

		Endorsed by: Leroy Reid, Managing Director Date.....	
№	Prepared by:	Approved by:	
1	Petya Shirokanska	Vesselin Gentchev	
2		Vesela Dimitrova	Videnova-
3			
4			
5			
AES-3C Maritsa East 1 EOOD Internal Rules for planning, organizing and conducting Public Procurement and controlling the public procurement contracts performance			
Document No: ME1-SCH-ALL-OI-07		Revision: 0	
Location of the controlled copy in the documentation filing and control system of the Contracting entity		Site/Library: 1.Power Plant/10.Procurement	

CONTENTS:

1. PURPOSE	3
2. SCOPE	3
3. DEFINITIONS	4
4. ROLES AND RESPONSIBILITIES	5
5. DESCRIPTION OF THE PROCESS	9
5.1. Planning of public procurement orders	9
5.2. Procurement of deliveries, services and construction works without conducting a procedure under the PPA	10
5.3. Preparation of a public procurement procedure	10
5.4. Guarantee for participation in a public procurement procedure. Guarantee for performance of a signed contract	13
5.5. Processing of submitted applications for participation and offers	13
5.6. Organisation to conduct public procurement procedures	14
5.6.1 Order to conduct a limited procedure or a negotiation procedure with notice	14
5.6.2 Order to conduct an open procedure	17
5.6.3 Order to conduct a negotiation procedure without notice	19
5.6.4 Creation of prior qualification systems	21
5.6.5 Assigning public procurement orders through public call (Chapter Eight “a”, PPA)	22
5.7. Appeals against public procurement procedures	23
5.8. Signing a public procurement contract	23
5.9. Control over the performance of public procurement procedures organizing and conducting process	26
6. DOCUMENTATION AND RECORDS	26
7. REFERENCES	26
7.1. Internal	26
7.2. External	26
8. ELECTRONIC TEMPLATES	26
9. APPENDICES	26

1. PURPOSE

The purpose of current Internal rules for planning, organizing and conducting Public Procurement and controlling of public procurement contracts performance is:

- to establish lawful, appropriate and effective spending of AES-3C Maritsa East 1 EOOD acting in its capacity as a Contracting entity within the meaning of Public Procurement Act as well as to ensure publicity and transparency in planning, conducting and awarding public procurement orders by AES-3C Maritsa East 1 EOOD;
- to describe the conditions and the procedure to plan, organize and conduct public procurement procedures in compliance with the requirements of Public Procurement Act and the Rules on Application of the Public Procurement Act, and implementation of other statutory documents relevant and applicable to public procurement orders;
- to determine the terms and order to prepare, organize and assign public procurement orders through a Public call;
- to govern the coordination between AES-3C Maritsa East 1 EOOD and the companies affiliated to AES-3C Maritsa East 1 EOOD, which are entrusted to assist the Contracting entity in planning, organizing and conducting public procurement procedures under the PPA and exercising control over concluded agreements on the grounds of conducted procedures and published Public calls by defining respective roles and responsibilities;
- to govern the control over performance of public procurement contracts entered into with AES-3C Maritsa East 1 EOOD;
- to regulate the process for drafting, storage, archiving and securing access to documents and dossiers generated in the course of public procurements orders awarding by AES-3C Maritsa East 1 EOOD.

2. SCOPE

These rules are applied by AES-3C Maritsa East 1 EOOD for public procurement of deliveries, provision of services and construction, falling in the application scope of the Public Procurement Act. In the event that affiliated with AES – 3C Maritsa East 1 EOOD company/companies is/are authorized and mandated to assist the Contracting entity in planning, organizing and conducting procedures under the Public Procurement Act and to control the signed contracts on the basis of conducted procedures and published

Public calls, the affiliated company is obliged to certify in writing that is familiar with and shall observe these rules, or there should be a relevant agreement with this affiliated company with a clause validating the application of these rules by the affiliated company.

AES-3C Maritsa East 1 EOOD is a sectoral Contracting entity for public procurement orders, in accordance with Art.7, Para 6 of the Public Procurement Act, since the main activity of the company is falling under the scope of Art.7a, Para 1, Item 1 of the Public Procurement Act. All deliveries, services provided and construction activities, related to the main activity should be carried out in compliance with the requirements of the Public Procurement Act, the Rules on Application of the Public Procurement Act and all other applicable legal acts for public procurement assigning. Public procurement orders are awarded under the conditions and the procedure of the Public Procurement Act, abiding by following principles:

- Publicity and transparency;
- Free and loyal competition;
- Equality and non-discrimination;

3. DEFINITIONS

PPA – Public Procurement Act;

PPR – Public Procurement Register;

PPAg – Public Procurement Agency;

RAPPA – Rules on the Application of the Public Procurement Act;

HSE – Health and Safety at work department and Environment department;

EU – the European Union;

ERP system (Enterprise Resource Planning system) – a multi-module software, maintaining data and processes, running in connection with business activities, such as product planning, purchasing, accounting, stocks, interaction with suppliers, customer service and follow-up of purchases;

Contracting entity - AES-3C Maritsa East 1 EOOD through the Managing director organizes and conducts public procurement procedures and enters into public procurement contracts

