed that _____
(name of the potential supplier)

further "Supplier" takes part in electronic tender on purchase

organized _____
(name of the organizer of government procurements)
also it is ready to perform delivery (to perform work to render service)

(name of the goods, works, services in electronic tender (to the prize/-am))

Competitive documentation from " " _____ on carrying out the above-named electronic tender provides introduction by potential suppliers of providing the application for participation in electronic tender in the form of the bank guarantee.

With respect thereto we _____ assume the irrevocable obligation to pay to you according to your requirement present
(bank name)

amount equal

(the amount in figures and in cursive script)

on receipt of your written requirement of payment, and also written confirmation of that Supplier:

recognized as the participant of electronic tender, did not provide in due time or withdrew the competitive price offer, except as specified recognitions by his participant of tender and non-presentation of the competitive price offer by it according to [the part of the third Item 2 of Article 26-1](#) of the Law of the Republic of Kazakhstan "About government procurements";

determined by the winner of electronic tender, evaded from the conclusion of the agreement on government procurements;

having signed the agreement on government procurements, did not perform or in an inadequate way performed, including out of time performed the requirements established by competitive documentation, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements.

This warranty obligation becomes effective from the date of opening of applications for participation in electronic tender.

This warranty obligation is effective to final effective period of the application for participation in electronic tender of the Supplier and expires completely and automatically irrespective of, whether this document or not if your written requirement is not received by us by the end _____ will be returned to us. If effective period of the application for participation in electronic tender is prolonged, this warranty obligation is prolonged for the same term.

All rights and the obligations arising in connection with this warranty obligation, are regulated by the legislation of the Republic of Kazakhstan.

Signature and seal of the guarantor

Date and address

Appendix 8
to the Electronic form of competitive documentation

Certificate of lack of debt

Bank name _____

Bank details _____

To whom:

Name of the organizer of government procurements _____

Details of the organizer of government procurements _____

Bank (name) as of _____

confirms lack of overdue debt before the bank, lasting more than three months, previous date of issue of the reference, according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of board of National Bank of the Republic of Kazakhstan (to specify the full name of the legal entity, ph., the address, being served in this Bank).

Date _____

Signature _____

MEGAPIXEL

Appendix 9
to the Electronic form of competitive documentation

Data on subcontractors on performance of works (collaborators when rendering services), and also work types and the services transferred by the potential supplier to subcontractors (collaborators)

No. of electronic tender _____

Name of electronic tender

No. of the prize _____

Name of the prize _____

No. of the payment order	The name of the subcontractor (collaborator) - the legal entity or First name, middle initial, last name the subcontractor (collaborator) being physical person	BIN (IIN) / INN/UNP of the subcontractor (collaborator), its complete legal and postal address, contact telephone number	The name of carried-out works (rendered services) according to the Technical specification	Amount of carried-out works (rendered services) according to the Technical specification in terms of money, tenge	Amount of carried-out works (rendered services) according to the Technical specification in percentage expression, %
In total on this subcontractor (collaborator)					
In total on this subcontractor (collaborator)					

Total on all subcontractors (collaborators)		
---	--	--

Present the subcontractor (and) (the collaborator (and)) the potential supplier who is making an application on participation in electronic tender (to specify the full name of electronic tender), express the awareness on conditions of participation in government procurements and undertake responsibility for violations of the requirements provided by competitive documentation in the part, concerning subcontractors (collaborators) of the potential supplier.

The name of the subcontractor (collaborator) - the legal entity or First name, middle initial, last name the subcontractor (collaborator) being physical person	First name, middle initial, last name authorized representative of the subcontractor (collaborator)	Signature

The amount of works and the services transferred by the potential supplier to subcontractors (collaborators), shall not exceed two thirds of total amount of works and services.

Appendix 10

to the Electronic form of competitive documentation

Price proposal of the potential supplier (it is filled separately on each prize)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Name of the supplier _____

BIN / IIN / INN / UNP _____

Description of goods, works, services _____

Manufacturing plant (it is specified when purchasing the goods) _____

Name of currency of the price offer _____

Unit of measure _____

Unit price taking into account all expenses and discounts _____

Quantity (amount) _____

Delivery conditions of the goods INCOTERMS 2000 _____

Total price (quantity to increase by unit price) _____

The name of the technical specification based on which the price is submitted

We agree with your terms of payment stipulated in competitive documentation.

Appendix 2

to Rules of carrying out electronic government procurements

I argue:

(the full name of the customer (the single organizer) is specified

(it is specified First name, middle initial, last name the person who has approved auction documentation)

Solution of No. _____ Date _____ Time _____

Electronic form of auction documentation

(the type of the subject of purchases, the name of electronic auction) is specified

Customer _____

(the name, the location, the BIN, bank details) is specified

Customer representative _____

(it is specified First name, middle initial, last name, IIN, the position, phone, the e-mail)

Organizer (the single organizer) _____

(the name, the location, the BIN, bank details) is specified

Representative of the organizer (the single organizer) _____

(it is specified First name, middle initial, last name, IIN, the position, phone, the e-mail)

Secretary of the auction commission _____

(it is specified First name, middle initial, last name, the position, phone, the e-mail)

1. General provisions

1. Auction is carried out for the purpose of the choice of the supplier (ov) according to the enclosed subject (prize) of auction.

2. This auction documentation (further - the HELL) includes:

1) the subject of auction, according to [appendix 1](#) to this the HELL;

2) the description and required functional, technical, quality and operational characteristics of the bought goods, works, services, technical specifications with indication of the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan, in case of its availability, according to [appendix 2](#) to this the HELL;

when implementing government procurements of the works, requiring design estimates, instead of the description and required functional, technical, quality and operational characteristics of bought works to the HELL the design estimates are attached;

3) the contribution agreement in auction, according to [appendix 3](#) to this the HELL;

4) data on qualification of the potential supplier for delivery of the goods (performance of works, rendering of services), according to [appendices 4, 5 and 6](#) to this the HELL;

5) the amount allocated for this auction, constitutes ___ tenge.

3. The potential supplier who has expressed desire to participate in auction, brings with the application for participation in auction providing the application for participation in auction in the amount of one percent from the amount allocated for acquisition of the goods, works, services in one of below listed forms:

1) the guarantee money contribution of the money placed on the following bank account

(complete bank account details of the organizer (the single organizer);

2) the bank guarantee on paper, according to [appendix 7](#) to this the HELL.

Effective period of providing the application for participation in auction cannot be less effective period of the application for participation in auction.

2. The explanation the organizer of provisions HELLS to potential suppliers - to participants of the web portal

4. The potential supplier - the participant of the web portal if necessary sends to the organizer request about the explanation of provisions HELLS with use of the web portal, but not later (date and time of the completion of acceptance of requests is specified).

5. The organizer within one calendar day from the date of receipt of request publishes the text of the explanation of provisions HELLS on the web portal with the automatic notification of potential suppliers - the participants of the web portal who have received the HELL.

6. The organizer in need of term not later (the deadline of change the HELL) before the expiration of final date of submission of applications for participation in auction on own initiative is specified or in response to request of potential suppliers - participants of the web portal, makes changes and (or) amendments to the HELL. Modification and (or) amendments in the HELL is drawn up in the same order, as approval the HELL. The organizer no later than one working day from the date of decision making about modification and (or) amendments in the HELL publishes on the web portal specified the HELL with indication of the brought changes and (or) amendments, with the automatic notification of potential suppliers - the participants of the web portal who have received the HELL.

In that case, final term of submission of applications for participation in auction is prolonged for term at least seven calendar days.

3. Requirements to registration of the application for participation in auction and representation by potential suppliers of applications for participation in auction **Application for participation in auction**

7. The application for participation in auction is the form of expression of the consent of the potential supplier applying for participation in auction, to perform delivery of the goods (to perform works to render services) according to requirements and the conditions provided this HELL.

8. The potential supplier before forming of the request accepts the contribution agreement in auction according to [appendix 3](#) to this the HELL.

9. The application for participation in auction consists of two parts and is the form of expression of the consent of the potential supplier applying for participation in auction, to perform delivery of the goods (to perform work to render service) according to requirements and the conditions provided this HELL.

10. The first part of the application for participation in the auction, represented by the potential supplier who has expressed desire to participate in auction, to the organizer shall contain:

1) the technical specification with the description of the functional, technical, quality and operational characteristics, the bought goods, works, services, with indication of the national standard or the non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan, the specifications and technical documentation, and also with indication of on trademarks, service marks, company names, the patents, useful models, industrial designs, the name of the place of the origin of the goods and the name of the producer, and other characteristics, determining accessory of the acquired goods, work, service to the certain potential supplier;

2) providing the application for participation in auction in the amount of, established [by the Law](#), in the type:

to the bank guarantee on paper according to [appendix 7](#) to this the HELL, thus the original of the bank guarantee on paper is represented to the organizer, to final term of submission of applications for participation in electronic auction;

electronic copy of the payment document confirming the guarantee money contribution, the organizer placed on the bank account.

11. The second part of the application for participation in the auction, represented by the potential supplier who has expressed desire to participate in auction, to the organizer shall contain:

1) electronic copies of the documents certified by the digital signature, or the electronic documents represented by the potential supplier in confirmation of its compliance to general qualification requirements:

licenses and (or) patents, certificates, certificates, other documents confirming the right of the potential supplier on production, conversion, delivery and sale of the bought goods, on performance of works, rendering of services;

the statement from the register the shareholders signed and confirmed by the seal in accordance with the established procedure, issued not earlier than date of the announcement of auction;

the documents confirming solvency:

the reference of bank or branch of bank with the signature and the seal in which the potential supplier about lack of overdue debt on all obligation types of the potential supplier is served, lasting more than three months prior to date of issue of the reference, before bank or branch of bank according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of board of National Bank of the Republic of Kazakhstan, according to [appendix 8](#) to this the HELL (if the potential supplier is the client of several banks of the second level or branches, and as foreign bank, this reference is represented from each of such banks). The reference shall be issued not earlier than date of the announcement of auction;

the certificate of the established form of the relevant tax authority of lack of the tax debt and debt on compulsory pension contributions, obligatory professional pension fees to social assignments (except as specified when the payment due date is delayed according to the legislation of the Republic of Kazakhstan), or about availability of the tax debt and debt on compulsory pension contributions, compulsory professional pension contributions and social assignments less than one tenge, issued not earlier than date of the announcement of electronic auction.

The potential supplier if necessary confirms compliance to the general qualification requirement about solvency by means of provision of ensuring agreement performance in the form of the bank guarantee on paper one or several resident banks of the Republic of Kazakhstan in the amount of, equal to hundred percent from the amount of carried-out government procurements together with the application for participation in auction. Ensuring agreement performance about government procurements is provided by the potential supplier for the term established in the HELL for complete obligation fulfillment on the agreement on government procurements in the form of the bank guarantee on paper which original is represented to final term of submission of applications for participation in electronic auction.

The potential supplier if necessary confirms the compliance, and also involved subcontractors (collaborators) to general qualification requirements by means of provision of one of the following electronic copies of documents:

a) the document confirming assignment to the potential supplier (to the subcontractor, the collaborator) the rating of the international rating organization;

6) statements from stock exchange about inclusion of the potential supplier (the subcontractor, the collaborator) in official listing of the exchange;

2) the documents confirming compliance of the potential supplier to special qualification requirements:

data on qualification for participation in process of government procurements, according to [appendices 4, 5 and 6](#) to this the HELL;

data on subcontractors on performance of works (collaborators when rendering services), the purchases which were the subject at electronic auction, according to [appendix 9](#) to this the HELL, and the condition of the prohibition of transfer by the potential supplier to subcontractors (collaborators) on sub contracting (soispolneniye) in aggregate more than two thirds of amount of works (construction cost), services.

If the potential supplier provides to involve subcontractors (collaborators) of works or services, the potential supplier provides to the organizer electronic copies of the documents confirming compliance of involved subcontractors (collaborators) to general and special qualification requirements;

Effective period of the auction request shall constitute at least _____ calendar days from the date of opening of auction requests.

Requirements to registration of the application for participation in auction

12. The application for participation in auction is represented the potential supplier to the organizer in the form of the electronic document.

13. The electronic copies of documents containing in the application for participation in auction, shall be accurate and legible.

14. The application for participation in the auction, prepared by the potential supplier, and also all correspondence and documents, concerning the application for participation in auction are constituted and represented in language on which it is constituted this the HELL. In case of their creation and representation by the potential supplier in other language, accurate (notarized) translation is applied to them.

Procedure for submission of the application for participation in auction

15. The application for participation in auction is represented the potential supplier to the organizer with use of the web portal in the form of the electronic document.

16. The applications for participation provided by potential suppliers in auction automatically are registered on the web portal.

17. The application for participation in auction is considered accepted at the moment of automatic sending by the web portal of the adequate notice to the supplier who has made an application on participation in auction.

18. The application for participation in auction of the potential supplier automatically rejects the web portal in the following cases:

- 1) if the potential supplier earlier provides the application for participation in this auction;
- 2) the application for participation in auction arrived on the web portal after the expiration of final term of demands acceptance for participation in auction;
- 3) provided [by subparagraphs 3\), 3-1\), 3-2\)](#) and [4\) Item 1 of Article 6](#) of the Law.

[Change of applications for participation in auction and their response](#)

19. The potential supplier can change or withdraw the application for participation in auction with use of the web portal at any time before the expiration of final term of submission of applications for participation in auction, without losing the right to return of the providing the application for participation brought by it in auction.

