Author: Elshan Hasanov / founder of the tst.az (Tender-Purchase-Supply) portal

On improving the Law of the Republic of Azerbaijan “On Public Procurement”

SUGGESTIONS

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
1.	**Control** *(approval of the decisions of the procurement commission)* The fact that the supervisory authority must respond to each final protocol, deviation, cancellation, or other decision made by the procurement commission within a specified period of time, whether to approve or not, both reduces the independence and	Approval of the final protocol, deviation and cancellation by the supervisory authority , and automatic approvals should be removed from the law. Electronicization of all procurement methods (single source) and	14.2.2. ~~satınalma planında göstərilən ehtimal olunan qiymətlə bağlı şübhələr olduqda onun dəqiqləşdirilməsi ilə bağlı satınalan təşkilatlara müraciət etmək, satınalma planında kənarlaşmalar aşkar etdikdə isə aradan qaldırılmasını tələb etmək~~ satınalma prosedurlarının nəzarət orqanının daxili qaydaları ilə müəyyən etdiyi risk meyarları əsasında monitorinqini aparmaq; ~~14.2.5. satınalma predmetinin həcminin (miqdarının) 10 faizə qədər artırılıb-azaldılmasına razılıq vermək;~~	14.2.2. In case of doubts regarding the probable price indicated in the procurement plan, to apply to the procuring organizations for its clarification, and in case of detecting deviations in the procurement plan, to demand their elimination; 14.2.5. to give consent to increase or decrease the volume (quantity) of the subject of procurement by up to 10 percent; 14.2.6. to make a decision on whether to approve the decisions (protocols) of the procurement commissions in the cases provided for by this Law;	14.2.2. Monitor procurement procedures based on risk criteria determined by the supervisory authority's internal regulations; 14.2.6. to provide an opinion on the existence of violations of the requirements of this Law and regulatory legal acts in the decisions (protocols) of procurement commissions in the cases provided for by this Law;

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	responsibility of the procuring entity, and by doing so, it becomes a partner in the decisions of the procuring entity, and overlaps with the powers of other supervisory bodies, and creates a conflict of interest during the review of the complaint (disputes its own decision), and creates inaccuracy since it is not clear which specific points should be checked and how to respond to each point, and since there are no experts in every field, objective decisions cannot be made, and since it requires sufficient resources, it is not possible to implement it quickly. In general, the practice of individual inspection of all purchases is almost not used in modern public procurement control practice, France wanted to introduce it for a while but stopped due to resource constraints. Public procurement control in most countries is	stages (especially contracts) and formation of procurement control based on "red flags" . Open Contracting Partnership has formed 73 "red flags" criteria (algorithm) that can be identified using procurement data . The appropriate ones from these criteria should be selected and approved by internal order and not disclosed. Priority should be given to general monitoring and complaint-based control.	(protocols da~~ı~~n) ~~təsdiq olunub-olunmaması haqqında qərar qəbul etmək~~ bu Qanunun və normativ hüquqi aktların tələblərinin pozulması hallarının olmasına dair rəy verməkof procurement commissions in cases provided for by this Law da~~ı~~n; 14.4.4. to cancel the unlawful decision of the procuring entity or the procurement commission ~~və yeni qərar qəbul etmək və ya satınalan təşkilatın əvəzinə öz qərarını qəbul etmək~~; 14.4.6. bu Qanunun 45.3-cü maddəsinə əsasən satınalma predmetinin təchizatçılar arasında rəqabəti məhdudlaşdırdığı aşkar edildikdə satınalmanın ləğv edilərək oxşar satınalma predmetlərinin birləşdirilməsi və ya fərqli xüsusiyyətli satınalma predmetlərinin oxşar xüsusiyyətli satınalma predmetlərinə bölünməsi ilə təkrar keçirilməsi barədə qərar qəbul etmək; 17.1.8. preparation of a final protocol on the results of the procurement ~~və təsdiq olunması məqsədilə nəzarət orqanına təqdim edilməsi~~; ~~18.7. Nəzarət orqanı bu Qanunun 18.6-cı maddəsinə əsasən dəqiqləşdirmə aparılmış satınalma planlarına 10 (on) iş günü ərzində baxır. Dəqiqləşdirmənin əsaslı olmasını müəyyənləşdirmək məqsədilə nəzarət orqanı satınalan təşkilatdan həmin satınalma~~	14.4.4. to cancel the unlawful decision of the procuring entity or the procurement commission and to make a new decision or to make its own decision instead of the procuring entity; 17.1.8. preparation of a final protocol on the results of the procurement and submission to the supervisory authority for approval; 18.7. The supervisory authority shall review the procurement plans that have been clarified in accordance with Article 18.6 of this Law within 10 (ten) business days. In order to determine the justification for the clarification, the supervisory authority may request documents (information) related to that procurement procedure from the procuring entity. The procuring entity shall respond to requests made in this regard within 5 (five) business days. If the supervisory authority does not agree to the clarification of the procurement plan, it shall adopt a reasoned decision and inform the procuring entity thereof within 3 (three) business days. If the supervisory	14.4.4. to cancel an unlawful decision of the procuring entity or procurement commission; 14.4.6. in accordance with Article 45.3 of this Law, if it is discovered that the subject of the procurement restricts competition between suppliers, to make a decision to cancel the procurement and re-conduct it by combining similar procurement subjects or dividing procurement subjects of different characteristics into procurement subjects of similar characteristics; 17.1.8. preparation of a final protocol on the results of the procurement; 18.8. The procuring entity shall organize procurement only in accordance with the approved procurement plan. 34.6. A final protocol on the results of the procurement shall be drawn up by the procurement commission and signed by all members of the commission.

TENDER SATINALMA TƏŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	carried out on the basis of complaints, real-time monitoring (Georgia) or control of special projects (Italy, Milan exhibition). Due to the many stages and procedures of control in the current legislation, organizations under the ECHR and AZCON have generally moved away from the scope of application of the law in order to conduct procedures independently, and there is a high risk that this practice will continue.		~~proseduru ilə əlaqəli sənədləri (məlumatları) tələb edə bilər. Bununla bağlı edilən sorğulara satınalan təşkilat tərəfindən 5 (beş) iş günü ərzində cavab verilir. Nəzarət orqanı satınalma planında dəqiqləşdirmənin aparılmasına razılıq vermədikdə, bununla bağlı əsaslandırılmış qərar qəbul edir və satınalan təşkilata bu barədə 3 (üç) iş günü ərzində məlumat verir. Nəzarət orqanı 10 (on) iş günü ərzində müvafiq qərarı qəbul etmədikdə, dəqiqləşdirməyə razılıq verilmiş hesab olunur və satınalma planı portalda yenilənir.~~ 18.8. ~~Bu Qanunun 3.8-ci maddəsində göstərilən hallar istisna olmaqla, s~~S~~T~~The designated organization shall organize procurement only in accordance with the approved procurement plan.~~Satınalma planına daxil edilməyən hər hansı satınalma predmetinin satın alınmasına təcili tələbat yarandıqda, satınalan təşkilat əsaslandırılmış müraciətlə nəzarət orqanına müraciət edir. Nəzarət orqanı tərəfindən təsdiq edildikdən sonra satınalan təşkilat həmin satınalma predmetinin satın alınmasını həyata keçirə bilər. Nəzarət orqanı bu maddədə qeyd olunan hallarla bağlı 3 (üç) iş günü ərzində qərar qəbul edir.~~ 34.6. A final protocol on the results of the procurement shall be drawn up by the procurement commission and signed by all members of the commission. ~~Yekun protokol təsdiq~~	authority does not adopt a relevant decision within 10 (ten) business days, the clarification shall be deemed to have been agreed to and the procurement plan shall be updated on the portal. 18.8. Except for the cases specified in Article 3.8 of this Law, the procuring entity shall organize the procurement only in accordance with the approved procurement plan. In case of an urgent need to purchase any procurement item not included in the procurement plan, the procuring entity shall apply to the supervisory authority with a substantiated application. After approval by the supervisory authority, the procuring entity may purchase that procurement item. The supervisory authority shall make a decision on the cases specified in this Article within 3 (three) working days. 34.6. The procurement commission shall draw up a final protocol on the results of the procurement and sign it by all members of the commission. The final protocol shall be submitted to the supervisory authority for approval within 1 (one) working day after the expiry of the waiting period (in case of a complaint, within 1 (one) working day after the response in accordance with Article 37.3 of this Law). 34.7. The supervisory authority shall, within 5 (five) business days after	36.3. The procuring entity shall post information on the cancellation of the procurement and the reasons for it on the portal within 1 (one) business day. When the procurement is carried out on paper, the procuring entity shall notify the suppliers who submitted the proposal of the cancellation of the procurement and the reasons for it within 1 (one) business day by postal communication or electronically. 38.8. The procurement commission may increase or decrease the volume (quantity) of the procurement subject by up to 10 percent, provided that the price and characteristics (indicators) of each unit of the procurement subject are not changed, and the estimated price is not exceeded, if previously specified in the set of conditions, and the decision on this is included in the final protocol on the results of the procurement. 51.5. A protocol on the results of each procurement based on the framework agreement shall be drawn up as required and posted on the portal within 1 (one) business day.

TENDER SATINALMA İDARƏÇİLİYİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~olunması məqsədilə gözləmə müddəti bitdikdən sonra 1 (bir) iş günü ərzində (şikayət olduqda bu Qanunun 37.3-cü maddəsinə uyğun olaraq cavablandırdıqdan sonra 1 (bir) iş günü ərzində) nəzarət orqanına təqdim olunur.~~ ~~34.7. Nəzarət orqanı yekun protokolu aldıqdan sonra 5 (beş) iş günü ərzində yekun protokolun təsdiq olunub-olunmaması haqqında və ya həmin müddət kifayət etmədikdə yekun protokola baxılma müddətinin 10 (on) iş gününədək uzadılması barədə əsaslandırılmış qərar qəbul edir. Nəzarət orqanı yekun protokolun təsdiq olunub-olunmaması haqqında qərarı 1 (bir) iş günü ərzində portalda yerləşdirir. Nəzarət orqanı yekun protokolu aldıqdan sonra 10 (on) iş günü ərzində yekun protokolun təsdiq olunub-olunmaması haqqında qərarı qəbul etmədikdə, yekun protokol təsdiq edilmiş hesab olunur və bu barədə məlumat dərhal portalda əks olunur.~~ ~~34.8. Yalnız yekun protokol təsdiq edildikdən sonra qalib təchizatçıya təklifin akseptinə dair bildiriş göndərilə və (və ya) satınalma müqaviləsi bağlana bilər, habelə çərçivə sazişi tətbiq ediləcəyi halda isə çərçivə sazişi bağlana bilər.~~ ~~35.2. Bu Qanunun 35.1.7-ci maddəsində göstərilən hal istisna olmaqla, təchizatçıların satınalmadan kənarlaşdırılması haqqında qərar 1~~	receiving the final protocol, adopt a reasoned decision on whether to approve the final protocol or not, or, if that period is insufficient, on extending the period for considering the final protocol to 10 (ten) business days. The supervisory authority shall post the decision on whether to approve the final protocol on the portal within 1 (one) business day. If the supervisory authority does not adopt a decision on whether to approve the final protocol within 10 (ten) business days after receiving the final protocol, the final protocol shall be deemed approved and information about this shall be immediately reflected on the portal. 34.8. Only after the final protocol has been approved, a notification of acceptance of the offer may be sent to the winning supplier and (or) a procurement contract may be concluded, as well as a framework agreement may be concluded if a framework agreement is to be applied. 35.2. Except as provided for in Article 35.1.7 of this Law, the decision on the exclusion of suppliers from the procurement shall be submitted to the supervisory authority within 1 (one) business day. The supervisory authority shall make a decision on whether to approve or disapprove the decision within 5 (five) business days after receiving the decision of the procurement commission. If the	

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~(bir) iş günü ərzində nəzarət orqanına təqdim olunur. Nəzarət orqanı satınalma komissiyasının qərarını aldıqdan sonra 5 (beş) iş günü ərzində həmin qərarın təsdiq olunub-olunmaması haqqında qərar qəbul edir. Nəzarət orqanı 5 (beş) iş günü ərzində həmin qərarın təsdiq olunub-olunmaması haqqında qərarı qəbul etmədikdə, qərar təsdiq edilmiş hesab olunur.~~ ~~35.3. Bu Qanunun 35.1-ci maddəsində qeyd olunan hallar nəzarət orqanı tərəfindən müəyyən olunduqda, nəzarət orqanı həmin təchizatçıların satınalmadan kənarlaşdırılmasını satınalan təşkilatdan tələb edir.~~ ~~35.4. Nəzarət orqanı təchizatçıların satınalmadan kənarlaşdırılması haqqında satınalma komissiyasının qərarını təsdiq edərsə, satınalan təşkilat kənarlaşdırılma və onun səbəbləri barədə 1 (bir) iş günü ərzində portalda məlumat yerləşdirir. Satınalma kağız daşıyıcıda keçirildikdə satınalan təşkilat kənarlaşdırılma və onun səbəbləri barədə 1 (bir) iş günü ərzində həmin təchizatçılara poçt rabitəsi vasitəsilə, yaxud elektron üsulla bildiriş göndərir.~~ ~~36.2. Satınalmanın ləğv edilməsi haqqında qərar 1 (bir) iş günü ərzində nəzarət orqanına təqdim olunur. Nəzarət orqanı satınalmanın ləğv edilməsi haqqında qərarı aldıqdan sonra 5 (beş) iş günü ərzində həmin~~	supervisory authority does not make a decision on whether to approve or disapprove the decision within 5 (five) business days, the decision shall be deemed approved. 35.3. When the supervisory authority determines the circumstances specified in Article 35.1 of this Law, the supervisory authority shall require the procuring entity to exclude those suppliers from the procurement. 35.4. If the supervisory authority approves the decision of the procurement commission on the exclusion of suppliers from the procurement, the procuring entity shall post information on the exclusion and the reasons for it on the portal within 1 (one) business day. If the procurement is carried out on paper, the procuring entity shall send a notification of the exclusion and the reasons for it to those suppliers within 1 (one) business day by post or electronically. 36.2. The decision on the cancellation of the procurement shall be submitted to the supervisory authority within 1 (one) business day. The supervisory authority shall make a decision on whether to approve or disapprove the decision within 5 (five) business days after receiving the decision on the cancellation of the procurement. If the supervisory authority does not make a decision on whether to approve or disapprove	

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~qərarın təsdiq olunub-olunmaması haqqında qərar qəbul edir. Nəzarət orqanı bu müddət ərzində həmin qərarın təsdiq olunub-olunmaması haqqında qərarı qəbul etmədikdə, qərar təsdiq edilmiş hesab olunur.~~ 36.3. ~~Nəzarət orqanı satınalmanın ləğv edilməsi haqqında qərarı təsdiq edərsə, s~~S~~S~~The procurement organization shall post information on the cancellation of the procurement and the reasons for it on the portal within 1 (one) business day. When the procurement is carried out on paper, the procurement organization ~~kənarlaşdırılmamış~~ təklif təqdim etmiş shall send a notification to the suppliers about the cancellation of the procurement and the reasons for it via postal communication or electronically within 1 (one) business day. 38.8. The procurement ~~müqaviləsi qalib təchizatçı tərəfindən imzalananadək satınalma~~ commission may increase or decrease the volume (quantity) of the procurement subject by up to 10 percent, provided that the price and characteristics (indicators) of each unit of the procurement subject are not changed, and the estimated price is not exceeded, if previously specified in the set of ~~nəzarət orqanının razılığı ilə~~ conditions və bu barədə qərar satınalmanın nəticələri barədə yekun protokola daxil edilir.	the decision within this period, the decision shall be deemed approved. 36.3. If the supervisory authority approves the decision to cancel the procurement, the procuring entity shall post information on the cancellation of the procurement and the reasons for it on the portal within 1 (one) business day. If the procurement is carried out on paper, the procuring entity shall send a notification of the cancellation of the procurement and the reasons for it to the suppliers who have not been excluded within 1 (one) business day by postal communication or electronically. 38.8. Before the procurement contract is signed by the winning supplier, the procurement commission may increase or decrease the volume (quantity) of the procurement subject by up to 10 percent with the consent of the supervisory authority, provided that the price and characteristics (indicators) of each unit of the procurement subject are not changed, and the estimated price is not exceeded, if previously specified in the set of conditions. 38.9. The supervisory authority shall consider applications for granting the consent specified in Article 38.8 of this Law within 3 (three) working days.	