4. ROLES AND RESPONSIBILITIES

Position	Role and Responsibility
<p>Managing Director (in accordance with the mode of representation)</p>	<p>Responsible for the full protection of Company's interests and exercises the rights of a Contracting entity in the procedures for public procurement under the PPA and in Public call assigning.</p> <p>Makes decisions laid down in the PPA and performs all necessary actions on behalf of the Contracting entity with respect to the whole process of public procurement awarding.</p> <p>Assigns with an order Committee members (a chairperson, members and alternates) to open, review, evaluate and rate the offers/applications submitted in public procurement procedures.</p> <p>Approves the documentation for participation in public procurement procedures under the PPA, invitations for participation in negotiated procedures or Public call.</p> <p>Approves protocols and reports on the work of the committees, assigned to conduct public procurement procedures.</p> <p>Approves the plan for public procurement awarding.</p> <p>Signs a written contract for public procurement order with the participant, appointed as a contractor according to the PPA. Signs all amendment agreements and/or addendums to already initiated public procurement contracts in cases where the PPA allows it.</p>
<p>Senior Procurement specialist</p>	<p>Exercises on-going control and management of the activities related to organization and realization of public procurement.</p> <p>Allocates resources and appoints a responsible Procurement specialist for each public procurement procedure that is about to be organized and conducted by the Contracting entity.</p> <p>Analyses the process of public procurement awarding and gives proposals for its optimization in compliance with the effective legislation, methodological instructions given by the PPA and the internal procedures and instructions of the Contracting entity, including makes suggestions and recommendations for current rules amending and/or complementing.</p> <p>Organizes and manages the prior qualification systems.</p> <p>Controls and manages the communication among the departments, as well as among the persons entrusted and authorized by the Contracting entity to plan, organize and carry out public procurement procedures or assign public procurement orders through a Public call.</p> <p>Ensures the storage of documentation related to organizing and conducting</p>

	<p>public procurement orders.</p> <p>Ensures access to the files of public procurement orders in the course of inspections for PPA implementation and internal audits of the Contracting entity.</p> <p>Organizes the process of public procurement contracts signing and their amending in line with the requirements of the effective legislation and the Company internal documents.</p> <p>Follows for the timely sending of information regarding a signed contract and information for an executed/terminated contract to the PPA for registration in the Public Procurement Register and in the Official Journal of the European Union (when applicable).</p>
Procurement specialist	<p>Gives prior consultations and opinion to the Heads of requiring departments on preparation of reports for initiation of public procurement orders.</p> <p>Prepares the documentation for public procurement awarding.</p> <p>Prepares the documents following a template for electronic announcement of public procurement procedures.</p> <p>Prepares the documents following a template for electronic announcement of Public calls for public procurement.</p> <p>Prepares reports for the assigned public procurement orders for registration in the Public Procurement Register and in the Official Journal of the European Union (when applicable).</p> <p>Participates in the preparation and administration of public procurement contracts.</p> <p>Participates in committees appointed by the Contracting entity to carry out public procurement procedures under the PPA.</p> <p>Prepares all documents, reflecting the work of the committee, including protocols, reports, decisions on contractor's selection, decisions to terminate the procedure, invitations, letters and other documents.</p> <p>Follows the deadlines for conducting and finalizing public procurement orders, assigned to him/her.</p> <p>Upon receipt of questions or request for clarification on the documentation for participation, prepares relevant clarification and additional information to participants in public procurement.</p> <p>Inputs and processes the required information in the ERP system.</p> <p>Archives documentation and contracts, related to public procurement.</p>
Authorized user	<p>Sends to the PPA for registration in the PP Register and in the Official Journal of the European Union (when applicable) signed and approved by Contracting entity documents, related to public procurement procedures</p>

	<p>conducting (decisions, notices, prior notices, information on signed contracts, information on executed contracts, information on the course of the procedure in appeal proceedings, public calls and other documents required in accordance with the specific public procurement order).</p> <p>Publishes the documentation for participation in public procurement, public calls, replies to inquiries on procedures/public calls and information messages as well as all other documents that by virtue of the law must be published in the Buyer's profile and/or the website of the PPA.</p> <p>Inputs the invitations for participation in negotiated procedures without notice, via the virtual filing system of the PPA.</p>
<p>Legal advisor</p>	<p>Follows for the compliant conducting and awarding of public procurement orders and in case of found contradictions with the PPA, the RAPPА and other statutory acts applicable in the field of public procurements, makes statements and gives recommendations for their elimination.</p> <p>Approves the prepared documentation for public procurement, the notice and decision for procedure opening under PPA, the Public call, the public procurement contract before its signing by the Contracting entity.</p> <p>Participates in committees appointed by the Contracting entity to conduct public procurement procedures.</p> <p>Makes statements on the application of the regulations in PPA, RAPPА and statutory acts in the field of public procurement.</p> <p>Issues statements on received appeals against actions, omissions, decisions and other acts of Contracting entity.</p> <p>Legally agrees the correspondence with applicants and participants in public procurement procedures and clarifications on documentation for carrying out public procurement orders.</p> <p>Ensures that the legal requirements are met in contracts and their amendments.</p> <p>Assists the Contracting entity in exercising control over the work of the committees.</p>
<p>Head of the requiring department</p>	<p>Prepares a report to the Contracting entity with a proposal to conduct and award public procurement.</p> <p>Leads the preparation of technical specifications.</p> <p>Makes suggestions for appointment of persons, having corresponding professional competence aligned with the subject and complexity of relevant public procurement order, who will take part in committees appointed by the Contracting entity to conduct public procedures under the PPA.</p> <p>Follows the execution of signed contract for public procurement awarding that has been requested by the department he/she directs, or assigns this</p>