20. Modification is not allowed and (or) amendments, is equal as the withdrawal of the application for participation in auction, after the expiration of final term of submission of applications for participation in auction.

21. The organizer no later than ten calendar days before expiration of applications for participation in the auction, established the HELL, if necessary does request to potential suppliers about prolongation of effective period of their application for participation in auction for the specific period of time. The potential supplier has the right to refuse to renew the application for participation in auction, having withdrawn the application for participation in auction, without forfeiting the right to return of the providing the application for participation brought by it in auction.

22. The potential supplier incurs all expenses connected with its participation in auction. The customer, the organizer, the auction commission, the commission of experts (expert) do not bear the obligation on compensation of these expenses irrespective of results of auction.

[4. Opening and consideration of the first part of applications for participation in auction, the admission to participation in auction](#)

23. On approach of date and time of final term of submission of applications for participation in the auction, the government procurements specified by the organizer in the HELL, automatically without observance of confidentiality access to opening of providing the request for consideration and determination by the auction commission of providing the request for compliance the HELL is provided to the secretary of the auction commission by the web portal.

24. Following the results of decision making by the auction commission about compliance of providing the request containing in the first part of the request, auction documentation, automatically with observance of confidentiality access to opening of the technical specification of the goods containing in the first part of applications for participation in auction is provided to the secretary of the auction commission by the web portal of government procurements.

25. No later than one working day from the date of opening of the technical specification of the goods containing in the first part of requests, the secretary of the auction commission provides for consideration of the commission of experts or to the expert, in case of their attraction, the documents confirming compliance of the goods offered by the potential supplier to requirements the HELL.

26. After receipt of the expert opinion the secretary of the auction commission publishes the expert opinion on the web portal with automatic mailing of notifications to the chairman and members of the auction commission.

27. The auction commission considers the technical specification of the goods containing in the first part of requests for the subject of compliance of the goods offered by the potential supplier to requirements the HELL. In case of availability of the commission of experts or the expert the auction commission considers the technical specification of the goods, *soderzhashcheyusya* in the first part of requests taking into account the expert opinion.

28. The auction commission considers the first part of the application for participation in auction as meeting the requirements the HELL if at it there are the grammatical or arithmetic mistakes which are not mentioning the being of the provided first part of the request.

29. The auction commission recognizes the first part of the request not conforming to requirements the HELL, in cases:

1) insufficient effective period of providing the application for participation in the auction, provided in the form of the bank guarantee;

2) inadequate registration of providing the application for participation in auction which is expressed in lack of the data which are not allowing the auction commission to establish:

the person which has issued providing the application for participation in auction;

the name of government procurements of the goods, works, services by method of auction, for participation in which is brought providing the request provided in the form of the bank guarantee;

effective period of providing the application for participation in the auction, provided in the form of the bank guarantee, and (or) the amount of providing the request, and also the condition of its provision;

the person to whom providing the application for participation in auction is issued;

the person for benefit of whom providing the application for participation in auction is brought;

3) introduction of providing the auction request in the amount of less than one percent from the amount allocated for auction;

4) non-presentations of the technical specification if the subject of auction are the goods;

5) representation by the potential supplier of the technical specification not conforming to the requirements established in the technical specification of auction documentation, except for submission of the technical specification with more best technical, quality and operational characteristics and also when the best technological decisions and (or) performance of works from the best materials if the subject of auction are the goods are offered more.

30. The auction commission considers the first part of the application for participation in auction and makes the decision on the admission of potential suppliers to participation in auction (recognizes as participants of auction) no later than seven calendar days from the date of opening of applications for participation in auction in case of government procurements.

31. The protocol on the admission to participation in auction is signed on the web portal by all members of the auction commission and published by the secretary in day of decision making about the admission, on the web portal, according to [appendix 9](#) to these rules with the automatic e-mail notification of all potential suppliers automatically registered on the web portal.

The expert opinion, special opinion of the member of the auction commission, special opinion of the expert (the member of the commission of experts) are attached to the protocol on the admission to participation in electronic auction, in case of their availability.

32. In case of submission of one application for participation in auction, both parts of the application for participation in auction are opened and considered according to these rules.

5. Carrying out auction

33. The potential suppliers allowed to participation in auction (participants of auction), submit auction price offers (ATsP) with use of the web portal.

34. ATsP shall be expressed in tenge.

35. ATsP expressed not in national currency, are automatically recalculated by the web portal in currency of the Republic of Kazakhstan - tenge on the official rate established by National Bank of the Republic of Kazakhstan for date of carrying out the auction biddings.

36. Auction is spent on the web portal in day and time specified in the notice on implementation of government procurements by method of auction.

37. Time of the beginning of auction is established in working hours and cannot be later 18.00 on time of Astana.

38. Auction is carried out by decrease in the current offer on the price, since the allocated amount for acquisition of the goods, work, the service, being the subject of carried-out auction, on the step of auction.

The step of auction constitutes from the half of percent (0,5) to five percent from the allocated amount for acquisition of the goods, work, the service, being the subject of carried-out auction.

39. In case of carrying out auction participants of auction submit ATsP providing decrease in the current minimum offer on the price for size within the step of auction.

40. In case of carrying out auction any participant of auction if necessary submits ATsP reduced from the allocated amount for acquisition of the goods, work, the service, being the subject of carried-out auction, irrespective of the step of auction under condition of absence of the current minimum offer.

41. The participant of auction has not the right to submit ATsP below, than the current minimum offer on the price of the goods, work, the service, being the subject of carried-out auction if such ATsP is submitted by the same participant of auction.

42. Time of acceptance of ATsP constitutes thirty minutes from the beginning of carrying out auction, and also ten minutes after receipt of the last offer on the price of the goods, work, the service, being the subject of carried-out auction. If during specified time of any offer on lower price of the goods, work, the service, being the subject of carried-out auction did not arrive, auction comes to the end.

43. If there was the suggested price of the goods, work, the service, being the subject of the carried-out auction, equal to the price offered by other participant of auction, the offer on the price of the goods, work, the service, being the subject of the carried-out auction, arrived before other offers is recognized to the best.

44. In case of use of the automatic bidding by two and more participants of auction, the obligatory time frame before automatic submission of the next minimum price offer constitutes 1 minute.

45. If within thirty minutes after the beginning of carrying out auction any of participants of auction did not submit ATsP, auction is recognized cancelled.

46. The protocol on results of carrying out auction automatically is created and takes place on the web portal of government procurements according to [appendix 10](#) to these rules in day of the completion of carrying out auction.

6. Consideration by the auction commission of the second part of applications for participation in auction about their compliance to qualification requirements and determination of the winner of auction

47. Access of the auction commission to consideration of the second part of applications for participation in auction of the potential suppliers recognized as participants of auction is provided by the web portal automatically in day of the completion of auction and placement of the protocol on results of auction.

48. The auction commission considers the second part of applications for participation in auction and the HELL, in time no later than seven calendar days makes the decision on compliance or on discrepancy of the potential suppliers recognized as participants of auction to qualification requirements, established.

49. By results of consideration by the auction commission of the second part of applications for participation in auction the protocol is drawn up:

- 1) considerations of the second part of applications for participation in auction;
- 2) about results of auction.

50. The protocol of consideration of the second part of applications for participation in auction is drawn up in case of identification by the auction commission of potential suppliers not conforming to the qualification requirements, established the HELL.

51. The protocol of consideration of the second part of applications for participation in auction shall contain the following information:

- 1) the list of potential suppliers not conforming to the qualification requirements, established the HELL;
- 2) the list of documents which are necessary for providing and bringing into accord with the qualification requirements, established the HELL to the potential supplier by means of the web portal for reduction of the request in compliance with the qualification requirements, established the HELL.

52. The decision of the auction commission on compliance or discrepancy of the potential suppliers recognized as participants of auction, to the qualification requirements, established the HELL, is accepted within seven calendar days from the date of placement of the protocol on results of carrying out auction, with the automatic e-mail notification of all potential suppliers recognized as participants of auction automatically registered on web portal.

53. The protocol of consideration of the second part of applications for participation in auction is signed on the web portal by all members of the auction commission and published by the secretary of the auction commission on the web portal according to [appendix 11](#) to these rules.

In case of disagreement with the decision of the auction commission, any member of the granted auction commission has the right to special opinion which is applied to the protocol about considerations of the second part of applications for participation in auction and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the auction commission to the corresponding protocol of consideration of the second part of applications for participation in auction by the secretary of the auction commission on the web portal the document containing the absence reason of the signature is published.

54. The protocol of consideration of the second part of applications for participation in auction is not drawn up in case of compliance of potential suppliers to the qualification requirements, established the HELL.

55. After term, [stipulated in Item 214](#) these rules, the secretary of the auction commission by means of the web portal initiates procedure of de novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements, established the HELL.

56. Auction commission:

1) repeatedly considers the second parts of the application for participation in auction of the potential suppliers specified in the list of the protocol of consideration of the second part of applications for participation in auction about their completeness of reduction in compliance with qualification requirements, established the HELL according to the list of the documents specified in the protocol of consideration of the second part of applications for participation in auction;

2) determines the potential suppliers who have provided incomplete and not conforming qualification requirements, established by auction documentation the list of the documents specified in the protocol of consideration of the second part of applications for participation in auction;

3) in writing and (or) in the form of the electronic document requests from potential suppliers, applications for participation in which auction were brought into accord with the qualification requirements, established the HELL, materials and explanations in connection with their applications for participation in auction to facilitate their consideration;

4) for the purpose of refining of the data containing in applications for participation in auction which were brought into accord with the qualification requirements, established the HELL, in writing and (or) in the form of the electronic document, requests necessary information from the relevant physical persons or legal entities, state bodies.

The direction of requests and other actions of the auction commission connected with reduction of the second part of the application for participation in auction in compliance with requirements the HELL are not allowed.

As reduction of the second part of applications for participation in auction in compliance with requirements the HELL are understood the actions of the auction commission directed on amendment of the second part of applications for participation in auction by missing documents, replacement of the documents provided in the second part of applications for participation in auction, reduction in compliance by correction by inadequate image of the drawn-up documents after the expiration of reduction of applications for participation in auction in compliance with the qualification requirements, established the HELL, [stipulated in Item 214](#) these rules;

5) determines potential suppliers who correspond qualifying, established the HELL and sums up auction.

Recognition of the potential supplier to inappropriate qualification requirements on the bases, not [stipulated in Item 1 Articles 9](#) of the Law [Items 260 and 261](#) of these rules, is not allowed.

For the purpose of refining of compliance of potential suppliers to general qualification requirements regarding their non-participation in insolvency proceeding or liquidation the auction commission considers information placed on the Internet resource of authorized body, exercising control of carrying out insolvency proceedings or liquidation.

57. By results of de novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements, established the HELL, the auction commission:

determines the winner of auction from among the potential suppliers recognized as participants of auction and conforming qualification requirements, established the HELL by the smallest offer on the price;

determines applicants for the conclusion of the agreement on government procurements from among the potential suppliers recognized as participants of auction and conforming qualification requirements, established the HELL in case of their availability;

recognizes auction not taken place if any potential supplier who recognized as the participant of auction and has submitted the offer on the price, does not conform to the qualification requirements, established the HELL;

the protocol on results of auction is drawn up.

58. De novo review of the second part of applications for participation in the auction, brought into accord with the qualification requirements, established the HELL is performed by the auction commission within five calendar days from the date of initiation by the secretary of the auction commission by means of the web portal procedure of de novo review of the second part of applications for participation in auction.

Results of de novo review of the second part of applications for participation in auction are drawn up in the protocol on results of auction.

The protocol on results of auction is signed on the web portal by all members of the auction commission and the HELL automatically registered on the web portal is published by the secretary of the auction commission in day of decision making about results of auction on the web portal according to [appendix 12](#) to these rules with the automatic e-mail notification of all potential suppliers recognized as participants of auction, submitted the offer on the price and conforming to the qualification requirements, established.

In case of disagreement with the decision of the auction commission, any member of the granted auction commission has the right to special opinion which is applied to the protocol on results of auction and is published on the web portal in the form of the electronic copy of the document.

In case of absence of the signature of any member of the auction commission to the corresponding protocol on results of auction the secretary of the auction commission on the web portal publishes the document containing the absence reason of the signature.

7. Return of providing applications for participation in auction

59. The organizer returns the brought providing the application for participation in auction to the potential supplier within three working days from the date of approach of one of the following cases:

1) the response this potential supplier of the application for participation in auction before the expiration of final term of submission of applications for participation in auction;

2) signings of the protocol on the admission to participation in auction. The specified case does not extend on the potential suppliers recognized as participants of auction;

3) signings of the protocol on results of government procurements by method of auction. The specified case does not extend on the participant of the auction determined by the winner of auction;

4) entries into force of the agreement on government procurements and introduction by the winner of auction of ensuring agreement performance about the government procurements, provided the HELL.

60. Providing the application for participation in auction does not return the organizer in cases, if:

1) the potential supplier determined by the winner of auction, evaded from the conclusion of the agreement on government procurements;

2) the winner of auction, having signed the agreement on government procurements, did not perform or in an inadequate way performed, including out of time performed the requirements, established the HELL, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements;

3) any of participants of auction within thirty minutes after the beginning of carrying out auction did not submit the offer on the price of the goods, work, the service, being the subject of carried-out auction. In this case, providing the application for participation in auction does not return the organizer to all participants of auction.

8. The agreement on government procurements following the results of auction

61. The customer by means of the web portal chooses one of two following forms of the conclusion of the agreement on government procurements:

1) on paper;

2) in the form of the electronic agreement.