TST
TENDER SATINALMA TƏLİMİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~38.9. Nəzarət orqanı bu Qanunun 38.8-ci maddəsində qeyd olunan razılığın verilməsi ilə bağlı müraciətlərə 3 (üç) iş günü ərzində baxır.~~ 51.5. A protocol on the results of each procurement based on the framework agreement shall be drawn up as required and submitted ~~məlumat üçün~~ within 1 (one) business day ~~nəzarət orqanına göndərilir~~portalda yerləşdirilir. ~~58.2. Nəzarət orqanı tərəfindən satınalan təşkilatın qərarlarının (protokollarının) təsdiq edilməsi və (və ya) onların hər hansı bir müraciətinə razılıq verilməsi həmin satınalan təşkilatı bu Qanunla nəzərdə tutulan məsuliyyətdən azad etmir.~~	51.5. A protocol on the results of each procurement based on the framework agreement shall be drawn up as required and shall be sent to the supervisory authority for information within 1 (one) business day. 58.2. Approval of the decisions (protocols) of the procuring entity by the supervisory authority and (or) approval of any of their appeals shall not exempt the procuring entity from the liability provided for by this Law.	
2.	**Control** *(one source)* In applications for the application of the single-source procurement method, it is not clear what the supervisory authority should consider and on what basis it should make a decision, and in the current case, it does not have sufficient tools to verify the information provided. On the other hand, the supervisory authority is	Except for 1 case *(when it is considered necessary for the implementation of the state's socio-economic policy and the promotion of that policy is not possible through any other supplier), other cases should not be agreed with the*	40.1.5. If procurement methods other than open tender, two-stage tender and request for quotation are applied, the reasons justifying this ~~və nəzarət orqanından alınmış razılıq~~; 40.1.6. If a framework agreement is applied, the reasons justifying this, the names and addresses of the suppliers with whom the framework agreement is concluded ~~, habelə nəzarət orqanından alınmış razılıq~~; ~~40.2.4. bu Qanunun 44.4-cü maddəsində qeyd olunan satınalma metodları tətbiq edildikdə, nəzarət orqanından alınmış razılıq sənədinin surəti;~~	40.1.5. If procurement methods other than open tender, two-stage tender and request for quotation are applied, the reasons justifying this and the consent obtained from the supervisory authority; 40.1.6. if a framework agreement is applied, the reasons justifying it, the names and addresses of the suppliers with whom the framework agreement is concluded, as well as the consent received from the supervisory authority; 40.2.4. if the procurement methods specified in Article 44.4 of this Law are applied, a copy of the consent	40.1.5. If procurement methods other than open tender, two-stage tender and request for quotation are applied, the reasons justifying this; 40.1.6. if a framework agreement is applied, the reasons justifying it, the names and addresses of the suppliers with whom the framework agreement is concluded; 44.5. The supervisory authority shall consider applications for granting the consent specified in Article -49.1.5 of this Law within 10 (ten) working days. 49.2. When the procuring entity wishes to apply the single-source procurement method as provided for

TENDER SATINALMA TEŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	forced to approve some applications even if there is no legal basis. In addition, some organizations do not publish their contracts even if they allow it, in which case it is not known whether the amount is included in the report or not. review applications for procurement from a single source without any effective and objective verification tool or evaluation criteria and to approve or reject them based on subjective opinions or specific assignments;	*supervisory authority.* In that case, if the Single Source method is to be applied, a notice of intent is published publicly (except for confidential procurements) for a minimum period of time (such as a waiting period) and other suppliers are allowed to bid for this procurement during that period. Instead of prior approval of all other decisions with the supervisory authority, it is a more effective step to make these requirements more specific, transfer the authority to the procuring organization,	~~44.4. Ehtimal olunan qiymətdən asılı olmayaraq, aşağıdakı satınalma metodları yalnız nəzarət orqanının razılığı ilə tətbiq edilə bilər:~~ 44.5. The supervisory authority shall consider ~~44.4~~applications for granting the consent specified in Article ~~20 (iyirmi)~~10 (on)- of this Law ~~cu~~ 49.1.5-ci within one business day. shall apply ~~istədiyi halda~~istədikdəthe single-source procurement method , bu Qanunun 49.1.5-ci maddəsində nəzərdə tutulan halda submit a set of conditions ~~(bu Qanunun 49.1.1-ci məddəsində qeyd olunan hal üzrə konkret təchizatçıya)~~ to the suppliers determined by the procurement commission təkliflərini təqdim etmək üçün ən az 5 (beş) iş günü müəyyən etməklə , andeyni vaxtda bu barədə portalda bildiriş yerləşdirir.~~təklifləri alır.~~ 49.3. The procurement commission shall evaluate the submitted proposals in accordance with Article 33 of this Law and satınalan təşkilat bu Qanunun 37.1-ci maddəsinin tələbləri nəzərə alınmaqla ~~10 (on) iş günü müddətində razılıq alınması üçün nəzarət orqanına müraciət edir~~təchizatçı ilə satınalma müqaviləsi bağlayır.~~Müraciətdə satınalma müqaviləsinin bağlanılması nəzərdə tutulan təchizatçının seçilməsi əsaslandırılır, habelə olduğu halda digər təchizatçıların təklifləri qiymətləndirilməklə müqayisəli şəkildə göstərilir.~~	document obtained from the supervisory authority; 44.4. Regardless of the expected price, the following procurement methods may be applied only with the consent of the supervisory authority: 44.5. The supervisory authority shall consider applications for granting the consent specified in Article 44.4 of this Law within 20 (twenty) business days. 49.2. If the procuring entity wishes to apply the single-source procurement method, the procurement commission shall submit a set of conditions to the suppliers it has identified (to a specific supplier in the case specified in Article 49.1.1 of this Law) and receive proposals. 49.3. The procurement commission shall evaluate the submitted proposals in accordance with Article 33 of this Law and shall apply to the supervisory authority for approval within 10 (ten) business days. The application shall justify the selection of the supplier with whom the procurement contract is intended to be concluded, and, if applicable, shall indicate the proposals of other suppliers in a comparative manner. 49.4. The approval of the supervisory authority shall be taken as the basis for concluding a procurement contract. If the procurement contract is not concluded within 30 (thirty)	in Article 49.1.5 of this Law, the procurement commission shall provide the suppliers it has determined with a set of conditions, setting a minimum of 5 (five) business days for submitting their proposals, and shall simultaneously post a notice on the portal. 49.3. The procurement commission shall evaluate the submitted proposals in accordance with Article 33 of this Law, and the procuring entity shall conclude a procurement contract with the supplier, taking into account the requirements of Article 37.1 of this Law. 49.4. In relation to Article 49.1.5 of this Law, the consent of the supervisory authority shall be taken as the basis for concluding a procurement contract.

TENDER SATINALMA PLATFORMASI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
		and fully electronicize them, and monitor the results in real time.	49.4. Bu Qanunun 49.1.5-ci maddəsinə münasibətdə ~~N~~nThe consent of the competent authority shall be taken as the basis for concluding a procurement contract.~~Bir mənbədən satınalma metodunun tətbiqinə razılıq verildiyi tarixdən 30 (otuz) iş günü ərzində satınalma müqaviləsi bağlanılmadığı halda, müvafiq razılıq öz hüquqi qüvvəsini itirir.~~	business days from the date of granting approval for the application of the single-source procurement method, the relevant approval shall lose its legal force.	
3.	**Control** *(filing and reviewing a complaint)* The obligation to analyze and respond to any request from any person, from any place, regardless of whether it is justified or not. By filing a complaint with the procuring entity, as the higher authority of the procurement commission, the supplier actually loses time, because in the end, the same people are the ones who handle the complaint. Having the body that oversees public procurement and the body that handles complaints under the same authority can	Accepting complaints only through the portal, determining minimum requirements for applications, and reviewing complaint deadlines (for example, complaints regarding the set of conditions must be submitted 5 business days before the opening, and all complaints regarding the evaluation and procurement results must be submitted before the	1.1.15. **supervisory authority** – və satınalma sahəsində şikayətlərə baxmaq öhdəliyini a body (institution) designated by the relevant executive authority exercising state control in the field of procurement in the Republic of Azerbaijan; Article 37. Waiting period 37.1. və ya yalnız bir təklifin təqdim ediliyiWhen other procurement methods are applied, except for kənarlaşdırıldığı təqdirdə satınalmadan kənarlaşdırılan təchizatçıların kənarlaşdırılma səbəbləri, the case of single-source procurement, on the day the procurement commission signs the final protocol on the results of the procurement, the name of the supplier whose offer the procuring organization wishes to accept (in the case of a natural person, surname, first name, patronymic), address, TIN, the amount of the contract to be signed, laras well as the effective dates of the waiting period,	1.1.15. **supervisory authority** – a body (institution) designated by the relevant executive authority exercising state control in the field of procurement in the Republic of Azerbaijan; Article 37. Waiting period 37.1. When other procurement methods are applied, except for the case of single-source procurement, on the day the procurement commission signs the final protocol on the results of the procurement, the name of the supplier whose offer it wishes to accept (in the case of a natural person, surname, first name, patronymic), address, TIN, the amount of the contract to be signed, as well as the effective dates of the waiting period, of the supplier whose offer it wishes to accept on behalf of the procuring organization, shall be notified to the suppliers who have not been excluded from the procurement, and shall also post information on the portal. The notification shall indicate the reasons for the failure of other suppliers to win. The waiting period	1.1.15. **supervisory authority** – a body (institution) designated by the relevant executive authority that exercises state control in the field of procurement in the Republic of Azerbaijan and is responsible for considering complaints in the field of procurement; Article 37. Waiting period 37.1. When other procurement methods are applied, except for cases where a single-source procurement method is applied or only one proposal is submitted, on the day the procurement commission signs the final protocol on the results of the procurement, the name of the supplier whose proposal it wishes to accept (surname, first name, patronymic in the case of a natural person), address, TIN, the amount of the contract to be signed, the reasons for the exclusion of suppliers excluded from the procurement, if excluded , as well as the effective dates of the waiting period, shall be

TENDER SATINALMA BOHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	create a conflict of interest, and decisions cannot be reviewed independently. The time requirements for filing complaints create inconsistencies. Suppliers can file complaints about inconsistencies in the set of conditions up to 1 minute before the opening, in which case, if the complaint is justified, the competition is canceled, the procedure starts again, which causes dissatisfaction of buyers. On the other hand, suppliers who withdraw are informed after the final protocol is approved by the supervisory authority, and after that they can file complaints within 15 working days. During this period, complaints against which buyers signed the contract cannot be considered, and the contract cannot be canceled. Since the review of complaints is regulated by the Law on Citizen Appeals, the	waiting period ends, increasing the waiting period to 10 business days, and conducting real-time monitoring by the supervisory authority using the "red flags" method during this period) The independence and sustainability of the structure that reviews complaints in public procurement should be ensured, and necessary measures should be taken to minimize the risks of interference in its decisions. After the issue of filing complaints is regulated (after the number of unfounded complaints decreases), the	~~satınalmadan kənarlaşdırılmamışt~~təklif təqdim edənis sent to the suppliers, and information is posted on the portal. The notification indicates the reasons for the failure of other suppliers to win. The waiting period begins on the business day following the date of sending the notification and is valid for ~~5~~ 10 (~~beş~~on) business days. 37.2. The standstill period gives suppliers the right to appeal to the procuring entity regarding the results of the procurement (including to appeal the results). 37.3. The Procurement Commission shall examine and respond to applications submitted by suppliers ~~(o cümlədən şikayətləri)~~within 5 (five) business days during the period of the waiting period. 37.4. ~~Aparılan araşdırma zamanı s~~SIf the final protocol on the results of the disposal is canceled and a new one is drawn up və qalib təchizatçı dəyişərsə, the waiting period is applied again for this case. Article 53. Right to file a complaint 53.1. In order to protect their rights and legally protected interests, suppliers , o cümlədən satınalma komissiyasınınhave the right to file complaints against the actions (inaction) and decisions of the procuring entity to the supervisory authority and the court.~~inzibati qaydada,~~	shall begin on the business day following the date of sending the notification and shall be valid for 5 (five) business days. 37.2. The standstill period gives suppliers the right to appeal to the procuring entity regarding the results of the procurement (including to appeal the results). 37.3. The Procurement Commission shall investigate and respond to applications (including complaints) submitted by suppliers during the period of the waiting period within 5 (five) working days. 37.4. If during the investigation the final protocol on the results of the procurement is canceled and a new one is drawn up, the waiting period shall be applied again. Article 53. Right to file a complaint 53.1. In order to protect their rights and legally protected interests, suppliers have the right to file complaints against the actions (inaction) and decisions of the procuring entity in administrative proceedings, to the supervisory authority and to the court. Article 54. Complaint to the procuring entity 54.1. Suppliers not excluded from the procurement referred to in Article 37.1 of this Law shall submit their complaints regarding the results of	posted on the portal, in addition to sending a notification to the suppliers who submitted a proposal. The notification shall indicate the reasons for the failure of other suppliers to win. The waiting period shall begin on the business day following the date of sending the notification and shall be valid for 10 (ten) business days. 37.2. The standstill period gives suppliers the right to appeal to the procuring entity regarding the results of the procurement (including to appeal the results). 37.3. The Procurement Commission shall examine and respond to applications submitted by suppliers within 5 (five) business days during the period of the waiting period. 37.4. If the final protocol on the results of the procurement is canceled and a new one is drawn up and the winning supplier changes, the waiting period is applied again. Article 53. Right to file a complaint 53.1. In order to protect their rights and legally protected interests, suppliers have the right to file complaints with the supervisory authority and the court against the actions (inaction) and decisions of the procuring organization, including the procurement commission. 53.3. The application must include the following: 53.3.1. the name of the entity considering the application or the

