(Invalid from 1 January 2027 – 9.2.2023, No 2549)

LAW OF GEORGIA
ON PUBLIC PROCUREMENT

Chapter I - General Provisions

Article 1 - Scope of the Law

1. This Law determines the general legal, organisational and economic principles for conducting public procurement.

2. The procedures determined by this Law apply to all types of public procurement, except for public procurement related to state secrets defined in the Law of Georgia on State Secrets, as well as the cases provided for by Article 19^1 of the Product Safety and Free Movement Code and the Law of Georgia on Energy Labelling.

3. The Government of Georgia shall approve the list of subjects of public procurement related to state secrets as defined in the Law of Georgia on State Secrets and the procedure for conducting such procurement.

3^1. This Law shall not apply to the following types of public procurement:

a) public procurement related to the implementation of monetary and exchange rate policies and to the provision of the country's economy with cash by the National Bank of Georgia under the Organic Law of Georgia on the National Bank of Georgia; also public procurement of audit firm service for the conduction of external audit of the accounting records of the National Bank of Georgia. Procurements under the administrative and capital expenditures budget approved by the Board of the National Bank of Georgia, except for the public procurements related to intangible assets, gold bars, collectible GEL banknotes and coins and/or GEL banknotes and coins intended for other purposes, also except for public procurements related to the reproduction of GEL banknotes and coins, shall be regulated by this Law;

b) public procurement to be performed with funds of the legal entities under public law that are regarded as religious organisations under the legislation of Georgia;

c) public procurement of electricity, firm capacity, natural gas and water supply;

d) (Deleted);

d^1) public procurement of motor vehicles for Georgia's diplomatic missions and consular offices abroad, for defence attachés, the representatives of the Ministries of Defence and Internal Affairs of Georgia, the State Security Service of Georgia and the Prosecutor's Office of Georgia;

e) public procurement for organising meetings and visits of the President of Georgia, the Chairperson of the Parliament of Georgia, the Prime Minister of Georgia, Ministers of Georgia, State Ministers of Georgia and/or the Mayor of Tbilisi Municipality, for organising the reception of delegations at the Parliament of Georgia and visits of delegations of the Parliament of Georgia abroad, for organising the reception of delegations at the Ministry of Foreign Affairs of Georgia and visits of delegations of the Ministry of Foreign Affairs of Georgia abroad, as well as public procurement to be performed with funds allocated from the reserve funds of the President of Georgia, the Government of Georgia and the City Hall of Tbilisi Municipality;

f) public procurement of services of persons employed under administrative contracts and labour contracts and services of trainees of public institutions provided for in the budget classification of Georgia under the article 'Goods and Services', as well as public procurement to be performed during a business trip;

g) (Deleted);

h) public procurement of expert services, provided these services are procured under Articles 144-147 of the Criminal Procedure Code of Georgia;

i) public procurement of immovable property, as well as public procurement related to the acquisition of immovable property with the right of use;

j) financing of relevant education, health and social protection services/goods through a voucher, as well as voucher redemption and transactions relating to redemption;

k) public procurement related to renting of a space for holding meetings;

k^1) public procurement relating to dissemination of public service advertisements through mass media, including through

websites and social networks (except for public procurement relating to the purchase of television and radio broadcasting time under this Law and Article 66^1(2) of the Law of Georgia on Broadcasting;

l) public procurement by the Legal Entity under Public Law called the Public Broadcaster of TV and radio products, the products intended for a webpage and social network (programmes, shows, films, plays, series, reports, cultural events) and/or services required for the creation thereof, as well as of services relating to the broadcasting and/or receipt of TV and radio products through a satellite (except for the public procurement of goods and construction works required for the creation and/or broadcasting of TV and radio products, as well as other services not provided for by this sub-paragraph);

m) procurement of sovereign credit rating services and credit rating services related to government securities, as well as to reimbursement of accompanying costs to the supplier of these services;

n) public procurement of services related to safekeeping of lottery tickets by a lottery organiser or a lottery agent defined by the Law of Georgia on Organising Lotteries, Games of Chance and other Winning Games and to free distribution of marketing and/or promotional goods of a lottery operator;

o) public procurement of services by a lottery operator defined by the Law of Georgia on Organising Lotteries, Games of Chance and other Winning Games from a person who has the right to manage the state-owned share in the given enterprise;

p) public procurement by a lottery operator defined by the Law of Georgia on Organising Lotteries, Games of Chance and other Winning Games of information and technology support necessary for organising and/or conducting a lottery;

q) public procurement of goods purchased by the LLC Georgian Post from retail facilities for sales purposes;

r) public procurement by a contracting authority of postal and courier services of the LLC Georgian Post;

(Article 1(3^1)(r) shall be recognised as unconstitutional. The unconstitutional norm shall be invalidated from 1 May 2020) – Decision No 1/1/655 of 18 April 2019 of the Constitutional Court of Georgia – website, 23.4.2019

s) public procurement by a contracting authority of services of the Legal Entity under Public Law - Levan Samkharauli National Forensics Bureau;

t) according to the Agreement between the Government of Georgia and the Government of the United State of America Concerning the Transition of Sustainment Costs and Responsibilities Over the Unified Laboratory System for Detection, Epidemiological Surveillance and Response to Especially Dangerous Pathogens, and the Richard G. Lugar Centre for Public Health Research in Georgia, public procurement of goods entered in the Unified Laboratory System, the list of which shall be determined by ordinance of the Government of Georgia;

t^1) procurement of innovative (new, original) pharmaceutical products carried out by the managed entry agreement on pharmaceutical products provided for by the Law of Georgia on Medicines and Pharmaceutical Activities.

u) public procurement of goods, services and construction works within the frameworks of the public-private partnership project provided for by the Law of Georgia on Public-Private Partnerships;

v) procurements related to the implementation of the investment activities by the Legal Entity under Public Law called the Pension Agency, as well as the services of audit firm by the Pension Agency as provided for by the Law of Georgia on Funded Pensions to conduct the independent audit of accounts of specialised depository (including in the cases related to specialised depository provided for by Article 26(13) of the Law of Georgia on Funded Pensions), asset management company and Pension Agency;

[v) procurements related to the implementation of the investment activities by the Legal Entity under Public Law called the Pension Fund of Georgia, as well as the services of audit firm by the Pension Fund of Georgia as provided for by the Law of Georgia on Funded Pensions to conduct the independent audit of accounts of specialised depository (including in the cases related to specialised depository provided for by Article 26(12) of the Law of Georgia on Funded Pensions), asset management company and Pension Fund of Georgia; ***(Shall become effective from 1 May 2025)***]

w) selection of a public service railway operator provided for by the Railway Code of Georgia and a public service contract to be concluded with him/her/it.

3^2. The selection of a contractor in accordance with the Law of Georgia on Public-Private Partnerships shall be carried out on the basis of procedures of public procurement established by this Law, provided that Article 9, Article 16^1(1^1), (2) and (7), and Chapters IV and V shall not apply to the process of selection of a contractor in accordance with the Law of Georgia on Public-Private Partnerships.

3^3. A dispute related to the process of selection of a contractor in accordance with the Law of Georgia on Public-Private Partnerships (the selection process) shall be reviewed in accordance with the procedure established by Chapter VI of this Law.

4. Procurement procedures determined by the World Bank, the United Nations Organisation, the European Bank for

Reconstruction and Development, the Asian Development Bank, the German Reconstruction Credit Bank (KFW) and the European Investment Bank (EIB) may be applied when conducting public procurement, if these organisations are involved in the legal relations related to implementation of the procurement. If these organisations are not involved in the legal relations related to implementation of the procurement, the procurement procedures of these organisations, as well as those of other organisations, may be applied only by decree of the Government of Georgia.

5. (Deleted).

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 294 of 26 September 2008 - LHG I, No 22, 9.10.2008, Art. 152

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 1236 of 19 June 2009 - LHG I, No 13, 2.7.2009, Art. 67

Law of Georgia No 1690 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 173

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3353 of 6 July 2010 - LHG I, No 35, 12.7.2010, Art. 217

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3619 of 24 September 2010 - LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 5011 of 1 July 2011 - website, 15.7.2011

Law of Georgia No 5169 of 28 October 2011 - website, 11.11.2011

Law of Georgia No 5454 of 9 December 2011 - website, 22.12.2011

Law of Georgia No 6389 of 5 June 2012 - website, 19.6.2012

Law of Georgia No 6577 of 28 June 2012 - website, 10.7.2012

Law of Georgia No 1255 of 20 September 2013 - website, 2.10.2013

Law of Georgia No 1284 of 24 September 2013 - website, 8.10.2013

Law of Georgia No 2761 of 31 October 2014 - website, 18.11.2014

Law of Georgia No 2960 of 24 December 2014 - website, 30.12.2014

Law of Georgia No 3018 of 4 February 2015 - website, 16.2.2015

Law of Georgia No 3133 of 4 March 2015 - website, 23.3.2015

Law of Georgia No 3967 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 4349 of 27 October 2015 – website, 11.11.2015

Law of Georgia No 152 of 21 December 2016 – website, 28.12.2016

Law of Georgia No 1015 of 15 June 2017 – website, 29.6.2017

Law of Georgia No 1687 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 1967 of 21 February 2018 – website, 5.3.2018

Law of Georgia No 2275 of 4 May 2018 - website, 24.5.2018

Law of Georgia No 2759 of 29 June 2018 - website, 19.7.2018

Law of Georgia No 3310 of 21 July 2018 - website, 6.8.2018

Decision No 1/1/655 of 18 April 2019 of the Constitutional Court of Georgia – website, 23.4.2019

Law of Georgia No 5079 of 2 October 2019 - website, 7.10.2019

Law of Georgia No 5689 of 20 December 2019 - website, 26.12.2019

Law of Georgia No 6356 of 23 June 2020 - website, 1.7.2020

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Law of Georgia No 3606 of 1 November 2023 - website, 20.11.2023

Law of Georgia No 3808 of 30 November 2023 - website, 19.12.2023

Law of Georgia No 4241 of 30 May 2024 - website, 13.6.2024

Law of Georgia No 4398 of 5 September 2024 - website, 23.9.2024

Article 2 - Purpose of the Law

The purpose of this Law is to:

a) ensure rational spending of monetary funds designated for public procurement;

b) promote effective competition in the area of production of goods, performance of services and construction works necessary for the State;

c) ensure a proportionate, non-discriminatory approach and equal treatment to participants of a procurement when performing public procurement;

d) ensure publicity of public procurement;

e) create a Unified Electronic System of Public Procurement and build public confidence in the System.