	<p>activity to another person responsible for the execution of signed public procurement contract.</p> <p>In case of a reasoned amendment/termination of a signed contract for public procurement, prepares a reasoned proposal for contract alteration/termination.</p> <p>Agrees the method for evaluation of proposals.</p>
Professionally competent person	<p>Prepares and signs technical specifications to conduct public procurement.</p> <p>Participates in criteria formulation for the evaluation of offers and upon most economic offer, prepares and signs the evaluation method.</p> <p>Participates in committees under the PPA.</p> <p>Participates in the preparation of motives on procedure type selection when required by the PPA.</p>
Financial Team	<p>Confirms, where necessary, that the guarantees for participation have been provided and orders their release and/or retain when considering a ground for that.</p> <p>Makes payments due on concluded public procurement contracts.</p> <p>Prepares reports for effected payments on public procurement agreements, subject to publication in the Buyer's profile.</p>
HSE departments	<p>Ensure the compliance of public procurement procedures with all regulations, corporate requirements and internal procedures as well as HSE instructions.</p> <p>When necessary, agree or coordinate the technical specifications in HSE section.</p> <p>When necessary, agree and/or coordinate the risk assessment of the public procurement subject in HSE section.</p> <p>If the subject of public procurement order requires it, participate in criteria formulation for the evaluation of offers and preparation of a method for evaluation upon the most economic offer criterion.</p> <p>With the existence of a need, based on the subject and complexity of specific procurement order, a person from these departments may participate as a member in committees appointed by the Contracting entity to conduct public procurement procedures under the PPA, unless there are regulatory restrictions for that.</p>
Contract manager of public procurement contract	<p>For every public procurement contract, a responsible person is appointed to control, on behalf of the Contracting entity, the execution and the terms in the contract on part of the Contractor.</p> <p>The contract manager follows the execution of public procurement contract including, but not limited to quantity and quality of goods delivered,</p>

services provided and construction done.

The contract manager communicates with the Contractor during and with regard to the execution of the activities under the contract.

The contract manager reports to its superiors about the course of execution of the contractual activities.

The contract manager organizes all activities needed for the execution of the contract and assists the Contractor by ensuring access to the site.

The contract manager submits to the Contractor or a person designated by him/her all input data required for the execution of contract activities.

The contract manager checks the entire supporting documentation of the contracts. He/She signs the protocols with the Contractors, when the same certify (according to the contract under consideration) partial or full implementation/acceptance of awarded activities.

Upon completion of all contractual obligations, the contract manager notifies the Procurement specialist on a completed contract.

5. DESCRIPTION OF THE PROCESS

5.1. Planning of public procurement orders

The public procurement planning process is realized together with the budget project for the next calendar year. Every year, by the end of September, Heads of the requiring departments together with Engineering department and Warehouse manager, prepare lists with necessary deliveries, services and construction works for the next calendar year. Lists of information regarding needs of the respective department shall be sent to the Senior Procurement specialist not later than the end of September. On the basis of received information, within 1 (one) month, Senior Procurement specialist or a person appointed by him/her prepares a Plan for public procurement for the next calendar year (Procurement plan).

The Procurement plan must be coordinated with Legal Advisor and Heads of the requiring department and endorsed by the Managing Director. A copy of the approved plan is provided to the Heads of requiring departments and the Procurement department for information and execution. If needed the Procurement plan is a subject of update and re-approval.

The Senior Procurement specialist or a person appointed by him/her (an Authorized user), on behalf of the Contracting entity, sends to the Public Procurement Agency for registration in PPR, and in the Official Journal of the European Union (when applicable) and publishes in Buyer's Profile "prior notices" of all public procurement procedures or framework agreements which the Contracting entity intends to open in the

following 12 months.

By 31st of March every year, the Senior Procurement specialist or a person appointed by him/her sends, on behalf of the Contracting entity, a summarized information following a template to the PPA containing all expenditures related to public procurement at the amount as per Art, 14, Para 4 and Para 5 of the PPA.

5.2. Procurement of deliveries, services and construction works without conducting a procedure under the PPA

If the estimated value of public procurement order is below the thresholds mentioned in Art. 14, Para 5 of the PPA, and therefore it is possible to choose a Contractor without implementing the procedures set out in the PPA or through a Public call, the awarding shall be done freely. In such cases the expenditure of Contracting entity on deliveries, services and construction works shall be carried out under the order provided by Contracting entity. For all expenditures made by Contracting entity and not relevant to PPA, appropriate basic accounting documents must be issued, and when needed written contract must be signed.

5.3. Preparation of a public procurement procedure

The preparation of the procedure to award a public procurement order includes:

- preparation of a report by the Head of requiring department with a proposal to start and conduct a public procurement procedure or to announce a public call for delivery, service or construction;
- preparation of a statement on estimated value of deliveries, services and/or construction subject to specific public procurement order;
- proposal for procedure type defining and for the order of specific public procurement awarding;
- preparation, coordination and distribution of the documentation needed to conduct public procurement;
- preparation of a Public call on the grounds of public procurement awarding through a public call;
- preparation and approval of a technical specification, a method for evaluation of offers upon the most economic offer criterion and other required documents pursuant to specific public procurement order;

The responsible persons for the respective public procurement order according to the Procurement plan provide for the timely and quality realization of procedure preparation processes.