TST
TENDER SATINALMA ARXİVİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	procedures there create conditions for filing unfounded, blackmail-like complaints (in 2024, 25% of complaints were upheld, while the rest were considered unfounded).	complaint should be addressed in a collegial manner. complaints regarding the set of conditions be accepted until 5 working days before the opening, complaints regarding evaluation only until the end of the waiting period, and "not be able to file a complaint with the procuring organization within 15 (fifteen) working days from the day they know or should have known that their rights have been violated" should be removed from the law. In this case, the administrative complaint also loses its significance.	53.3. Müraciətdə aşağıdakılar öz əksini tapmalıdır: 53.3.1. müraciətə baxan subyektin adı və ya onun vəzifəli şəxsinin adı, soyadı, vəzifəsi; 53.3.2. müraciət edən fiziki şəxsin adı, atasının adı, soyadı və ünvanı (yaxud işlədiyi yer), hüquqi şəxsin adı və hüquqi ünvanı; 53.3.3. müraciət nümayəndə vasitəsilə təqdim edildikdə, nümayəndənin adı, soyadı, atasının adı və ünvanı; 53.3.4. satınalma barədə məlumat (tətbiq olunduğu halda müsabiqə nömrəsi); 53.3.5. şikayətin məzmunu və yol verilən pozuntunun təchizatçıya mənfi təsiri; 53.3.6. bu Qanunun hansı maddəsinin tələblərinin pozulmasına dair istinadlar; 53.3.7. əsaslandırıcı sübutlar; 53.3.8. tələb olunan həll. 53.4. Şikayətin mətni oxunaqlı olmalı, şikayətdə edilən təklif və ya tələb aydın ifadə edilməlidir. 53.5. Bu Qanunun 53.3-cü maddəsində qeyd edilən hər hansı məlumat şikayət müraciətində öz əksini tapmadıqda və ya natamam olduqda şikayət baxılmamış saxlanılır. ~~Maddə 54. Satınalan təşkilata şikayət~~ ~~54.1. Bu Qanunun 37.1-ci maddəsində qeyd olunan satınalmadan kənarlaşdırılmamış təchizatçılar satınalan təşkilata~~	the procurement to the procuring entity during the waiting period. The procuring entity shall examine the complaint submitted during the waiting period and make an appropriate decision within 5 (five) working days. 54.2. Suppliers who have been excluded or who have not participated may file a complaint with the procuring entity within 15 (fifteen) business days from the date on which they became aware or should have become aware of the violation of their rights before the procurement contract enters into force. The procuring entity shall examine the complaint within 10 (ten) business days, adopt an appropriate decision and send it to the complaining supplier within 1 (one) business day from the date of adoption of that decision. 54.3. If the complaint is filed after the waiting period or the period specified in Article 54.2 of this Law has expired, the procuring entity shall leave the complaint unexamined. 54.4. If the procuring entity does not make a decision within the period specified in Articles 54.1 and 54.2 of this Law, the supplier may file a complaint with the supervisory authority and the court. After such a complaint is filed, the procuring entity shall keep the complaint pending. Article 55. Complaint to the supervisory authority	name, surname, and position of its official; 53.3.2. name, patronymic, surname and address (or place of work) of the applicant natural person, name and legal address of the legal entity; 53.3.3. if the application is submitted through a representative, the representative's name, surname, patronymic and address; 53.3.4. information about the procurement (competition number, if applicable); 53.3.5. the content of the complaint and the negative impact of the violation on the supplier; 53.3.6. references to the violation of the requirements of which article of this Law; 53.3.7. supporting evidence; 53.3.8. required solution. 53.4. The text of the complaint must be legible, and the proposal or request made in the complaint must be clearly stated. 53.5. If any information specified in Article 53.3 of this Law is not reflected in the complaint or is incomplete, the complaint shall be left unconsidered. Article 55. Complaint to the supervisory authority 55.1. Suppliers may file a complaint with the supervisory authority only through the portal: 55.2. Suppliers shall provide the following information in the set of

TENDER SATINALMA TƏŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
		If the complaint is considered justified and the contract is signed, the contracting authority shall be authorized to make a decision on compensation for the costs incurred for participation in the procurement procedures and (or) lost profits, not exceeding 10 (ten) percent of the procurement contract amount. Complaints regarding public procurement should not be included in the scope of application of the law on citizen appeals . -Complaints should be sent only to the supervisory authority and only through the portal, and the information	~~satınalmanın nəticələri ilə bağlı öz şikayətlərini gözləmə müddətində verirlər. Satınalan təşkilat gözləmə müddətində verilmiş şikayəti 5 (beş) iş günü ərzində araşdıraraq müvafiq qərar qəbul edir.~~ ~~54.2. Kənarlaşdırılmış və ya iştirak etməyən təchizatçılar satınalma müqaviləsi qüvvəyə minənə qədər öz hüquqlarının pozulduğunu bildiyi və ya bilməli olduğu gündən 15 (on beş) iş günü ərzində satınalan təşkilata şikayət verə bilərlər. Satınalan təşkilat verilmiş şikayəti 10 (on) iş günü ərzində araşdıraraq müvafiq qərar qəbul edir və həmin qərarın qəbul edildiyi gündən 1 (bir) iş günü ərzində şikayət edən təchizatçıya göndərir.~~ ~~54.3. Şikayət gözləmə müddəti və ya bu Qanunun 54.2-ci maddəsi ilə müəyyən edilən müddət keçdikdən sonra verilmişdirsə, satınalan təşkilat həmin şikayəti baxılmamış saxlayır.~~ ~~54.4. Satınalan təşkilat bu Qanunun 54.1-ci və 54.2-ci maddələrində göstərilən müddət ərzində qərar qəbul etmirsə, təchizatçı bununla bağlı nəzarət orqanına və məhkəməyə şikayət verə bilər. Belə şikayət verildikdən sonra satınalan təşkilat tərəfindən həmin şikayət baxılmamış saxlanılır.~~ Article 55. Complaint to the supervisory authority 55.1. Suppliers ~~aşağıdakı hallarda~~ may file a complaint with the	55.1. Suppliers may file a complaint with the supervisory authority in the following cases: 55.1.1. when the purchase agreement enters into force; 55.1.2. in the cases specified in Articles 21.2, 36.1.2, 36.1.5 and 54.4 of this Law; 55.1.3. if the procuring entity disagrees with the decision of the procuring entity regarding the complaint submitted. 55.2. Suppliers may file a complaint with the supervisory authority within 15 (fifteen) business days from the date they became aware or should have become aware of the violation of their rights under Article 55.1 of this Law, as well as from the date they received the decision provided for in Article 55.1.3 of this Law or from the date on which that decision should have been made. 55.3. The supervisory authority shall notify the procuring entity thereof via the portal within 1 (one) business day after receiving the complaint. If additional information is required to investigate the issues raised in the complaint, the supervisory authority shall send a request to the procuring entity via the portal. The procuring entity shall submit the information requested in the request to the supervisory authority within 3 (three) business days after receiving the request. 55.4. The supervisory authority shall examine the submitted complaint	documents or set of conditions on compliance: They may file a complaint with the supervisory authority regarding non-conformities up to 5 (five) working days before the deadline for submission of compliance documents or proposals, and up to the end of the waiting period for other cases . 55.3. When a complaint is submitted to the supervisory authority, a real-time notification is sent to the procuring entity via the portal. If additional information is required to investigate the issues raised in the complaint, the supervisory authority sends a request to the procuring entity via the portal. The procuring entity shall submit the information requested in the request to the supervisory authority within 3 (three) business days after receiving the request. 55.4. The supervisory authority shall examine the submitted complaint within 20 (twenty) working days and adopt an appropriate decision. 55.5. If the supervisory authority upholds the complaint, it shall apply one or more of the measures specified in Article 14 of this Law and shall order the contracting authority to reimburse the supplier for the service fee paid by the supplier. The contracting authority shall suspend the procurement procedures until a decision on the complaint is made. 55.6. If the complaint concerns the formal requirements specified in the

TENDER SATINALMA ŞİRKƏTİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
		should be sent to the purchasing organization at that time. -What information should be included in the application (if not, do not consider it) - If the complaint concerns the formal requirements specified in the terms of reference for the offer, including whether the supplier complies with those requirements, the decision shall be made based on the opinion of field experts, with the supplier paying a service fee. If the complaint is upheld, the amount shall be paid to the supplier by the purchaser.	supervisory authority :yalnız portal vasitəsilə ~~55.1.1. satınalma müqaviləsi qüvvəyə mindikdə;~~ ~~55.1.2. bu Qanunun 21.2-ci, 36.1.2-ci, 36.1.5-ci və 54.4-cü maddələrində göstərilən hallarda;~~ ~~55.1.3. verilmiş şikayətlə bağlı satınalan təşkilatın qərarı ilə razılaşmadığı halda.~~ 55.2. Suppliers ~~bu Qanunun 55.1-ci maddəsinə əsasən öz hüquqlarının pozulduğunu bildiyi və ya bilməli olduğu gündən, habelə bu Qanunun 55.1.3-cü maddəsində nəzərdə tutulmuş qərarı aldığı gündən və ya həmin qərarın verilməli olduğu gündən 15 (on beş) iş günü ərzində~~ uyğunluğa dair sənədlər toplusu və ya şərtlər toplusundakı uyğunsuzluqlar barədə uyğunluq sənədlərinin və ya təkliflərin son təqdim edilməsi tarixinin bitməsinə 5 (beş) iş günü qalana qədər, digər hallar ilə bağlı gözləmə müddəti bitənə qədər may file a complaint with the supervisory authority. 55.3. Supervisory authority na~~complaint~~i shall təqdim edilən zaman ~~aldıqdan sonra 1 (bir) iş günü ərzində~~ send a notification lito the procuring entity via the portal real vaxt rejimində. If additional information is required to investigate the issues raised in the complaint, the supervisory authority shall send a request to the procuring entity via the portal. The procuring entity shall submit the information requested in the request to the supervisory	within 20 (twenty) working days and adopt an appropriate decision. 55.5. If the supervisory authority upholds the complaint, it shall apply one or more of the measures specified in Article 14 of this Law. Article 56. Suspension of procurement In order to investigate a complaint filed under Articles 54 and 55 of this Law (except for a complaint filed during the waiting period), the procurement procedures may be suspended by the procuring entity for up to 10 (ten) business days by decision of the supervisory authority in accordance with Article 76 of the Law of the Republic of Azerbaijan "On Administrative Proceedings". This period may be extended for up to 10 (ten) business days by a reasoned decision of the supervisory authority.	set of conditions for the offer, including whether the supplier complies with those requirements, the supervisory authority shall issue a decision based on the opinion of sectoral experts, with the supplier paying a service fee. The amount of the service fee for involving sectoral experts in relation to the subject of the procurement, filing a complaint with the supervisory authority, its payment and use shall be carried out in accordance with the procedure established by the body (institution) determined by the relevant executive authority.

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			authority within 3 (three) working days after receiving the request. 55.4. The supervisory authority shall examine the submitted complaint within 20 (twenty) working days and adopt an appropriate decision. 55.5. If the supervisory authority upholds the complaint, it shall apply one or more of the measures specified in Article 14 of this Law. və təchizatçı tərəfindən ödənilmiş xidmət haqqının satınalan təşkilat tərəfindən təchizatçıya ödənilməsi barədə göstəriş verir. Şikayətə dair qərar çıxarılana qədər satınalan təşkilat satınalma prosedurlarını dayandırır. 55.6. Şikayət şərtlər toplusunda təklifə dair müəyyən edilmiş formal tələblərə, o cümlədən təchizatçının həmin tələblərə uyğun olub-olmamasına dair olduqda nəzarət orqanı qərarı təchizatçı tərəfindən xidmət haqqı ödənilməklə sahəvi ekspertlərin rəyi əsasında çıxarır. Satınalma predmeti ilə əlaqədar sahəvi ekspertlərin cəlb edilməsi, nəzarət orqanına şikayət verilməsi üçün xidmət haqqının məbləğləri, onun ödənilməsi və ondan istifadə müvafiq icra hakimiyyəti orqanının müəyyən etdiyi orqan (qurum) tərəfindən müəyyən edilmiş qaydada həyata keçirilir. ~~Maddə 56. Satınalmanın dayandırılması~~ ~~Bu Qanunun 54-cü və 55-ci maddələrinə əsasən verilən şikayətin~~		