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 3 - Definition of terms used in the Law

1. The terms used in this Law have the following meanings:

a) public procurement - procurement of any goods, services and construction works by a contracting authority in cases determined by this Law, through electronic or other means, using the funds:

a.a) from the State Budget of Georgia and those consolidated in the State Budget;

a.b) from the budgets of the Autonomous Republics of Abkhazia and Adjara;

a.c) from the budget of municipality;

a.d) of organisations and institutions funded by the State Budget of Georgia, the budgets of the Autonomous Republics of Abkhazia and Adjara, and by the budget of municipality;

a.e) received in the form of a grant or a credit by budgetary organisations, legal entities under public law, non-entrepreneurial (non-commercial) legal entities - a higher education institution and the higher education institution development fund, and by enterprises engaged in public procurement under sub-paragraph (a.h) of this paragraph, from foreign states and international organisations on the basis of international contracts, as well as from residents of other states, except as provided in Article 1(4) of this Law;

a.f) credit and investment funds received under state guarantees;

a.g) of non-entrepreneurial (non-commercial) legal entities - a higher education institution and a higher education institution development fund, as well as of legal entities under public law (except for membership-based legal entities under public law), irrespective of the source of origin of these funds, except for the exclusions provided by Article 1(3^1)(a) and (b) of this Law;

a.h) of an enterprise in which more than 50% of the interest or shares is owned by the State or a municipality/municipalities, except when this enterprise, in the course of procuring goods or services related to the special aspects of its activities, follows a special procedure established by the Government of Georgia for the procurement of those goods or services, the term of which shall not exceed two years. The Ministry of Economy and Sustainable Development of Georgia or the Ministry of Regional Development and Infrastructure of Georgia shall, on the basis of suggestions from relevant enterprises and municipalities, prepare and submit for approval to the Government of Georgia the special procedure to be established by the Government of Georgia. If the Government of Georgia does not establish special procedures, procurement shall be performed according to this Law;

b) contracting authority - an entity performing procurement using funds under sub-paragraph (a) of this paragraph, which is registered in the Unified Electronic System of Public Procurement according to the procedures determined by a subordinate normative act approved by the chairperson of the Public Procurement Agency;

c) procurement object - goods, services or construction works to be procured;

d) (Deleted);

d^1) similar procurement objects - identical procurement objects, as well as those that are not identical, but have similar components, technical specifications (characteristics) and/or functions. The similarity of procurement objects shall be established under procedures determined by a subordinate normative act approved by the chairperson of the Public Procurement Agency.

e) (Deleted);

f) goods - objects of every kind and description (except for immovable property) both in a solid and in a liquid or gaseous

form, as well as services incidental to the supply of goods, provided that the value of those services does not exceed the value of the goods;

g) construction works ('works') - any work related to the construction, reconstruction, demolition, repair or renovation of a building, structure or other facility (including site preparation, excavation of soil, erection, building, installation of equipment, decoration and finishing, setting-up communication networks related to construction), as well as the services incidental to the construction, such as drilling, geodesic works, satellite imagery and aerial photography, seismic investigations and other similar services under a public procurement contract, if the value of those services does not exceed the value of the construction work;

h) services - any procurement object, except for goods and works. In the case of public procurement of services, the issues related to the announcement of a competition, an electronic tender or a consolidated tender, to tender/design contest documentation, to an estimated value of the procurement object or to the value of a tender/design contest proposal shall be determined in a subordinate normative act approved by the chairperson of the Public Procurement Agency;

h^1) a person interested in participating in procurement - a person who is interested in participating in procurement procedures;

i) (Deleted);

i^1) bidder - a person who has paid a fee to participate in a public procurement procedure;

j) supplier - a person who was awarded a public procurement contract by a contracting authority;

k) urgent necessity - a situation that poses a real threat to the functioning of a contracting authority and that could not have been foreseen, and/or the occurrence of which is not a result of a contracting authority's action, or which may cause a significant damage to Georgia’s state and/or public interests or to the contracting authority's property;

l) register of mala fide participants of the procurement ('the Black List') - the Black List that the Public Procurement Agency maintains electronically and publishes on its official website. The Black List shall include the data on mala fide persons, bidders and suppliers participating in public procurement, who may not participate in public procurement and be awarded a public procurement contract within one year after they are entered into the Black List. The Black List shall be available to every person. The procedures and conditions for maintaining the Black List shall be defined in a subordinate normative act approved by the chairperson of the Public Procurement Agency ('a subordinate normative act');

l^1) register of qualified suppliers participating in procurements ('the White List') - the White List that the Public Procurement Agency maintains electronically and publishes on its official website. The White List includes data on qualified suppliers participating in procurements who meet the criteria determined by a subordinate normative act for inclusion in the White List. When participating in public procurement, qualified suppliers registered in the White List shall enjoy simplified procedures provided under a subordinate normative act. The procedures and conditions for maintaining the White List shall be defined in a subordinate normative act;

l^2) general guarantee - a guarantee securing, in the case of an advance payment, the supplier's obligations to all the contracting authorities with which the supplier will conclude public procurement contracts. A general guarantee may also be applied to secure the performance of a public procurement contract. The validity of a general guarantee, the procedures and conditions for its issuance and presentation shall be defined in a subordinate normative act;

m) (Deleted);

n) fee – a mandatory payment to the account of the Public Procurement Agency in the amount determined under this Law for submission of tender or design contest proposals, which is not refundable, unless paid by mistake;

n^1) publication fee – a mandatory payment to the account of the Public Procurement Agency made by a contracting authority for publishing electronically a design contest notice and design contest documents or a tender notice and tender documents. In the case of a design contest and an electronic tender, the amount of the publication fee and the payment procedures shall be determined by a subordinate normative act;

n^2) filing fee – the amount established by this Law to be paid to the State Budget by an applicant to submit a complaint to the Public Procurement-related Dispute Resolution Council;

o) electronic means - equipment for processing (including digital processing) storing, transmitting, receiving and disseminating by wire, optical, radio and/or other electronic means;

p) electronic tender - a method of public procurement of homogeneous goods or services with a value of GEL 10 000 or above in the case of procurement of goods or services and homogeneous works with a value of GEL 20 000 or above in the case of procurement of works (except for the exceptional cases provided for by sub-paragraph (r^1) of this paragraph), which encompasses the procedures determined by this Law and a subordinate normative act for an electronic tender;

q) (Deleted - 6.4.2017, No 617).

r) (Deleted);

r^1) simplified procurement - a public procurement method used in cases provided in Article 10^1(3) of this Law, or in the case of public procurement of homogeneous goods or services with a value of GEL 10 000 or above in the case of procurement of goods or services and homogeneous works with a value of GEL 20 000 or above in the case of procurement of works (procurement of homogeneous goods, services or works with a value of up to GEL 50 000 by diplomatic missions and consular offices of Georgia abroad, public procurement of homogeneous goods, services or works related to defence, security and maintenance of public order with a value of up to GEL 20 000 by contracting authorities operating within the system of the Ministry of Internal Affairs of Georgia or the State Security Service of Georgia, by contracting authorities operating within the system of the Ministry of Defence of Georgia or by the Special State Protection Service of Georgia);

s) electronic reverse auction - a procedure of an electronic tender, when a bidder may, within the time frame determined under the legislation of Georgia, reduce the price quoted by him/her/it through the Unified Electronic System of Public Procurement to win in the procurement procedure;

s^1) status - a certain phase in a contest, an electronic tender or consolidated tender;

t) (Deleted);

u) consolidated tender - a procedure implemented by the Public Procurement Agency in cases determined by the Government of Georgia to procure a similar procurement object, during which the best tender proposal is identified;

v) representation expenses - representation expenses as defined under the Tax Code of Georgia, taking into account the special aspects of this Law;

w) alternative procurement - alternative procurement of communication services from a different supplier based on a substantiated decision of a contracting authority, to ensure stable and safe operation of the relevant information and technology system. In that case, the current supplier of communication services may not participate in the procurement procedures. Additional conditions related to alternative procurement shall be defined in a subordinate normative act;

x) design contest - for the purposes of this Law, an alternative method of public procurement of design services, which is used by decision of a contracting authority;

y) affidavit - for the purposes of this Law, a written document, the signer of which confirms the authenticity of information and facts stated in the document and is responsible for the authenticity of this information and facts under the legislation of Georgia;

z) artificial division of public procurement - procurement of similar procurement objects in an artificially reduced quantity and/or volume by a contracting authority using the same source of funding during a single budget year or other action that aims to evade the monetary thresholds and other requirements determined by this Law and subordinate normative acts adopted according to this Law.

2. (Deleted).

3. For the purposes of this Law, the term 'person' shall mean a natural or legal person of Georgia or of a foreign country, or an entity as provided by the legislation of Georgia or of the relevant country.

4. For the purposes of this Law, the term 'day' shall mean a calendar day, unless a working day is explicitly indicated.

Law of Georgia No 3524 of 25 July 2006 - LHG I, No 30, 27.7.2006, Art. 239

Law of Georgia No 4095 of 26 December 2006 - LHG I, No 49, 29.12.2006, Art. 373

Law of Georgia No 4408 of 2 March 2007 - LHG I, No 8, 23.3.2007, Art. 72

Law of Georgia No 5664 of 28 December 2007 - LHG I, No 50, 29.12.2007, Art. 438

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 1236 of 19 June 2009 - LHG I, No 13, 2.7.2009, Art. 67

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 2760 of 12 March 2010 - LHG I, No 12, 24.3.2010, Art. 67

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 4273 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 4950 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 4959 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 5559 of 20 December 2011 - website, 28.12.2011

Law of Georgia No 5975 of 30 March 2012 - website, 19.4.2012

Law of Georgia No 2163 of 21 March 2014 - website, 27.3.2014

Law of Georgia No 3967 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 617 of 6 April 2017 - website, 21.4.2017

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Law of Georgia No 2664 of 23 March 2023 - website, 5.4.2023

Article 4 - Authorised body

1. An independent legal entity under public law - the Public Procurement Agency ('the Agency') set up under this Law shall be a body authorised to ensure compliance with and fulfilment of the provisions of this Law. The Prime Minister of Georgia shall appoint and dismiss the chairperson of the Agency.
2. The legal basis for the activities of the Agency shall be the Constitution of Georgia, international treaties, the Law of Georgia on Energy Efficiency, this Law, and the Statute of the Agency developed according to these acts.

3. The Government of Georgia shall approve the structure and the Statute of the Agency.

3^1. The Agency shall be reorganised and liquidated by ordinance of the Government of Georgia.

4. The Government of Georgia shall exercise state control over the activities of the Agency.

5. The Agency shall be funded from:

a) targeted funds allocated from the State Budget of Georgia;

b) fees paid by persons interested in participating in procurements;

c) other revenues permitted by the legislation of Georgia.

6. Principal functions of the Agency shall be to:

a) prepare and issue subordinate normative acts and standard tender documents necessary for the operation of this Law, and harmonise them with international rules;

b) on the basis of the reports received from contracting authorities, regularly study and analyse the situation in the field of procurement in the country and submit suggestions to the Government of Georgia to make relevant decisions;

c) prepare special training programmes, standard forms of training and methodological materials and documentation, hold seminars and training for central and municipality authorities, mass media representatives and other interested persons;

d) create, update and supervise a unified procurement database;

e) provide advisory services to contracting authorities;

f) support the introduction of modern information and communication technologies in the procurement system;

g) for the publicity of procurements, ensure access to relevant subordinate normative acts and to a special guidance bulletin;

h) (Deleted – 2.7.2020, No 6730);

i) supervise the lawfulness of procurement procedures and determine the policy for regulating procurement proceedings;

j) maintain the Black List;

j^1) maintain the White List;

k) (Deleted);

l) in special cases, based on a written request of a contracting authority or on its own motion, identify a procurement object and/or integrate it into the classification system by an individual administrative act;

m) identify facts of artificial division of public procurement and take appropriate measures.

7. In order to support the functioning of the Unified Electronic System of Public Procurement and ensure electronic document flow during procurement proceedings, the Agency shall be authorised to:

a) store and issue in the form of an electronic copy any document prepared or held by the Agency;

b) receive, publish or issue any information and/or document using unified automated management tools;

8. (Deleted - 21.4.2017, No 645)

9. The Agency shall have an account with the State Treasury. The Agency may also have an account with a commercial bank when so provided by the legislation of Georgia.

10. The Agency shall prepare an annual report on its activities and submit it to the Government of Georgia by 15 May of each year. The report shall be published on the Agency's official website.

11. Public procurement may also be performed through the Unified Electronic System of Public Procurement by a person who is not a contracting authority provided by this Law. Using the Unified Electronic System of Public Procurement by this person shall automatically mean his/her/its consent to use the system under the established procedures. The procedures and conditions for performing public procurement by this person through the Unified Electronic System of Public Procurement and for using this system shall be defined in a subordinate normative act.