62. In case of the conclusion of the agreement on government procurements on paper the customer within five working days from the date of signing of the protocol on results of auction sends to the supplier two copies of the draft agreement about the government procurements, constituted according to the standard agreement, according to [appendices 19, 20 and 21](#) to these rules which are signed by the customer and polistno are initialed by the authorized representative of the customer, except as specified, when the authorized representative of the customer is not appointed.

63. In case of the conclusion of the electronic agreement the customer within one working day from the date of signing of the protocol on results of government procurements sends by means of the web portal to the supplier request of data on the person signing the agreement, and details of the supplier for registration of the electronic agreement.

The supplier within three working days from the moment of obtaining on the web portal of the corresponding request fills and confirms data on the person signing the agreement, and details of the supplier.

In case of absence of confirmation by the supplier of data on the person signing the agreement, and details of the supplier, the supplier is recognized evaded from the conclusion of the agreement.

The customer no later than one working day from the date of confirmation by the supplier of data on the person signing the agreement, and details of the supplier by means of the web portal creates the draft of the electronic agreement according to the standard agreement according to [appendices 19, 20 and 21](#) to these rules, signs the digital signature and sends for signing to the supplier.

The supplier signs the electronic agreement the digital signature by means of the web portal in the terms established by the Law.

64. The supplier within ten working days from the date of the conclusion of the agreement on government procurements brings ensuring agreement performance about government procurements.

65. Ensuring agreement performance about government procurements is brought by the supplier as the guarantee of that it timely, fully and properly will perform the obligations under the agreement signed with it on government procurements.

66. The amount of ensuring agreement performance is established by the organizer in the amount of three percent from total amount of the agreement on government procurements, except as specified, when the agreement on government procurements provides advance payment.

If the agreement on government procurements provides advance payment, ensuring agreement performance is established by the organizer in the amount of equal to advance payment which shall be at least three percent from total amount of the agreement on government procurements.

67. The supplier has the right to choose one of the following types of ensuring agreement performance about government procurements:

1) the guarantee money contribution which is deposited on the bank account of the customer or to account, provided by the budget legislation of the Republic of Kazakhstan for the customers being state bodies and public institutions;

2) the bank guarantee on paper, according to [appendix 13](#) to these rules.

68. Making by the supplier of the actions leading to origin at the third parties of the right to claim as a whole or in the part on the brought guarantee money contribution before complete obligation fulfillment on the agreement is not allowed.

69. Use by the customer of the guarantee money contribution brought by the supplier, on the purposes which have not been provided [by the Law](#) is not allowed.

70. The customer returns brought ensuring agreement performance about government procurements to the supplier in the terms specified in the agreement, or within five working days from the moment of complete and proper execution by the supplier of the agreement obligations.

In case of improper execution by the supplier of undertaken obligations under the agreement on government procurements, the customer returns brought ensuring agreement performance about government procurements within five working days from the date of factual determination of payment of the penalty in the income of the relevant budget, the state company, the legal entity, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, or affiliated with them legal entities.

71. The customer does not return ensuring agreement performance if the agreement on government procurements will terminate in connection with failure to carry out by the supplier of the goods, works, services of contractual commitments.

72. In the cases provided [by Items 6, 7 and 8 of Article 37](#) of the Law, the agreement on government procurements shall contain provisions on its conclusion for the term of more than one financial year.

73. The agreement on government procurements shall contain conditions of the tax discharge on value added and excises according to requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Customs union and (or) the customs legislation of the Republic of Kazakhstan.

74. If the potential supplier in the terms established [by the Law](#), did not provide to the customer the signed agreement on government procurements or, having signed the agreement on government procurements, did not bring ensuring agreement performance about government procurements in the cases, provided the HELL, such potential supplier is recognized evaded from the conclusion of the agreement on government procurements.

75. In case of recognition of the potential supplier evaded from the conclusion of the agreement on government procurements the customer:

1) holds the providing the application for participation brought by it in auction and takes a legal action with the claim about recognition of such potential supplier by the unfair participant of government procurements;

2) if necessary takes a legal action with the claim about compulsion of such potential supplier to sign the agreement on government procurements, and also on the indemnification, caused by evasion from the conclusion of the agreement on government procurements.

Appendix 1

to the Electronic form of auction documentation

Subject of auction (prize) (it is created on the basis of the approved annual plan)

No. of auction _____

Name of auction _____

No. of the prize	Name of the customer	Description of goods (works, services) *	Unit of measure	Quantity, amount	Delivery conditions (according to the INCOTERMS 2000)	Delivery date of the goods, performance of works, rendering of services	Place of delivery of the goods, performance of works, rendering of services	Size of the advance payment, %	The amount allocated on the prize, tenge
1	2	3	4	5	6	7	8	9	10

* the Complete description and the characteristic of the goods, works, services are specified in the technical specification.

Appendix 2

to the Electronic form of auction documentation

The technical specification of the bought goods (works, services)

No. of auction _____

Name of auction _____

In the technical specification the complete description and required functional, technical, quality and operational characteristics of the bought goods (works, services), including necessary specifications, plans, drawings, sketches, with indication of the international or internal standards to which there shall correspond the delivered goods (the performed works, rendered services) are given.

In need of the technical specification the accompanying services necessary by delivery of the goods (installation, adjustment, training, checks and testing of the goods etc.) are specified to the customer and where they shall be carried out, year of release of the goods, guarantee period.

In the technical specification on services the description of technical and quality characteristics shall be distributed on the appropriate sections containing parameters of technical characteristics and purpose of rendering of services for the purposes of determination of the best technical specification (the best technical specifications). In case of acquisition of the services which quality of rendering depends on qualification of the worker who is directly rendering such services, in the technical specification the requirement description, shown to the worker, determining its level and the profile of professional training, the length of service, the assigned obligations necessary for accomplishment to it is given.

In the technical specification the national or non-governmental standard approved by non-profit organizations of producers of the Republic of Kazakhstan shall be specified, in case of its availability.

When implementing government procurements of the works, requiring design estimates, instead of the technical specification auction documentation shall contain the design estimates approved in accordance with the established procedure.

Appendix 3

to the Electronic form of auction documentation

The contribution agreement in auction

Hereby we express desire to take part in these electronic government procurements by method of auction as the potential supplier and we express the consent to perform (delivery of the goods (ov), performance of works, rendering of services) according to requirements and the conditions provided by auction documentation.

This is to confirm absence of violations of restrictions, [stipulated in Clause 6](#) Laws.

Present also we express the consent to termination according to the procedure, established [by the Law](#), agreements on government procurements (the goods (ov), works, services).

We confirm that are acquainted with auction documentation and are informed on responsibility for representation to the organizer and the auction commission of doubtful data on the competence, qualification, quality and other characteristics (the delivered goods (ov), the carried-out works, rendered services), observance of copyright and related rights by it, and as other restrictions provided by the current legislation of the Republic of Kazakhstan.

It is undertaken complete responsibility for representation in the application for participation in auction and documents of such doubtful data enclosed to it.

Our application for participation in auction will be effective during the term required by auction documentation.

In case of recognition of our application for participation in auction won, we will bring ensuring agreement performance about government procurements in the amount of, specified in auction documentation.

Till the conclusion of the agreement on government procurements the application for participation submitted us in auction together with the notification on recognition it won will carry out the role of the obligatory agreement between the customer and us.

Appendix 4

to the Electronic form of auction documentation

Data on qualification

(it is filled with the potential supplier when purchasing works)

No. of auction _____

Name of auction _____

1. General information about the potential supplier:

Name _____

BIN / IIN / INN / UNP _____

2. Amount of the works executed by the potential supplier within the last ten years similar bought at auction (it is filled in case of availability).

Name of work	Place of performance of work (location of object)	Name of the customer	Phone number of the customer	Year of completion of work	Cost of the agreement, tenge (it can not be specified)

3. The potential supplier specifies data on availability of the equipment (mechanisms, machines), provided by auction documentation, or the similar (additional) equipment (mechanisms, machines), necessary for performance of works with appendix of electronic copies of supporting documents.

№	Name of the equipment (mechanisms, machines)	Quantity of available units	Condition (new, good, bad)	Own, leased (at whom)	The name, date and number of the supporting document (it can not be specified)
---	--	-----------------------------	----------------------------	-----------------------	--

4. Data on access to financial resources:
(money: own, credit etc.). To list below.

? Reliability of all data on qualification I confirm

Appendix 5

to the Electronic form of auction documentation

Data on qualification (it is filled with the potential supplier when purchasing services)

No. of auction _____

Name of auction _____

1. General information about the potential supplier:

Name _____

BIN / IIN / INN / UNP _____

2. Amount of the services rendered by the potential supplier within the last ten years similar bought at auction (it is filled in case of availability).

Name of service	Place of rendering of service	Name of the customer	Phone number of the customer	Year of completion of service	Cost of the agreement, tenge (it can not be specified)

3. The potential supplier specifies data on availability of the equipment (materials) provided by auction documentation, or the similar (additional) equipment (materials) necessary for rendering of services with appendix of electronic copies of supporting documents.

№	Name of the equipment (materials)	Quantity of available units (pieces)	Condition (new, good, bad)	Own, leased (at whom)	The name, date and number of the supporting document (it can not be specified)
---	-----------------------------------	--------------------------------------	----------------------------	-----------------------	--

4. The potential supplier specifies data on skilled workers, for accomplishment of the obligations of necessary services assigned to them for the purpose of rendering on this auction with appendix of electronic copies of supporting documents.

No. of the payment order	Full name of the worker	Length of service in the sphere of rendering of services bought at this tender	Qualification (specialty) according to the diploma, the certificate, etc. education documents	Category, category, class in the specialty

it is filled under the condition if requirements to workers and on availability of such workers are specified in the technical specification on this auction.

5. Data on access to financial resources:

(money: own, credit etc.). To list below.

? Reliability of all data on qualification I confirm

Appendix 6 to the Electronic form of auction documentation

Data on qualification (it is filled with the potential supplier when purchasing the goods)

No. of auction _____

Name of auction _____

1. General information about the potential supplier:

Name _____

BIN / IIN / INN / UNP _____

2. Amount of the goods, delivered (made) by the potential supplier within the last ten years similar bought at auction (it is filled in case of availability).

Description of goods	Name of the customer	Phone number of the customer	Place of delivery of the goods	Delivery date of the goods	Cost of the agreement, tenge (it can not be specified)

3. Data on access to financial resources:

(money: own, credit etc.). To list below.

? Reliability of all data on qualification I confirm

Appendix 7 to the Electronic form of auction documentation

Bank guarantee

Bank name _____

Bank details _____

To whom:

Name of the organizer of government procurements _____

Details of the organizer of government procurements _____

Warranty obligation of No. ____

(location) " " ____.

We were informed that _____

(name of the potential supplier)

further "Supplier", takes part in auction on purchase

organized _____

(name of the organizer of government procurements)

also it is ready to perform delivery (to perform work to render service)

(name of the goods, works, services in auction)

Auction documentation from " " _____ on carrying out the above-named auction provides introduction by potential suppliers of providing the application for participation in auction in the form of the bank guarantee.

With respect thereto we _____ assume the irrevocable obligation to pay to you according to your requirement present

(bank name)

amount equal

(the amount in figures and in cursive script)

on receipt of your written requirement of payment, and also written confirmation of that Supplier:

determined by the winner of auction, evaded from the conclusion of the agreement on government procurements;

having signed the agreement on government procurements, did not perform or in an inadequate way performed, including out of time performed the requirements established by auction documentation, about introduction and (or) terms of introduction of ensuring agreement performance about government procurements;

is one of participants of auction not submitted the offer on the price of the goods, work, the service, being the subject of carried-out auction within thirty minutes after the beginning of carrying out auction.

This warranty obligation becomes effective from the date of opening of applications for participation in auction.

This warranty obligation is effective to final effective period of the application for participation in auction of the Supplier and expires completely and automatically irrespective of, whether this document or not if your written requirement is not received by us by the end ____ will be returned to us. If effective period of the application for participation in auction is prolonged, this warranty obligation is prolonged for the same term.

All rights and the obligations arising in connection with this warranty obligation, are regulated by the legislation of the Republic of Kazakhstan.

Signature and seal of the guarantor

Date and address

Appendix 8 **to the Electronic form of auction documentation**

Certificate of lack of debt

Bank name _____

Bank details _____

To whom:

Name of the organizer of government procurements _____

Details of the organizer of government procurements _____

The bank (name) as of _____ confirms lack of overdue debt before the bank, lasting more than three months prior to date of issue of the reference, according to the Standard chart of accounts of financial accounting in banks of the second level and the mortgage companies, approved by the resolution of board of National Bank of the Republic of Kazakhstan, (to specify the full name of the legal entity, ph., the address, being served in this Bank).

Date _____

Signature _____

MEGAPIXEL

Appendix 9 to the Electronic form of auction documentation

Data on subcontractors on performance of works (collaborators when rendering services), and also work types and the services transferred by the potential supplier to subcontractors (collaborators)

No. of auction _____

Name of auction _____

No. of the payment order	The name of the subcontractor (collaborator) - the legal entity or First name, middle initial, last name the subcontractor (collaborator) being physical person	BIN (IIN) / INN/UNP of the subcontractor (collaborator), its complete legal and postal address, contact telephone number	The name of carried-out works (rendered services) according to the Technical specification	Amount of carried-out works (rendered services) according to the Technical specification in terms of money, tenge	Amount of carried-out works (rendered services) according to the Technical specification in percentage expression, %
In total on this subcontractor (collaborator)					
In total on this subcontractor (collaborator)					
Total on all subcontractors (collaborators)					

Present the subcontractor (and) (the collaborator (and)) the potential supplier who is making an application on participation in auction (to specify the full name of auction) express the awareness on conditions of participation in government procurements and undertake responsibility for violations of requirements provided by auction documentation regarding concerning subcontractors (collaborators) of the potential supplier.