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~(gözləmə müddətində verilən şikayət istisna olmaqla) araşdırılması məqsədilə "İnzibati icraat haqqında" Azərbaycan Respublikası Qanununun 76-cı maddəsinə uyğun olaraq nəzarət orqanının qərarı ilə satınalan təşkilat tərəfindən satınalma prosedurları 10 (on) iş günündək dayandırıla bilər. Bu müddət nəzarət orqanının əsaslandırılmış qərarı ilə 10 (on) iş günündək uzadıla bilər.~~		
4.	**<u>Improvement</u>** *<u>(minimum amount)</u>* The 10-20 thousand limit is insignificantly low for many purchasing organizations + the fact that starting a purchase at 0 manat is not practiced anywhere Single-source applications for small amounts or cases where a competition is not possible, exceeding 50% of the single-source share	Public procurement should be applied to purchases over 5 thousand manats the minimum threshold from being bypassed by dividing the amount. Information on all concluded contracts should be entered on the portal once a month, and on the number and amount of other excluded purchases once a quarter. Based on the mentioned information,	3.8. ~~3.9-cu və~~ Except for the requirements of <u>və 45.3-cü maddəsinin tələbləri nəzərə alınmaqla</u>Article 58 of this Law <u>~~lər~~</u>, this Law shall not apply to procurements ~~satınalan təşkilatın cari ilin satınalma planında nəzərdə tutulmayan və~~ up ~~cəmi dəyəri~~<u>ehtimal olunan qiyməti</u>to 10,000 (ten thousand) manats (up to 20,000 (twenty thousand) manats for higher, 1st and 2nd category state bodies, as well as for procuring organizations not financed from the state budget as of January 1 of the current year) within one budget year. 3.9. In the case specified in Article 3.8 of this Law, after the contract related to the relevant procurements is signed by the procuring organization through the information system of the body (institution) determined by the relevant executive authority (hereinafter referred to as the information system), the relevant information shall be automatically and immediately transmitted to the portal	3.8. Except for the requirements of Articles 3.9 and 58 of this Law, this Law shall not apply to procurements not provided for in the procurement plan of the procuring entity for the current year and with a total value of up to 10,000 (ten thousand) manats during one budget year (up to 20,000 (twenty thousand) manats for higher, 1st and 2nd category state bodies, as well as procuring entities not financed from the state budget as of January 1 of the current year). 3.9. In the case specified in Article 3.8 of this Law, after the contract related to the relevant procurements is signed by the procuring organization through the information system of the body (institution) determined by the relevant executive authority (hereinafter referred to as the information system), the relevant information shall be automatically and immediately transmitted to the portal by that information system in accordance with Article 38.11 of this Law, and The procurement commission publishes the relevant	3.8. Except for the requirements of Article 58 of this Law and taking into account the requirements of Article 45.3, this Law shall not apply to procurements with an estimated cost of up to 10,000 (ten thousand) manats (up to 20,000 (twenty thousand) manats for higher, 1st and 2nd category state bodies, as well as for procuring organizations not financed from the state budget as of January 1 of the current year) within one budget year. 3.9. In the case specified in Article 3.8 of this Law, after the contract related to the relevant procurements is signed by the procuring organization through the information system of the body (institution) determined by the relevant executive authority (hereinafter referred to as the information system), the relevant information shall be automatically and immediately transmitted to the portal by that information system in accordance with Article 38.11 of this

TENDER SATINALMA BÜRO

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
		monitoring should be carried out to detect whether there are any violations.	by that information system in accordance with Article 38.11 of this Law, and ~~satınalma komissiyası satınalma müqaviləsi qüvvəyə mindiyi gündən 3 (üç) iş günü ərzində~~ relevant information ~~i~~is published on the portal li. ~~18.5. Bu Qanunun 3.8-ci maddəsi satınalan təşkilatları planlaşdırılması mümkün olan satınalmalar üzrə satınalma planını hazırlamaq öhdəliyindən azad etmir.~~ 45.3. The procuring entity may not ~~tender və ya ikimərhələli~~ divide , habelə bu Qanunun 3.8-ci maddəsində müəyyən edilmiş minimal məbləğ məhdudiyyətindənа similar procurement subject of the same nature (characteristic, type, type) or of the same class according to the classification codes determined in accordance with Article 18.10 of this Law into separate parts (contracts) in order to avoid open tendering and (or) limit competition among suppliers. o cümlədən ixtisaslaşmış təchizatçılar tərəfindənProcurements for construction and installation works carried out at different addresses may be divided into separate contracts.	information on the portal within 3 (three) business days from the date the procurement contract enters into force. 18.5. Article 3.8 of this Law does not exempt procuring entities from the obligation to prepare a procurement plan for procurements that can be planned. 45.3. The procuring entity may not divide a similar procurement subject of the same nature (characteristic, type, type) or of the same class according to the classification codes determined in accordance with Article 18.10 of this Law into separate parts (contracts) in order to avoid an open tender or a two-stage tender and (or) to limit competition between suppliers. Procurement for construction and installation works carried out at different addresses may be divided into separate contracts.	Law, and Relevant information is published on the portal. 45.3. The procuring entity may not divide a similar procurement subject of the same nature (characteristic, type, type) or of the same class according to the classification codes determined in accordance with Article 18.10 of this Law into separate parts (contracts) in order to avoid open tendering, as well as the minimum amount limit established in Article 3.8 of this Law and (or) to limit competition between suppliers. Procurements for construction and installation works carried out at different addresses, including by specialized suppliers, may be divided into separate contracts.
5.	**Improvement** *(at least 3 participants)* For this reason, the number of cancellations is quite high . In	Removing the quorum requirement of 3	~~29.8. Satınalmada iştirak etmək üçün təklifi və təklifin təminatını təqdim etmiş, tələb olunduğu halda müvafiq lisenziyaya və ya icazəyə malik olan təchizatçıların sayı üçdən az olmamalıdır.~~	29.8. The number of suppliers who have submitted a bid and bid security and, if required, have the appropriate license or permit to participate in the procurement shall not be less than three.	36.1.1. taking into account the requirements of Article 45.4 of this Law, if the number of suppliers who have submitted a proposal to

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	international practice, if a competition is declared open, even 1 participant is enough for the competition to take place.		36.1.1. taking into account the requirements of Article 45.4 of this Law, if ~~və təklifin təminatını~~ the number of suppliers ~~üçdən~~ birdən who have submitted a proposal to participate in the procurement ~~, tələb olunduğu halda müvafiq lisenziyaya və ya icazəyə malik olan~~is small; ~~45.4. Bu Qanunun 29.8-ci maddəsində qeyd olunan halda açıq tender ləğv olunur və ikinci dəfə elan edilir. İkinci dəfə elan olunan açıq tenderdə bu Qanunun 29.8-ci maddəsinin tələbləri nəzərə alınmaqla, təklif təqdim edən təchizatçıların sayı azı iki olduqda, açıq tender baş tutmuş hesab olunur.~~	36.1.1. taking into account the requirements of Article 45.4 of this Law, if the number of suppliers who have submitted a bid and bid security to participate in the procurement and, if required, have the relevant license or permit is less than three; 45.4. In the case specified in Article 29.8 of this Law, the open tender shall be canceled and announced a second time. In the open tender announced a second time, the open tender shall be deemed to have been held if the number of suppliers submitting bids is at least two, taking into account the requirements of Article 29.8 of this Law.	participate in the procurement is less than one;
6.	**Improvement** *(purchase commission)* The procurement commission is formal in nature, complicates the process (each decision must be discussed and approved by the commission), and lacks independence.	In addition to the commission, the structural unit entrusted with the procurement function should also be given the option to conduct procurement (option) and the requirements for the procurement commission should be simplified.	1.1.19. procurement commission – procuring entityda satınalmanı keçirmək üçün ~~tərəfindən~~ temporary working group və ya satınalma funksiyasının icra edilməsi həvalə edilən struktur bölməcreated ~~, onun adından satınalmanı keçirən və nəticəsi barədə qərar qəbul edən~~; from representatives of və səsvermə hüququ olmadan Portalda komissiyanın qərarlarını tərtib və icra edən satınalma komissiyasının katibindən the procuring organization , və ya satınalan təşkilatın tabe olduğu təşkilatın taking into account the requirements of Article 21.2 of this Law . ~~tək saydə (azı 5 (beş) nəfər) olmaqla,~~ The members və strukturunu (işçi qrup və ya struktur bölmə) of the procurement	1.1.19. procurement commission – a temporary working group established by the procuring organization, which conducts the procurement on its behalf and makes decisions on its results;20.1. The composition of the procurement commission is formed from representatives of the procuring organization in an odd number (at least 5 (five) people), taking into account the requirements of Article 21.2 of this Law. The chairman and members of the procurement commission are approved by the head of the procuring organization. The head of the procuring organization cannot be the chairman of the procurement commission. 21.2. If the procurement commission violates the requirements of this Law	1.1.19. procurement commission – a temporary working group established in the procuring organization to conduct procurement or a structural unit entrusted with the execution of the procurement function; 20.1. The composition of the procurement commission shall be formed from representatives of the procuring organization or the organization subordinate to the procuring organization, taking into account the requirements of Article 21.2 of this Law, and the secretary of the procurement commission, who shall prepare and execute the decisions of the commission on the Portal without the right to vote. The members and structure of the procurement commission (working

TENDER SATINALMA TƏŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			commission ~~sədrini və~~ shall be approved by the head of the procuring organization. The head of the procuring organization ~~sədri~~ üzvü may not be a member of the procurement commission. 21.2. If the procurement commission violates the requirements of this Law and the regulatory legal acts arising from this Law , suppliers may apply to the supervisory authority. If the supervisory authority confirms the violation of regulatory legal acts during the organization and conduct of the procurement, the results of the procurement are canceled and the procuring entity conducts a new procurement in this case.~~Bu halda, qəbul olunmuş qərardan fərqlənən xüsusi rəy vermiş komissiya üzvlərindən başqa, satınalma komissiyasının sədri və digər üzvləri 5 (beş) il ərzində hər hansı satınalma komissiyasının sədri və ya üzvü olmaq hüququndan məhrum edilir.~~ 34.2. Müvəqqəti və ya daimi işçi qrup formatında fəaliyyət göstərən ~~Ş~~At least three-quarters of the members of the commission must attend the meetings of the procurement commission, including when making decisions on the results of the procurement. The decisions of the commission are made by a simple majority vote in the presence of the chairman of the commission. Abstentions by members of the commission during voting are not	and the regulatory legal acts arising from this Law, suppliers may apply to the supervisory authority. If the supervisory authority confirms the violation of regulatory legal acts during the organization and conduct of the procurement, the procurement results shall be canceled and the procuring entity shall conduct a new procurement in this case. In this case, the chairman and other members of the procurement commission, except for the members of the commission who have issued a special opinion that differs from the adopted decision, shall be deprived of the right to be the chairman or member of any procurement commission for 5 (five) years. 34.2. At least three-quarters of the members of the procurement commission must attend the meetings of the procurement commission, including when making decisions on the results of the procurement. The decisions of the commission are made by a simple majority of votes in the presence of the chairman of the commission. Abstentions of the commission members during voting are not allowed. In the event of a tie, the vote of the chairman of the commission is decisive. 34.4. Decisions shall be signed on the same day by all members of the procurement commission who participated in their adoption. When	group or structural unit) shall be approved by the head of the procuring organization. The head of the procuring organization may not be a member of the procurement commission. 21.2. If the procurement commission violates the requirements of this Law and the regulatory legal acts arising from this Law, suppliers may apply to the supervisory authority. If the supervisory authority confirms the violation of regulatory legal acts during the organization and conduct of the procurement, the results of the procurement are canceled and the procuring entity conducts a new procurement in this case. 34.2. At least three-quarters of the members of the procurement commission operating in the format of a temporary or permanent working group must attend the meetings of the procurement commission, including when making decisions on the results of the procurement. The decisions of the commission are made by a simple majority of votes in the presence of the chairman of the commission. Abstentions of the commission members during voting are not allowed. In the event of a tie, the vote of the chairman of the commission is decisive.

TENDER SATINALMA İŞ MƏHKƏMƏSİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			allowed. In the event of a tie, the vote of the chairman of the commission is decisive. ~~34.4. Qərarlar onların qəbul olunmasında iştirak etmiş satınalma komissiyasının bütün üzvləri tərəfindən həmin gün imzalanır. Satınalma portal vasitəsilə keçirildikdə, qərarlar portalda yerləşdirildiyi andan 1 (bir) iş günü ərzində imzalanır.~~	the procurement is carried out through the portal, decisions shall be signed within 1 (one) business day from the moment of their posting on the portal.	
7.	**Improvement** *(offer security)* Since receiving a bid security creates bank charges, it reduces interest in participation and creates additional bureaucratic obstacles. On the other hand, since this security is provided electronically, a letter must be written by the purchasing organization for its return, and since many organizations do not do this, they cannot return the security and cannot obtain the money deposited in the bank for the guarantee.	The bid security received from the bank should be replaced with a declaration on the bid security provided by the supplier and with the same content as the bid security and should also be required in quotations. In case of violation, if the supplier does not pay the specified amount to the procuring entity, it should be added to the list of unreliable suppliers.	1.1.27. bid security na dair bəyannamə– ~~(kotirovka sorğusu metodu üzrə təklif istisna olmaqla)~~ a security provided by the supplier iltizam xarakterli ~~təminat~~sənədfor the obligations assumed by him before the procuring entity for his bid ~~qarantiya, sığorta təminatı, akkreditiv, depozitlər və digər maliyyə aktivləri şəklində~~ özü tərəfindən ; 16.1. Suppliers are considered unreliable suppliers by a reasoned decision of the supervisory authority upon a reasoned application of the procuring organization within 5 (five) business days from the date of discovery of such cases in the cases specified in Articles 35.1.4, 35.1.10 – 35.1.12 of this Law, və bu Qanunun 30.2-ci maddəsində müəyyən olunan məbləği qeyd edilən müddətdə ödəmədikdəand within 15 (fifteen) business days in the case of evasion of the execution of the procurement contract or refusal to conclude a procurement contract in 3 (three) or	1.1.27. bid security – a security provided by the supplier in the form of a guarantee, insurance coverage, letter of credit, deposits and other financial assets for the obligations assumed by the supplier towards the procuring entity for its bid (except for a bid based on the request for quotation method); 16.1. Suppliers are considered unreliable suppliers by a reasoned decision of the supervisory authority upon a reasoned application of the procuring organization within 5 (five) business days from the date of discovery of such cases in the cases specified in Articles 35.1.4, 35.1.10 – 35.1.12 of this Law, and within 15 (fifteen) business days in the case of evasion of the execution of the procurement contract or refusal to conclude a procurement contract in 3 (three) or more procurements within 1 (one) calendar year. 25.1.15. requirements regarding the type, form, amount, duration of the bid security, performance security	1.1.27. declaration of bid security – a document of a binding nature issued by the supplier in response to the obligations assumed by him/her before the procuring entity for his/her bid; 16.1. Suppliers shall, in the cases specified in Articles 35.1.4, 35.1.10 – 35.1.12 of this Law, within 5 (five) working days from the date of discovery of such cases, in case of evasion from the execution of the procurement contract or refusal to conclude a procurement contract in 3 (three) or more procurements within 1 (one) calendar year. and if they fail to pay the amount specified in Article 30.2 of this Law within the specified period, they shall be considered unreliable suppliers by a reasoned decision of the supervisory authority upon a reasoned application of the procuring organization within 15 (fifteen) business days.