Law of Georgia No 2719 of 2 March 2006 - LHG I, No 7, 20.3.2006, Art. 54

Law of Georgia No 3423 of 30 June 2006 - LHG I, No 27, 17.7.2006, Art. 223

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 4408 of 2 March 2007 - LHG I, No 8, 23.3.2007, Art. 72

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 2760 of 12 March 2010 - LHG I, No 12, 24.3.2010, Art. 67

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 5559 of 20 December 2011 - website, 28.12.2011

Law of Georgia No 5975 of 30 March 2012 - website, 19.4.2012

Law of Georgia No 6577 of 28 June 2012 - website, 10.7.2012

Law of Georgia No 1284 of 24 September 2013 - website, 8.10.2013

Law of Georgia No 2163 of 21 March 2014 - website, 27.3.2014

Law of Georgia No 2945 of 12 December 2014 - website, 24.12.2014

Law of Georgia No 645 of 21 April 2017 - website, 10.5.2017

Law of Georgia No 1945 of 23 December 2017 - website, 11.1.2018

Law of Georgia No 2275 of 4 May 2018 - website, 24.5.2018

Law of Georgia No 5899 of 21 May 2020 - website, 28.5.2020

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Article 5 - Rights and obligations of the chairperson of the Agency

1. The chairperson of the Agency shall:

a) issue subordinate normative acts (orders) as determined by the legislation of Georgia; these acts shall be binding on contracting authorities and other persons participating in procurement;

b) issue decrees related to internal organisational issues;

c) regulate issues falling within the authority of the Agency;

d) supervise the performance by structural units of the Agency of their duties and control activities of employees according to established procedures;

e) within the scope of its authority, appoint and dismiss employees of the Agency;

f) administer and monitor the use of the Agency's funds;

g) according to established procedures, submit recommendations to the Government of Georgia with regard to issues falling within the authority of the Agency, for making relevant decisions;

2. The chairperson of the Agency shall be responsible for the activities of the Agency as determined by law.

Law of Georgia No 4408 of 2 March 2007 - LHG I, No 8, 23.3.2007, Art. 72

Article 6 - (Deleted)

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 4408 of 2 March 2007 - LHG I, No 8, 23.3.2007, Art. 72

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 5559 of 20 December 2011 - website, 28.12.2011

Article 7 - Rights and obligations of a contracting authority

1. A contracting authority shall be authorised to:

a) in compliance with the procedures established by this Law and relevant normative acts, select a supplier and award him/her/it a public procurement contract ('a contract');

b) disqualify bidders as determined by this Law;

c) (Deleted);

c^1) in cases of a design contest and an electronic tender, terminate the procurement procedure at any time before concluding a contract if necessitated by reasons beyond its control and unforeseen objective reasons, or if it is in Georgia's state interests and/or public interests;

d) monitor and supervise the fulfilment of contract terms by a supplier;

e) according to the legislation of Georgia, suspend or terminate a contract if the qualification data submitted by the supplier are found to be false, as well as in other cases provided by the legislation of Georgia.

2. A contracting authority shall be obliged to:

a) perform procurement rationally and in Georgia's state interests within the limits of the allocations received, in compliance with the procedures established by this Law and relevant normative acts;

b) (Deleted);

b^1) before the procurement is conducted, agree with the Agency, in accordance with Article $10^1(3^3)$ of this Law, a decision on making a public procurement through a simplified procurement provided for by Article 10^1(3)(a), (c) or (d) of this Law and a decision on making a public procurement through a simplified procurement provided for by sub-paragraph (b) of the same paragraph if the cost of goods, services or works to be procured is below monetary thresholds established by directives of European Union applicable to the field of public procurement;

b^2) not conclude an agreement on a simplified procurement for the term of 10 calendar days after the publication of the decision provided for by Article $10^1(3^4)$ of this Law, except when there is an emergency;

c) submit reports to the Agency on performed procurements, as determined by Article 22 of this Law;

d) reimburse a supplier for the value of the goods, works, and services upon supply of the goods, performance of works and rendering of services, unless otherwise provided by contract;

d^1) (Deleted);

d^1.a) (Deleted);

d^1.b) (Deleted);

d^2) before awarding a contract, suspend a public procurement procedure if his/her/its decision/action is appealed as determined by this Law and a subordinate normative act:

d^2.a) only after the completion of an electronic reverse auction, immediately upon receipt of information on appeal;

d^2.b) in the case of a consolidated procurement or a design contest, immediately upon receiving information on appeal, in cases provided by a subordinate normative act;

e) (Deleted);

f) when terminating public procurement procedures in the cases provided in this article, notify the Agency and all bidders about this decision and the reasons for the decision. When suspending or terminating public procurement procedures, the

contracting authority shall not be obligated to reimburse costs related to participation in the public procurement.

2^1. The procedure for resuming suspended public procurement procedures shall be defined in a subordinate normative act.

3. Responsibility for compliance with the procedures and norms established by this Law and relevant normative acts, and for rational performance of procurement shall fully rest with a contracting authority.

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 5926 of 27 March 2012 - website, 19.4.2012

Law of Georgia No 4104 of 24 July 2015 - website, 4.8.2015

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Law of Georgia No 1945 of 23 December 2017 - website, 11.1.2018

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 8 - Conditions for avoiding conflicts of interest

1. The conditions for avoiding conflicts of interest shall apply to the following activities related to the conduct of public procurement:

a) review, selection and evaluation of qualification data and tender proposals;

b) holding negotiations in cases provided by this Law and subordinate normative acts;

c) monitoring and supervision of the performance of a contract;

d) (Deleted);

e) selection of a supplier under a simplified procurement;

f) review of design contest proposals and selection of a supplier through a design contest;

g) review of disputes related to public procurement.

2. A natural person carrying out the activity defined in paragraph (1) of this article shall be considered to have a conflict of interest with the bidder or the supplier if their relations fall within Article 19 of the Tax Code of Georgia. If a bidder or a supplier is a contracting authority as provided by Article 3(1)(b) of this Law, the cases of application of Article 19 of the Tax Code of Georgia to matters related to a conflict of interest shall be defined in a subordinate normative act, taking into account special aspects of public procurements;

3. A bidder or a supplier may not directly or indirectly influence, in his/her favour, the decision of a person carrying out activities under paragraph (1) of this article.

4. After a person carrying out activities under paragraph (1) of this article learns the identity of a bidder or a supplier, the person shall confirm in writing that his/her/its involvement in this procurement does not cause a conflict of interest.

5. If a person carrying out activities under paragraph (1) of this article has a conflict of interest, he/she/it shall immediately declare it and exclude himself/herself from the procurement.

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 5975 of 30 March 2012 - website, 19.4.2012

Article 9 - Planning of procurement

1. A contracting authority shall perform procurement under a pre-determined annual procurement plan whose format and the procedure for its development shall be defined in a subordinate normative act. After consent of the Ministry of

Finance of Georgia and/or of a relevant authority of a municipality is received, the Agency shall be sent a notice about the conduct of a multi-year procurement with the funds specified in Article 3(1)(a.a–a.d) of this Law (except for the continuous procurement of services that are performed until 1 February of the following year). The multi-year procurement shall be annually reflected in the procurement plan of the relevant budget year. Procurement shall not be regarded as a multi-year procurement if it is performed only with allocations provided in the current budget year, and the supply of which is carried out during the following budget year. The National Bank of Georgia shall perform multi-year procurements without approval of the Ministry of Finance of Georgia.

1^1. If agreed by contracting authorities, public procurements may be conducted jointly under procedures established by a subordinate normative act.

2. (Deleted - 27.3.2012, No 5926).

3. Procurement of similar goods, services or works during a budget (fiscal) year by a contracting authority shall be regarded as a single procurement if it is funded from one source, except for cases set out in paragraph (3^1)(a) and (b) of this article. It shall be inadmissible to artificially divide public procurement in order to avoid public procurement methods and time frames relevant to monetary thresholds determined by this Law.

3^1. Artificial division of public procurement means the reduction and/or splitting of the quantity or volume of similar procurement objects when the contracting authority knows in advance that during the same budget year it will become necessary to subsequently procure the same or similar procurement objects and when the funds for additional procurement have been projected in advance in the public procurement plan for the same budget year. The following shall not be regarded as artificial division of public procurement:

a) procurement by separate procedures that is caused by a geographical factor and/or is justified by the rational spending of funds;

b) procurement by separate procedures that is caused by objective circumstances that a contracting authority could not have foreseen.

4. The head/Head of a contracting authority shall submit an annual procurement plan for the following year to the Agency not later than 20 November of the current year, after which the contracting authority may start public procurements necessary for the following year/years. Before entry into force of a relevant normative act on the State Budget of Georgia, republic budgets of the Autonomous Republics of Abkhazia and Adjara, and budgets of municipalities, the annual procurement plan of persons performing public procurement with funds specified in Article 3(1)(a.a–a.d) of this Law shall, at the moment of submitting annual procurement plans, comply with the draft State Budget of Georgia, draft republic budgets of the Autonomous Republics of Abkhazia and Adjara, draft budgets of municipalities submitted to the appropriate representative body.

4^1. If after entry into force of a relevant normative act on the State Budget of Georgia, republic budgets of the Autonomous Republics of Abkhazia and Adjara, and budgets of municipalities, it becomes necessary to bring into line with this normative act the annual procurement plans submitted to the Agency on the basis of this paragraph, the persons performing public procurement with the funds specified in Article 3(1)(a.a–a.d) of this Law shall make appropriate amendments to their annual procurement plans and submit the amended plans to the Agency within 10 calendar days after the publication of the relevant normative act on the State Budget of Georgia, republic budgets of the Autonomous Republics of Abkhazia and Adjara and budgets of municipalities.

5. If a contracting authority is established (founded) or receives an additional source of financing from the funds provided in Article 3(1)(a.e) and (a.f) of this Law, the head of the contracting authority shall approve an annual procurement plan and submit it to the Agency by not later than the 20^{th} day of the month following the month of establishing (founding) the contracting authority or of receiving the additional funding.

6. The following shall be taken into account when preparing a draft annual procurement plan:

a) necessity of performing the procurement;

b) similarity of procurement objects;

c) experience in performing similar procurements;

d) determining the type of a procurement object (goods, services, works);

e) results of a market survey conducted to identify potential suppliers and determine contract terms acceptable for a contracting authority;

e^1) a procurement object, if any, that a contracting authority agrees to purchase through a consolidated tender;

f) the reasons for selecting a particular procurement method, and estimated time frames for procurement procedures;

g) quantity of goods to be supplied, volume of works to be performed or of services to be rendered, considering the existing supplies;

h) the estimated value of the procurement objects;

i) costs associated with the procurement;

j) current year's financial commitments under long-term contracts or under contracts awarded in the previous year;

k) an estimated time frame for the performance of the contract to be awarded;

l) other circumstances related to the procurement.

7. The provisions of this article shall not apply to the cases provided by Article 1(4) of this Law.

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 4408 of 2 March 2007 - LHG I, No 8, 23.3.2007, Art. 72

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 1236 of 19 June 2009 - LHG I, No 13, 2.7.2009, Art. 67

Law of Georgia No 1690 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 173

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 4959 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 5926 of 27 March 2012 - website, 19.4.2012

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Chapter II - Procurement Methods

Article 10 - (Deleted)

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 320 of 7 October 2008 - LHG I, No 24, 20.10.2008, Art. 161

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 10^1 - Electronic means of public procurement

1. Electronic public procurement shall be performed through a design contest, an electronic tender or a consolidated tender.

2. By decision of a contracting authority, a simplified procurement may be performed electronically, through the procedures established for electronic tender.