Report

The Head of requiring department prepares and signs a report in which he/she gives reasons for the necessity to assign a public procurement procedure and to start the awarding process. The report shall be drawn up under a pattern - in attachment to these rules.

The estimated value of the public procurement order is determined by the Heads of requiring departments together with Engineering department, Warehouse manager and Procurement specialist according to Public procurement plan. The report is presented to the Legal advisor for approval regarding the proposed legal regime on public procurement and the type of procedure under the PPA. In determination of the type of procedure, its estimated value must be considered, the complexity of its subject according to the technical specification, as well as the requirements for execution.

Technical specification

The professionally competent person together with the Head of requiring department prepares a technical specification following all requirements of the PPA and respective statutory regulations depending on the subject and complexity of the public procurement order. Under the discretion of Head of the requiring department, the technical specifications shall be agreed with HSE departments, which if found necessary may give recommendations to make additions and/or revisions to the requirements defined in the technical specification.

The report along with the endorsed technical specification is a ground for the Senior Procurement specialist to initiate the start of public procurement procedure awarding and to appoint a Procurement specialist responsible for respective procurement procedure and the preparation of required documentation therefor.

Method for evaluation of proposals being part of the documentation for participation

The method for evaluation of offers as a part of the documentation for participation is prepared by a person with professional competence aligned with the subject and complexity of specific public procurement order, together with Procurement specialist and agreed with the Head of requiring department and the Legal advisor.

The method contains a description of the manner to evaluate offers and to select a Contractor for the respective public procurement order. Contractor's selection is made on the grounds of offers evaluations by "lowest price" or "best economic offer" criterion.

Documentation to conduct a public procurement procedure

The documentation is prepared by a Procurement specialist within the time limit set in the Procurement plan approved by Contracting entity. The term for preparation of documentation for participation could be extended with the approval of Senior Procurement specialist and the Head of requiring department. The documentation for public procurement procedure is coordinated with the Legal advisor and respective Head of requiring department (under discretion of the Head of requiring department, it shall be agreed with HSE departments), and should contain all documents stipulated in the PPA and RAPPА concerning the specific public order.

By signing the decision to open a public procurement procedure the Contracting entity approves its notice for initiation of the public procurement procedure and documentation for participation in this procedure.

Requests for clarification on documentation for participation received

In case of requests for clarification on documentation for participation, received within legally determined terms, the Procurement specialist jointly with the person/persons participating in documentation drawing up, prepare a draft of written reply – clarification, as the answer should be coordinated with the Legal Advisor before given to Contracting entity for signing. The replies are signed by the Contracting entity, sent to the person who made the request and published accordingly.

Changes in public procurement notice and/or documentation

Changes in the notice and/or documentation for public procurement related to securing lawfulness of the procedure, correction of omissions, inaccuracies or obvious errors of fact may be done once on Contracting entity's own initiative or upon a written violation warning/proposal from a third party. The third party could make a warning/proposal for amendment in the notice and/or the documentation within 10 days from the publication date of the notice for procedure opening.

The received warning/proposal is immediately sent to Senior Procurement specialist. After consultation and consideration for the well-foundedness of submitted warning/proposal and recognised need for change in the

notice and/or documentation for participation, the Legal advisor prepares a reasoned proposal to Contracting entity to take a decision for amendment of the notice and/or the documentation for participation. The Contracting entity shall take a decision for an amendment not later than 14 days after notice publication in the PPR. The Authorised user should publish in the PPR/ in the Official Journal of the European Union (when applicable) the decision for amendment of notice and/or public procurement documentation.

5.4. Guarantee for participation in a public procurement procedure. Guarantee for performance of a signed contract.

Depending on concrete public procurement order and with the existence of stipulated in PPA conditions, the Contracting entity may require from candidates or participants to present a guarantee for participation in the public procurement procedure and/or a guarantee for performance of awarded public procurement contract from the chosen Contractor.

With the notice for public procurement opening Contracting entity shall set the terms and size of the guarantee for participation and the guarantee for contract performance.

The order to release guarantees for participation depends on the form of submitted guarantee – a cash deposit paid in Contracting entity’s pay-desk or via bank transfer to Contracting entity’s account, or a bank guarantee.

The Procurement specialist responsible to conduct specific procurement procedure shall ensure the occurrence of a reason for and deadlines to release or retain guarantees for participation, where required to submit such guarantees by the Contracting entity. The Legal advisor and/or Senior Procurement specialist prepare a reasoned proposal to Contracting entity to retain the guarantees.

The terms and conditions to release or retain performance guarantees are governed in the contract for assignment of procurement procedures.

5.5. Processing of submitted applications for participation and offers

Submitted applications for participation and offers are registered in the filing department of Contracting entity into a specific entry register. For each submitted application for participation or offer following minimum required data shall be recorded: subject of the public procurement order; name of

candidate/participant; order number of application/offer as well as the date and exact hour of receipt in the filing department of Contracting entity. The received applications and offers are stored by Procurement specialist responsible for procedure conducting.