TENDER SATINALMA BİRİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			more procurements within 1 (one) calendar year. 25.1.15. requirements regarding the type, form, amount, duration of performance security and advance security required under this Law, ~~təklifin təminatı,~~ the guarantee or the party confirming the security provided by any guarantor in relation to procurements with an estimated cost exceeding 5 (five) million manats (if required), as well as other conditions; 25.3. Articles 25.1.4, 25.1.6, 25.1.8 – 25.1.10, 25.1.13 and 25.1.17 of this Law shall not apply to the single source procurement method, and Articles 25.1.8 and 25.1.10 of this Law ~~və təklifin təminatına münasibətdə isə 25.1.15-ci maddəsi~~ shall not apply to the request for quotation method. shall attach to the submitted proposal the documents of compliance, the guarantee of the proposal a‡ dair bəyannaməni, ~~as well as, if provided for in the set of conditions, the documents on the compliance of the subcontractor with the specified requirements .~~ Article 30. Guarantee of the offerna dair bəyannamə 30.1. The procurement commission shall determine a‡ dair bəyannamədəthe likely price of the offer., , çərçivə sazişinə münasibətdə isə saziş müddətində bağlanması	and advance payment security required under this Law, the guarantee or the party confirming the security provided by any guarantor in relation to procurements with an estimated cost exceeding 5 (five) million manats (if required), as well as other conditions; 25.3. Articles 25.1.4, 25.1.6, 25.1.8 – 25.1.10, 25.1.13 and 25.1.17 of this Law shall not apply to the single-source procurement method, and Articles 25.1.8, 25.1.10 of this Law and Article 25.1.15 of this Law shall not apply to the request for quotation method in relation to the guarantee of the offer. shall attach to the submitted proposal the documents of compliance, the guarantee of the proposal, ~~as well as, if provided for in the set of conditions, documents confirming the compliance of the subcontractor with the specified requirements .~~ Article 30. Guarantee of the offer 30.1. The procurement commission shall determine the bid security in the amount of 1-3 percent of the estimated price. The validity period of the bid security shall be at least 30 (thirty) business days longer than the validity period of the bid. 30.2. The Procurement Commission shall specify in the set of conditions any requirements for a guarantee, as well as the type, form and other conditions of the guarantee required	25.1.15. requirements regarding the type, form, amount, duration of performance security and advance security required under this Law, the guarantee or the party confirming the security provided by any guarantor in relation to procurements with an estimated cost exceeding 5 (five) million manats (if required), as well as other conditions; 25.3. Articles 25.1.4, 25.1.6, 25.1.8 – 25.1.10, 25.1.13 and 25.1.17 of this Law shall not apply to the single source procurement method, and Articles 25.1.8 and 25.1.10 of this Law shall not apply to the request for quotation method. shall attach to the submitted proposal the documents of compliance, the declaration of the guarantee of the proposal, ~~as well as, if provided for in the set of conditions, documents confirming the compliance of the subcontractor with the specified requirements .~~ Article 30. Declaration on the security of the offer 30.1. The procurement commission shall determine the estimated price in the bid security declaration, and in the case of a framework agreement, 2 percent of the maximum amount of simple procurement contracts to be concluded during the term of the agreement. The validity period of the bid security declaration shall be at

TENDER SATINALMA BÜCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			nəzərdə tutulan sadə satınalma müqavilələrinin maksimal məbləğinin The validity period ~~1-3~~2of the bid security ~~a~~ın dair bəyannamədəmust be at least 30 (thirty) business days longer than the validity period of the bid. 30.2. ~~Satınalma komissiyası qarant barəsində hər hansı tələbini, habelə təklif üçün tələb olunan təminatın növünü, formasını və digər şərtlərini şərtlər toplusunda göstərir.~~ Guarantee of na dair bəyannamədə müəyyən edilən məblığı 15 (on beş) iş günü ərzində satınalan təşkilata ödəyir ~~geri qaytarılmır~~supplier's offer in the following cases ~~nın~~: 30.2.1. when the supplier withdraws or modifies its offer after the deadline for submission of offers or before the expiry of the offer validity period; 30.2.2. if the winning supplier, having received the notification of acceptance of the offer, does not sign the procurement contract and (or) provide a performance security within the specified period; 30.2.3. if the winning supplier, having received the notification of acceptance of the offer, fails to fulfill any other conditions specified in the set of conditions before the signing of the procurement contract. 30.3.~~Təklifin təminatı aşağıdakı hallarda dərhal geri qaytarılır:~~ ~~30.3.1. satınalmada ilk üç yerdən birini tutmayan təchizatçılara – satınalmanın nəticələrinə dair yekun protokol təsdiq olunduqda;~~	for the offer. The supplier's offer guarantee shall not be returned in the following cases: 30.2.1. when the supplier withdraws or modifies its offer after the deadline for submission of offers or before the expiry of the offer validity period; 30.2.2. if the winning supplier, having received the notification of acceptance of the offer, does not sign the procurement contract and (or) provide a performance security within the specified period; 30.2.3. if the winning supplier, having received the notification of acceptance of the offer, fails to fulfill any other conditions specified in the set of conditions before the signing of the procurement contract. 30.3. The bid security shall be returned immediately in the following cases: 30.3.1. to suppliers who did not take one of the first three places in the procurement - upon approval of the final protocol on the results of the procurement; 30.3.2. to suppliers who take second and third places in the procurement – when the procurement contract concluded with the winning supplier comes into force; 30.3.3. to other suppliers, except the winning supplier – upon expiry of the validity period of the offers; 30.3.4. to all suppliers – if a bid is withdrawn or the procurement is canceled before the deadline for submission of bids;	least 30 (thirty) business days longer than the validity period of the bid. 30.2. In the following cases, the supplier shall pay the amount specified in the bid security declaration to the procuring entity within 15 (fifteen) business days: 30.2.1. when the supplier withdraws or modifies its offer after the deadline for submission of offers or before the expiry of the offer validity period; 30.2.2. if the winning supplier, having received the notification of acceptance of the offer, does not sign the procurement contract and (or) provide a performance security within the specified period; 30.2.3. if the winning supplier, having received the notification of acceptance of the offer, fails to fulfill any other conditions specified in the set of conditions before the signing of the procurement contract. 30.3. If the supplier fails to pay the amount to the procuring entity within the period specified in Article 30.2 of this Law, the procuring entity shall inform the supervisory authority thereof within 10 (ten) business days after the expiration of the specified period. may, after the opening of the bids, request suppliers to extend the validity period of their bids for a maximum period equal to the initial validity period of the bids. The supplier may refuse such a request from the procurement commission without losing its right to claim the bid

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~30.3.2. satınalmada ikinci və üçüncü yerləri tutan təchizatçılara – qalib təchizatçı ilə bağlanan satınalma müqaviləsi qüvvəyə mindikdə;~~ ~~30.3.3. qalib təchizatçı istisna olmaqla, digər təchizatçılara – təkliflərin qüvvədə olma müddəti bitdikdə;~~ ~~30.3.4. bütün təchizatçılara – təkliflərin təqdim edilməsinin son müddəti bitməmişdən əvvəl təklif geri götürüldükdə və ya satınalma ləğv edildikdə;~~ ~~30.3.5. təkliflərin qüvvədə olma müddətinin uzadılması təşəbbüsü ilə razı olmayan təchizatçılara – təkliflərin qüvvədə olma müddəti bitdikdə;~~ ~~30.3.6. qalib təchizatçıya – satınalma müqaviləsi imzalandıqda və icra təminatı təqdim edildikdə.~~ Təchizatçı bu Qanunun 30.2-ci maddəsində müəyyən olunan müddətdə məbləği satınalan təşkilata ödəmədikdə satınalan təşkilat bu barədə nəzarət orqanına müəyyən olunan müddət bitdikdən sonra 10 (on) iş günü ərzində məlumat verir. 31.2. The procurement commission təkliflərin açılışından sonra ümumilikdə may request suppliers to extend the validity period of their bids for a maximum period equal to the initial validity period of the bids. The supplier dair bəyannamədəmay refuse such a request from the procurement commission without losing its right to bid security.	30.3.5. to suppliers who do not agree with the initiative to extend the validity period of the proposals – upon the expiration of the validity period of the proposals; 30.3.6. to the winning supplier – upon signing the procurement contract and submitting the performance security. 31.2. The procurement commission may request suppliers to extend the validity period of their bids for a maximum period equal to the initial validity period of the bids. The supplier may refuse such a request from the procurement commission without losing its right to bid security. 31.3. Suppliers who agree to the request for extension of the validity period of the proposals shall ensure that the validity period of the proposal security is extended, taking into account the requirements of Article 30.1 of this Law, or provide a new security for the extended period. 32.2. When opening bids, the name of each supplier (in the case of a natural person, surname, first name, patronymic), address, TIN, bid price, bid security amount and validity period shall be published on the portal. 38.5. Failure of the winning supplier to sign the procurement contract within the period specified in Article 38.2 of this Law and (or) to submit the performance security required under this Law shall be deemed as its failure to fulfill its	security in the bid security declaration. 31.3. Suppliers who agree to the request for extension of the validity period of the bids shall be deemed to have extended the validity period of the bid security declaration, taking into account the requirements of Article 30.1 of this Law. 32.2. When opening bids, the name of each supplier (surname, first name, patronymic in the case of a natural person), address, TIN and the price of the bid are published on the portal. 38.5. Failure of the winning supplier to sign the procurement contract and (or) to provide the performance security required under this Law within the period specified in Article 38.2 of this Law shall be deemed as its failure to fulfill its obligations and shall result in the withholding of the amount specified in the bid security declaration.

TST
TENDER SATINALMA İŞÇİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			31.3. Suppliers who agree to the request for extension of the validity period of the offers shall extend ~~a~~ın dair bəyannamənin the validity period of the offer guarantee, taking into account the requirements of Article 30.1 of this Law ~~uzadılmasını və ya uzadılmış müddət üçün yeni təminatın verilməsini təmin edirlər~~uzadılmış hesab edilir. 32.2. When opening bids, the name (surname, first name, patronymic in the case of a natural person), address, TIN and ~~,~~ və the price of the bid of each supplier ~~və təklifin təminatının məbləği və qüvvədə olma müddəti~~ are published on the portal. 38.5. Failure of the winning supplier to sign the procurement contract and (or) to provide the performance security required under this Law within the period specified in Article 38.2 of this Law shall be deemed as its failure to fulfill its obligations and the bid shall be deemed to be void.~~a~~ın dair bəyannamədə müəyyən olunan məbləğin tutulmasıgeri ~~qaytarılmaması~~results in.	obligations and shall result in the non-return of the bid security.	
8.	**Improvement** *(framework agreement)* One of the nuances that currently complicates the implementation of the framework agreement is related to the estimated price. Thus,	The estimated amount in the framework agreement should be determined as the budget intended for that work.	the procuring entity and a qualified supplier, which determines the terms and conditions for the purchase ~~iki və ya daha çoxən az bir~~of a relevant procurement item during the year, which is required periodically or repeatedly, and whose volume and total price cannot be fully determined ~~bir büdcə~~üç təqvimin in advance;	1.1.3. framework agreement – an agreement concluded between a procuring entity and two or more qualified suppliers, which determines the terms and conditions for the purchase of a relevant procurement subject matter within one budget year, which is required periodically or repeatedly, and the volume and total price of which cannot be fully	1.1.3. framework agreement – an agreement concluded between the procuring entity and at least one supplier that meets the requirements, determining the terms and conditions for the purchase of a relevant procurement subject matter within three calendar years, which is required periodically or repeatedly, and whose volume and total price

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	when the buyer determines the list of possible goods and the number of requirements, the amount is larger than the budget that the organization has planned for that work. When a competition is held, the supplier must obtain a guarantee for that large amount. The scope of the agreement does not cover areas that exist in international practice. Since there is an obligation to conclude an agreement with at least 2 suppliers, the competition must be canceled even if only 1 supplier meets the requirements. Bidding suppliers must be eliminated if they are unable to bid on all items on the list. Although the procurement period is not specified, the framework agreement is valid until the end of 1 budget year, in which case the agreements	Expand the scope of application. Reduce the requirement to conclude an agreement from 2 to 1 Applying the exclusion of the over-probability proposal to the framework A bid that meets 90%+ of the list should be considered acceptable and any supplier that meets such a requirement can enter into an agreement with the appropriate goods, but the amount of the agreement should not be the amount, but the unit prices should be indicated in the agreement. The term of the agreement	Article 50. General requirements for framework agreements 50.1. The procuring entity və ya onun tabe olduğu təkilat ~~nəqliyyat vasitəsi, maşın, dəzgah, avadanlıq, texnika və qurğulara dövri və ya təkrar texniki xidmətin göstərilməsi (həmin xidmətlərin ayrılmaz tərkib hissəsi olan malların təqdim edilməsi də daxil olmaqla) məqsədiləaşağıdakı hallarda~~may conclude a framework agreement by applying the methods of open tender or request for quotation in accordance with Article 44.4 of this Law. 50.1.1. təkrar sifariş tezliyi yuxarı olan ümumi və ya hazır tipli mallar və xidmətlər satın alındıqda; 50.1.2. faktiki fövqəladə vəziyyət yaranmazdan əvvəl təchizatın davamlılığını təmin etmək məqsədilə fövqəladə vəziyyətə hazırlıq görüldükdə; 50.1.3. bütün tələbi tam qarşılamaq imkanı olan bir təchizatçı olmadıqda (birdən artıq təchizatçı seçilmək istənildikdə); 50.1.4. satınalan təşkilatın tabe olduğu təşkilat tərəfindən eyni mallar və ya xidmətlər alındıqda və tələblərin toplanması həcmə görə endirimə səbəb olduqda və (və ya) prosesin səmərəliliyini artırdıqda; 50.1.1. fərqli regionlarda olan müxtəlif təchizatçılarla əməkdaşlıq etmək tələb olunduqda. 51.2. Satınalan təşkilatın və ya onun tabe olduğu təşkilatın ~~S~~sThe procurement commission shall, in the	determined in advance; Article 50. General requirements for framework agreements 50.1. The procuring entity may conclude a framework agreement by applying open tender or request for quotation methods in accordance with Article 44.4 of this Law for the purpose of providing periodic or repeated technical maintenance of vehicles, machinery, machines, equipment, techniques and installations (including the provision of goods that are an integral part of such services). 51.2. The procurement commission shall, in the first stage, conduct procurement by applying open tender or quotation request methods in accordance with the procedure established by this Law and shall conclude a framework agreement with the suppliers that meet the requirements no later than 3 (three) business days before the expiration of the validity period of the offers. The concluded framework agreement shall be valid for one budget year and shall not create an obligation for the procuring entity to place an order. *51.3. The procurement commission shall purchase the subject of procurement in the second stage, as the need arises, using one of the following methods:* 51.3.1. by selecting the supplier that submitted the lowest price offer or the most efficient offer in accordance with Article 33.11 of this Law based	cannot be fully determined in advance; Article 50. General requirements for framework agreements 50.1. The procuring entity or its subordinated entity may conclude a framework agreement by applying the methods of open tender or request for quotation in accordance with Article 44.4 of this Law in the following cases: 50.1.1. when purchasing general or ready-made goods and services with a high repeat order frequency; 50.1.2. when emergency preparedness is being undertaken to ensure continuity of supply before an actual emergency occurs; 50.1.3. if there is no supplier capable of fully meeting the entire requirement (when more than one supplier is requested to be selected); 50.1.4. when the same goods or services are purchased by an organization to which the procuring entity is subordinate and the aggregation of requirements leads to a volume discount and (or) increases the efficiency of the process; 50.1.1. when required to cooperate with different suppliers located in different regions. 51.2. The procurement commission of the procuring entity or its subordinate organization shall conduct the procurement in the first stage by applying the methods of open tender or request for quotation