3. Public procurements may be performed through a simplified procurement, if:

a) the supply of goods, performance of works, or rendering of services is an exclusive right of only one person and there is no reasonable alternative to substitute a procurement object. The following shall not be considered to be an exclusive right:

a.a) an estimated value of the goods or services to be procured is over GEL 2 000 000, and an estimated value of works is over GEL 4 000 000, and within reasonable territorial boundaries outside the country there is another person who is able to supply the same goods, perform the same works, or render the same services;

a.b) an estimated value of the goods or services to be procured does not exceed GEL 2 000 000 and an estimated value of works does not exceed GEL 4 000 000 and within the country there is another person who is able to supply the same goods, perform the same works and render the same services;

b) in the case of urgent necessity; in this case, the quantity of the goods, volume of the works or services to be procured

shall not exceed the period necessary to resolve the problems caused by the urgent necessity;

c) by decision of a contracting authority, to prevent the deterioration of the quality of an object procured from the supplier and/or to ensure further operation of that object, it is necessary that the object be procured from the same supplier or from a sub-contractor specified in the contract signed with the same supplier, except when the estimated value of the object to be procured exceeds the value of the object initially procured;

d) for the purpose of holding an event of state and public importance without hindrance and within limited time frames the conduct of a procurement is determined by a legal act of the Government of Georgia, or if the conduct of a procurement is determined by legal acts of the governments of the autonomous republics in cases of public procurements with funds from republic budgets of the autonomous republics and/or from budgets of municipalities within the administrative boundaries of the autonomous republics and also in the case of public procurement using other funds of the organisations and institutions that are financed from the budgets of the autonomous republics and relevant municipalities, also by legal acts of the governments of autonomous republics, and in case of necessity of holding an event of state and public importance by the National Bank of Georgia without hindrance, by a legal act of the Board of the National Bank of Georgia;

e) Deleted – 15.6.2017, No 1015;

f) public procurement related to representation expenses is performed;

g) public procurement is performed by means of payment of charges set by a normative act of Georgia;

h) public procurement of maintenance services and/or spare parts and/or oil and lubricants necessary for the maintenance of a motor vehicle having the age and/or being under a guarantee with conditions determined by an ordinance of the Government of Georgia;

i) a legal entity under public law - a higher education institution procures literature (printed, electronic or audio-visual), reagents, software, pharmaceutical products (medicinal products), laboratory equipment and databases;

j) a non-entrepreneurial (non-commercial) legal entity - a higher education institution established by the State and performing higher education activities and the higher education institution development fund perform public procurement with the consent of the Regency Council. In that case, the consent of the Regency Council shall be granted on the basis of a substantiated application of a contracting authority.

k) public procurement related to transferring to Georgia the remains of a citizen of Georgia deceased abroad shall be carried out as provided for by an ordinance of the Government of Georgia.

3^1. With the purpose of holding an event of state and public importance without hindrance within a limited time frame, to access tender notice and tender documents, as well as submit tender proposals, when procuring similar procurement objects with a value equal to or above GEL 150 000 in the case of goods and services and equal to or above GEL 300 000 in case of works during one budget year, the relevant time frames determined by Article 15^1(3)(a) and (b) may be established under a legal act of the Government of Georgia. That paragraph does not apply to the cases when the estimated value of goods, services and works is equal to or above monetary thresholds established by directives of European Union applicable to the field of public procurement.

3^2. The Government of Georgia may delegate to the governments of the autonomous republics the authority under paragraph (3^1) of this article for a period of not more than one year (to conduct public procurement with the funds of the autonomous republics and municipalities within the territories of the autonomous republics, as well as with the funds of organisations and institutions financed from the budgets of the autonomous republics and relevant municipalities).

3^3. A contracting authority, before procurement, shall be obliged to agree a decision on making a public procurement through a simplified procurement provided for by paragraph (3)(a), (c) or (d) of this article and a decision on making a public procurement through a simplified procurement provided for by sub-paragraph (b) of the same paragraph if the cost of goods, services or works to be procured is below monetary thresholds established by directives of European Union applicable to the field of public procurement with the Agency in accordance with the procedure determined by a subordinate normative act. A contracting authority shall agree a decision on simplified procurement with the Agency through the Unified Electronic System of Public Procurement. Application of a contracting authority submitted through this System is public and the interested parties are allowed to express their opinions related to it. When making a decision, the Agency considers both the application of the contracting authority and the above opinions. The procedure and conditions for agreeing a decision with the Agency on making a public procurement through a simplified procurement shall be determined by a subordinate normative act.

3^4. When conducting a public procurement through a simplified procurement, if the cost of goods, services or works to be procured is equal to or above the monetary thresholds established by directives of European Union applicable to the field of public procurement, a contracting authority shall be obliged to publish the decision regarding the conclusion of a contract on a simplified procurement on the relevant module within the Unified Electronic System in accordance with the procedure established by a subordinate normative act.

4. It shall be inadmissible to artificially divide public procurement to avoid the application of the monetary thresholds of the respective public procurement methods and time frames set by this Law, and the fulfilment of other requirements.

5. By decision of a contracting authority, similar procurement objects may be procured in phases during one budget (fiscal) year, by applying the monetary thresholds of the respective public procurement methods and time frames set by this Law for the total value of procurement objects.

6. (Deleted - 6.4.2017, No 617).

7. (Deleted).

8. (Deleted).

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 4959 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 5126 of 13 October 2011 - website, 27.10.2011

Law of Georgia No 6577 of 28 June 2012 - website, 10.7.2012

Law of Georgia No 611 of 17 May 2013 - website, 6.6.2013

Law of Georgia No 1284 of 24 September 2013 - website, 8.10.2013

Law of Georgia No 1285 of 24 September 2013 - website, 8.10.2013

Law of Georgia No 2099 of 7 March 2014 - website, 14.3.2014

Law of Georgia No 4104 of 24 July 2015 - website, 4.8.2015

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Law of Georgia No 1015 of 15 June 2017 – website, 29.6.2017

Law of Georgia No 5425 of 29 November 2019 – website, 10.12.2019

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Article 10^2 - Design contests

1. By decision of a contracting authority, public procurement of design services may be performed through a design contest - a public procurement method different from a simplified procurement and an electronic tender.

2. Design contest notice and design contest documentation shall be published on the Unified Electronic System of Public Procurement, after which a unique number is assigned to a design contest notice, and the design contest notice and design contest documentation are deemed officially published. A contracting authority shall pay a publication fee for publishing a design contest notice and design contest documentation. If necessary, a contracting authority may use other additional methods for disseminating design contest notice and design contest documentation.

3. The procedures and conditions for publishing a design contest notice and documentation shall be defined in a subordinate normative act.

4. The procedures and conditions for public procurement of design services through a design contest shall be defined in a subordinate normative act.

5. The procedures and conditions for public procurement of dismantling of buildings and structures and/or removal of materials and waste from the sites after dismantling works shall be defined by ordinance of the Government of Georgia and subordinate normative acts.

5. (Deleted - 6.4.2017, No 617).

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Chapter III - Electronic Tender

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 11 - Procedure for setting up and operating a tender committee

1. (Deleted).

1^1. An electronic tender shall be conducted by a tender committee composed of at least 3 members, and set up by the head of a contracting authority.

2. The head of a contracting authority and/or his/her deputies, or heads of structural units of the authority shall be appointed to the tender committee. If the number of relevant candidates is not sufficient, other employees of the contracting authority may also be appointed as members of the committee.

3. The head of a contracting authority or a person appointed by him/her shall chair a tender committee.

4. (Deleted).

5. Under a decision of a tender committee, experts in the corresponding field may be invited to the committee as experts and consultants in a consultative capacity.

5^1. (Deleted).

6. In order to provide technical and organisational support to the activities of a tender committee, by decision of the head of a contracting authority, a secretariat of the tender committee shall be set up from among the employees of this authority, and shall be headed by the chairperson of the tender committee.

7. (Deleted).

7^1. A tender committee shall adopt decisions by a majority of the current nominal list of the committee members. A member of a tender committee who disagrees with the decision of the committee may submit his/her opinion in writing, which shall be attached to the decision of the tender committee. In the case of equal votes, the vote of the chairperson of a tender committee shall be decisive. The tender committee shall decide on a successful bidder in accordance with the procedure established by a subordinate normative act.

8. Minutes of the meeting of a tender committee shall be drawn up and signed by the committee members present at the meeting.

Law of Georgia No 3978 of 14 December 2006 - LHG I, No 48, 22.12.2006, Art. 346

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 12 - (Deleted)

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 12^1 - Electronic tender notice and tender documentation

1. When conducting an electronic tender, a tender committee shall, on behalf of a contracting authority, post an electronic tender notice and tender documentation in the Georgian language in the Unified Electronic System of Public Procurement. A contracting authority shall be authorised to post an electronic tender notice in the Unified Electronic System of Public Procurement in the English language as well. If an estimated value of goods or services to be procured exceeds monetary thresholds established by directives of European Union applicable to the field of public procurement, posting of an electronic tender notice in the Unified Electronic System of Public Procurement in the English language

shall be mandatory.

2. In the cases of an electronic tender, a tender notice and tender documentation shall be published on the Unified Electronic System of Public Procurement, after which a unique number shall be assigned to the tender notice, and the tender notice and tender documentation shall be deemed to be officially published. A contracting authority shall pay a publication fee for publishing a tender notice and tender documentation. If necessary, a contracting authority may use other additional methods for disseminating a tender notice and tender documentation.

3. A tender notice format, data to be indicated in the notice, and the procedure for publishing and posting a notice in the Unified Electronic System of Public Procurement shall be determined by a subordinate normative act.

3^1. When performing public procurement through the Unified Electronic System of Public Procurement, a tender proposal guarantee shall be submitted to the Agency through the Unified Electronic System of Public Procurement. The procedure and conditions for submitting a guarantee to the Agency, types and an amount of the guarantee shall be determined by subordinate normative act.

4. Tender documentation shall be approved by the tender committee.

5. Tender documentation shall include:

a) qualification requirements to be met by a bidder;

b) (Deleted);

c) (Deleted);

d) quantity of goods, volume of works or services to be procured, a period, place and method of delivery of goods, performance of works or rendering of services;

e) full description of technical, performance and/or functional specifications, including plans, drawings, sketches, information regarding the quality, operation, safety, dimensions, packaging, labelling and marking, production methods and processes, symbols, terminology, conformity requirements set by a contracting authority, etc.;

f) mandatory terms and conditions of the contract, of which a contracting authority is aware in advance, as well as a reference to the type of the contract and to the contract performance guarantee (if any);

g) methods to be used in order to estimate the value of a tender proposal, by indicating whether it is to include the costs (transportation, insurance, taxes, etc.) other than the value of the goods, works or services;

h) (Deleted);

i) ways and procedures for requesting additional information and clarifications with regard to tender documentation;

j) the name and contact details of a member of the tender committee secretariat who is authorised to provide information and clarifications about procurement procedures;

k) (Deleted);

l) information about alternative procurement of communication services, if any.

5^1. Tender documentation shall be drawn up as determined by a subordinate normative act.

6. While describing technical, performance and/or functional specifications of a procurement object, a contracting authority shall ensure that the text materials and other characteristics used conform to the international, European or Georgian standards. A contracting authority shall make a reference to the applied standard (if any). At the same time, preference shall be given to the general description of performance and functional specifications. It shall be inadmissible to indicate a trademark, patent, model, source of origin or manufacturer in the description of a procurement object, except when there are no other ways available for the precise description of a procurement object. In such cases, when describing a procurement object, the words 'similar' or 'equivalent' and others shall be used.

7. By decision of a contracting authority, qualification documents may be submitted both in Georgian and in foreign languages. If the documents are submitted in a foreign language, translations into the Georgian language performed as determined by the legislation of Georgia shall be attached to those documents. When resolving disputes related to qualification documents, the contracting authority shall decide on the priority of a foreign language document or of its Georgian translation.

8. (Deleted - 6.4.2017, No 617).

9. After the publication of an electronic tender notice and tender documentation, a tender committee may modify information indicated in a tender notice and tender documentation, except for the procurement object and means of public procurement. In such case, the period for familiarisation with a tender notice and tender documentation shall be extended by the period between the announcement of an electronic tender and the implementation of relevant changes.

10. (Deleted).

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 4950 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 6296 of 22 May 2012 - website, 29.5.2012

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 13 – Requirements for the bidders

A contracting authority shall, in accordance with the procedure established by a subordinate normative act, determine requirements related to technical, performance and/or functional specifications, as well as qualification criteria of bidders for each particular procurement. These requirements shall be proportionate and non-discriminatory and shall promote effective competition and equal treatment for bidders.

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 14 - (Deleted)

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 15 - (Deleted)

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 15^1 - Procedure for conducting an electronic tender

1. Electronic tender procedures to be implemented from the submission of a tender proposal until the awarding of a contract to the successful bidder shall be set out in this article and in a subordinate normative act.

2. An affidavit, a tender proposal and supporting documents, as well as samples (if any) and qualification documents shall be submitted to the tender committee in accordance with the procedure established by a subordinate normative act.