Applications for participation and offers received after the expiration of the deadline for submission, as well as those presented in unsealed or torn envelope shall not be accepted. In case any irregularities are detected during the receipt of envelope, these circumstances should be noted in the specific register and the submitted envelope should be returned or sent back immediately to candidate/participant who forwarded the application for participation/offer.

Submitted applications for participation or offers are given to committee chairman to conduct the awarding procedure, on the day of committee's first meeting.

The incoming and outgoing correspondence should be registered in relevant register for correspondence as it is mandatory to state the candidate/participant/interested party who submitted or to whom the respective document is sent; date and hour of receipt/dispatch; type of the document; grounds for dispatch and others.

5.6. Organisation to conduct public procurement procedures

5.6.1 Order to conduct a limited procedure or a negotiation procedure with notice

	Activity	Responsibility
5.6.1.1	<p>Applications opening.</p> <p>The applications for participation in preliminary selection of the procedure (limited procedure or negotiation procedure with notice) are opened on the date, place and hours determined in the notice.</p> <p>The applications are opened in the order of their receipt at the filing department of the Contracting entity.</p> <p>The committee checks the correctness of all applications for participation and the documents submitted by candidates in the procedure.</p>	Committee
5.6.1.2	<p>Review of applications.</p> <p>The Committee reviews the applications received and collates them with the selection requirements of Contracting entity, described in the</p>	Committee

	<p>documentation for participation in public procurement procedure. In case of found irregularities and/or incompleteness of the applications, they are recorded in a statement protocol.</p> <p>The Committee reviews submitted applications, including the documents presented in addition and makes a selection of candidates on the basis of submitted documents according to the notice for their economic and financial standing, technical abilities and/or qualifications to perform the public procurement order.</p> <p>The Committee drafts a protocol with results from selection, according to the requirements of the PPA.</p> <p>The Committee prepares a written justification or motives in the protocol, according to its qualification.</p>	
5.6.1.3	<p>Decision to determine the candidates.</p> <p>Within 5 working days and on the grounds of Committee's protocol, the Managing director issues a decision to announce the applicants proposed by the Committee to be invited to submit offers and the deadline.</p> <p>The decision includes those applicants not meeting the announced requirements and the grounds therefore. The decision is prepared by Procurement specialist, agreed with the Legal advisor and signed by the Contracting entity.</p> <p>The Procurement specialist sends the decision to participants within the timeframe stipulated in the PPA.</p> <p>On the grounds of Contracting entity's decision for preliminary selection, invitations for submission of offers are prepared and sent to the selected applicants.</p> <p>The decision and invitations are sent electronically.</p>	Managing director; Procurement specialist
5.6.1.4	<p>Opening of submitted offers.</p> <p>The Committee gathers on the date, hour and in the place, set out in the invitation for submission of preliminary offers. The work of the Committee is led by its chairperson.</p> <p>The offers are opened in the order of their receipt at the filing department of Contracting entity and the entry numbers and names of participants are announced in front of the attending participants.</p>	Committee
5.6.1.5	<p>Review of submitted documents.</p> <p>The Committee checks the completeness of submitted offer and its compliance with the PPA as well as with the documentation for participation. The Committee performs its work in accordance with Art. 68 of the PPA.</p>	Committee

5.6.1.6	<p>Conducting negotiations.</p> <p>In negotiation procedures, the Committee conducts negotiations in order to determine the clauses of draft contract.</p>	Committee
5.6.1.7	<p>Applying Art. 70 of the PPA.</p> <p>In participation of three or more participants, the Committee is considering a ground for applying Art. 70 of the PPA with regard to indicators with numerical expression. In case grounds to apply Art. 70 of the PPA are present, letters are sent to respective participants requesting a detailed written explanation regarding the value calculation method in the proposal.</p>	Committee
5.6.1.8	<p>Evaluation and rating of received offers.</p> <p>The evaluation of received offers is done in accordance with the preliminary announced criterion in the documentation for participation in public procurement procedure.</p> <p>The offers are rated on the basis of the results from their review and the conducted negotiations upon negotiation procedures with notice.</p> <p>The Committee prepares a final report/protocol of its work, made according to the requirements of the PPA.</p> <p>The Committee gives reasons for the evaluation and ranking made by a written justification or motives in the protocol, according to its qualification.</p> <p>If any of the members has a reserved opinion, then it is registered in the protocol together with written grounds.</p> <p>The report/protocol is submitted to the Contracting entity for approval and decision.</p>	Committee
5.6.1.9	<p>Ranking decision.</p> <p>Within the term stipulated by the PPA, the Contracting entity announces the ranking, the contractor for the public procurement order, excluded participants and the grounds therefore in a decision.</p> <p>The draft of decision is prepared by a Procurement specialist and is verified by the Legal advisor before presenting it to the Managing director for signing and then announcement of ranking in current procedure.</p>	Managing director
5.6.1.10	<p>Taking a decision in case of discrepancy with the estimated value of the order.</p> <p>In case the offer of the participant chosen for contractor exceeds the estimated value, determined by the Head of requiring department in the report for procedure starting, the Committee's proposal is forwarded to</p>	Managing director

	Contracting entity for permission to sign a contract.	
5.6.1.11	<p>Sending of the ranking decision.</p> <p>The decision is distributed electronically under the order and conditions of the Electronic Documents and Electronic Signatures Act.</p>	Procurement specialist