The name of the subcontractor (collaborator) - the legal entity or First name, middle initial, last name the subcontractor (collaborator) being physical person	First name, middle initial, last name authorized representative of the subcontractor (collaborator)	Signature
---	---	-----------

The amount of works and the services transferred by the potential supplier to subcontractors (collaborators) shall not exceed two thirds of total amount of works and services.

Appendix 3 to Rules of carrying out electronic government procurements

The protocol of opening (it is created on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Structure of the competitive commission:

№	FIRST NAME, MIDDLE INITIAL, LAST NAME.	Position in the organization	Role in the commission

Competitive documentation is provided to the following potential suppliers:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of receipt of competitive documentation

Applications for participation in electronic tender are provided by the following potential suppliers:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Information on availability (absence) of the documents provided by competitive documentation:

№	Name of the supplier	BIN (IIN) / INN / UNP	Name of the document	Sign of availability

Appendix 4 to Rules of carrying out electronic government procurements

The preliminary protocol of the admission to participation in electronic tender on government procurements of the goods, services (it is created on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Structure of the competitive commission:

№	FULL NAME	Position in the organization	Role in the commission

Information on the provided applications for participation in electronic tender:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Results of preliminary vote of members of the competitive commission:

№	Name of the potential supplier (list of potential suppliers)	Full name, position, role in the commission	Decision of the member of the commission	Reason not compliance to qualification requirements and requirements of competitive documentation	Reasons (it is specified in case of availability)	The list of documents which it is necessary to provide to the potential supplier for reduction of the application for participation to the electron of number tender in compliance with qualification requirements and requirements of competitive documentation

Rejected applications for participation in electronic tender:

№	Name of the supplier	Reason for rejection

Applications for participation in the electronic tender, conforming to qualification requirements and requirements of competitive documentation:

№	Name of the supplier	BIN (IIN) / INN / UNP

The competitive commission on results of preliminary consideration of applications for participation in electronic tender SOLVED:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Decision of the competitive commission

Final date and time of submission of applications for participation in the tender, brought by potential suppliers into accord with qualification requirements and requirements of competitive documentation: no later than 3 working days from the moment of the publication of this protocol.

Appendix 5 to Rules of carrying out electronic government procurements

The preliminary protocol of the admission to participation in electronic tender on government procurements of works (it is created on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Structure of the competitive commission:

№	F.I.O	Position in the organization	Role in the commission

Information on the provided applications for participation in electronic tender:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Results of preliminary vote of members of the competitive commission:

№	Name of the potential supplier (list of potential suppliers)	Full name, position, role in the commission	Decision of the member of the commission	Reason not compliance to qualification requirements and requirements of competitive documentation	Reasons (it is specified in case of availability)	The list of documents which it is necessary to provide to the potential supplier for reduction of the application for

						participation in electronic tender to compliance with qualification requirements and requirements of competitive documentation

Rejected applications for participation in electronic tender:

№	Name of the supplier	Reason for rejection

Applications for participation in the electronic tender, conforming to qualification requirements and requirements of competitive documentation:

No. Name of the supplier BIN of IIN/INN/UNP

№	Name of the supplier	BIN (IIN) / INN / UNP

The competitive commission on results of preliminary consideration of applications for participation in electronic tender SOLVED:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Decision of the competitive commission

Final date and time of submission of applications for participation in the tender, brought by potential suppliers into accord with qualification requirements and requirements of competitive documentation: no later than the 3rd working days from the moment of the publication of this protocol.

Appendix 6

to Rules of carrying out electronic government procurements

The protocol on the admission to participation in electronic tender on government procurements of the goods, services (it is created on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Structure of the competitive commission:

№	F.I.O	Position in the organization	Role in the commission

Information on the provided applications for participation in electronic tender:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Information about brought into accord with qualification requirements and requirements of competitive documentation applications for participation in electronic tender (this information is published in the presence of the protocol of the preliminary admission to participation in tender):

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Results of vote of members of the competitive commission:

№	Name of the supplier	F.I.O, the position, the role in the commission	Decision of the member of the commission	Reason for rejection	Reasons (it is specified in case of the variation)

Rejected applications for participation in electronic tender:

№	Name of the supplier	Reason отклонения ¹

¹справочник from three text values: (discrepancy to qualification requirements, discrepancy to requirements of competitive documentation, violation of requirements [of Article 6](#) of the Law)

Applications for participation in the electronic tender, conforming to qualification requirements and requirements of competitive documentation:

№	Name of the supplier	BIN (IIN) / INN / UNP

Information on results of use of relative value of criteria, [stipulated in Item 4 Articles 17](#) of the Law, to all applications for participation in the electronic tender, provided on participation in this electronic tender:

№	Name of the potential supplier	BIN (IIN) / INN / UNP	Conditional discounts, %								
			Work experience	Availability of the document on voluntary certification of the goods	Availability of the certified quality management system	Availability of the document of certification of system of management of environment	Local content (this criterion is applied when implementing government procurements by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, and affiliirovanny with them legal entities)	The status of the domestic producer, the domestic supplier of works, services (this criterion is applied when implementing government procurements by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, and affiliirovanny with them legal entities)	The potential supplier of the country of the Agreement (this criterion is applied with participation in government procurements of foreign potential suppliers of the country which is not the agreement party)	The potential supplier - the companies of correctional facility (this criterion is applied with participation in government procurements of potential suppliers - the companies of correctional facilities)	General conditional discount, %
1	2	3	4	5	6	7	8	9	10	11	12

The competitive commission on results of consideration of applications for participation in electronic tender SOLVED:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Decision of the competitive commission	The best that. specification	Code name of the best technical specification	Reasons for the best technical specification

Final date and time of submission of competitive price offers the potential suppliers allowed to participation in electronic tender: no later than the 3rd working days from the moment of the publication of this protocol. In case of the admission of only one supplier, submission of the competitive price offer it is not made.

Appendix 7

to Rules of carrying out electronic government procurements

The protocol on the admission to participation in electronic tender on government procurements of works (it is created on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Structure of the competitive commission:

№	F.I.O	Position in the organization	Role in the commission

Information on the provided applications for participation in electronic tender:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Information about brought into accord with qualification requirements and requirements of competitive documentation applications for participation in electronic tender (this information is published in the presence of the protocol of the preliminary admission to participation in tender):

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Results of vote of members of the competitive commission:

№	Name of the supplier	F.I.O, the position, the role in the commission	Decision of the member of the commission	Reason for rejection	Reasons (it is specified in case of the variation)

Rejected applications for participation in electronic tender:

№	Name of the supplier	Reason отклонения1

1 справочник from three text values: (discrepancy to qualification requirements, discrepancy to requirements of competitive documentation, violation of requirements [of Article 6](#) of the Law)

Applications for participation in the electronic tender, conforming to qualification requirements and requirements of competitive documentation:

№	Name of the supplier	BIN (IIN) / INN / UNP

Information on results of use of relative value of criteria, [stipulated in Item 4 Articles 17](#) of the Law, to all applications for participation in the electronic tender, provided on participation in this electronic tender:

№	Name of the potential supplier	BIN (IIN) / INN / UNP	Conditional discounts, %							
			Work experience	Availability of the certified quality management system	Availability of the document of certification of system of management of environment	Local content (this criterion is applied when implementing government procurements by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, and affilirovanny with them legal entities)	The status of the domestic producer, the domestic supplier of works, services (this criterion is applied when implementing government procurements by the state companies, the legal entities, fifty and more percent of voting shares (shares of participation in the authorized capital) which belong to the state, and affilirovanny with them legal entities)	The potential supplier of the country of the Agreement (this criterion is applied with participation in government procurements of foreign potential suppliers of the country which is not the agreement party)	The potential supplier - the companies of correctional facility (this criterion is applied with participation in government procurements of potential suppliers - the companies of correctional facilities)	General conditional discount, %
1	2	3	4	5	6	7	8	9	10	11

The competitive commission on results of consideration of applications for participation in electronic tender SOLVED:

№	F.I.O	Position in the organization	Role in the commission

Final date and time of submission of competitive price offers the potential suppliers allowed to participation in electronic tender: no later than the 3rd working days from the moment of the publication of this protocol. In case of the admission of only one supplier, submission of the competitive price offer it is not made.

Appendix 8
to Rules of carrying out electronic government procurements

The protocol on results (it is created on each prize separately)

No. of electronic tender _____

Name of electronic tender _____

No. of the prize _____

Name of the prize _____

Structure of the competitive commission:

№	F.I.O	Position in the organization	Role in the commission

The bought goods (works, services):

Number of the prize	Description of goods (works, services)	The amount allocated for purchase, tenge

The following applications for participation in electronic tender were allowed:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details

Competitive price offers are provided by the following participants of electronic tender:

№	Name of the supplier	BIN (IIN) / INN / UNP	First name, middle initial, last name representative	Code name of the technical specification	Date and time of submission of the competitive price offer

Competitive price offers are rejected:

№	Name of the supplier	BIN (IIN) / INN / UNP	First name, middle initial, last name representative	Reason for rejection

Calculation of the conditional prices of participants of electronic tender:

tenge

№	Name of the supplier	BIN (IIN) / INN / UNP	The allocated amount	Price of the supplier	Percent of decrease in the budget	Size of the conditional discount, %	The price taking into account the conditional discount
1	2	3	4	5	6	7	8

Winner of electronic tender: (name of the supplier of the winner) or: to recognize electronic tender on government procurements (the name of tender (prize) cancelled in connection with _____*:

to the customer (the name of the customer) in the terms specified in [Items 1 and 3 of Article 37](#) of the Law of the Republic of Kazakhstan "About government procurements" to sign the agreement on government procurements with (the name of the supplier of the winner).

Note: *одно from the following values: "absence of the provided requests", "representation less than two requests", "any potential supplier is not allowed to participation in tender", "one potential supplier is allowed to participation in tender", "absence of the provided competitive price proposals of participants of tender", "representation less than two competitive price proposals of participants of tender", "remained only one not rejected competitive price proposal of the participant of tender".

Appendix 9

to Rules of carrying out electronic government procurements

Protocol of the admission

No. auction (Number of auction)

(Name of auction)

Structure of the auction commission:

№	FIRST NAME, MIDDLE INITIAL, LAST NAME.	Position in the organization	Role in the commission
	(First name, middle initial, last name member of the commission)	(The position in the organization)	(The role in the commission)

Type of the subject of auction: _____
(goods, work or service)

Name of the subject of auction: _____
(name of the prize)

The amount allocated for purchase, tenge: _____
(planned amount of auction)

The following applications for participation in auction were отклонены1:

№	Code number of the supplier	Reason for rejection
	(Code number of the supplier)	(According to the directory of values: not compliance of auction documentation Violation of requirements of Article 6 of the Law)

Results of vote of members of the auction commission on rejected requests 2:

Nº	Code number of the supplier	F.I.O, the position, the role in the commission	Decision of the member of the commission	Reason for rejection	Reasons for the reason for rejection (it is specified in case of the variation)
----	-----------------------------	---	--	----------------------	---

- 1 Data are not removed in case of absence of rejected requests of potential suppliers.
2 Data are not removed in case of absence of rejected requests of potential suppliers.

Nº	(code number of the supplier)	(First name, middle initial, last name the member of the commission, the position in the organizations, the role in the commission)	(The following reasons depending on the accepted decision: it is allowed, rejected, did not vote)	(According to the directory of values: discrepancy of competitive documentation; violation of requirements of Article 6 of the Law)	(Reasons the reasons for rejection brought by the member of the commission)
----	-------------------------------	---	---	---	---

Date and time of the beginning of the auction biddings are published in the announcement of auction on the web portal of government procurements.

In case of the admission less than two potential suppliers the auction biddings are not carried out.

Appendix 10 to Rules of carrying out electronic government procurements

Protocol of results of carrying out auction No. auction (Number of auction) (Name of auction)

Type of the subject of auction: _____
(goods, work or service)

Name of the subject of auction: _____
(name of the prize)

The amount allocated for purchase, tenge: _____
(planned amount of auction)

Date and time of the beginning of auction: (DD.MM.GGGG CHCH:MM:SS)

Date and time of the completion of auction: (DD.MM.GGGG CHCH:MM:SS)

Data on the last proposals of participants of auction:

Code of the participant	Suggested price, tenge	Time of submission of the offer
		DD.MM.GGGG CHCH:MM:SS (on time of the city of Astana)

Appendix 11

to Rules of carrying out electronic government procurements

Protocol of consideration of the second part of applications for participation in auction

No. auction (Number of auction)

(Name of auction)

Type of the subject of auction: _____

(goods, work or service)

Name of the subject of auction: _____

(name of the prize)

The amount allocated for purchase, tenge: _____

(planned amount of auction)

Structure of the auction commission:

№	F.I.O	Position in the organization	Role in the commission

Information on the provided applications for participation in auction:

№	Name of the supplier	BIN (IIN) / INN / UNP	Details	Date and time of submission of the request

Results of preliminary vote of members of the auction commission:

№	Name of the supplier	Full name, position, role in the commission	Decision of the member of the commission	Reason of discrepancy for qualification requirements	Reasons (it is specified in case of availability)	The list of documents which it is necessary to provide to the potential supplier for reduction of the application for participation in electronic tender to compliance with qualification requirements

The following applications for participation in auction were rejected:

№	Name of the supplier	Reason for rejection

Applications for participation in the auction, conforming to qualification requirements:

№	Name of the supplier	BIN (IIN) / INN / UNP

The auction commission on results of preliminary consideration of the second part of applications for participation in auction SOLVED:

№	Name of the potential supplier (list of potential suppliers)	BIN (IIN) / INN / UNP	Details	Decision of the auction commission

Final date and time of submission of applications for participation in the auction, brought by potential suppliers into accord with qualification requirements: no later than the 3rd working days from the moment of the publication of this protocol.