TENDER SATINALMA BÖLGƏSİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	should ideally be concluded at the beginning of the year. It is not specific which suppliers submitting the proposal should be awarded the contract, but additionally, the concept of the contract amount	should be extended to 3 calendar years. The organization to which the purchasing organization is subordinate can also conduct procurement for its subordinate organizations and conclude a framework agreement.	first stage, conduct procurement by applying open tender or quotation request methods in accordance with the procedure established by this Law and shall select the bidders who meet the requirements. yekun təklifinə əsasən müəyyən edilmiş ehtimal olunan miqdarlar üzrə qiymətləndirilmiş ən aşağı qiymət təkliflərini və ya bu Qanunun 33.11-ci maddəsinə uyğun olaraq, o cümlədən icra yerinə görə ən səmərəli təklifləri təqdim edən təchizatçıyla və ya concludes a framework agreement with suppliers 3 (three) working days before the expiration of the validity period of the offers. The concluded framework agreement is valid for one budget year and does not create an obligation for the procuring entity to place an order. *51.3. The procurement commission shall purchase the subject of procurement in the second stage, as the need arises, using one of the following methods:* 51.3.1. by selecting the supplier tələb olunan miqdarlar üzrə with which the framework agreement has been concluded, ~~ilkin təklifinə~~ çərçivə sazişində müəyyən edilmiş və satınalma predmetinin həcminə görə bir vahidinin qiymətinə tətbiq edilən güzəşt nəzərə alınmaqla qiymətlərə based on the lowest price offer or the most efficient offer in accordance with Article 33.11 of this Law; 51.3.2. by sending a request for proposals, birdən artıq təchizatçı ilə çərçivə sazişi bağlandıqda selecting	on the initial offer of suppliers with whom the framework agreement has been concluded; 51.3.2. by sending a request for proposals, selecting the supplier that submitted the lowest price offer based on the final offer of suppliers with whom a framework agreement has been concluded, or the supplier that submitted the most efficient offer in accordance with Article 33.11 of this Law. 51.7. The requirements of Articles 38.1 - 38.5 and 38.8 - 38.10 of this Law shall not apply to cases of application of a framework agreement. 52.1.6. maximum amount of the framework agreement;	in accordance with the procedure established by this Law and shall conclude a framework agreement with the supplier or suppliers who submitted the lowest price proposals evaluated for the estimated quantities determined based on the final proposal that meets the requirements or the most efficient proposals in accordance with Article 33.11 of this Law, including the place of execution, no later than 3 (three) business days before the expiration of the validity period of the proposals. The concluded framework agreement shall be valid for one budget year and shall not create an obligation for the procuring entity to place an order. *51.3. The procurement commission shall purchase the subject of procurement in the second stage, as the need arises, using one of the following methods:* 51.3.1. by selecting the supplier that submits the lowest price offer or the most efficient offer in accordance with Article 33.11 of this Law, based on the prices determined in the framework agreement of suppliers with whom a framework agreement has been concluded for the required quantities and taking into account the discount applied to the price of one unit of the subject of procurement according to the volume; 51.3.2. when a framework agreement is concluded with more than one supplier, by sending a request for proposals, and selecting the supplier that submitted the lowest price offer

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			the supplier that submitted the lowest price offer based on the final offer of suppliers with whom a framework agreement has been concluded, or the supplier that submitted the most efficient offer in accordance with Article 33.11 of this Law ., o cümlədən icra yerinə görə 51.7. 35.1.7-ci, 34.3.6-cı (satınalma predmeti üzrə mal və ya xidmətlər siyahısının 90 (doxsan) faizindən az olmamaq şərtilə), The requirements of Articles 38.1 - 38.5 and 38.8 - 38.10 of this Law shall not apply to cases of application of a framework agreement. 52.1.6. maximum amount of the framework agreement (nəzərdə tutulan satınalma predmeti üçün ayrılan büdcə);		based on the final offer of the suppliers with whom the framework agreement has been concluded, or the most efficient offer in accordance with Article 33.11 of this Law, including the place of execution. 51.7. The requirements of Articles 35.1.7, 34.3.6 (provided that not less than 90 (ninety) percent of the list of goods or services on the subject of procurement), 38.1 - 38.5 and 38.8 - 38.10 of this Law do not apply to cases of application of a framework agreement. 52.1.6. maximum amount of the framework agreement (budget allocated for the intended procurement);
9.	**Improvement** *(sustainable purchasing)* There are no sustainable-green procurement mechanisms in public procurement legislation and relevant regulatory legal acts, which in turn leads to a negative opinion in international reports.	Such requirements should be included in legislation.	33.11. When evaluating a proposal as the most efficient proposal pursuant to Article 33.8.2 of this Law, the procurement commission shall only consider the operation, maintenance and repair costs of the procurement subject, the terms of their delivery (delivery or display), and their functional characteristics., dayanıqlı və (və ya) yaşıl satınalma predmetinin xüsusiyyətlərini and takes into account the warranty conditions.	33.11. When evaluating a proposal as the most efficient proposal pursuant to Article 33.8.2 of this Law, the procurement commission shall take into account only the costs of operation, maintenance and repair of the procurement subject, the terms of their shipment (delivery or delivery), functional characteristics and warranty conditions.	33.11. When evaluating a proposal as the most efficient proposal pursuant to Article 33.8.2 of this Law, the procurement commission shall take into account only the costs of operation, maintenance and repair of the procurement object, the terms of their shipment (delivery or display), functional characteristics, characteristics of the sustainable and (or) green procurement object, and warranty conditions.
10.	**Improvement** *(bid evaluation)* In the current situation, since it is the discretion	In case of inconsistency or deficiency in the information provided by the	33.2. In order to facilitate the evaluation of compliance documents and proposals, the procurement commission uyğunluq göstəriciləri barədə verdiyi qeyri-dəqiq və	33.2. In order to facilitate the evaluation of compliance documents and proposals, the procurement commission may request an explanation from the supplier	33.2. In order to facilitate the evaluation of compliance documents and proposals, the procurement commission shall request an explanation and/or document

TST
TENDER SATINALMA TƏŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	of the procuring entity to request missing documents from the supplier, the procuring entity can find reasons to reject the lowest bids. On the other hand, when the procuring entity wants to make the lowest bid the winner, there are documents that the procuring entity cannot request even if it wanted to, and the fault is placed on the procuring entity, saying that the procuring entity did not allow the procuring entity to make the lowest bid the winner. Even if there are 20 bids in a procurement, and even if they are rejected because they are too high, the purchaser must evaluate all bids and make a note in the final protocol on whether they meet the general and specific requirements, which in turn unnecessarily prolongs the evaluation process.	lowest or most efficient offer regarding general and specific requirements, a minimum of 3 working days should be given for submission. In all cases, an explanation should be requested from a supplier who is to be declared the winner and whose price is 20% lower than the estimated price. If a supplier is excluded from the procurement due to any of the circumstances specified in the law for exclusion, other aspects of the supplier's proposal should not be evaluated.	natamam məlumat, o cümlədən təchizatçılara dair ümumi və xüsusi tələblərlə bağlı aşkar edilmiş uyğunsuzluqlar və çatışmazlıqların aradan qaldırılması məqsədilə ən aşağı qiymət təklifini və ya ən səmərəli təklifi təqdim etmiş shall request from the supplier an explanation of the compliance documents or proposals submitted by the supplier və (və ya) sənəd tələb edir.~~tələb edə bilər~~. Ən aşağı və ya ən səmərəli təklif təqdim edən təchizatçının təklifi ehtimal olunan qiymətlə müqayisədə 20 faizdən aşağı olduqda ondan təklifinə dair izahat və təsdiqedici sənədlər və ya məlumatlar tələb edilir.The supplier shall submit such explanation və ya sənədito the procuring entity within 5 (five) working days. 33.3. The procurement commission, taking into account the requirements of Article 33 of this Law, considers a proposal that meets the requirements specified in the set of conditions to be a proposal that complies with the formal requirements. Ən səmərəli təklifin qiymətləndirilməsi halı istisna olmaqla ən aşağı təklif təqdim etmiş ilk üçlükdə olan təchizatçıların təklifi formal tələblərə uyğun hesab edilməsə növbəti təkliflər formal tələblərə uyğun hesab edilənədək sırası ilə qiymətləndirilir. 33.4. The procurement commission shall consider the proposal to be compliant with the formal requirements if it contains minor technical errors or deficiencies that	regarding the compliance documents or proposals submitted by it. The supplier shall submit such explanation to the procuring entity within 5 (five) working days. 33.3. The procurement commission, taking into account the requirements of Article 33 of this Law, considers a proposal that meets the requirements specified in the set of conditions to be a proposal that complies with the formal requirements. 33.4. If the proposal contains minor technical errors or deficiencies that do not change its essence, do not significantly impair the characteristics, conditions and other requirements specified in the set of conditions, and can be eliminated, those errors or deficiencies are quantified and the procurement commission considers the proposal to be in compliance with the formal requirements. 34.9. When the procurement is carried out through the portal, the proposals are sent electronically to the procurement commission via the portal in real time, in accordance with the sequence of price proposals, immediately after the expiration of the period specified for their submission. The commission evaluates the proposals during the validity period of the proposals, makes a final decision and, taking into account the requirements of Article 34.8 of this Law, submits a notification of acceptance of the	regarding the compliance documents or proposals submitted by the supplier who submitted the lowest price offer or the most efficient offer in order to eliminate inaccurate and incomplete information provided by the supplier on the compliance indicators, as well as any discrepancies and deficiencies found in relation to the general and specific requirements for suppliers. If the offer of the supplier who submitted the lowest or most efficient offer is less than 20 percent compared to the estimated price, an explanation and supporting documents or information regarding the offer shall be requested from the supplier. The supplier shall submit such explanation or document to the procuring entity within 5 (five) working days. 33.3. The procurement commission, taking into account the requirements of Article 33 of this Law, shall consider the offer that meets the requirements specified in the set of conditions as a formal offer. Except for the case of evaluation of the most efficient offer, if the offer of the suppliers in the first three who submitted the lowest offer is not considered to be in compliance with the formal requirements, the subsequent offers shall be evaluated in order until they are considered to be in compliance with the formal requirements. 33.4. The procurement commission shall consider the proposal to be compliant with the formal

TENDER SATINALMA EHİZATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	Conducting an evaluation of a supplier ranked 10+, whose probability of winning is generally close to 0, causes additional time loss	If the scoring criterion is not applied, only the lowest 3 bids should be evaluated. If there is a deviation from the top 3 suppliers during the evaluation, then the evaluation of suppliers should continue in order until there are suitable bids in the top 3.	do not change its essence, do not significantly impair the characteristics, conditions and other requirements specified in the set of conditions, ~~, həmin səhvlər və ya çatışmazlıqlar kəmiyyətcə ifadə olunur~~and can be eliminated. are sent to the procurement commission , satınalma kağız daşıyıcıda keçirildikdə satınalma komissiyasının iştirakı ilə açılırelectronically through the portal in real time immediately açılaraq after sıthe expiration of the period specified for their submission ~~qiymət təklifinin ardıcıllığına uyğun olaraq~~ .Satınalma k~~K~~ bu Qanunun 31.2-ci, 37.1-ci və 38.1-ci maddələrin tələblərini nəzərə almaqla evaluates the proposals during the validity period of the proposals, makes a final decision and ~~bu Qanunun 34.8-ci maddəsinin tələbləri nəzərə alınmaqla~~ submits a notification of acceptance of the proposal on behalf of the procuring entity in accordance with Articles 15.4 and 38 of this Law. 35.3. təklifin qiymətləndirilməsi zamanı bu Qanunun 35.1-ci maddəsində müəyyən edilən hallardan hər hansı biri aşkarlandıqda təchizatçının təklifinin digər komponentəri qiymətləndirilmir	proposal on behalf of the procuring entity in accordance with Articles 15.4 and 38 of this Law.	requirements if it contains minor technical errors or deficiencies that do not change its essence, do not significantly impair the characteristics, conditions and other requirements specified in the set of conditions, and can be eliminated. 34.9. When the procurement is carried out through the portal, the proposals are opened electronically in real time through the portal immediately after the expiration of the period specified for their submission and sent to the procurement commission, when the procurement is carried out on paper, they are opened with the participation of the procurement commission. The procurement commission evaluates the proposals during the validity period of the proposals, taking into account the requirements of Articles 31.2, 37.1 and 38.1 of this Law, makes a final decision and submits a notification on the acceptance of the proposal on behalf of the procuring organization in accordance with Articles 15.4 and 38 of this Law. 35.3. If any of the circumstances specified in Article 35.1 of this Law is detected during the evaluation of the proposal, other components of the supplier's proposal shall not be evaluated.
11.	**Improvement** *(probable price)*	Proposals that are above the estimated price but not the	35.1.7. if the price of the offer submitted by the supplier həmin satınalma predmeti üçün nəzərdə	35.1.7. if the price of the offer submitted by the supplier is higher than the estimated price;	35.1.7. if the price of the offer submitted by the supplier is higher than the budget envisaged for that procurement subject;

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	The estimated price is often lower than the budgeted amount, but all bids should be rejected if they are even 1 cent higher. However, if the buyer saves money in one competition and can actually sign a contract for a higher amount than the estimated amount in another competition, the competition should be canceled. On the other hand, Probability is mainly used to calculate competition methods, announcement deadlines, bid evaluation, including determining 20% lower bids. For single-source procurement, this is of no importance and becomes an unnecessary procedure that creates formality. Displaying the probability openly on the portal encourages suppliers to price around that probability. Because buyers can	budget should be rejected. When purchasing from a single source, it is likely that the price will not be calculated and the plan will not be posted on the portal. The amount is likely to be hidden again. The buyer should be given freedom in calculating the likely price, Introduce the concept of unbalanced supply The estimated amount should not be considered as a budget, and the tender should not be cancelled if the lowest bid is higher than the estimated amount and the purchasing	tutulmuş büdcədən~~ehtimal olunan qiymətdən~~is high; 35.1.8. if the price of the offer submitted by the supplier və ya balanslaşdırılmamış (təklif məbləğinin ən az 20 faizini təşkil edən mallar, işlər və ya xidmətlər üçün ehtimal olunan qiymətdən ən az 20 faiz yuxarı, digər mallar, işlər və xidmətlər üçün ehtimal olunan qiymətdən 20 faiz və daha aşağı qiymətin verilməsi) is 20 percent lower than the estimated price, and if, upon request of the procurement commission, reasonable doubts remain regarding the execution of the procurement contract after analyzing the explanations and information submitted by the supplier; except for single-source procurement) without the estimated price being approved by the procuring entity .~~üzrə ehtimal olunan qiymətin hesablanması mümkün olmadığı hallar~~	35.1.8. if the price of the offer submitted by the supplier is 20 percent lower than the estimated price, and if, upon request of the procurement commission, reasonable doubts remain regarding the execution of the procurement contract after analyzing the explanations and information submitted by the supplier; 19.1. The procuring entity shall calculate and approve the estimated price when preparing the procurement plan. Procurement shall not commence until the procuring entity has approved the estimated price (except in cases where it is not possible to calculate the estimated price under the single-source procurement method).	35.1.8. if the price of the offer submitted by the supplier is 20 percent lower than the estimated price or unbalanced (for goods, works or services constituting at least 20 percent of the offer amount, at least 20 percent higher than the estimated price, and for other goods, works and services, at least 20 percent or lower than the estimated price), if, upon request of the procurement commission, reasonable doubts remain regarding the execution of the procurement contract after analyzing the explanations and information provided by the supplier; 19.1. The procuring entity shall calculate and approve the estimated price when preparing the procurement plan. Procurement may not commence (except for single-source procurement) without the estimated price being approved by the procuring entity.