5.6.2 Order to conduct an open procedure

	Activity	Responsibility
5.6.2.1	<p>Offers Opening.</p> <p>The offers for participation in the procedure are opened on the date, time and place determined in the notice. All offers are opened in the order of their receipt at the filing department of Contracting entity.</p> <p>The Committee opens all offers in the order of their receipt and checks for three separate, sealed and non-transparent envelopes, as follows: Envelope № 1 – “Selection documents”, Envelope № 2 – “Proposal for public procurement order execution” and Envelope № 3 – “Offered price”, then at least three of its members sign envelope № 3. The Committee proposes that one representative from the attending participants signs on envelope № 3 of the other participants.</p> <p>The Committee opens envelope № 2 and at least three committee members sign all the documents contained therein. The Committee proposes that one representative of the attending participants signs the documents contained in envelope № 2 of the other participants.</p> <p>After that the Committee opens envelope № 1, announces the documents therein and checks the conformity with the list of documents, contained in the offer. With these actions the public part of the meeting of the Committee ends.</p>	Committee
5.6.2.2	<p>Selection of participants.</p> <p>The Committee reviews all documents in envelope № 1 and checks their conformity with the selection criteria/ minimum requirements, made by the Contracting entity and drafts a protocol.</p> <p>When a lack of documents is established, and/or discrepancies with the selection criteria or with other requirements of Contracting entity are found, the Committee sends the protocol to all participants.</p> <p>The Committee determines a term to submit additional documents, equal to all participants starting from the date of protocol dispatch.</p>	Committee
5.6.2.3	<p>Review of additional documents.</p> <p>After expiry of the term for submission of additional documents, the Committee undertakes to review additionally submitted documents with</p>	Committee

	regard to participants' conformity with the selection criteria/ minimum requirements determined by the Contracting entity. The Committee does not review documents in envelope № 2 of those participants not meeting the selection criteria.	
5.6.2.4	<p>Review of completeness of submitted documents.</p> <p>The Committee checks the completeness of documents submitted in envelope № 2 and their compliance with the requirements of the PPA, the technical assignment/specification and the documentation for participation.</p>	Committee
5.6.2.5	<p>Publication of informative message on prices opening</p> <p>The date, hour and the place to open the price offers are announced in the Buyer's profile as eligible to attend are participants in the procedure or their authorized representatives, also representatives from mass media and other entities according to access regime of the building in which the offers opening is carried out. The responsible Procurement specialist ensures sending the document in pdf format, and publishes it in the Buyer's profile.</p> <p>When the criterion for evaluation is most economic offer, the message contains also results from evaluation of the other indicators to assess.</p>	Procurement specialist
5.6.2.6	<p>Opening of envelope № 3 "Offered price" of admitted participants</p> <p>When opening price offers the Committee announces the offered prices. The envelope with the price offer, proposed by a participant whose offer does not meet the requirements of the Contracting entity, is not opened.</p> <p>When opening price offers the Committee announces the offered prices and proposes that one representative of the attending participants signs the price offers.</p>	Committee
5.6.2.7	<p>Applying Art. 70 of the PPA.</p> <p>Upon participation of three or more participants, the Committee is considering a ground for applying Art. 70 of the PPA regarding the indicators with numerical expression. If grounds to apply Art. 70 of the PPA are found, letters are sent to the respective participants requesting submission of a detailed explanation regarding the value calculation method in the proposal.</p>	Committee
5.6.2.8	<p>Evaluation of submitted offers</p> <p>The evaluation of submitted offers is conducted in accordance with preliminary announced criterion in the documentation for participation in the procedure.</p>	Committee
5.6.2.9	<p>Ranking of submitted offers</p>	Committee

	The offers are ranked on the basis of the results from their review.	
5.6.2.10	<p>Preparation of the final protocol</p> <p>The Committee prepares a final report of its work with results from the review, evaluation and ranking of offers according to the requirements of the PPA.</p> <p>If any of the Committee members expresses a reserved opinion, it is recorded in the protocol together with written grounds for it. The final protocol is submitted to the Contracting entity for approval and decision.</p>	Committee
5.6.2.11	<p>Taking a decision in case of discrepancy with the estimated value of the order</p> <p>In case the offer of the participant chosen for contractor exceeds the estimated value, determined by the Head of requiring department in the report for procedure starting, the Committee's proposal is forwarded to Contracting entity for permission to sign a contract.</p>	Managing director
5.6.2.12	<p>Taking a decision for ranking upon completion of a procedure</p> <p>Within the term stipulated in the PPA, Contracting entity announces the ranking under the procedure, the selected contractor for the public procurement order, the excluded participants and the reasons therefore with a decision.</p> <p>The draft of decision is prepared by a Procurement specialist and is verified by the Legal advisor then presented to the Managing director for signing.</p>	Managing director
5.6.2.13	<p>Distribution of ranking decision</p> <p>The decision is distributed electronically in the order and under the conditions of the Electronic Document and Electronic Signature Act.</p>	Procurement specialist

5.6.3 Order to conduct a negotiation procedure without notice

	Activity	Responsibility
5.6.3.1	<p>Sending invitations for negotiation procedures without a notice</p> <p>The decision to open a negotiation procedure without a notice is sent to the Public Procurement Agency, and the invitation for participation – to selected persons/entities and the PPA.</p> <p>The responsible Procurement specialist sends the decision and the invitation to selected persons, and the Authorized user imports the decision in the Public Procurement Agency and enters the invitation via the virtual filing department of the PPA.</p>	Procurement specialist, Authorized user