3. The for familiarisation with an electronic tender notice and tender documentation, as well as for the submittal of a tender proposal, shall be determined as follows:

a) in the case of procurement of similar goods and services with a value of up to GEL 150 000 – not less than 7 days, at least 5 days of which are intended for familiarisation with tender notices and tender documentation and the following 3 days – for submittal of a tender proposal;

b) in the case of procurement of similar goods and services with a value of equal to or above GEL 150 000 – not less than 10 days, at least first 7 days of which are intended for familiarisation with tender notices and tender documentation and the following 2 days – for submittal of a tender proposal. At the same time, if an estimated value of goods or services to be procured is equal to or above monetary thresholds established by directives of European Union applicable to the field of public procurement, not less than 30 days shall be determined, at least first 25 days of which are intended for familiarisation with tender notices and tender documentation and the following 5 days – for submittal of a tender proposal;

c) in the case of procurement of similar works with a value of up to GEL 300 000 – not less than 10 days, at least first 7 days of which are intended for familiarisation with tender notices and tender documentation and the following 3 days – for submittal of a tender proposal;

d) in the case of procurement of similar works with a value of equal to or above GEL 300 000 – not less than 20 days, at

least first 15 days of which are intended for familiarisation with tender notices and tender documentation and the following 5 days – for submittal of a tender proposal. At the same time, if an estimated value of works to be procured is equal to or above monetary thresholds established by directives of European Union applicable to the field of public procurement, not less than 30 days shall be determined, at least first 25 days of which are intended for familiarisation with tender notices and tender documentation and the following 5 days – for submittal of a tender proposal.

4. After the announcement of electronic tender, it shall be inadmissible to reduce time frames determined for familiarisation with tender notices and tender documentation.

5. A bidder may submit a tender proposal through the Unified Electronic System of Public Procurement within time frames established for the submittal of a tender proposal and alter the price of the submitted tender proposal through an electronic reverse auction. If the deadline for accepting tender proposals for a simplified electronic tender falls on a Saturday, Sunday or an official holiday, the deadline for accepting tender proposals shall expire on the following working day.

6. The monetary thresholds established by directives of European Union applicable to the field of public procurement shall be reflected in a subordinate normative act.

7. Issues related to access to information and documentation posted by a bidder in the Unified Electronic System of Public Procurement shall be determined in a subordinate normative act.

8. The tender committee shall decide on a successful bidder of an electronic tender in accordance with the procedure established by a subordinate normative act.

9. The tender committee shall, within the time frame and under procedures established by a subordinate normative act, publish through the Unified Electronic System of Public Procurement the contract awarded to the successful bidder of the electronic tender and the documentation related to the electronic tender and required by a subordinate normative act.

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3767 of 26 October 2010 - LHG I, No 62, 5.11.2010, Art. 398

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4950 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 16 - (Deleted)

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 16^1 - Awarding a contract to a successful bidder

1. A contracting authority shall award a public procurement contract to a successful bidder based on the conditions defined in the tender proposal of the successful bidder.

1^1. If a contracting authority terminates the contract unilaterally, it shall not be liable for damages caused by termination of the contract, except as determined by the legislation of Georgia, as well as when the reason of termination of the contract is a situation under Article $9(4^1)$ where it is necessary to bring the annual procurement plans of contracting authorities in line with the relevant normative act on the State Budget of Georgia, republic budgets of the Autonomous Republics of Abkhazia and Adjara and the budget of municipality, and due to this it is impossible to continue the contract.

2. By decision of a contracting authority, a contract may be prepared both in the Georgian and in foreign languages. If a contract is prepared in a foreign language, it shall be translated into Georgian as determined by the legislation of Georgia.

3. (Deleted).

4. (Deleted).

5. If a successful bidder is disqualified or refuses to sign a contract, the contracting authority may consider a tender proposal of the bidder with the next best quote or terminate the public procurement procedure in cases as provided by a subordinate normative act.

6. (Deleted).

7. In the case of procurement of a large volume of works, if a construction site is located in the territory of Georgia, additional terms and conditions related to the contract may be determined by a relevant legal act of the Government of Georgia.

8. (Deleted - 6.4.2017, No 617).

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4950 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 5926 of 27 March 2012 - website, 19.4.2012

Law of Georgia No 1284 of 24 September 2013 - website, 8.10.2013

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Article 17 - (Deleted)

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Article 18 - (Deleted)

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 18^1 - Inadmissibility of holding negotiations during an electronic tender

A tender committee may not negotiate with a person interested in participating in an electronic tender or with a bidder, except as provided by a subordinate normative act.

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Article 19 - (Deleted)

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 19^1 - Fee rate

1. A fee of GEL 50 shall be set for submission of a design contest proposal or a tender proposal in the case of a design contest and electronic tender procedures, while in the case of a consolidated tender procedure, a fee of GEL 5 000 shall be set for submission of a tender proposal. For the submission of a design contest proposal or tender proposal in a design contest or an electronic tender, a fee different from the one determined in this paragraph may be set under a subordinate normative act, and for submission of a tender proposal in a consolidated tender, a fee different from the one determined in this paragraph may be set by decision of the Government of Georgia.

2. The procedures and conditions for paying fees and for refunding fees paid by mistake shall be determined by a subordinate normative act.

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 6389 of 5 June 2012 - website, 19.6.2012

Law of Georgia No 6577 of 28 June 2012 - website, 10.7.2012

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 20 - (Deleted)

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3164 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 234

Article 20^1 - (Deleted)

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Article 20^2 - Consolidated tender

1. By decision of the Government of Georgia, a consolidated tender may be conducted to procure similar procurement objects.

2. In the cases provided in paragraph (1) of this article, on the basis of documents provided by the Government of Georgia, the Agency shall ensure the conduct of a consolidated tender and identification of the best tender proposal according to procedures and conditions determined by a subordinate normative act.

3. The Agency shall ensure that the information required by a subordinate normative act on a completed consolidated tender is posted in the Unified Electronic System of Public Procurement.

4. A contracting authority may award a public procurement contract to the supplier identified according to a subordinate normative act; the contracting authority that has indicated the intention in the annual procurement plan according to Article 9(6)(e^1) of this Law to conduct a public procurement through a consolidated tender shall be obligated to award a public procurement contract to the supplier identified according to a subordinate normative act.

5. In the case provided in this article, the Government of Georgia shall determine the composition of a tender committee.

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Article 20^3 - Two-stage public procurement

1. Two-stage public procurement of a procurement object specified by a subordinate normative act may be performed through a two-stage electronic tender.

2. The procedures and conditions for conducting a two-stage electronic tender shall be determined by a subordinate normative act.

3. The procedures and conditions for conducting a two-stage electronic tender, taking into account special aspects of the given public procurement method, may include provisions different from the ones determined under this Law for an electronic tender.

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Chapter IV - Terms and Conditions of a Public Procurement Contract and Procedures for their Revision

Article 21 - Terms and conditions of a public procurement contract and procedures for their revision

1. (Deleted).

1^1. A state procurement contract shall be concluded in written form, taking into account the conditions defined in this Law and a subordinate normative act. Awarding of a public procurement contract shall not be mandatory:

a) in the case of public procurements performed through a simplified public procurement by Georgia's diplomatic missions and consular offices abroad, as well as by defence attachés, representatives of the Ministries of Defence and Internal Affairs of Georgia, the State Security Service of Georgia and the Prosecutor's Office of Georgia, and in cases provided for by a subordinate normative act;

b) in the case of public procurement performed through a simplified procurement by means of the Internet;

c) in the case of public procurement related to representation expenses;

d) in the case of public procurement performed through the payment of the charges determined by a normative act of Georgia.

2. In order to ensure the performance of a public procurement contract, based on the specific nature of a procurement object, a contract performance guarantee or insurance may be required, except for cases provided in paragraph (3^1) of this article.

2^1. If a procurement object is a petroleum product (fuel) the cost of which, due to its specific nature, depends on a variable price on the international commodity exchange and/or on the official exchange rate of the national currency, before a contract is awarded a supplier shall be obligated to submit to a contracting authority the unit price of the goods to be supplied, which is calculated according to a subordinate normative act. This requirement shall not apply to the procurement of petroleum products (fuel) by a diplomatic mission and a consular office of Georgia abroad, as well as by a defence attaché, the representatives of the Ministries of Defence and Internal Affairs of Georgia, the State Security Service of Georgia and the Prosecutor's Office of Georgia.

3. (Deleted).

3^1. A public procurement contract performance guarantee or insurance shall be mandatory if the total value of the contract is GEL 200 000 or above. By decision of a contracting authority, bidders or potential suppliers may be exempt from the obligation to provide a guarantee under this paragraph, taking into account their business reputation and the quality and awareness of the goods, services and works provided by them.

3^2. If a contracting authority demands a public procurement contract performance guarantee or insurance, a supplier that has submitted a general guarantee under this Law shall have the right not to submit a contract performance guarantee or insurance. In that case, the general guarantee shall be used to secure performance of the public procurement contract.

3^3. The beneficiary of a general guarantee may be any contracting authority to which the owner (principal) of the general guarantee is liable under the guarantee; the guarantee beneficiary contracting authority shall notify the guarantor about this according to a subordinate normative act.

4. The mandatory terms and conditions of a public procurement contract and the procedures for requesting a guarantee and insurance shall be determined by a subordinate normative act.

5. The terms and conditions of a contract awarded to a supplier may not be modified, if the value of the contract increases for the contracting authority due to this modification or the terms and conditions of the contract become less favourable, except for the cases provided in Article 398 of the Civil Code of Georgia.

5^1. The conditions for modification of the terms and conditions of a public procurement contract according to Article 398 of the Civil Code of Georgia shall be determined by a subordinate normative act.

5^2. (Deleted).

5^3. In cases provided in paragraph (1^1)(a-d) of this article, public procurement shall be performed on the basis of a document containing information, in accordance with a subordinate normative act, evidencing payment of the value of the procurement object (for instance, a cheque or a receipt), or on the basis of a contract (if any).

6. (Deleted).

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 4950 of 24 June 2011 - website, 11.7.2011

Law of Georgia No 5975 of 30 March 2012 - website, 19.4.2012

Law of Georgia No 3967 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 5079 of 2 October 2019 - website, 7.10.2019

Article 21^1 - Advance payment terms

1. In the case of an advance payment, the supplier shall submit to the contracting authority a guarantee equal to the amount of the advance payment, except for cases provided in paragraph (2) of this article and a subordinate normative act.

2. By decision of a contracting authority, it may exempt a supplier from submitting a guarantee equal to the amount of advance payment if:

a) the amount to be paid in advance to the supplier is credited to a separately designated bank account, and this amount is used under the supervision of the contracting authority over the entire duration of the public procurement contract;

b) the total value of a particular public procurement contract exceeds the threshold determined by a subordinate normative act. In that case, a contracting authority may exempt a supplier from the obligation to provide a guarantee equal to the amount of advance payment, taking into account its business reputation, the quality of the goods produced, services rendered and work performed, and the brand awareness of the supplier;

c) the supplier's responsibility to a contracting authority is permanently secured under a general guarantee as determined by a subordinate normative act.

3. Special conditions for applying the provisions of paragraph (2) of this article to qualified suppliers registered in the White List shall be defined in a subordinate normative act.

4. A supplier shall be obligated to use the amount received as an advance payment only for the performance of obligations related to the public procurement contract.

5. The procedure and conditions for submitting and exempting from submission of an advance payment guarantee prescribed in paragraphs (1-3) of this article shall be defined in a subordinate normative act.

Law of Georgia No 5975 of 30 March 2012 - website, 19.4.2012

Chapter V - Monitoring and Control over Procurements

Article 22 - Procurement report

1. (Deleted).

2. (Deleted).

2^1. When an electronic tender is conducted, the conclusions of experts and consultants (if any) involved in the tender, minutes of meetings of the tender committee, as well as other documents provided by a subordinate normative act shall be attached to a procurement report.

3. (Deleted).