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	exclude them if they offer a bid 20% lower than that amount. Therefore, "smart suppliers" try to offer a bid 19.9% lower than the probability, even if it is possible. Probability is mainly used to calculate competition methods, announcement deadlines, bid evaluation, including determining 20% lower bids. For single-source procurement, this is of no importance and becomes an unnecessary procedure that creates formality. In some cases, if the offer is not lower than 20%, the prices of certain goods and services are sharply lower or higher, which creates difficulties in implementing the contract in accordance with the requirements, and the required goods and services are not provided.	organization has the funds. When purchasing from a single source, it is likely that the price will not be calculated and the plan will not be posted on the portal.			
12.	**Improvement** *(compromising correction)*	The discount rates in the NC decision should be revised, 7%	33.13. When evaluating the proposals, the procurement commission ehtimal olunan qiyməti 500 000 manata qədər olan applies a	33.13. When evaluating proposals, the procurement commission shall apply a procurement discount of up to 20 percent in favor of proposals for	33.13. When evaluating the proposals, the procurement commission applies a procurement discount of 15% for goods of local

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	The percentages of the preferential adjustment do not coincide with the approach used in international practice, especially for construction, which leads to suppliers receiving special consideration winning with significant differences in amounts, even though the goods provided by suppliers are local, which contradicts the purpose of the concession.	for works and 15% for goods should be applied. A discount should be removed for services. At the same time, the upper limit for the discount should be determined. The methodology for determining the locality of work should be revised	volume procurement discount in favor of the proposal ~~20 faizə qədər~~7%of 15%, ehtimal olunan qiyməti 10 000 000 manata qədər olan yerli işlər üzrə local origin . The applied procurement discount is recorded in the final protocol. The procurement discount ~~satınalma predmeti~~ mallar also applies to goods carried out in the territory of the Republic of Azerbaijan at any stage of the production process determined by the body (institution) designated by the relevant executive authority in order to stimulate investments in the production of non-oil products.	procurement of local origin. The applied procurement discount shall be recorded in the final protocol. The procurement discount shall also apply to goods carried out in the territory of the Republic of Azerbaijan at any stage of the production process determined by the body (institution) designated by the relevant executive authority in order to stimulate investments in the production of non-oil products.	origin with an estimated price of up to 500,000 manats, and 7% in favor of proposals for local works with an estimated price of up to 10,000,000 manats. The applied procurement discount is recorded in the final protocol. The procurement discount also applies to goods carried out in the territory of the Republic of Azerbaijan at any stage of the production process determined by the body (institution) designated by the relevant executive authority in order to stimulate investments in the production of non-oil products.
13.	**Improvement** *(single source procurement categories)* The existing categories, especially "urgency", are not consistent with those used in international practice. For this reason, international reports criticize and give negative opinions about the law.	Single-source procurement categories should be aligned with UNCITRAL requirements, requiring approval from the supervisory authority for only 1 category, but allowing the purchaser who wishes to do so to submit an open request and accept alternative proposals	49.1. In the following cases, the procuring entity may apply the single-source procurement method in accordance with Article 44.4 of this Law: 49.1.1. if the subject of the procurement is available only to a specific supplier or if a specific supplier has exclusive rights over that subject of the procurement and there is no substitute or alternative for the subject of the procurement; ~~49.1.2. satınalma predmetinə təcili tələbat yarandıqda:~~ 49.1.2 ~~.2~~. satınalan təşkilatdan birbaşa asılı olmayan və satınalan təşkilat tərəfindən əvvəlcədən proqnozlaşdırılması mümkün olmayan hadisələr nəticəsində yaranmış fövqəladə təcili ehtiyac səbəbilə kotirovka sorğusu və ya açıq tender metodunun istifadə edilməsi belə metodlarına tətbiqinə tələb	49.1. In the following cases, the procuring entity may apply the single-source procurement method in accordance with Article 44.4 of this Law: 49.1.1. if the subject of the procurement is available only to a specific supplier or if a specific supplier has exclusive rights over that subject of the procurement and there is no substitute or alternative for the subject of the procurement; 49.1.2. in case of urgent need for the subject of procurement: 49.1.2.2. for the purpose of urgently preventing direct damage to people's lives and health in the event of natural disasters, technological accidents, epidemics and other emergencies; 49.1.3. if the procuring entity, after purchasing the subject of procurement from any supplier,	49.1. In the following cases, the procuring entity may apply the single-source procurement method in accordance with Article 44.4 of this Law: 49.1.1. if the subject of the procurement is available only to a specific supplier or if a specific supplier has exclusive rights over that subject of the procurement and there is no substitute or alternative for the subject of the procurement; 49.1.2. if the use of a request for quotation or open tender method is not considered appropriate in view of the time required for its application due to an extraordinary urgent need arising from events not directly dependent on the procuring entity and not foreseeable by the procuring entity; 49.1.3. the procuring entity concludes that the goods or services should be

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			olunan vaxt baxımından məqsədəuyğun hesab edilmədikdətəbii fəlakətlər, texnoloji qəzalar, epidemiyalar baş verdikdə və fövqəladə xarakter daşıyan digər hallarda bilavasitə insanların həyat və sağlamlığına vurulan ziyanın qarşısının təcili alınması məqsədilə; 49.1.3. if the procuring entity, ehtiyaclarını ödəmək üçün ilkin satınalmanın effektivliyini, ilkin satınalma ilə əlaqədar təklif olunan satınalmanın məhdud ölçüsünü, qiymətin ağlabatanlığını və sözügedən mal və ya xidmətlərə alternativlərin uyğunsuzluğunu nəzərə alaraq after purchasing satınalma predmetinimal və ya xidmətifrom a supplier, satınalma predmetini mal və ya xidməti concludes that it should purchase from that supplier based on standardization considerations or in terms of the need to ensure compliance with the existing procurement subject, as well as if the planned procurement is a continuation of the previous procurement subject in terms of technology or copyright; 49.1.4. satınalma predmeti kəşfiyyat və əks-kəşfiyyat fəaliyyətini təmin edən tələbata aid olduqdadövlətin əsas təhlükəsizlik maraqlarını qorumaq məqsədilə digər metodların tətbiqi məqsədəuyğun hesab edilmədikdə. 49.1.5 2.1. tələbatın təcili olmasına gətirib çıxarmış halları qabaqcadan görmək qeyri-mümkün olarsa və ya	concludes that the subject of procurement should be purchased from that supplier based on standardization considerations or in terms of the need to ensure compliance with the existing subject of procurement, as well as if the planned procurement is a continuation of the previous subject of procurement in terms of technology or copyright; 49.1.4. when the subject of the procurement relates to the need to ensure intelligence and counterintelligence activities. 49.1.2.1. if it was impossible to foresee the circumstances that led to the urgency of the need or if these circumstances were not the result of deliberate anticipation by the procuring entity;	purchased from a supplier based on standardization considerations or in view of the need to ensure compliance with the existing subject matter of the procurement, as well as when the planned procurement is a continuation of the previous subject matter of the procurement in terms of technology or copyright, after purchasing goods or services from a supplier, taking into account the effectiveness of the initial procurement to meet its needs, the limited size of the proposed procurement in connection with the initial procurement, the reasonableness of the price and the inadequacy of alternatives to the goods or services in question; 49.1.4. when the application of other methods is not considered appropriate for the purpose of protecting the essential security interests of the state. 49.1.5 Subject to prior information and adequate opportunity for public comment, procurement from a specific supplier may only be carried out after approval by the supervisory authority when it is deemed necessary for the implementation of the state's socio-economic policy and when the promotion of that policy is not possible through any other supplier.

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~bu hallar satınalan təşkilatın bilərəkdən gözləməsinin nəticəsi olmadıqda;~~ İctimaiyyətə əvvəlcədən məlumat verilməsi və rəy bildirilməsi üçün yetərli imkan yaradılması şərti ilə, nəzarət orqanının təsdiqindən sonra, yalnız konkret bir təchizatçıdan satınalma aparılması, dövlətin sosial-iqtisadi siyasətinin həyata keçirilməsi üçün zəruri hesab edildikdə və həmin siyasətin təşviqi digər heç bir təchizatçı vasitəsilə mümkün olmadıqda.		
14.	**Improvement** *(scope of application of the law)* Since the scope of the law does not fully exclude cases not related to the subject of the procurement, the number of single-source applications increases, which in turn reduces flexibility.	The list of exceptions should be brought into line with international practice.	goods, works or services provided exclusively by a state body (institution) or natural monopoly entities and ~~dövlət~~ müvafiq icra hakimiyyəti orqanının müəyyən etdiyi orqan (qurum) whose prices (tariffs) are regulated (determined);və ya müvafiq icra hakimiyyəti orqanının müəyyən etdiyi orqanla (qurumla) razılaşdırılmaqla 3.2.8. Commercial legal entities, the composition of the supervisory board (board of directors) of which is approved by the body (organization) determined by the relevant executive body or in agreement with the body (organization) determined by the relevant executive body, onların təsisçisi və iştirakçısı (iştirak payına uyğun) olduğu hüquqi şəxslər və müəssisələr tərəfindən funds of the state budget of the Republic of Azerbaijan and the budget of the Nakhchivan Autonomous Republic, including funds of targeted budget funds, budget loans, subsidies, loans received with state guarantees, state	3.2.1. goods, works or services provided only by a state body (institution) or natural monopoly entities and the prices (tariffs) of which are regulated (determined) by the state;3.2.8. commercial legal entities, the composition of the supervisory board (board of directors) of which is approved by the body (institution) determined by the relevant executive body or in agreement with the body (institution) determined by the relevant executive body, funds of the state budget of the Republic of Azerbaijan and the budget of the Nakhchivan Autonomous Republic, including funds of targeted budget funds, budget loans, subsidies, loans received with a state guarantee, state grants, assistance, funds of extra-budgetary state funds, goods, works or services purchased at the expense of other financial resources, taking into account the requirements of Article 3.11 of this Law, goods, works	3.2.1. goods, works or services provided only by a state body (institution) or natural monopoly entities and the prices (tariffs) of which are regulated (determined) by the body (institution) determined by the relevant executive authority or by agreement with the body (institution) determined by the relevant executive authority; 3.2.8. the composition of the supervisory board (board of directors) is approved by the body (organization) determined by the relevant executive body or in agreement with the body (organization) determined by the relevant executive body, and the legal entities and enterprises in which they are founders and participants (in accordance with the participation share) receive goods, works or services purchased at the expense of other financial resources, excluding funds from the state budget of the Republic of Azerbaijan and the budget of the Nakhchivan

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			grants, assistance, funds of extra-budgetary state funds, goods, works or services purchased at the expense of other financial resources(bu maddədə nəzərdə tutulan kommersiya hüquqi şəxsləri tərəfindən bu Qanunu tətbiq etmək hüququnu məhdudlaşdırmır); 3.2.9.~~bu Qanunun 3.11-ci maddəsinin tələbləri nəzərə alınmaqla,~~ Goods, works or services purchased for defense or state security needs. 3.2.10. Beynəlxalq, xarici və ya yerli təşkilatlara üzvlük və ya abunə haqqının ödənilməsi xidmətləri; 3.2.11. Açıq mənbələrdə qiymətləri müəyyən olunan yerli və ya xarici tədbirlərə iştirak haqqının ödənilməsi xidmətləri; 3.2.12. Açıq mənbələrdə qiymətləri müəyyən olunan xidmətlərin göstərilməsi və ya malların alınması ilə bağlı xarici saytlara onlayn ödənişlərin edilməsi; 3.2.13. Beynəlxalq sərnişin daşımaları və mehmanxana, o cümlədən ezamiyyə ilə bağlı xidmətlər; 3.2.14. Redaksiyalar ilə bağlanmış müqavilə əsasında qəzet və jurnallara abunə haqların ödənilməsi ilə bağlı xidmətlər; 3.2.15. torpağın, mövcud binaların və ya digər daşınmaz əmlakın və ya onlarla bağlı hüquqların əldə edilməsi və ya icarəyə verilməsi xidmətləri, 3.2.16. sığorta və təkrar sığorta xidmətləri, 3.2.17. audiovizual media xidmətləri və ya radio media xidmətləri üçün	or services purchased for defense or state security needs.	Autonomous Republic, including funds from targeted budget funds, budget loans, subsidies, loans received with state guarantees, state grants, assistance, funds from extra-budgetary state funds (this does not limit the right of commercial legal entities to apply this Law as provided for in this article); 3.2.9. Goods, works or services purchased for defense or state security needs. 3.2.10. Services for payment of membership or subscription fees to international, foreign or local organizations; 3.2.11. Services for payment of participation fees for local or foreign events, the prices of which are determined in open sources; 3.2.12. Making online payments to external sites for the provision of services or the purchase of goods, the prices of which are determined in open sources; 3.2.13. International passenger transportation and hotel services, including business travel services; 3.2.14. Services related to payment of subscription fees to newspapers and magazines based on contracts concluded with editorial offices; 3.2.15. services for the acquisition or lease of land, existing buildings or other immovable property or rights related thereto, 3.2.16. insurance and reinsurance services, 3.2.17. the acquisition, development, production or co-production of