5.6.3.2	<p>Assigning a Committee</p> <p>A Committee is assigned to conduct the procedure with an order from the Contracting entity.</p>	Managing director
5.6.3.3	<p>Review and evaluation of offers, negotiations</p> <p>The Committee conducts negotiations with the participants to determine the conditions of the contract according to Contracting entity's requirements, set out in the invitation. The results of negotiations are recorded in a protocol signed by the Committee and the participant. When the Contracting entity has invited more than one participant, the proposals made and agreements reached with each of them are recorded in a separate protocol.</p>	Committee
5.6.3.4	<p>Applying Art. 70 of the PPA</p> <p>When three or more participants are participating, the Committee is considering a ground for applying Art. 70 of the PPA with regard to indicators with numerical expression. In case grounds to apply Art. 70 of the PPA are present, letters are sent to the respective participants requesting a detailed explanation regarding the method for value formation in the proposal.</p>	Procurement specialist
5.6.3.5	<p>Evaluation of submitted offers</p> <p>The evaluation of submitted offers is done according to the criterion, announced in advance in the invitation for participation in the procedure.</p>	Committee
5.6.3.6	<p>Ranking of submitted offers</p> <p>The offers are ranked on the basis of results from the review and conducted negotiations.</p>	Committee
5.6.3.7	<p>Preparation of a final report</p> <p>The Committee prepares a final report on its work, recording the results of the negotiation and proposes:</p> <ol style="list-style-type: none"> 1. to sign a contract with the only participant, or 2. to rate the participants, or 3. to terminate the procedure. <p>If a Committee member has a reserved opinion, it must be recorded in the protocol/report with written motives thereto. The final report is submitted to the Contracting entity for approval and decision taking.</p>	Committee
5.6.3.8	<p>Taking a decision in case of discrepancy with the estimated value of the order</p>	Managing director

	In case the offer of participant proposed for a contractor exceeds the estimated value of the order, determined by the Head of requiring department in the report for procedure starting, the Committee's proposal is sent to the Contracting entity for review and permission to sign a contract.	
5.6.3.9	<p>Taking a decision for ranking upon completion of a procedure</p> <p>Within the term stipulated in the PPA, Contracting entity announces the ranking under the procedure, the selected contractor for the public procurement order, the excluded participants and the reasons therefore with a decision.</p> <p>The decision is prepared by a Procurement specialist and is verified by the Legal advisor before given to Managing director to be signed.</p>	Managing director
5.6.3.10	<p>Sending the ranking decision</p> <p>The decision is distributed electronically in the order and conditions of the Electronic Document and Electronic Signature Act.</p>	Procurement specialist

5.6.4 Creation of prior qualification systems

	Activity	Responsibility
5.6.4.1	<p>Sending a notice on opening of prior qualification systems</p> <p>The Authorized user sends a notice to the PPA to be registered in the PP Register.</p> <p>When the term of the system is longer than three years, a notice is published every year.</p>	Authorized user
5.6.4.2	<p>Assigning a Committee</p> <p>A Committee is assigned with an order from the Contracting entity to review applications.</p>	Managing director
5.6.4.3	<p>Reception and review of applications</p> <p>Application to participate in the prior qualification system may be submitted at any time during the validity term of the system. The Committee reviews every application received and on the basis of the announced objective criteria and rules proposes the Contracting entity to include or not an applicant in the prior qualification system.</p>	Committee
5.6.4.4	<p>Taking a decision to include an applicant in the system</p> <p>The Contracting entity takes a decision to include an applicant in the prior</p>	Managing director

	qualification system within 6 months from submission of the application.	
5.6.4.5	<p>Notification of applicant</p> <p>Within the term determined by the PPA, a Procurement specialist, participating in the Committee, sends a notification to the applicant for being included in the prior qualification system.</p>	Procurement specialist
5.6.4.6	<p>Maintaining lists of applicants</p> <p>The Procurement department maintains lists of applicants to be included in the prior qualification systems.</p>	Procurement specialist

5.6.5 Assigning public procurement orders through public call (Chapter Eight “a”, PPA)

	Activity	Responsibility
5.6.5.1	<p>Collecting offers through publication of a Public call.</p> <p>To assign public procurement orders as per Art. 14, Para 4 of the PPA the Contracting entity collects offers through a publication of a Public call. The call is prepared by a Procurement specialist after receipt of all respective documents from the requiring department. The Public call is accompanied by technical specifications and a draft contract.</p> <p>The Public call is published by an Authorized user according to instruction of the PPA.</p>	Procurement specialist, Authorized user
5.6.5.2	<p>Assigning a Committee</p> <p>A Committee is assigned with an order from the Contracting entity to review the submitted offers.</p>	Managing Director
5.6.5.3	<p>Receipt, review and ranking of offers</p> <p>The Committee opens all offers and announces the price proposals. Evaluation of the submitted offers is conducted according to the criterion, announced in advance in the documentation for participation. The Committee drafts a protocol for the receipt, review and evaluation of offers and the ranking of participants.</p>	Committee
5.6.5.4	<p>Approval of protocol</p> <p>The protocol with ranked participants is submitted to the Contracting entity for approval and signing.</p>	Managing director
5.6.5.5	<p>Announcement of results</p> <p>Within the term determined in the PPA, Procurement specialist sends the</p>	Procurement specialist

	protocol to all participants and on the same day publishes it in the Buyer's profile.	
--	---	--

5.7. Appeals against public procurement procedures

In case of appeal against actions, omissions or decisions of Contracting entity entered in the filing department, the Legal advisor notifies immediately the Managing director. The Legal advisor jointly with Senior Procurement specialist issue statement with respect to the violations of public procurement procedure mentioned in the appeal and complete the required documentation related to submitted appeal /supporting documents/. After the statement is approved and signed, together with all the supporting documentation, it shall be sent to the relevant competent authority.