Appendix 12 to Rules of carrying out electronic government procurements

Protocol on results No. auction (Number of auction) (Name of auction)

Structure of the auction commission:

№	FIRST NAME, MIDDLE INITIAL, LAST NAME.	Position in the organization	Role in the commission
	(First name, middle initial, last name member of the commission)	(The position in the organization)	(The role in the commission)

Type of the subject of auction: _____
(goods, work or service)

Name of the subject of auction: _____
(name of the prize)

The amount allocated for purchase, tenge: _____
(planned amount of auction)

Results of vote of members of the auction commission:

№	Name of the supplier	First name, middle initial, last name, the position, the role in the commission	Decision of the member of the commission	Reason for rejection	Reasons for the reason for rejection
	(Full name of the supplier)	(First name, middle initial, last name the member of the commission, the position in the organizations, the role in the commission)	(The following reasons depending on the accepted decision: corresponds, does not correspond, did not vote)	(According to the directory of values: discrepancy qualifying to requirements, violation of requirements of Article 6 of the Law)	(Reasons for the reason for rejection brought by the member of the commission)

The auction commission on results of consideration of the second part of applications for participation in auction SOLVED:

Code of the participant	Offer on the price	Date and time of submission of the offer	Name of the supplier	First name, middle initial, last name representative	BIN (IIN) / INN / UNP	Details	Decision of the commission on compliance or discrepancy to requirements
(Code of the participant of auction)	(Last price proposal of the supplier)	(DD. MM.GGGG CHCH:MM:SS)	(Full name of the supplier)	(First name, middle initial, last name the representative of the supplier made an application)	(BIN / IIN) / INN / UNP	Address: (Legal address) BIK: (BIK of bank) IIK: (IIK of bank) Bank name: Bank name)	(Depending on calculation of voices: corresponds, does not correspond)

To approve the following results of auction:

(Name of the supplier)	(Following values: winner, applicant *)
------------------------	---

To the customer (the name of the customer) in the terms specified in [Items 1 and 3 of Article 37](#) of the Law of the Republic of Kazakhstan "About government procurements" to sign the agreement on government procurements with (the name of the supplier of the winner).

Note: * the winner - is appropriated to the participant of the auction, conforming to qualification requirements and provided the smallest offer on the price.

The applicant - is appropriated to other participants of the auction, the conforming qualification requirements, the prices in ascending order offered by them.

Appendix 13 to Rules of carrying out electronic government procurements

Bank guarantee (the form of ensuring agreement performance about government procurements)

Bank name: _____
(name and bank details)

To whom: _____
(name and details of the customer)

Warranty obligation of No. _____

_____ " ____ " _____.
(location)

In view of that _____,
(name of the supplier)

"Supplier", signed (IT) * the agreement on government procurements of No. ____ from _____
_____ (further - the Agreement) on delivery (accomplishment, rendering)

(description of the goods, works or services)

and by you it was provided in the Agreement that the Supplier will bring ensuring its execution in the form of the bank guarantee for total amount

_____ tenge, this _____

(bank name)

we confirm that we are the guarantor under the above-stated Agreement and we assume the irrevocable obligation to pay to you according to your requirement the amount equal

(the amount in figures and in cursive script)

on receipt of your written requirement of payment, and also the written confirmation of that the Supplier did not perform or performed in an inadequate way the agreement obligations.

This warranty obligation becomes effective from the moment of its signing and is effective till complete execution by the Supplier of the agreement obligations.

All rights and the obligations arising in connection with this warranty obligation, are regulated by the legislation of the Republic of Kazakhstan.

Signature and seal of guarantors

Date and address

(On behalf of the first head of bank (branch of bank) or his deputy and the chief accountant of bank).

Appendix 14 **to Rules of carrying out electronic government procurements**

The invitation to participation in government procurements by method from one source by means of electronic purchases

Dear participant (name of the potential supplier)!

You are invited to participation in public procurement (No. of the invitation, the name of the invitation) by method from one source by means of electronic purchases.

For viewing of the invitation pass according to the reference (the reference to the invitation). If the reference specified above does not open, copy it in the clipboard, insert into the address line of the browser and press "Input".

Appendix 15 **to Rules of carrying out electronic government procurements**

The contribution agreement in government procurements by method from one source by means of electronic purchases

Hereby we express desire to take part in these electronic government procurements by method from one source by means of electronic purchases as the potential supplier and we express the consent to perform (delivery of the goods (ov), performance of works, rendering of services) according to the established requirements and conditions.

This is to confirm absence of violations of restrictions, [stipulated in Clause 6](#) Laws.

Also we express the consent of the potential supplier to termination according to the procedure, established by the laws of the Republic of Kazakhstan, the agreement on government procurements (the goods (ov), works, services).

We confirm that are acquainted with the list of documents and are informed on responsibility for representation to the organizer of government procurements of doubtful data on the competence, qualification, quality and other characteristics (the delivered goods (ov), the carried-out works, rendered

services), observance of copyright and related rights by it, and as other restrictions provided by the current legislation of the Republic of Kazakhstan.

It is undertaken complete responsibility for representation in the answer to participation in purchase and documents of such doubtful data enclosed to it.

Appendix 16
to Rules of carrying out electronic government procurements

**The list of government procurements (prizes) by method from one source
by means of electronic purchases**
(it is created on the basis of the approved annual plan)

No. of the invitation _____

Name of the invitation _____

No. of the prize	Name of the customer	Description of goods (works, services) *	Unit of measure	Quantity, amount	Delivery conditions (according to Incoterms 2000)	Delivery date of the goods, performance of works, rendering of services	Place of delivery of the goods, performance of works, rendering of services	Size of the advance payment, %	The amount allocated on the prize, tenge
1	2	3	4	5	6	7	8	9	10

? The complete description and the characteristic of the goods, works, services is specified in the technical specification

Appendix 17
to Rules of carrying out electronic government procurements

**The price proposal of the potential supplier on government procurements
by method from one source by means of electronic purchases**

(it is filled separately on each public procurement (prize))

No. of the invitation _____

Name of the invitation _____

No. of the prize _____

Name of the prize _____

Name of the supplier _____

BIN / IIN / INN / UNP _____

Description of goods, works, services _____

KTRU code _____

Currency of the price offer _____

Currency code of the price offer _____

Unit of measure _____

Unit price taking into account all expenses _____

Quantity (amount) _____

Delivery conditions of the goods INCOTERMS 2000 _____

Total price (quantity to increase by unit price)

We agree with your terms of payment.

Date and time _____

Appendix 18
to Rules of carrying out electronic government procurements

The protocol on results of government procurements by method from one source by means of electronic purchases
(it is created on each public procurement (prize) separately)

No. of the invitation _____

Name of the invitation _____

No. of the prize _____

Name of the prize _____

Information on the customer representative and representative of the organizer:

№	FULL NAME	Position	Role
1			Customer representative
2			Representative of the organizer

The bought goods (works, services):

Number of the prize	Description of goods, works, services	Reasons for application	Type of the subject of purchase (goods, work, service)	The amount allocated for purchase, tenge

Information on the invited potential supplier:

Name of the supplier	BIN (IIN) / INN / UNP	Details

Information on the price proposal of the potential supplier:

The allocated amount	Price of the supplier	Date and time of provision of the price offer

--	--	--

Results of compliance/discrepancy to qualification requirements:

The name of the invited supplier	Representative of the organizer	Decision of the representative of the organizer	Reason of discrepancy
(Full name of the supplier)	(The full name of the representative of the organizer, the position in the organization)	(According to the directory of values: corresponds / does not conform to requirements of those. specifications; corresponds / does not conform to qualification requirements; corresponds / does not conform to requirements of Article 6 of the Law)	(The reason entered by the representative of the organizer, in case of discrepancy to requirements of those. specifications; to qualification requirements; to requirements of Article 6 of the Law)

It is decided to sign the agreement on government procurements by method "From one source by means of electronic purchases" with the invited potential supplier (the name of the potential supplier).

Or:

purchase by method from one source by means of electronic purchases did not take place because the invited potential supplier (the name of the potential supplier) refused participation in public procurement by method from one source.

Or:

purchase by method from one source by means of electronic purchases did not take place because the invited potential supplier (the name of the potential supplier) did not provide in due time the answer to participation in public procurement by method from one source.

Or:

according to [Item 10 of Article 5](#) of the Law the customer refused implementation of government procurements.

Or:

purchase by method from one source by means of electronic purchases did not take place because the invited potential supplier does not conform to qualification requirements.

Appendix 19 to Rules of carrying out electronic government procurements

The standard agreement about government procurements of the goods

<Identification number> <number of the card of the agreement>
<region of the Customer> No. <agreement number> <date of the agreement>

<the full name of the Customer>, referred to as (oye) (aya) further "Customer" on behalf of whom the position of the Customer> <as the full name of the Customer> acts <acting on the basis of the <the basis of the Customer>, on the one hand and <the full name of the Supplier>, referred to as (oye) (aya) further "Supplier" on behalf of whom the position of the Supplier> <as the full name of the Supplier> acts <acting on the basis of the <the basis of the Supplier>, on the other hand, further jointly referred to as "Parties", based on [the Law](#) of the Republic of Kazakhstan "About government procurements" (further - the Law) and decisions on approval of results of electronic government procurements by method <the method of purchase> from <date of results> years of No. <number of results>, signed this agreement about government procurements of the goods (further - the Agreement) and came to the agreement as follows:

1. Subject of the agreement

1. The supplier shall deliver to the Customer the goods according to appendices to this agreement (further - the goods), and the Customer to accept and pay the Goods on the terms and conditions of this agreement.

2. The documents listed below and the conditions stipulated in them, will form this Agreement and are considered as its integral part, namely:

- 1) this agreement;
- 2) the list of the bought goods (appendix 1);
- 3) technical specification (appendix 2).

2. Cost of the Agreement and payment term

3. Total amount of the Agreement constitutes <the amount of the agreement> (<sum in words>) of tenge and includes all expenses connected with delivery of the Goods, and also all taxes and fees, the stipulated by the legislation Republic of Kazakhstan, <including the VAT / excluding VAT> (further - the amount of the Agreement).

4. In territorial body of treasury the Agreement is subject to registration according to the budget program <program>, <the subprogramme, specifics, the amount of the agreement excluding VAT, (the sum in words excluding VAT), specifics of the VAT, the VAT amount in the amount of the agreement> (<the VAT amount in the amount of the agreement in cursive script>) 1

5. The customer in process of allocation of budgetary funds and after the introduction of the Agreement in force, makes the advance payment in the amount of agrees to appendix 1.

The remained amount is paid by the Customer in process of allocation of budgetary funds by transfer for the goods <payment term> laid down by the Supplier and signing by the Parties of the delivery-acceptance certificate of the goods, taking into account pro rata deduction of earlier paid advance payment 2.

6. The amount is paid by the Customer in process of allocation of budgetary funds by transfer for the goods <payment term> laid down by the Supplier and signing by the Parties of the delivery-acceptance certificate товаров3.

The form of the delivery-acceptance certificate of the delivered goods is approved previously by the Supplier with the Customer.

7. The amount of the delivered goods in quantitative and value term is stipulated in Appendix 1 to the Agreement.

8. Necessary documents previous payment:

- 1) <registered in territorial body of treasury / signed> the Agreement;
 - 2) delivery-acceptance certificate of the goods;
 - 3) the invoice for payment provided by the Supplier to the Customer.
- <N. New Item>

1 This Item is displayed only for customers - public institutions

2 This Item is displayed in case of accomplishment of conditions: 1) for all methods of purchases, except the method request of price offers; 2) in Item of the annual plan based on which the agreement is signed, advance payment is specified

3 This Item is displayed, if in Item annual the plan based on which the agreement is signed, advance payment is not specified

3. Obligations of the Parties

9. The supplier shall:

1) to provide complete and proper execution of the assumed agreement obligations;

2) if ensuring agreement performance was not brought by the Supplier according to [Item 8 of Article 8](#) of the Law, within ten working days from the date of the conclusion of the Agreement, to bring ensuring agreement performance in the amount of <3 percent/amount of advance payment as a percentage> from the amount of the Agreement specified in Item 2.1. Agreements that the amount of providing> (<the amount of providing in cursive script>) in the type constitutes <:

guarantee money contribution on the bank account: No. <the account for the guarantee fee of the Customer __ deposit> in <bank name> on the city <city>, BIK <BIK> or:

the bank guarantee in the form according to [appendix 13](#) to Rules of carrying out electronic state закупок4;

4 This subparagraph of Item 3.1 is displayed for all methods of purchases, except the method by request of price offers

3) in case of execution of the agreement obligations to provide compliance of the goods to the requirements specified in Appendix 2 to the Agreement (technical specification), being the integral part of the Agreement;

4) to provide packaging of the goods, capable to prevent them from damage or spoil during transportation to the final destination. Packaging shall maintain, without any limit, intensive hoisting-and-transport processing and impact of extreme temperatures, salt and the precipitation during transportation, and also the outdoor storage. In case of determination of dimensions of the packed boxes and their weight it is necessary to consider remoteness of the terminal point of delivery and availability of powerful load-lifting tools in all Items of following of the goods;

5) not to open without prior written consent of the Customer contents of the technical documentation provided by the Customer or from his name by other persons, except for that personnel which is involved with the Supplier for execution of contract provisions. Specified information shall be provided to this personnel confidentially and in that measure as far as it is necessary for obligation fulfillment;

6) without prior written consent of the Customer not to use any above-mentioned documents and information, except as for the purpose of implementation of the Agreement;

7) on the first demand of the Customer to provide information on course of execution of agreement obligations;

8) to pay to the Customer the damages in full caused to it caused by inadequate accomplishment by the Supplier of contract provisions and/or other wrongful acts;

<n) new subparagraph>

10. The customer shall:

1) to provide access of specialists of the Supplier for delivery of the goods;

2) in accordance with the terms Agreements to accept and pay the delivered goods;

<n) new subparagraph>

4. Check of the goods on compliance of the technical specification

11. The customer or his representatives can perform control and the delivered goods about compliance to the requirements specified in the technical specification (appendix 2 to the Agreement). Thus all expenses on these checks are born by the Supplier. The customer shall in writing and notify the Supplier on the representatives determined for these purposes timely.