3^1. By not later than 30 January of the following year, contracting authorities shall submit, according to the simplified procedure determined by a subordinate normative act, progress reports on the performance of the contract, provided that the estimated total value of the annual procurement plan is less than GEL 50 000.

4. Procurement reports shall be made available to all interested persons upon their request.

5. If the value of the procurement object is more than GEL 2 000 000, the head of a contracting authority shall submit a written procurement report on the object of procurement to the Prime Minister of Georgia within 20 days after the public procurement contract is awarded. The provisions of this paragraph shall not apply to the National Bank of Georgia, which submits a procurement report to the Board of the National Bank according to the Organic Law of Georgia on the National Bank of Georgia.

6. The Ministry of Finance of Georgia, ministries of the Autonomous Republics of Abkhazia and Adjara in the field of finance and the relevant authorities of municipalities shall provide, on a quarterly basis, to the Agency information on the funds actually allocated to budgetary organisations and institutions.

7. At any stage of the procurement, the Agency may require contracting authorities and procurement participants to provide any document and information related to the procurement, including information on performance of the contract.

8. In order to ensure transparency of procurement proceedings, the Agency, during the procurement proceedings, shall monitor the adherence to principles of publicity, fairness and non-discrimination, it shall also monitor strict adherence to the established procedures and reporting, open and effective competition, and availability of rational and free choice.

9. (Deleted).

10. The form of accounting for a simplified procurement, an electronic tender, a design contest, a consolidated tender, as well as a contract and the progress reports on public procurements set out in Article 21(1^1) of this Law, the procedures, periods and conditions for their preparation, submission and storage shall be determined by a subordinate normative act.

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 627 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 235

Law of Georgia No 1690 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 173

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 5560 of 20 December 2011 - website, 28.12.2011

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Law of Georgia No 6895 of 15 July 2020 - website, 28.7.2020

Article 22^1 - Inspection of procurements by the State Audit Office of Georgia

1. The State Audit Office of Georgia shall inspect procurements by auditing the contracting authority.

2. Upon request of the State Audit Office of Georgia, a contracting authority shall provide any document and/or information related to the procurement.

3. A procurement participant shall be obliged to provide to the contracting authority, upon request, documents and/or information related to the procurement.

4. (Deleted).

Law of Georgia No 882 of 26 December 2008 - LHG I, No 1, 15.1.2009, Art. 3

Law of Georgia No 1236 of 19 June 2009 - LHG I, No 13, 2.7.2009, Art. 67

Law of Georgia No 6550 of 22 June 2012 - website, 29.6.2012

Article 22^2 – The additional control mechanism for public procurements made and to be made by the Ministry of Internal Affairs of Georgia

The Ministry of Internal Affairs of Georgia shall submit to the Parliament of Georgia the detailed information on the intended non-classified public procurements in accordance with the procedure established by the Rules of Procedure of the Parliament of Georgia; besides, at least once a year, it shall submit a report on the performed and ongoing non-classified activity with respect to public procurements.

Law of Georgia No 4707 of 23 December 2015 – website, 29.12.2015

Law of Georgia No 3898 of 6 December 2015 – website, 14.12.2018

Chapter VI – Dispute Resolution Bodies and the Review of Disputes

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23 – Dispute resolution bodies

1. Disputes related to public procurement and selection process may be reviewed by the Public Procurement-related Dispute Resolution Council (the Council) and a court.

2. This chapter shall determine the procedure for the review of disputes related to the public procurement and selection process by the Council.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^1 – Right to Appeal the decision/action to the Council

1. A person interested in participating in procurement, a bidder or a supplier may appeal the decision/action of a contracting authority/tender committee to the Council in accordance with the procedure established by this Law.

2. A person willing to participate in the selection process or a participant of the selection process shall be authorised to appeal to the Council, in accordance with the procedure established by this Law, the decision/action of the authorised body/selection commission provided for by the Law of Georgia on Public-Private Partnerships (the authorised body/selection commission) determined by the rules of procedure of the Council.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^2 – The Council

1. The Council shall be an impartial and independent body set up on the basis of this Law, which aims at timely, efficient and fair resolution of disputes in accordance with this Law.

2. The Council shall be separated from every other body/person, it shall be independent in its activities and shall comply with law only. It shall be inadmissible to make influence on the Council or a member of the Council with the purpose of affecting the decision-making process.

3. The Council shall be guided by the Constitution of Georgia, international treaties of Georgia, this Law, the Rules of Procedure of the Council and other normative acts.

4. The Rules of Procedure of the Council shall be approved by an ordinance of the Government of Georgia.

5. Not later than 1 March of every year, the Chairperson of the Council shall submit to the Parliament of Georgia, the Prime Minister of Georgia and the Agency the information about the activities of the previous year of the Council. That information shall include statistical data and analysis, main trends, as well as opinions regarding the improvement of the legislation regulating public procurement, where necessary. The above information shall be published on the website of the Council.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^3 – Election of the members of the Council and termination of powers thereof

1. The Council shall be composed of 5 members appointed by the Prime Minister of Georgia for the term of 5 years. The same person can be appointed as a member of the Council only twice. A member of the Council shall be a state servant.

2. A citizen of Georgia with no criminal record, who has a higher education in law/higher education in economics with a Master's or equivalent academic degree and has a work experience of at least 5 years in the speciality may be appointed as a member of the Council. Besides, at least half of the members of the Council shall have education in law as determined by this paragraph.

3. A member of the Council may not:

a) be employed at another public and/or private institution;

b) perform other paid activities, except for academic activities, teaching activities and/or creative activities;

c) provide consultations to a contracting authority, a person interested in participating in procurement, a bidder, a supplier, a person willing to participate in a selection process or a participant of a selection process;

d) be a member of a political party and/or carry out political activities.

4. To select candidates for the membership of the Council, the Prime Minister of Georgia shall set up a selection commission which, among other members, shall include Chairpersons of the Sector Economy and Economic Policy Committee and the Budget and Finance Committee of the Parliament.

5. To select candidates for the membership of the Council in the open, transparent and competitive environment, the selection commission shall announce a public competition on a website administered by a Legal Entity under Public Law called the Civil Service Bureau. Any interested person may participate in the competition. To submit an application for the participation in the competition, a candidate for the membership of the Council shall have not less than 10 days from the announcement of the competition.

6. After the acceptance of the application, in not later than 20 days, the selection commission shall select two times the number of candidates than the vacant positions in the Council from the persons that comply with the qualification requirements established by this Law for the membership of the Council. In the process for the selection of the candidates for the membership of the Council, the selection commission shall be guided by the principle of objectivity and impartiality. The evaluation of the candidates for the membership of the Council shall be based on their reputation, professional knowledge and activity, and work experience.

7. If the selection commission is not able to select candidates for the membership of the Council, in not later than 5 days it will re-announce the competition in accordance with paragraph 5 of this article.

8. The selection commission shall present the candidates selected for the membership of the Council to the Prime Minister of Georgia for appointment. The Prime Minister of Georgia shall appoint or refuse the appointment of a member/members of the Council within 10 days. In the latter case, the selection commission shall, in not later than 5 days, re-announce the competition in accordance with paragraph 5 of this article.

9. A member of the Council shall resign from the incompatible position determined by paragraph 3 of this article or stop incompatible activities determined by the same paragraph from the day he/she starts carrying out his/her authorities as a member of the Council.

10. The authority of a member of the Council shall be terminated upon the expire of his/her term if he/she is not reappointed to the position so that the continuity of his/her authority is maintained. The early termination of the

authority of a member of the Council shall be inadmissible except in the following cases:

a) submittal of a personal application;

b) death;

c) declaration as missing or dead by a court;

d) declaration as a person with limited legal capacity or a beneficiary of support, unless otherwise determined by the court decision;

e) loss of Georgian citizenship;

f) entry into legal force of a final court judgement of conviction;

g) holding of an incompatible position determined by paragraph 3 of this article or carrying out incompatible activities determined by the same paragraph;

h) failure to perform his/her duties for 4 months in last 12 months and the absence of medical opinion confirming that the member of the Council will not be able to performs his/her duties in the future as well.

11. The powers of a member of the Council shall be terminated early:

a) in the case provided for by paragraph 10(a) of this article, upon the submission of an application by a member of the Council to the chairperson of the Council. The powers of the chairperson of the Council shall be terminated upon the submission of the application to the Council.

b) in the cases provided for by paragraph 10(b-f) of this article, from the moment when the occurrence of relevant circumstances is confirmed by the procedure provided for by the legislation of Georgia;

c) in the cases provided for by paragraph 10(g) or (h) of this article, from the moment when a legal act of a Prime Minister of Georgia regarding the termination of powers of a member of the Council is issued.

12. The chairperson of the Council shall be obliged to immediately inform the Prime Minister of Georgia on the termination of powers of a member of the Council or the origination of the ground/grounds for the termination thereof. If the powers of the chairperson of the Council are terminated or the ground/grounds for the termination thereof originate, the Prime Minister of Georgia shall be informed thereon by the deputy chairperson of the Council.

13. A person whose powers as a member of the Council are terminated, may appeal to court in accordance with the procedure established by the legislation of Georgia.

14. A procedure for the selection of a member of the Council shall start not earlier than 60 days and not later than 40 days before the expiry of powers of the respective member of the Council, and in the case of early termination of powers of a member of the Council, not later than 10 days after the termination of powers thereof. A newly appointed member of the Council shall start performing his/her duties upon the termination of powers of the preceding member of the Council. If the powers of the preceding member of the Council are already terminated, a newly appointed member of the Council shall start performing his/her duties upon the appointment.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^4 – The chairperson of the Council and the deputy chairperson of the Council

1. The Council shall have a chairperson. A chairperson of the Council shall:

a) schedule, open, chair and conduct the meetings of the Council;

b) represent the Council in relations with the authorities, other local and international organisations, as well as third parties;

c) sign the correspondence of the Council;

d) provide general management of the office of the Council;

e) file motions to the chairperson of the Legal Entity under Public Law called Georgian Competition and Consumer Agency (the Competition and Consumer Agency) on giving incentives to and applying measures of disciplinary liability against the employees of the office of the Council;

[e) file motions to the executive director of the Legal Entity under Public Law called Georgian National Competition Agency (the Competition Agency) shall on giving incentives to and applying measures of disciplinary liability against the employees of the office of the Council; ***(Shall become effective from 1 January 2027)]***

f) exercise other powers determined by the legislation of Georgia, the Rules of Procedure of the Council and a statute of the office of the Council.

2. The chairperson of the Council shall have a deputy chairperson. A deputy chairperson of the Council shall perform the duties of the chairperson of the Council when he/she is absent or his/her powers are terminated. When both the

chairperson of the Council and the deputy chairperson of the Council are absent, the duties of the chairperson of the Council shall be performed by one of its members upon the assignment of the chairperson of the Council.

3. A chairperson of the Council and a deputy chairperson of the Council shall be elected from the composition of the Council. Not less than two members of the Council may nominate a relevant candidate. A candidate shall be considered elected if supported by more than half of the total membership of the Council during secret ballot. One and the same person may be elected as a chairperson of the Council only once. Only a person who has the education in law as provided for by Article 23^3(2) of this Law may be elected as a chairperson of the Council or a deputy chairperson of the Council.

4. A chairperson of the Council, a deputy chairperson of the Council shall be considered elected on the position for his/her term of office as a member of the Council. Upon the expiry of this term, the powers of a chairperson of the Council or a deputy chairperson of the Council shall be terminated for the relevant member of the Council despite the fact whether or not he/she is reappointed as a member of the Council.

5. Powers of the chairperson of the Council, the deputy chairperson of the Council shall be terminated early respectively for the chairperson of the Council, a deputy chairperson of the Council by his/her personal application, upon submitting the application to the Council.