5.8. Signing a public procurement contract

Appointing a contract manager for execution of public procurement contracts

After finalizing the public procurement procedure with a selection of Contractor, a notification is sent to the Head of requiring department in order to appoint contract responsible managers. The contract managers have to be designated within 3 working days.

Contract preparation

After the Contractor has been appointed, the Procurement specialist prepares a public procurement contract that conforms to the enclosed to documentation draft contract and includes all proposed and/or agreed terms and conditions of the contract (in case the contract for public procurement order is signed on the grounds of a negotiated procedure).

Set of documents to complete the public procurement contract

The contract for public procurement order has the following set of documents:

- List of contract approvals
- Two uniform copies of the contract, one for Contractor and the other for Contracting entity;
- Appendices to the contract;
- All other documents referred to the PPA and required to conclude the contract.

Contract approval

A contract is approved by all responsible persons of the Contracting entity as follows:

- Head of the requiring department;
- Legal advisor;
- Other upon request of the Contracting entity.

Singing a contract by the Contracting entity

The contract is presented to the Managing director for signing after an approval from all responsible people.

Signing a contract by the Contractor

The contract is signed (on behalf of the Contractor) by the persons authorized to represent him legally according to their status or after a written authorization with verified signatures by a notary public.

Notification to the Public Procurement Agency for signed contract

The signed public procurement contract is forwarded to Procurement specialist responsible for procedure conducting in order to prepare and send information on a signed contract.

Storage of original copies of contracts

All contracts signed after a public procurement procedure under the PPA are stored in the dossier of procurement order. All signed contracts together with their appendices are scanned in relevant electronic format and archived.

Contract administration

All contracts signed under public procurement order are administered by the Senior Procurement specialist or by Procurement specialist.

The Senior Procurement specialist or a person appointed by him/her is responsible to submit information regarding a concluded contract to all competent persons for information, control and execution. An electronic copy of signed contract is distributed to:

- The contract manager;
- The Head of the requiring department;
- The HSE departments;
- The Procurement department;
- The Financial department;

- Other persons under Contracting entity's request /when necessary/.

Control during execution of public procurement contracts

The control over execution of the concluded public procurement contract ensures that the performance of contract subject is according to its clauses and allows timely identification of:

- Eventual problems with relation to health and safety as well as to environment regulations;
- Failure to comply with the term for execution of the contract;
- Non-compliance with the requirements of technical specification or clauses of the contract and applicable statutory requirements;
- Failure to provide the quantity and quality laid down in the contract;
- Timely preparation of reporting information.

Solving problems occurred during contracts execution

If any discrepancies during execution of public procurement contract found, with regard to violated terms, non-compliance with contract requirements and provisions, non-conformity with environmental protection and health and safety requirements and/or other infringement of public procurement agreement, the Contract manager notifies the Head of requiring department and the Legal advisor. In case of contractual non-performance the Head of requiring department, after consulting the Legal advisor proposes to take actions corresponding to specific valuation.

Public procurement contract amendment

If a necessity arises and upon grounds determined by the PPA for contract amendments, the Contract manager prepares a motivated proposal to the Contracting entity.

An additional agreement for contract amendment is prepared by the Procurement specialist, then coordinated with the Legal Advisor and is signed by the Contracting entity.

Within 30 calendar days after receipt of the information on executed/terminated contract, given by the contract manager, Information on the executed/terminated contract is prepared according to approved templates of the Public Procurement Agency. After accomplishment and/or termination of a contract, concluded under a public procurement procedure, information is sent to the PPA electronically with an electronic signature. This information and the report are stored in public procurement procedure dossier.

5.9. Control over the performance of public procurement procedures organizing and conducting process

External control

The Public Financial Inspection Agency carries out the control for lawfulness of PPA implementation, after completion of public procurement procedures.

Periodical internal control

The Internal Control department ensures the conduct of regular internal audits on the execution of these internal rules upon finalization of the procedure.

The Internal Control department ensures the conduct of an internal audit on the execution of these internal rules upon an order by the Contracting entity, before and after the finalization of the procedure.

6. DOCUMENTATION AND RECORDS

Not applicable

7. REFERENCES

7.1. Internal

Not applicable

7.2. External

- Public Procurement Act
- Rules on the Application of the Public Procurement Act

8. ELECTRONIC TEMPLATES

- Report for awarding of public procurement orders (ME1-SCH-ALL-OI-07-T01) available in the documentation filing and control system of the Contracting entity (1.Power Plant/10.Procurement)

9. APPENDICES

- Flowchart for awarding public procurement order without procedure
- Flowchart for awarding public procurement order with procedure

Current rules shall be applied on the grounds of Art.8b of the PPA.