12. The goods delivered within this agreement, shall correspond or be above the standards specified in the technical specification.

13. If in agreement performance the Supplier at any time faces the conditions disturbing to timely delivery of the Goods, the Supplier shall send without delay to the Customer the written notice of the fact of the delay, its presumable duration and the reasons. After receipt of the notification from the Supplier the Customer shall estimate the situation and can extend, at discretion, term of agreement performance by the Supplier, in this case such prolongation shall be ratified by the parties the way of introduction of the amendment to the text of the Agreement.

14. If results of the delivered goods in case of check are acknowledged not conforming to requirements of the technical specification (appendix 2 to the Agreement), the Supplier takes measures for elimination of discrepancies to requirements of the technical specification, without any additional costs from the Customer, during <term of elimination of discrepancies> from the moment of check.

15. Check of the goods on compliance of the technical specification can be carried out in the territory of the Supplier or his subcontractor (ov), in the delivery location and (or) in the final destination of the goods. If they are led in the territory of the Supplier or his subcontractor (ov), all necessary means will be provided to inspectors of the Customer and is assisted, including access to drawings and production information, without any additional costs from the Customer.

16. Any above-stated Item does not exempt the Supplier from other agreement obligations.

5. Delivery of the Goods and documentation

17. Delivery of the Goods by the Supplier is performed in the terms specified in appendix 1 to the Agreement, being the integral part of the Agreement.

18. For calculations for the delivered Goods the Supplier shall provide the following documents:

- 1) delivery-acceptance certificates of the goods in duplicate;
- 2) the invoice with the description, specifying of quantity, the price of unit and total amount of the delivered goods;
- 3) delivery note;
- <n) new subparagraph>

19. The property right to the goods passes from the Supplier to the Customer <from the moment of signing by the Parties of the delivery-acceptance certificate of the goods>.

20. The risk of accidental death or damage of the goods passes from the Supplier to the Customer <from the moment of signing by the Parties of the delivery-acceptance certificate of the goods>.

6. Guarantee

21. The supplier guarantees quality of the delivered goods according to requirements of the Customer.

22. The supplier guarantees that the goods delivered within the Agreement, are the new, unused, latest or serial models reflecting all last modifications of materials if the Agreement does not provide other.

23. The customer shall notify quickly the Supplier in writing on all claims connected with this guarantee then the Supplier shall accept corrective measures at own expense, including all expenses connected with it, in time, determined by the Customer in the notification.

24. If the Supplier, having received the notification, timely will not take adequate measures on remedial action, the Customer can apply necessary sanctions and corrective measures for the supplier account and without any damage to other rights which the Customer can have under the Agreement concerning the Supplier.

7. Responsibility of the parties

25. In case of violation of the delivery dates of the goods established by the Agreement from the Supplier the Customer has the right to stop execution of the agreement obligations.

26. Except for force-majeur conditions, for non-execution or improper execution of obligations on delivery or remedial action of the goods under the Agreement from the Supplier, the Customer without the damage to other rights within the Agreement collects the penalty (the penalty, the penalty fee) in the amount of 0,1 (whole one) percent from the amount of the agreement in case of unexecuted the supplier of the obligation per every day of delay or collects the zero the penalty (the penalty, the penalty fee) in the amount of 0,1 (the zero whole one) percent to the amount is inadequate the performed obligation per every day of delay.

27. Payment of the penalty does not exempt the Supplier from execution of the agreement obligations.

28. If any change conducts to reduction of cost or the terms necessary for the Supplier for delivery of the goods on the Agreement, the price of the Agreement or the delivery schedule, or both that and another is as appropriate adjusted, and the relevant amendments are made to the Agreement. All requests of the Supplier for carrying out adjustment shall be shown within 30 (thirty) days from the date of obtaining by the Supplier of the order about changes from the Customer.

29. The supplier neither completely, nor partially shall not transfer someone the obligations under this agreement without prior written consent of the Customer.

30. The supplier shall provide to the Customer of the copy of all subcontracts concluded within this Agreement. Availability of subcontractors does not exempt the Supplier from material or other agreement responsibility.

31. The customer does not return ensuring agreement performance about government procurements in case of its termination in connection with failure to carry out by the Supplier of the obligations under this agreement.

8. Effective period and conditions of agreement cancelation

32. The agreement becomes effective <after registration by his Customer in territorial subdivision of treasury of the Ministry of Finance of the Republic Kazakhstan / from the date of signing> and <year> of year / full implementation by the Parties of the obligations under this agreement> is effective to <on December 31.

33. The customer can refuse unilaterally at any time execution of contract provisions, having sent to the Supplier the adequate written notice if the Supplier becomes the bankrupt or insolvent. In this case refusal of execution of contract provisions is performed immediately, and the Customer does not perform any financial obligation in relation to the Supplier under the condition if refusal of execution of contract provisions does not put the damage or does not mention any rights to making of actions or application of sanctions which were or subsequently will be shown to the Customer.

34. The customer can terminate at any time the Agreement owing to inexpediency of its further accomplishment, having sent to the Supplier the adequate written notice. In the notification the cause of failure from execution of contract provisions, and also the date of entry into force of agreement cancelation shall be specified.

35. When the Agreement is cancelled owing to the above-stated circumstances, the Supplier has the right to require payment only for the actual costs connected with termination on the Agreement, at date of termination.

36. Without the damage to any other sanctions for the breach of agreement the Customer can terminate this agreement fully or partially, having sent to the Supplier the written notice of default on obligations:

1) if the Supplier cannot deliver the goods in the terms provided by the Agreement, or during the period of prolongation of this agreement provided by the Customer;

2) if the Supplier cannot execute the agreement obligations.

37. The agreement on government procurements can be terminated at any stage in case of identification of violation of restrictions, [the stipulated in Clause 6](#) Laws, and also the rendering by the organizer of government procurements of assistance to the Supplier which has not been provided [by the Law](#).

38. The agreement can be terminated by agreement of the parties.

9. Force majeure

39. The parties do not bear responsibility for non-execution of contract provisions if it grew out of force-majeur circumstances.

40. The supplier does not lose the ensuring agreement performance and does not bear responsibility for payment of penalties or agreement cancelation owing to non-execution of its conditions if the delay with agreement performance grows out of force-majeur circumstances.

41. For the purposes of the Agreement "force majeure" means the event which is not subject to control of the Parties, and having unforeseen nature. Such events can include, but is not exclusive: hostilities, natural or natural disasters and others.

42. In case of force-majeur circumstances the Supplier shall send without delay to the Customer the written notice of such circumstances and their reasons. If from the Customer does not arrive other written instructions, the Supplier continues to carry out the agreement obligations as far as it is reasonable, and conducts search of alternative methods the agreement performances which are not depending on force-majeur circumstances.

10. Solution of matters of argument

43. The customer and the Supplier shall use reasonable efforts to permit in the course of direct negotiations all disagreements or the disputes arising between them on the Agreement or in connection with it.

44. If within 21 (twenty one) day after the beginning of such negotiations the Customer and the Supplier cannot resolve contractual dispute, the either party can demand the solution of this question according to the legislation of the Republic of Kazakhstan.

11. Notification

45. Any notification which one party sends to other party according to the Agreement, is sent in the form of the letter, the telegram, the telex or the fax with the subsequent provision of the original.

46. The notification becomes effective after delivery or in the specified day of entry into force (if it is specified in the notification) depending on what of these dates will come later.

12. Other conditions

47. Taxes and other obligatory payments in the budget are subject to payment according to the tax legislation of the Republic of Kazakhstan.

48. Any changes and supplements to agreement are valid only under the condition if they are made in writing and signed representatives on that representatives of the Parties and are fastened by their seals.

49. Modification of the signed Agreement on government procurements under condition of the invariance of quality and other conditions which have been the basis of the choice of the supplier, is allowed:

1) regarding reduction or increase in the amount of the Agreement connected with reduction or increase in requirement for amount of the delivered Goods, under condition of the invariance of unit price of the goods specified in the Agreement;

2) if the Supplier in the course of execution of the signed Agreement with it offered under condition of the invariance of unit price of the goods more the best high-quality and (either) technical characteristics or terms and (or) delivery conditions of the goods;

3) by the mutual consent of the Parties regarding reduction of the price for the goods and respectively the amount of the Agreement.

50. Transfer of obligations of one of Agreement parties is allowed only from the written consent of other Party.

51. The agreement is constituted in duplicate on Kazakh and Russian, having identical legal force, in one copy for each of the Parties.

52. In the part which has not been settled by the Agreement, the Parties are guided by the legislation of the Republic of Kazakhstan.

13. Details of the parties

Customer: <full name of the Customer> <Complete legal address of the Customer> BIN <BIN Zakazchika> BIK <BIK of the Customer> IIK <IIK of the Customer> <Bank name> Ph.: <phone of the Customer> <position of the Customer> <full name of the Customer>	Supplier: <full name of the Supplier> <Complete legal address of the Supplier> BIN/INN/UNP <BIN/INN / UNP of the Supplier> BIK <BIK of the Supplier> IIK <IIK of the Supplier> <Bank name> Ph.: <phone of the Supplier> <position of the Supplier> <Full name of the Supplier>
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Appendix 20

to Rules of carrying out electronic government procurements

The standard agreement about government procurements of works

<Identification number>

<number of the card of the agreement>

<region of the Customer>

No. <agreement number>

<date of the agreement>

<the full name of the Customer>, referred to as (oye) (aya) further "Customer" on behalf of whom the position of the Customer> <as the full name of the Customer> acts <acting on the basis of the <the basis of the Customer>, on the one hand and <the full name of the Supplier>, referred to as (oye) (aya) further "Contractor" on behalf of whom the position of the Supplier> <as the full name of the Supplier> acts <acting on the basis of the <the basis of the Supplier>, on the other hand, further jointly referred to as "Parties", based on [the Law](#) of the Republic of Kazakhstan "About government procurements" (further - the Law) and decisions on approval of results of electronic government procurements by method <the method of purchase> from <date of results> No. <number of results>, signed this agreement about <the name of the agreement> (further - the Agreement) and came to the agreement as follows:

1. Concepts and determinations

1) the customer - state bodies, public institutions, and also the state companies, the legal entities, fifty and more percent of which voting shares (shares) belong to the state, and affilirovanny with them legal entities;

2) the prime contractor (further - the Contractor) - the legal entity who is representing itself as the partner of the Customer in the agreement signed with it on government procurements, and also the consortium (in the cases provided by Rules of carrying out electronic government procurements);

3) the subcontractor (collaborator) - the person or the organization having the agreement and (or) the agreement with the Contractor on accomplishment of the part of works on the Agreement on the site (object);

4) technical supervision - the person appointed the Customer and reported to the Contractor to exercise control on accomplishment by the Contractor of contract works in accordance with the terms of the Agreement;

5) object - the building, the construction determined by the organizer of government procurements as subject construction, reconstruction and transferred by the Contractor to the Customer in the type provided by the Agreement;

6) the site - the territory which has been taken away for the asset construction or works;

7) the price of the Agreement - the total amount of the Agreement specified by the Contractor in its competitive request and accepted by the Customer;

8) the agreement - the civil-law act signed between the Customer and the Contractor according to [the Law](#) and other regulatory legal acts of the Republic of Kazakhstan on construction of buildings and constructions and repair construction works. All amendments and changes in the Agreement, after its signing, can be made the way of acceptance of change. The agreement shall not be interpreted so that to create any contractual relations between the designer and the Contractor, Customers and subcontractors;

9) shoddy constructions - all temporary buildings and the constructions necessary for construction and repair of Object which are erected, established and cleaned by the Contractor after completion of the asset construction;

10) materials - all consumable materials which and the subcontractor use the contractor for construction and repair of Object;

11) the equipment - all machines and mechanisms of the contractor and the subcontractor which temporarily are on the site for the asset construction;

12) term of duration of construction - term during which the Contractor shall finish the asset construction;

13) days - calendar days, months - calendar months;

14) changes - the changes this by the Customer after agreement signature;

15) defect - the part of the works executed with breaches of agreement;

16) the period of elimination of subquality work and defects - the period of elimination of subquality work and the defects found in the course of checks of performance of works.