6. Elections of a chairperson of the Council or a deputy chairperson of the Council shall be held not later than 5 days before the expiration of powers of a current chairperson of the Council or a deputy chairperson of the Council, respectively, and in case of early termination of powers – not later than 5 days from the termination of powers.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Law of Georgia No 7133 of 16 September 2020 - website, 21.9.2020

Law of Georgia No 526 of 28 May 2021 - website, 28.5.2021

Law of Georgia No 2524 of 22 December 2022 - website, 29.12.2022

Law of Georgia No 3757 of 29 November 2023 - website, 11.12.2023

Law of Georgia No 148 of 13 December 2024 - website, 29.12.2024

Article 23^5 – Provision of organisational and financial support of the activities of the Council

1. A member of the Council shall be provided remuneration. The official salary of a chairperson of the Council shall be determined as an amount equal to the official salary of a chairperson of district (city) court, the official salary of a deputy chairperson of the Council shall be the amount equal to the official salary of a chairperson of the panel of district (city) court and the official salary of other members of the Council shall be the amount equal to the official salary of a judge of district (city) court.

2. The Council shall be financed from the State Budget of Georgia, from the budget allocations provided for the Competition and Consumer Agency in the amount ensuring the fulfilment of the functions of the Council and its independence.

3. To enable the activities of the Council, the Council shall have an office. The quantity and labour remuneration of the employees of the office of the Council shall be determined by the chairperson of the Competition and Consumer Agency. The statute and the structure of the office of the Council shall be determined by the Government of Georgia through legal acts, on the recommendation of the chairperson of the Competition and Consumer Agency. The office of the Council is a structural unit of the Competition and Consumer Agency.

[3. To enable the activities of the Council, the Council shall have an office. The quantity and labour remuneration of the office of the Council shall be determined by the Board of the Competition Agency. The statute and the structure of the office of the Council shall be determined by the Board of the Competition Agency on the recommendation of the chairperson of the Competition Agency. The office of the Council is a structural unit of the Competition Agency. ***(Shall become effective from 1 January 2027)***]

4. The office of the Council shall:

a) manage the intra-agency procedures for the preparation of dispute resolution;

b) organise the meetings of the Council;

c) draw up minutes of the meetings of the Council;

d) maintain the correspondence and intra-agency documentation of the Council;

e) exercise other functions determined by the legislation of Georgia, the Rules of Procedure of the Council and a statute of the office of the Council.

5. The office of the Council shall be accountable to the chairperson of the Council/the Council. For lawful usage of material and technical means of the Competition and Consumer Agency, the office of the Council shall be accountable to

the chairperson of the Competition and Consumer Agency as well.

[5. The office shall be accountable to the chairperson of the Council/the Council. For lawful usage of material and technical means of the Competition Agency, the office of the Council shall be accountable to the executive director of the Competition Agency as well. ***(Shall become effective from 1 January 2027)***]

6. The employees of the office of the Council shall be selected through competition, in accordance with the procedure established by the legislation of Georgia. Members of the Council shall be included in the competition commission established for conducting the competition.

7. Disciplinary liabilities shall be applied against the employees of the office of the Council in accordance with the procedure established by the internal regulations of the Competition and Consumer Agency. Disciplinary liabilities may be applied against the employees of the office of the Council only with the consent of the chairperson of the Council.

8. The Competition and Consumer Agency shall provide the Council and the office of the Council with material and technical means necessary for their operation.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Law of Georgia No 7133 of 16 September 2020 - website, 21.9.2020

Law of Georgia No 526 of 28 May 2021 - website, 28.5.2021

Law of Georgia No 2524 of 22 December 2022 - website, 29.12.2022

Law of Georgia No 3757 of 29 November 2023 - website, 11.12.2023

Law of Georgia No 148 of 13 December 2024 - website, 29.12.2024

Article 23^6 – Special electronic module designated for the Council

1. In order to carry out the activities of the Council efficiently and publicly, a special electronic module designated for the Council (an electronic module) shall operate within the Unified Electronic System of Public Procurement.

2. Complaints submitted to the Council, documents attached thereto, decision made by the Council in regard to the complaints, other materials related to the review of complains, as well as other information determined by this Law and the Rules of Procedure of the Council shall be published on the electronic module.

3. Any notice/information related to the review of the complaint shall be transferred by the Council/office of the Council through the electronic module, which shall be considered as delivery of the notice/information to a respective person.

4. The Council/office of the Council shall be authorised to use other means of communication (post office, e-mail, telephone (including, Short Message Service (SMS)) to send the notice/information provided for by paragraph 3 of this article, which shall be considered as officially sent.

5. The information on the electronic module shall be public, except for the personal data which were not subject to publication in accordance with the legislation of Georgia.

6. The electronic module is a part of the Unified Electronic System of Public Procurement. The operation of electronic module shall be ensured by the Agency. The Agency shall ensure that the members of the Council/relevant employees of the office of the Council have uninterrupted access to the above-mentioned system to carry out the activities provided for by this article. The Agency shall develop the electronic module and make appropriate changes thereto on the basis of application or consent of the Council. Before its submission to the Government of Georgia, the Council shall be obliged to agree with the Agency the part of the Rules of Procedure of the Council or the draft of the amendment to be made therein, the adoption of which requires appropriate changes to be made to the Unified Electronic System of Public Procurement/electronic module.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^7 – Appealing a decision/action to the Council

1. The following entities shall have the right to appeal a decision/action of a contracting authority/tender commission:

a) both a person interested in participating in procurement and a bidder, if the complaint relates to:

a.a) the decision/action which is connected to a tender/design contest proposal and a tender/design contest documentation;

a.b) any decision/action which is not covered by sub-paragraph (a.a) of this paragraph and is made/carried out before the beginning of acceptance of tender/design contest proposals;

a.c) the decision, by which a decision provided for by sub-paragraphs (a.a) and (a.b) of this paragraph were reviewed upon the decision of the Council;

b) only a bidder, if a decision is related to the decision/action, not covered by sub-paragraph (a) of this paragraph, made/carried out before the beginning of acceptance of tender/design contest proposals;

c) a person registered in the Unified System of Public Procurement with a status of a supplier in accordance with the procedure established by a subordinate normative act in the case of simplified procurement, when, in the case of carrying out public procurement via simplified procurement, the value of goods, services and works is equal to or above monetary thresholds established by directives of European Union applicable to the field of public procurement and the complaint relates to a decision regarding the conclusion of a contract on simplified procurement.

2. A decision/action of a contracting authority/tender commission may not be appealed if a complaint is related to:

a) selection of means and methods of public procurement in accordance with this Law and a subordinate normative act;

b) a decision regarding the conclusion of a contract on simplified procurement if the value of public procurement is below monetary thresholds established by directives of European Union applicable to the field of public procurement;

c) in the case of appeal to the Council – the suspension of the procedure for public procurement.

3. A decision/action of a contracting authority/tender commission may be appeal within the following time limits:

a) a decision/action provided for by paragraph 1(a.a) of this article – upon the beginning of acceptance of tender/design contest proposals;

b) a decision provided for by paragraph 1(a.b), (a.c) or (b) of this article – within 10 days of uploading the appropriate decision to the Unified Electronic System of Public Procurement, and an action – within 10 days once the action has been taken, but before concluding a contract as a result of the respective public procurement;

c) a decision provided for by paragraph 1(c) of this article – within 10 days of uploading the appropriate decision to the respective module of the Unified Electronic System of Public Procurement.

4. A complaint shall be submitted to the Council electronically, through the Unified Electronic System of Public Procurement. The Form of a complaint and a procedure for its submission shall be determined by the Rules of Procedure of the Council.

5. Within 2 days of submission of a complaint, the Council shall review the matter of admissibility of the complaint. The Council shall recognise the complaint inadmissible if:

a) it was submitted by an unauthorised person;

b) the deadline for its submission has expired or by the time of reviewing the matter of admissibility of the complaint the contract is already concluded;

c) it does not relate to a decision/action of a contracting authority/tender commission/authorised body/selection commission;

d) in accordance with this Law, the respective decision/action of a contracting authority/tender commission/authorised body/selection commission is not subject to appeal to the Council in accordance with this Law;

e) a matter of dispute does not exist;

f) a case between the same parties regarding the same subject and on the same grounds is pending in the Council;

g) a decision of the Council between the same parties regarding the same subject and on the same grounds exists;

h) the issue it refers to is under the jurisdiction of a court;

i) a case between the same parties regarding the same subject and on the same grounds is pending in the court.

6. If a complaint does not comply with the requirements provided for by this Law and the Rules of Procedure of the Council but no grounds for recognising a complaint inadmissible as provided for by paragraph (5) of this article exist, the Council shall give the applicant 1 working day to verify the complaint. If the applicant fails to verify the complaint, it will be automatically recognised as inadmissible in the Unified Electronic System of Public Procurement (which is equal to making a decision on recognising the complaint inadmissible). If an applicant submits a verified complaint, the Council shall review a matter of admissibility of the verified complaint not later than the next working day of submittal of the complaint. If the applicant verifies the complaint incompletely, it shall be recognised as inadmissible.

7. Even when the grounds for recognising the complaint inadmissible are established after it is recognised as admissible, the Council shall still recognise the complaint inadmissible.

8. Information regarding the recognition of a complaint admissible or inadmissible shall be immediately published on the electronic module in accordance with the procedure established by the Rules of Procedure of the Council.

9. The procedures for the appealed public procurement/selection process shall be automatically suspended once the complaint is recognised admissible. A process for public procurement shall be suspended after the completion of electronic trade in the Unified Electronic System of Public Procurement. After recognising a complaint as admissible, a contracting authority/tender commission/authorised body/selection commission may not make a decision or carry out an

action within the time limits of review of the complaint related to the procedures for the appealed public procurement/selection process. The contracting authority/tender commission/authorised body/selection commission may not also announce repeated procedures for public procurement/selection process regarding the same issue, or shall suspend the announced procedure (if any). In the case of emergency, a contracting authority may conduct purchase in accordance with the procedure established by this Law. In the cases provided for by this paragraph, the procedures for public procurement/selection process shall be suspended as well for a person interested in participating in procurement/a bidder/a person interested in participating in a selection process/a participant of a selection process. Appeal of a decision regarding the conclusion of a contract on simplified procurement shall result in the suspension of the procedures for simplified procurement, except when the procedure for simplified procurement is caused by urgent necessity.

10. An applicant shall have a right to withdraw in writing a complaint at any time before the Council makes a decision. In this case, the complaint will no longer be reviewed. The information on the withdrawal of a complaint by an applicant shall be published on the electronic module in accordance with the procedure established by the Rules of Procedure of the Council not later than the next working day.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^8 – A filing fee

1. To submit a complaint to the Council, a filing fee shall be established. The amount of the filing fee shall be:

a) in the case of a complaint related to public procurement (except for the exception provided for by paragraph 2 of this article) – 2% of estimated value of public procurement and in the case of simplified procurement – 2% of the value of simplified procurement but not less than GEL 100 and not more than GEL 500;

b) in the case of complaints related to the public-private partnership project – 0.15% of the estimated value of that project but not less than GEL 22 000 and not more than GEL 150 000.

2. The filing fee shall not be paid if the complaint is related to the issues provided for by Article 23^7(1)(a) of this Law.

3. The filing fee shall be refunded except when the complaint is not satisfied.

4. If the applicant withdraws a complaint, the filing fee shall be refunded:

a) fully, if the withdrawal of the complaint takes place before the meeting of the Council is held;

b) partially, if the withdrawal of the complaint takes place on the meeting of the Council or after it is held.

5. The procedure for the payment and withdrawal of the filing fee shall be determined by the Rules of Procedure of the Council.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^9 – Review of the complaint by the Council

1. The Council shall review a complaint and make a decision within 10 working days of recognising the complaint admissible.

2. If the circumstances important for the case cannot be established within time limits determined by paragraph (1) of this article, this time limit may be extended by not longer than 10 working days by the decision of the Council.

3. The Council shall review a complaint at an open meeting except for the cases provided for by the legislation of Georgia. At a meeting of the Council, an oral hearing is held where the Council hears the parties and interested persons (if any).

4. A date and time of review of a complaint on the meeting of the Council shall be appointed by the chairperson of the Council upon the recommendation of the office of the Council. This information shall be notified to the parties and interested persons (if any) through the electronic module. Non-appearance of parties and interested persons summoned in accordance with the established rules on the meeting of the Council shall not preclude the review of the complaint.