<n) New subparagraph>

2. Subject of the agreement

2. The organizer of government procurements <the full name of the Organizer> declared government procurements of works according to appendix 1 to the Agreement (further - works) for the Customer and accepted the competitive request of the contractor for accomplishment of these works.

3. Works are carried out according to the Project - <the name of purchase>, the location of object - <location>.

The general designer - <the general designer>.

4. The documents listed below and the conditions stipulated in them, will form this Agreement and are considered as its integral part, namely:

1) this agreement;

2) the list of bought works (appendix 1);

<n) new subparagraph>

3. Cost and payment terms of the Agreement

5. Total amount of the Agreement constitutes <the amount of the agreement> (<sum in words>) of tenge and includes all expenses connected with performance of works, and also all taxes and fees, the stipulated by the legislation Republic of Kazakhstan, <including the VAT / excluding VAT> (further - the amount of the Agreement).

6. In territorial body of treasury the Agreement is subject to registration according to the budget program <program>, <the subprogramme, specifics, the amount of the agreement excluding VAT (the sum in words excluding VAT), specifics of the VAT, the VAT amount in the amount of the agreement> (<the VAT amount in the amount of the agreement in cursive script>).

7. The customer in process of allocation of budgetary funds and after the introduction of the Agreement in force, makes the advance payment in the amount of agrees to appendix 1. The remained amount is paid by the Customer in process of allocation of budgetary funds by transfer for the amount of works <payment term> rendered by the Contractor and signing by the Parties of the delivery-acceptance certificate of the executed works, taking into account pro rata deduction of earlier paid advance payment.

The amount is paid by the Customer in process of allocation of budgetary funds by transfer for the works <payment term> performed by the Contractor and signing by the Parties of the act of the executed works.

The form of the delivery-acceptance certificate of works is approved previously by the contractor with the Customer.

8. The amount of carried-out works is stipulated in appendix 1 to the Agreement.

9. Necessary documents previous payment:

- 1) <registered in territorial body of treasury / signed> the Agreement;
 - 2) the act of the executed works;
 - 3) the invoice for payment provided by the Contractor to the Customer.
- <N. New Item>

4. Obligations of the Parties

10. The contractor shall:

- 1) to provide complete and proper execution of the assumed agreement obligations;
- 2) if ensuring agreement performance was not brought by the Contractor according to [Item 8 of Article 8](#) of the Law, within ten working days from the date of the conclusion of the Agreement, to bring ensuring agreement performance in the amount of <3 percent/amount of advance payment as a percentage> from the amount of the Agreement specified in Item 2.1. Agreements that the amount of providing> (<the amount of providing in cursive script>) in the type constitutes <:

guarantee money contribution on the bank account: No. <the account for the guarantee fee of the Customer _ deposit> in <bank name> on the city <city>, BIK <BIK> or:

the bank guarantee in the form according to [appendix 13](#) to Rules of carrying out electronic government procurements; 5

5 This subparagraph of Item 4.1 is displayed for all methods of purchases, except the method by request of price offers

3) in case of execution of the agreement obligations to provide compliance of carried-out works to the requirements specified in appendices to this agreement, being its integral part;

4) not to open without prior written consent of the Customer contents of the technical documentation provided by the Customer or from his name by other persons, except for that personnel which is involved with the Contractor for execution of contract provisions. Specified information shall be provided to this personnel confidentially and in that measure as far as it is necessary for obligation fulfillment;

5) to provide specified information to this personnel it is confidential and in that measure as far as it is necessary for accomplishment agreement obligation;

6) without prior written consent of the Customer not to use any above-mentioned documents and information, except as for the purpose of implementation of the Agreement;

7) on the first demand of the Customer to provide information on course of execution of agreement obligations;

8) to pay to the Customer the damages in full caused to it caused by inadequate accomplishment by the Contractor of contract provisions and/or other wrongful acts;

<n) new subparagraph>

11. The customer shall:

- 1) to provide access of specialists of the Contractor for performance of works;
- 2) in accordance with the terms Agreements to accept and pay the Works executed by the Contractor on the Agreement;

<n) new subparagraph>

5. Procedure for delivery and acceptance of works

12. <N. New Item>

6. Guarantee

13. The contractor guarantees to the Customer that materials and the equipment, delivered under the Agreement, will correspond to technical specifications and design estimates that work will be executed free of defects, reducing its quality to the level, not conforming to requirements of design estimates. The work, not conforming to these requirements, including containing insufficiently reasonable and unauthorized changes is recognized defective. The guarantee provided by the Contractor, does not include compensation of the damage or correction of Defect for the cause of infringement of service regulations, the modifications performed not by the Contractor (Subcontractor), the wrong content or insufficient maintenance, and also because of the fair wear or spoil of the equipment in case of its normal operation. On request of the Customer

the Contractor shall provide the documents certifying compliance of quality of materials and the equipment to technical specifications and/or design estimates.

14. The contractor provides the guarantee to the Customer on operation for a period of <guarantee period> of years.

15. The contractor shall provide protection of the executed works and all materials, the equipment, resources and the other line items connected with works, from all types of the damage, damage, the destruction, connected with the climatic precipitation, flood, the frost, the fire, thefts and other causes. The contractor in case of production of the works shall provide protection of other project works, and also the property belonging to the Customer, and constructions belonging to it against any types of damage or other reasons, including (but, without being limited to it) roads, buildings, warehouses of materials and other types of personal and real estate. All costs suffered by the Contractor in connection with the foregoing, are not subject to additional compensation from the Customer.

7. Responsibility of the parties

16. In case of violation of the terms of performance of works established by the Agreement from the Contractor, the Customer has the right to stop execution of the agreement obligations.

17. Except for force-majeur conditions if the Contractor cannot perform work in the terms provided by the Agreement, the Customer without the damage to other rights within the Agreement collects the penalty (the penalty, the penalty fee) in the amount of 0,1 (the zero whole one) percent from the amount of the agreement in case of unexecuted the supplier of the obligation per every day of delay or collects the penalty (the penalty, the penalty fee) in the amount of 0,1 (the zero whole one) percent to the amount is inadequate the performed obligation per every day of delay.

18. Payment of the penalty does not exempt the Contractor from execution of the agreement obligations.

19. If any change conducts to reduction of cost or the terms necessary for the Contractor for performance of works on the Agreement, the amount of the Agreement or the works schedule, or both that and another is as appropriate adjusted, and the relevant amendments are made to the Agreement. All requests of the Contractor for carrying out adjustment shall be shown within 30 (thirty) days from the date of obtaining by the Contractor of the order about changes from the Customer.

20. The contractor neither completely, nor partially shall not transfer someone the obligations under this agreement without prior written consent of the Customer.

21. The contractor shall provide to the Customer of the copy of all subcontracts concluded within this Agreement. Availability of subcontractors does not exempt the Contractor from material or other agreement responsibility.

22. The customer does not return ensuring agreement performance about government procurements in case of its termination in connection with failure to carry out by the Supplier of the obligations under this agreement.

23. <N. New Item>

8. Effective period and conditions of agreement cancelation

24. The agreement becomes effective <after registration by his Customer in territorial subdivision of treasury of the Ministry of Finance of the Republic Kazakhstan / from the date of signing> and <year> of year is effective to <on December 31.

25. The customer or the Contractor can terminate the Agreement to the term specified in the Agreement if other party makes fundamental breach of contract provisions which deprives of it the basic conditions provided by the Agreement. Fundamental breach of contract provisions includes the following, but is not limited to the listed:

1) The customer can terminate the Agreement if the Contractor repeatedly breaks terms of schedule performance of works;

2) The contractor stops works within <the quantity of days> days, and the stop was not authorized by the Customer;

3) The contractor does not eliminate the Defects specified by the Customer during the reasonable period of time, determined by the Customer;

4) The customer gives to the Contractor of specifying to detain the work progress, and such specifying will not be cancelled during <the quantity of days> days;

5) either the Customer, or the Contractor suffers bankruptcy or is liquidated for any reasons, except for its reorganization or consolidation;

6) The customer does not pay to the Contractor confirmed with the Tekhnadzor of the Customer the amount during <the quantity of days> the days following date of confirmation of the amount;

7) The contractor neglects rules of works, instructions and the provisions specified in the project documentation and contractual documentation.

26. The customer can terminate at any time the Agreement owing to inexpediency of its further accomplishment, having sent to the Contractor the adequate written notice. In the notification termination cause of the Agreement is specified, the amount of the cancelled works of the Agreement, and also the date of entry into force of agreement cancelation makes a reservation.

27. In these cases the Customer pays for cost of all executed works, the acquired materials, costs for export of machines and mechanisms from Object and cost of preservation of Object.

28. When the Agreement is cancelled owing to above-mentioned circumstances, the Contractor has the right to require payment only for the actual costs connected with termination on the Agreement, at date of termination.

29. The agreement on government procurements is terminated at any stage in case of identification of one of the following facts:

1) violations of restrictions, [stipulated in Clause 6](#) Laws;

2) rendering by the organizer of the government procurements which have not been provided [by the Law](#) of assistance to the potential supplier.

30. If the Agreement is terminated, the Contractor shall stop immediately Works, provide preservation of Object and transfer to his Customer in accordance with the established procedure.

31. All materials and the Equipment, being on Object, and also shoddy constructions and the performed construction works are considered as the property of the Customer and are at its disposal to permission of the financial trials connected with agreement cancelation if the Agreement is terminated because of fundamental breach of contract provisions by the Contractor.

32. The agreement can be terminated by agreement of the parties.

9. Force majeure

33. In case of force-majeur circumstances which natural disasters, hostilities, epidemics, large-scale strikes, entry into force of the legal and governmental acts directly or indirectly prohibiting, and also interfering execution by the parties of obligations under this agreement concern, they are relieved from responsibility for non-execution of the assumed obligations. Thus the party shall notify on approach of force majeure in writing without delay. Otherwise the party has not the right to refer to this circumstance.

34. The party which has suffered losses because of failure to carry out by other party of the obligations under force-majeur circumstances, has the right to receive from it documentary confirmation about scales of these events, and also about their influence on its activities, confirmed with competent authorities and the organizations.

35. In case of force majeure the Customer reports about suspension of the Agreement. The contractor in the shortest terms after receipt of the notification on suspension provides preservation of object and suspension of work.

36. If the force-majeur circumstance breaks agreement performance, the Customer certifies suspension of the Agreement. The contractor in the shortest terms after receipt of the notification on suspension provides preservation of Object and stops works. The customer pays to the Contractor for all amount of works, executed before date of the stop of Object and for the works connected with preservation of Object.

10. Solution of matters of argument

37. The customer and the Contractor shall use reasonable efforts to permit in the course of direct negotiations all disagreements or the disputes arising between them on the Agreement or in connection with it.

38. If within 21 (twenty one) day after the beginning of such negotiations the Customer and the Contractor cannot resolve contractual dispute, the either party can demand the solution of this question according to the legislation of the Republic of Kazakhstan.

11. Notification

39. Any notification which one party sends to other party according to the Agreement, is sent in the form of the letter, the telegram, the telex or the fax with the subsequent provision of the original.

40. The notification becomes effective after delivery or in the specified day of entry into force (if it is specified in the notification) depending on what of these dates will come later.

12. Other conditions

41. Taxes and other obligatory payments in the budget are subject to payment according to the tax legislation of the Republic of Kazakhstan.

42. Any changes and supplements to agreement are valid only under the condition if they are made in writing and signed representatives on that representatives of the Parties and are fastened by their seals.

43. Modification of the signed agreement on government procurements under condition of the invariance of quality and other conditions which have been the basis for the choice of the supplier, is allowed:

1) by the mutual consent of the parties regarding reduction of the price by works and respectively the amount of the agreement;

2) regarding increase in the amount of the agreement if in the design estimates which have passed state examination, changes are made and the decision on additional assignment for the amount of such change, accepted according to the procedure, determined by the legislation of the Republic of Kazakhstan is made;

3) regarding reduction or increase in the amount of the agreement connected with reduction or increase in requirement for amount of acquired works, except for the works specified in subparagraph 2) of this Item, under condition of the invariance of unit price of the work, specified in the signed agreement on government procurements of these works.

Such change of the signed agreement on government procurements of works is allowed within the amounts provided in the annual plan of government procurements for acquisition of these works;

4) regarding reduction or increase in the amount of the agreement at performance of works with the deadline in the following (subsequent) the year (years), caused change tax, customs and other legislation of the Republic of Kazakhstan;

5) regarding reduction of the amount of the agreement on performance of works with the deadline in the following (subsequent) year (years);

6) regarding change of terms of a contract about performance of works in case of change of financing on years at the expense of the government budget, under condition of the invariance of the amount of the signed agreement or reduction of estimate cost of works and entering of corresponding changes into design estimates, in subsequent last state examination;

7) regarding change of the term of a contract on works, in case of the initiation of legal proceedings connected with agreement performance, concerning the official of the customer and (or) the supplier.

44. Transfer of obligations of one of Agreement parties is allowed only from the written consent of other Party.

45. The agreement is constituted in <the quantity of copies> copies on Kazakh and Russian, having identical legal force, in one copy for each of the Parties.

46. In the part which has not been settled by the Agreement, the Parties are guided by the legislation of the Republic of Kazakhstan.

13. Details of the parties

Customer: <full name of the Customer> <Complete actual address of the Customer> BIN <BIN Zakazchika> BIK <BIK of the Customer> IIK <IIK of the Customer> <Bank name> Ph.: <phone of the Customer> <position of the Customer> <full name of the Customer>	Supplier: <full name of the Supplier> <Complete actual supplier address> BIN/INN/UNP <BIN/INN / UNP of the Supplier> BIK <BIK of the Supplier> IIK <IIK of the Supplier> <Bank name> Ph.: <phone of the Supplier> <position of the Supplier> <Full name of the Supplier>
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Appendix 21 to Rules of carrying out electronic government procurements

The standard agreement about government procurements of services

<Identification number>

<number of the card of the agreement>

<region of the Customer>

No. <agreement number>

<date of the agreement>

<the full name of the Customer>, referred to as (oye) (aya) further "Customer" on behalf of whom the position of the Customer> <as the full name of the Customer> acts <acting on the basis of the <the basis of the Customer>, on the one hand and <the full name of the Supplier>, referred to as (oye) (aya) further "Supplier" on behalf of whom the position of the Supplier> <as the full name of the Supplier> acts <acting on the basis of the <the basis of the Supplier>, on the other hand, further jointly referred to as "Parties", based on [the Law](#) of the Republic of Kazakhstan "About government procurements" (further - the Law) and decisions on approval of results of electronic government procurements by method <the method of purchase> from <date of results> years of No. <number of results>, signed this agreement about government procurements of the goods (further - the Agreement) and came to the agreement as follows:

1. Subject of the agreement

1. The supplier shall render to the Customer of service according to appendices to this agreement (further - Services), and the Customer to accept and pay Services on the terms and conditions of this agreement.

2. The documents listed below and the conditions stipulated in them, will form this Agreement and are considered as its integral part, namely:

- 1) this agreement;
- 2) the list of bought services (appendix 1);
- 3) technical specification (appendix 2).

2. Cost of the Agreement and payment term

3. Total amount of the Agreement constitutes <the amount of the Agreement> (<sum in words>) of tenge and includes all expenses connected with rendering of services, and also all taxes and fees, the stipulated by the legislation Republic of Kazakhstan, <including the VAT / excluding VAT> (further - the amount of the Agreement).

4. In territorial body of treasury the Agreement is subject to registration according to the budget program <program>, <the subprogramme, specifics, the amount of the agreement excluding VAT, (the sum in words excluding VAT), specifics of the VAT, the VAT amount in the amount of the agreement> (<the VAT amount in the amount of the agreement in cursive script>) 6.

5. The customer in process of allocation of budgetary funds and after the introduction of the Agreement in force, makes the advance payment in the amount of agrees to appendix 1.

The remained amount is paid by the Customer in process of allocation of budgetary funds by transfer for the amount of services rendered by the Supplier <payment term> and signings by the Parties of the act of the rendered services, taking into account pro rata deduction of earlier paid advance payment 7.

6. The amount is paid by the Customer in process of allocation of budgetary funds by transfer for the services <payment term> rendered by the Supplier and signing by the Parties of the act rendered уcлнyr8.

6 This Item is displayed only for customers - public institutions

7 This Item is displayed in case of accomplishment of conditions: 1) for all methods of purchases, except the method request of price offers; 2) in Item of the annual plan based on which the agreement is signed, advance payment is specified

8 This Item is displayed, if in Item annual the plan based on which the agreement is signed, advance payment is not specified

The form of the delivery-acceptance certificate of the delivered goods is approved previously by the Supplier with the Customer.

7. The amount of rendered services in quantitative and value term is stipulated in appendix 1 to the Agreement.

8. Necessary documents previous payment:

- 1) <registered in territorial body of treasury / signed> the Agreement;
 - 2) the act of the rendered services;
 - 3) the invoice for payment provided by the Supplier to the Customer.
9. <N. New Item>

3. Obligations of the Parties

10. The supplier shall:

1) to provide complete and proper execution of the assumed agreement obligations;

2) if ensuring agreement performance was not brought by the Supplier according to [Item 8 of Article 8](#) of the Law, within ten working days from the date of the conclusion of the Agreement, to bring ensuring agreement performance in the amount of <3 percent/amount of advance payment as a percentage> from the amount of the Agreement specified in Item 2.1. Agreements that the amount of providing> (<the amount of providing in cursive script>) in the type constitutes <:

guarantee money contribution on the bank account: No. <the account for the guarantee fee of the Customer _ deposit> in <bank name> on the city <city>, BIK <BIK> or:

the bank guarantee in the form according to [appendix 13](#) to Rules of carrying out electronic government procurements; 9

9 This subparagraph of Item 3.1 is displayed for all methods of purchases, except the method by request of price offers

3) in case of execution of the agreement obligations to provide compliance of rendered services to the requirements specified in Appendix 2 to the Agreement (technical specification), being the integral part of the Agreement;

4) not to open without prior written consent of the Customer contents of the technical documentation provided by the Customer or from his name by other persons, except for that personnel which is involved with the Supplier for execution of contract provisions. Specified information shall be provided to this personnel confidentially and in that measure as far as it is necessary for obligation fulfillment;

5) to provide specified information to this personnel it is confidential and in that measure as far as it is necessary for accomplishment agreement obligation;

6) without prior written consent of the Customer not to use any above-mentioned documents and information, except as for the purpose of implementation of the Agreement;

7) on the first demand of the Customer to provide information on course of execution of agreement obligations;

8) to pay to the Customer the damages in full caused to it caused by inadequate accomplishment by the Supplier of contract provisions and/or other wrongful acts;

<n) new subparagraph>

11. The customer shall:

1) to provide access of specialists of the Supplier for rendering of services;

2) in accordance with the terms Agreements to accept and pay the services rendered by the Supplier on the Agreement;

<n) new subparagraph>

4. Check of Services on compliance of the technical specification

12. The customer or his representatives can perform control and rendered services about compliance to the requirements specified in the technical specification (Appendix 2 to the Agreement). Thus all expenses on these checks are born by the Supplier. The customer shall in writing and notify the Supplier on the representatives determined for these purposes timely.

13. The services rendered within this agreement, shall correspond or be above the standards specified in the technical specification.

14. If results of the rendered services in case of check are acknowledged not conforming to requirements of the technical specification (appendix 2 to the Agreement), the Supplier takes measures for elimination of discrepancies to requirements of the technical specification, without any additional costs from the Customer, during <term of elimination of discrepancies> from the moment of check.

15. Any above-stated Item does not exempt the Supplier from other agreement obligations.

5. Rendering of Services and documentation

16. Rendering of services by the Supplier is performed in the terms specified in appendix 1 to the Agreement, being the integral part of the Agreement.

17. For calculations for the rendered services Supplier shall provide the following documents:

18. acts of the rendered services in duplicate, with disaggregation of each service and their costs;

19. the invoice with the description, specifying of quantity, the price of unit and total amount of the rendered Services;

20. <n> new Item>

6. Guarantee

21. The supplier guarantees ensuring uninterrupted, high-quality and timely rendering of services to the Customer.

22. The supplier guarantees non-paid error correction, defects and other discrepancies of Services of the technical specification (appendix 2 to the Agreement).

23. The customer shall notify quickly the Supplier in writing on all claims connected with this guarantee then the Supplier shall accept corrective measures at own expense, including all expenses connected with it, in time, determined by the Customer in the notification.

24. If the Supplier, having received the notification, timely will not take adequate measures on remedial action, the Customer can apply necessary sanctions and corrective measures for the supplier account and without any damage to other rights which the Customer can have under the Agreement concerning the Supplier.

7. Responsibility of the parties

25. In case of violation of the terms of rendering of services established by the Agreement from the Supplier, the Customer has the right to stop execution of the agreement obligations.

26. Except for force-majeur conditions if the Supplier cannot provide service in the terms provided by the Agreement, the Customer without the damage to other rights within the Agreement collects the penalty (the penalty, the penalty fee) in the amount of 0,1 (the zero whole one) percent from the amount of the agreement in case of unexecuted the supplier of the obligation per every day of delay or collects the penalty (the penalty, the penalty fee) in the amount of 0,1 (the zero whole one) percent to the amount is inadequate the performed obligation per every day of delay.

27. Payment of the penalty does not exempt the Supplier from execution of the agreement obligations.

28. If any change conducts to reduction of cost or the terms necessary for the Supplier for rendering of services in the Agreement, the amount of the Agreement or the schedule of rendering of services, or both that and another is as appropriate adjusted, and the relevant amendments are made to the Agreement. All requests of the Supplier for carrying out adjustment shall be shown within 30 (thirty) days from the date of obtaining by the Supplier of the order about changes from the Customer.

29. The supplier neither completely, nor partially shall not transfer someone the obligations under this agreement without prior written consent of the Customer.

30. The supplier shall provide to the Customer of the copy of all subcontracts concluded within this Agreement. Availability of subcontractors does not exempt the Supplier from material or other agreement responsibility.

31. The customer does not return ensuring agreement performance about government procurements in case of its termination in connection with failure to carry out by the Supplier of the obligations under this agreement.

8. Effective period and conditions of agreement cancelation

32. The agreement becomes effective <after registration by his Customer in territorial subdivision of treasury of the Ministry of Finance of the Republic Kazakhstan / from the date of signing> and <year> of year / full implementation by the Parties of the obligations under this agreement> is effective to <on December 31.

<New paragraph>

33. The customer can refuse unilaterally at any time execution of contract provisions, having sent to the Supplier the adequate written notice if the Supplier becomes the bankrupt or insolvent. In this case refusal of execution of contract provisions is performed immediately, and the Customer does not perform any financial obligation in relation to the Supplier under the condition if refusal of execution of contract provisions does not put the damage or does not mention any rights to making of actions or application of sanctions which were or subsequently will be shown to the Customer.

34. The customer can terminate at any time the Agreement owing to inexpediency of its further accomplishment, having sent to the Supplier the adequate written notice. In the notification the cause of failure from execution of contract provisions, and also the date of entry into force of agreement cancelation shall be specified.

35. When the Agreement is cancelled owing to the above-stated circumstances, the Supplier has the right to require payment only for the actual costs connected with termination on the Agreement, at date of termination.

36. Without the damage to any other sanctions for the breach of agreement the Customer can terminate this agreement fully or partially, having sent to the Supplier the written notice of default on obligations:

1) if the Supplier cannot deliver the goods in the terms provided by the Agreement, or during the period of prolongation of this agreement provided by the Customer;

2) if the Supplier cannot execute the agreement obligations.

37. The agreement on government procurements can be terminated at any stage in case of identification of violation of restrictions, [the stipulated in Clause 6](#) Laws on Government procurements, and also the rendering by the organizer of government procurements of assistance to the Supplier which has not been provided [by the Law](#).

38. The agreement can be terminated by agreement of the parties.

9. Force majeure

39. The parties do not bear responsibility for non-execution of contract provisions if it grew out of force-majeur circumstances.

40. The supplier does not lose the ensuring agreement performance and does not bear responsibility for payment of penalties or agreement cancelation owing to non-execution of its conditions if the delay with agreement performance grows out of force-majeur circumstances.

41. For the purposes of the Agreement "force majeure" means the event which is not subject to control of the Parties, and having unforeseen nature. Such events can include, but is not exclusive: hostilities, natural or natural disasters and others.

42. In case of force-majeur circumstances the Supplier shall send without delay to the Customer the written notice of such circumstances and their reasons. If from the Customer does not arrive other written instructions, the Supplier continues to carry out the agreement obligations as far as it is reasonable, and conducts search of alternative methods the agreement performances which are not depending on force-majeur circumstances.

10. Solution of matters of argument

43. The customer and the Supplier shall use reasonable efforts to permit in the course of direct negotiations all disagreements or the disputes arising between them on the Agreement or in connection with it.

44. If within 21 (twenty one) day after the beginning of such negotiations the Customer and the Supplier cannot resolve contractual dispute, the either party can demand the solution of this question according to the legislation of the Republic of Kazakhstan.

11. Notification

45. Any notification which one party sends to other party according to the Agreement, is sent in the form of the letter, the telegram, the telex or the fax with the subsequent provision of the original.

46. The notification becomes effective after delivery or in the specified day of entry into force (if it is specified in the notification) depending on what of these dates will come later.

12. Other conditions

47. Taxes and other obligatory payments in the budget are subject to payment according to the tax legislation of the Republic of Kazakhstan.

48. Any changes and supplements to agreement are valid only under the condition if they are made in writing and signed representatives on that representatives of the Parties and are fastened by their seals.

49. Modification of the signed Agreement on government procurements under condition of the invariance of quality and other conditions which have been the basis of the choice of the supplier, is allowed:

1) regarding reduction or increase in the amount of the Agreement connected with reduction or increase in requirement for amount of rendered Services, under condition of the invariance of unit price of the services specified in the Agreement;

2) by the mutual consent of the Parties regarding reduction service prices and respectively the amounts of the Agreement.

50. Transfer of obligations of one of Agreement parties is allowed only from the written consent of other Party.

51. The agreement is constituted in duplicate on Kazakh and Russian, having identical legal force, in one copy for each of the Parties.

52. In the part which has not been settled by the Agreement, the Parties are guided by the legislation of the Republic of Kazakhstan.

13. Details of the parties

Customer: <full name of the Customer> <Complete legal address of the Customer> BIN <BIN Zakazchika> BIK <BIK of the Customer> IIK <IIK of the Customer> <Bank name> Ph.: <phone of the Customer> <position of the Customer> <full name of the Customer>	Supplier: <full name of the Supplier> <Complete legal address of the Supplier> BIN/INN/UNP <BIN/INN / UNP of the Supplier> BIK <BIK of the Supplier> IIK <IIK of the Supplier> <Bank name> Ph.: <phone of the Supplier> <position of the Supplier> <Full name of the Supplier>
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