5. The chairperson of the Council shall open, manage and close the meeting of the Council. The meeting of the Council shall be chaired by the chairperson of the Council. In the absence of the chairperson of the Council on the meeting of the Council his/her duties shall be performed by the deputy chairperson of the Council. In case of absence of both the chairperson of the Council and the deputy chairperson of the Council on the meeting of the Council, the duties of the chairperson of the Council shall be performed by one of its members upon the assignment of the chairperson of the Council.

6. The meeting of the Council shall be duly constituted if attended by more than half of its members.

7. A member of the Council may not participate in a review of a complaint or decision-making if the grounds provided for by Article 92 of the General Administrative Code of Georgia apply. In this case, the member of the Council shall be obliged to announce about self-recusal. Besides, when there are grounds for recusal of a member of the Council, a party

and an interested person may, before the completion of the meeting of the Council, file a motion in writing regarding the recusal of a member of the Council. The decision on the issue of recusal of a member of the Council shall be made in his/her absence by the majority of votes of other members of the Council. In the case of a tie vote of other members of the Council, the member of the Council shall be deemed recused.

8. The course of the meeting of the Council shall be documented in the minutes of the meeting of the Council which shall be signed by the chairperson of the meeting of the Council and a secretary of the meeting of the Council.

9. The procedure for the review of a complaint by the Council shall be determined by the Rules of Procedure of the Council.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^{10} – Decision of the Council

1. The Council shall make decision within time limits determined by Article 23^{9}(1) or (2) of this Law.

2. After a meeting of the Council, a discussion shall be held to make decision where the members of the Council participate. A decision shall be made by the majority of votes of the members of the Council who participate in the meeting of the Council. In the case of a tie vote, the vote of the chairperson of the Council shall be decisive.

3. A member of the Council shall not have the right to refrain from voting. A member of the Council objecting the decision made by the Council shall have the right to formulate their dissenting opinion in writing which will be attached to that decision.

4. The decision of the Council shall be signed by all the members of the Council who participated in the meeting of the Council and the decision-making, including the members who had dissenting opinion.

5. If a member of the Council participating in the meeting of the Council does not participate in decision-making, this shall be indicated in the decision.

6. A member of the Council shall evaluate the presented evidences according to his/her inner convictions which shall be based on the comprehensive, complete and impartial review thereof.

7. The Council shall review a complaint within the frameworks of requirements indicated therein. During decision-making, the Council shall be authorised to discuss the violations committed during the appealed decision-making or conduct of an action, which are not indicated in the complaint.

8. After detailed study of the complaint and circumstances related thereto, the Council shall be authorised to:

a) fully satisfy the complaint;

b) partially satisfy the complaint;

c) dismiss the appeal.

9. In the case of granting the complaint fully or partially, the Council shall be authorised to:

a) make reference to wrongful action of a contracting authority and request from it to carry out procurement procedures in accordance with the legislation of Georgia;

b) request from a contracting authority to review or cancel the decision made;

c) in the case of violation of the requirement of the law by a participant of the procurement, raise an issue of his/her/its liability before the relevant bodies determined by the legislation of Georgia.

10. The decision of the Council shall be substantiated and shall consist of introductory, descriptive, reasoning and operative parts.

11. The decision of the Council, once it's made, shall be published on the electronic module immediately, it shall be public and shall be considered delivered to a party and an interested person (if any).

12. The decision of the Council is binding. Failure to fulfil it shall result in the imposition of liability established by the law.

13. Any interested person shall have a right to inform the Agency in the case of public procurement, and the Legal Entity under Public Law called Public-Private Partnership Agency in the case of selection process, on failure to fulfil the decision made by the Council or the delay of fulfilment thereof.

14. The Council shall be authorised to raise an issue of liability of a participant of public procurement/selection process before the relevant authorised bodies determined by the legislation of Georgia if during the review of a complaint it is identified that he/she violated the requirements of the legislation of Georgia and committed misconduct.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Article 23^{11} – Right to appeal a decision/an action to a court

1. A person interested in participating in procurement, a bidder, a supplier, a person interested in participating in the selection process and a participant in the selection process shall have a right to appeal directly to a court a decision/an action of the contracting authority/tender committee/authorised body/selection commission respectively.

2. An interested person may appeal to a court a decision made by the Council with regard to its complaint. Appealing the decision shall not suspend its effect.

3. In accordance with the procedure established by the legislation of Georgia, the decision of the Council may also be appealed to a court by the Agency if as a body authorised to ensure the protection and fulfilment of the requirements provided for by this Law, it considers that the Council essentially misinterpreted the legislation regulating public procurement. In this case, the appeal of the Agency shall be aimed at establishing correct interpretation of the legislation regulating public procurement and not the review and evaluation of circumstances of a case related to a specific dispute. Appealing the decision shall not suspend its effect.

4. The interested person shall have the right to appeal to a court a decision/an action of the Agency. Appealing a decision of the Agency shall not suspend its effect if the decision is related to keeping a blacklist or a whitelist or agreeing with the Agency a decision made by a contracting authority regarding performing public procurement by means of simplified procurement.

Law of Georgia No 6730 of 2 July 2020 - website, 16.7.2020

Chapter VII - Transitional and Final Provisions

Article 24 - Activities to be implemented for bringing this Law into force

1. (Deleted).

2. Within one month after entry of this Law into force, the Public Procurement Agency shall, according to the legislation of Georgia, approve Regulations for the Procedures for Performing Public Procurement.

2^1. (Deleted).

2^2. (Deleted).

2^3. (Deleted).

3. Until 1 January 2008, this Law shall not apply to procurements to be performed by electricity and natural gas enterprises for rehabilitating or repairing property that is directly related to generation, transmission, dispatching, distribution of electricity, transportation, distribution of natural gas, as well as to the regulation of electricity and natural gas metering.

4. Until 1 January 2013, the provisions of this Law shall not apply to procurement of cellular communication services.

5. In order to ensure conformity of the Law of Georgia on Broadcasting with Article $1(3^1)$(l) of this Law, the Legal Entity under Public Law - the Public Broadcaster and the Government of Georgia shall jointly ensure the drafting and submission of a relevant law to the Parliament of Georgia by 20 December 2009.

6. From 1 March 2010 to 1 December 2010, contracting authorities shall perform public procurements in their own discretion, through or without an electronic procurement.

6^1. The Government of Georgia shall ensure that the ordinance provided in Article 10^1(3)(h) of this Law is adopted by 1 February 2011.

7. In order to identify procurement objects, by 1 May 2011 the Agency shall introduce a relevant classification system adopted by international organisations.

8. Successful tenderers of public procurement procedures that commenced before 1 December 2010 shall be selected and public procurement contracts shall be concluded with them under procedures applicable before 1 December 2010.

8^1. When performing public procurement through a simplified procurement, a simplified electronic tender and an electronic tender until 31 December 2010, the matters related to the similarity of procurement objects and inclusion of procurements in annual procurement plans shall be defined in a subordinate normative act.

8^2. Until the methodology for detection of artificial division of public procurement is developed, the Agency shall be authorised to additionally regulate by an individual administrative act matters related to artificial division of public procurement.

9. The Head of the State Security Service of Georgia shall, by an appropriate normative act, establish before 1 January

2016, additional requirements related to termination of international telephone calls of telecommunication service providers and the route of data exchange within the global internet network while performing public procurement of international telephone services and internet services in order to improve state security measures.

10. The competent authority prescribed by this Law shall ensure that:

a) by 30 December 2010 the provisional rules for performing public procurement electronically are approved;

b) by 1 May 2011 the procedure for conducting a simplified procurement, a simplified electronic tender and an electronic tender is approved;

c) by 1 April 2011 the conditions and procedure for public procurement of design services through a design contest are approved;

d) by 1 May 2012 the conditions and the procedure for conducting a consolidated tender are approved;

e) by 1 December 2012 the methodology for detection of artificial division of public procurements is developed;

f) by 1 January 2012 the procedure for conducting a two-stage electronic tender or a two-stage simplified electronic tender is approved;

g) by 1 May 2012 the regulations related the maintenance of the White List and the conditions of advance payment are formulated;

h) by 1 November 2015 the procedure and conditions specified in Article $10^{1}(3^{3})$ of this Law are defined by a subordinate normative act.

11. Deleted – 15.6.2017, No 1015

12. By 15 April 2014 the Government of Georgia shall ensure that the Statute of the Legal Entity under Public Law - the Public Procurement Agency is approved.

13. The Regulations approved under Ordinance No 497 of the Government of Georgia of 27 December 2011 on Approving the Statute of the Legal Entity under Public Law - the Competition and Public Procurement Agency shall retain a legal force in the portion related to public procurements until the Statute of the Legal Entity under Public Law - the Public Procurement Agency provided in paragraph (12) of this article is approved.

14. From 31 March 2014 Ordinance No 166 of the Government of Georgia of 18 February 2014 on Determining the Legal Entity under Public Law - the Competition and Public Procurement Agency as a Competent Authority shall be declared void.

Law of Georgia No 3481 of 18 July 2006 - LHG I, No 30, 27.7.2006, Art. 237

Law of Georgia No 4333 of 29 December 2006 - LHG I, No 1, 3.1.2007, Art. 3

Law of Georgia No 294 of 26 September 2008 - LHG I, No 22, 9.10.2008, Art. 152

Law of Georgia No 882 of 26 December 2008 - LHG I, No 1, 15.1.2009, Art. 3

Law of Georgia No 1236 of 19 June 2009 - LHG I, No 13, 2.7.2009, Art. 67

Law of Georgia No 2107 of 20 November 2009 - LHG I, No 40, 7.12.2009, Art. 290

Law of Georgia No 3163 of 28 June 2010 - LHG I, No 39, 19.7.2010, Art. 233

Law of Georgia No 3767 of 26 October 2010 - LHG I, No 62, 5.11.2010, Art. 398

Law of Georgia No 4068 of 15 December 2010 - LHG I, No 74, 24.12.2010, Art. 458

Law of Georgia No 4272 of 25 February 2011 - website, 2.3.2011

Law of Georgia No 4632 of 5 May 2011 - website, 25.5.2011

Law of Georgia No 5126 of 13 October 2011 - website, 27.10.2011

Law of Georgia No 5364 of 25 November 2011 - website, 6.12.2011

Law of Georgia No 5975 of 30 March 2012 - website, 19.4.2012

Law of Georgia No 2163 of 21 March 2014 - website, 27.3.2014

Law of Georgia No 3967 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 4104 of 24 July 2015 – website, 4.8.2015

Law of Georgia No 1015 of 15 June 2017 – website, 29.6.2017

Article 24^{1}. Entry into force of the norms related to the monetary thresholds established by the directives of European Union applicable to the field of public procurement

1. The norms related to the monetary thresholds established by the directives of European Union applicable to the field of public procurement referred to in Article $10^1(3^1)$, Article $12^1(1)$, Article $15^1(3)$(b) and (d) and Article $15^1(6)$ shall enter into force on 1 September 2019.

2. Before 1 September 2019, the obligation provided for by Article $12^1(1)$ of this Law on posting an electronic tender notice in the Unified Electronic System of Public Procurement in the English language shall be incurred by a contracting authority if an estimated value of goods or services to be procured exceeds GEL 2 000 000 and an estimated value of works exceeds GEL 4 000 000.

Law of Georgia No 617 of 6 April 2017 – website, 21.4.2017

Article 25 - Invalid normative acts

The following shall be regarded as invalid upon entry of this Law into force:

a) the Law of Georgia on Public Procurement of 9 December 1998 (Legislative Herald of Georgia, No 7, 1998, Art. 52);

b) Order No 1 of the Chairperson of the Public Procurement Agency of 15 October 2001 on Approving Regulations on the Public Procurement Procedure.

Article 26 - Entry into force

This Law shall enter into force from 1 January 2006.

President of Georgia **M. Saakashvili**

Tbilisi
20 April 2005
No 1388-I ს