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			nəzərdə tutulmuş proqram materialının əldə edilməsi, inkişafı, istehsalı və ya birgə istehsalı, audiovizual və ya radio media xidməti təminatçıları tərəfindən seçilən və ya audiovizual və ya radio mediaya verilən yayım vaxtı və ya proqram təminatı üçün xidmət təminatçıları ilə olan müqavilələr, 3.2.18. xarici qonaqları qarşılanma və yerləşdirmə xidmətləri; 3.2.19. həmkarlar ittifaqının satınalmaları; 3.2.20. "İnvestisiya fəaliyyəti haqqında" Azərbaycan Respublikası Qanunun tələblərinə uyğun olaraq zəmanətli alış mexanizmi çərçivəsində alınan mallar; 3.2.21. bankçılıq, xəzinə, o cümlədən poçt pul köçürmələri xidmətləri; 3.2.22. əmək müqaviləsinin bağlanması; 3.2.23. müştərinin vəkil tərəfindən hüquqi təmsil olunması, bununla bağlı hüquqi yardım, arbitraj və mediasiya/uzlaşma xidmətləri; 3.2.24. fiziki çatdırılma və (və ya) anbarlama ilə əlaqədar digər qeyri-poçt funksiyalarını əhatə edən logistika, daşıma xidmətləri; 3.2.25.		programme material intended for audiovisual media services or radio media services, contracts with service providers for broadcasting time or programme content selected by audiovisual or radio media service providers or granted to audiovisual or radio media, 3.2.18. services for welcoming and accommodating foreign guests; 3.2.19. trade union procurement; 3.2.20. Goods purchased within the framework of the guaranteed purchase mechanism in accordance with the requirements of the Law of the Republic of Azerbaijan "On Investment Activities"; 3.2.21. banking, treasury, including postal money transfer services; 3.2.22. conclusion of an employment contract; 3.2.23. legal representation of the client by a lawyer, related legal assistance, arbitration and mediation/conciliation services; 3.2.24. logistics, transportation services involving other non-postal functions related to physical delivery and (or) warehousing; 3.2.25. ....
15.	**Improvement** *(conflict of interest)* It is impractical to identify conflicts of interest under current legislation, and in some cases, these situations	Conflict of interest requirements should be simplified and put into an enforceable form	11.1.17-1. **satınalan təşkilatın vəzifəli şəxsi** – satınalan təşkilatın rəhbəri, müşahidə şurasının rəhbəri, üzvü və (və ya) iştirakçısı, satınalma prosedurlarına məsul olan və ya təsiri olan struktur bölməsinin rəhbəri satınalma qərarlarına təsir edə bilən hərəkətlər edən digər şəxslər;	6.1.3. one of the suppliers is a member and (or) participant of the management body of the other, or the same person is a member and (or) participant of the management body of at least two of the suppliers; 6.1.4. if, in accordance with Article 49-1 of the Civil Code of the Republic	11.1.17-1. **official of the procuring organization** – the head of the procuring organization, the head, member and (or) participant of the supervisory board, the head of a structural unit responsible for procurement procedures or having influence, other persons who take

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	cannot be detected because the requirements are not specifically defined.		1.1.26-1. **təchizatçının vəzifəli şəxsi** – təchizatçı qismində çıxış edən fiziki şəxs və ya hüquqi şəxsin təsisçisi, icra orqanının, o cümlədən direktorlar şurasının (müşahidə şurasının) rəhbəri, üzvü və (və ya) iştirakçısı, struktur bölməsinin (filial, nümayəndəlik, idarə və s.) rəhbəri, habelə yalnız hüquqi əhəmiyyət kəsb edən, yəni başqa şəxslər üçün hüquq münasibətlərinin əmələ gəlməsi, dəyişməsi və ya xitam olunması ilə nəticələnən və ya nəticələnə bilən hərəkətlər edən digər şəxslər; 6.1.3. if ~~təchizatçılardan biri digərinin idarəetmə orqanının üzvü və (və ya) iştirakçısı olduqda, yaxud~~ the suppliers are ~~azı ikisinin idarəetmə orqanının üzvü və (və ya) iştirakçısı~~ vəzifəli şəxsləri the same ~~şəxs~~; 6.1.4. supplier in procurementnın ~~qismində çıxış edən fiziki şəxs və ya hüquqi şəxsin Azərbaycan Respublikasının Mülki Məcəlləsinin 49-1-ci maddəsinə əsasən aidiyyətivəzifəli~~if the individual is related to the head of the procuring organization (spouses, parents, children, adoptive parents, adopted persons, grandparents, grandchildren, natural (step) sisters and brothers, children of sisters and brothers, husbands of sisters, wives of brothers, sisters and brothers of parents, parents, sisters and brothers of spouses).	of Azerbaijan, a natural person or legal entity acting as a supplier in a procurement is related to the head of the procuring organization (spouses, parents, children, adoptive parents, adopted persons, grandparents, grandchildren, natural (step) sisters and brothers, children of sisters and brothers, husbands of sisters, wives of brothers, sisters and brothers of parents, parents, sisters and brothers of spouses). 6.2. The following persons may not be members of the procurement commission, representatives of the procuring organization, external consultants, or performers of other duties related to procurement, including the preparation of procurement documents, during procurement: 6.2.1. the natural person acting as a supplier or the head of the executive body of a legal entity, another employee or representative of the supplier, as well as relatives of the natural person acting as a supplier or the head of the executive body of a legal entity, a relevant person or representative of the supplier in accordance with Article 49-1 of the Civil Code of the Republic of Azerbaijan (spouses, parents, children, adoptive parents, adopted persons, grandparents, grandchildren, natural (step) sisters and brothers, children of sisters and brothers, husbands of sisters, wives of brothers, sisters and brothers of	actions that may influence procurement decisions; 1.1.26-1. **supplier's official** – an individual acting as a supplier or a founder of a legal entity, the head of the executive body, including the board of directors (supervisory board), a member and (or) participant, the head of a structural unit (branch, representative office, department, etc.), as well as other persons who perform actions that are of legal significance only, that is, result or may result in the formation, change or termination of legal relations for other persons ; 6.1.3. if the officials of the suppliers are the same; 6.1.4. in the case of a relationship between the supplier's official and the head of the procuring organization (spouses, parents, children, adoptive parents, adopted persons, grandparents, grandchildren, natural (step) sisters and brothers, children of sisters and brothers, husbands of sisters, wives of brothers, sisters and brothers of parents, parents, sisters and brothers of spouses). 6.2. The following persons may not be members of the procurement commission, external consultants or performers of other duties related to procurement, including the preparation of procurement documents:

TST
TENDER SATINALMA ŞİRKƏTİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			6.2. The following persons may not be members of the procurement commission, ~~satınalan təşkilatın nümayəndəsi,~~ external consultants or performers of other duties related to procurement, including the preparation of procurement documents: 6.2.1. ~~təchizatçı qismində çıxış edən fiziki şəxs və ya hüquqi şəxsin icra orqanının rəhbəri, təchizatçının digər işçisi və ya nümayəndəsi, habelə təchizatçı qismində çıxış edən fiziki şəxsin və ya hüquqi şəxsin icra orqanının rəhbərinin, Azərbaycan Respublikasının Mülki Məcəlləsinin 49-1-ci maddəsinə əsasən~~ the supplier's ~~aidiyyəti~~ vəzifəli personal ~~nin~~or ~~nümayəndəsinin~~ təchizatçının vəzifəli şəxsinin relatives (spouses, parents, children, adoptive parents, adopted persons, grandparents, grandchildren, natural (step) sisters and brothers, children of sisters and brothers, husbands of sisters, wives of brothers, sisters and brothers of parents, parents, sisters and brothers of spouses), as well as persons who have a founding and (or) legal and financial dependence relationship with the supplier; 6.2.2. satınalmaya dair elanın verilməsindən (dəvətin göndərilməsindən)~~keçirilən satınalmadan~~Persons who have been an official of the supplier participating in the procurement within the previous 3 (three) years .~~işçisi və ya~~	parents, parents, sisters and brothers of spouses), as well as persons who have a founding and (or) legal and financial dependence relationship with the supplier; 6.2.2. Persons who have been employees or officials of the supplier participating in the procurement within the 3 (three) years preceding the procurement.	6.2.1. the supplier's official or relatives of the supplier's official (spouses, parents, children, adoptive parents, adopted persons, grandparents, grandchildren, natural (step) sisters and brothers, children of sisters and brothers, husbands of sisters, wives of brothers, sisters and brothers of parents, parents, sisters and brothers of spouses), as well as persons who have a founding and (or) legal and financial dependence relationship with the supplier; 6.2.2. Persons who have been an official of the supplier participating in the procurement within 3 (three) years prior to the issuance of the procurement announcement (sending of the invitation).

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
16.	**Improvement** *(planning)* The requirements in the current legislation regarding procurement planning are disproportionate to the importance and risk of that stage, and are too complex. This often causes more harm than good, making the application of the law difficult.	Simplify the section on the procurement plan in the law, benefit from UNCITRAL experience	Article 18.~~Satınalmaların planlaşdırılması~~Gələcək mümkün satınalmalar barədə məlumat *(maddə yeni redaksiyada verilsin)* 18.1. Satınalan təşkilatlar qarşıdakı aylar və illər üzrə planlaşdırılan satınalma fəaliyyətləri barədə məlumat dərc edə bilərlər. 18.2. Satınalan təşkilatlar mümkün gələcək satınalmalarla bağlı qabaqcadan bildiriş də dərc edə bilərlər. 18. ~~11~~3. In accordance with Article 18 of this Law, posting a procurement plan on the portal does not mean issuing an announcement (sending an invitation) to solicit proposals, does not impose an obligation on the procuring entity to solicit proposals, and does not grant any rights to suppliers in this regard. (planlama istinadlar bütün digər maddələrdən çıxarılsın)	Article 18. Procurement planning 18.11. In accordance with Article 18 of this Law, posting a procurement plan on the portal does not constitute an announcement (invitation) to solicit proposals, does not impose an obligation on the procuring entity to solicit proposals, and does not grant any rights to suppliers in this regard.	Article 18. Information on possible future purchases *(the article should be reworded)* 18.1. Procuring entities may publish information on planned procurement activities for the coming months and years. 18.2. Procuring entities may also publish a prior notice regarding possible future procurements. 18.3. In accordance with Article 18 of this Law, posting a procurement plan on the portal does not constitute an announcement (invitation) to solicit proposals, does not impose an obligation on the procuring entity to solicit proposals, and does not grant any rights to suppliers in this regard. (planning references should be removed from all other articles)
17.	**Improvement** *(change to the contract)* The law virtually prohibits changes to contracts due to abuse, which creates serious difficulties in practice and encourages procuring organizations to resort to informal methods.	Allow changes to the contract by defining frameworks in line with international practice, but consider it mandatory to add information about changes to the contract to the portal in order to monitor	Article 42. Amendment to the purchase agreement 42.1. After the purchase agreement enters into force aşağıdakı bütün şərtlər yerinə yetirildiyi halda satınalma proseduru keçirilmədən dəyişdirilə bilər 42.1.1.~~,~~ satınalan təşkilatın proqnozlaşdıra bilməyəcəyi, o cümlədən Cases provided for in Article 422 of the Civil Code of the Republic of Azerbaijan~~istisna olmaqla, müqavilənin şərtlərinin dəyişdirilməsinə yol verilmir.~~	Article 42. Amendment to the purchase agreement 42.1. After the purchase contract enters into force, the terms of the contract shall not be changed, except for the cases provided for in Article 422 of the Civil Code of the Republic of Azerbaijan. In accordance with Article 42 of this Law, written applications made by the parties to each other regarding the change of the terms of the purchase contract shall be considered within 10 (ten) business days.	Article 42. Amendment to the purchase agreement 42.1. After the purchase agreement enters into force, it may be amended without conducting a procurement procedure if all of the following conditions are met: 42.1.1. Circumstances that the procuring organization cannot predict, including those provided for in Article 422 of the Civil Code of the Republic of Azerbaijan 42.1.2. without changing the general essence of the contract

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
		such cases and prevent abuse.	42.1.2. müqavilənin ümumi mahiyyətini dəyişdirmədən 42.1.3. ilkin müqavilə məbləğinin 50 (əlli) faizini keçmədən: 42.1.4. müqavilədə nəzərdə tutulmayan, lakin əvvəlki təchizatçı tərəfindən görülməsi zəruri olmuş əlavə mallar, işlər və xidmətlər və ya təchizatlar meydana çıxmışsa və təchizatçının dəyişdirilməsi iqtisadi və texniki səbəblərdən, habelə dəyişdirilmə əlavə təkrar xərclərə səbəb olarsa 42.1.5. əhəmiyyətli dəyişiklik hesab olunmazsa 42.2. Aşağıdakı hallar əhəmiyyətli dəyişiklik hesab edilir: 42.2.1. İlkin bağlanmış müqavilədən mahiyyətcə fərqli xarakter alırsa Dəyişiklik elə şərtləri təqdim edir ki, əgər həmin şərtlər ilkin satınalma proseduruna daxil edilsəydi, ilkin olaraq seçilmiş namizədlərdən fərqli namizədlərin qəbuluna, yaxud ilkin olaraq qəbul olunmuş təklifdən fərqli bir təklifin seçilməsinə imkan yaradardı və ya satınalma prosedurunda əlavə iştirakçıların cəlb edilməsinə səbəb olardı; 42.2.2. Dəyişiklik müqavilənin iqtisadi balansını təchizatçının xeyrinə dəyişdirir və bu, ilkin müqavilədə nəzərdə tutulmayıb; 42.2.3. Dəyişiklik müqavilənin əhatə dairəsini əhəmiyyətli dərəcədə genişləndirir; 42.2.4. Təchizatçı dəyişdirilirsə	42.2. The procedure for assessing the impact of the circumstances provided for in Article 422 of the Civil Code of the Republic of Azerbaijan on the procurement contract shall be determined by the body (institution) designated by the relevant executive authority.	42.1.3. not exceeding 50 (fifty) percent of the initial contract amount: 42.1.4. if additional goods, works and services or supplies not provided for in the contract but which were necessary to be provided by the previous supplier have arisen and the change of supplier is necessary for economic and technical reasons, as well as if the change causes additional recurring costs 42.1.5. if it is not considered a significant change 42.2. The following cases are considered significant changes: 42.2.1. If it takes on a substantially different character from the initial contract The amendment introduces conditions that, if included in the initial procurement procedure, would have allowed for the acceptance of candidates other than those initially selected, or for the selection of a bid different from the bid initially accepted, or would have led to the involvement of additional participants in the procurement procedure; 42.2.2. The amendment changes the economic balance of the contract in favor of the supplier and this was not provided for in the original contract; 42.2.3. The amendment significantly expands the scope of the contract; 42.2.4. If the supplier is changed 42.3. In accordance with Article 42 of this Law, written applications made by the parties to each other regarding

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			42.3.In accordance with Article 42 of this Law, written applications made by the parties to each other regarding changes to the terms of the procurement contract shall be considered within 10 (ten) business days. 42.4. Satınalma müqaviləsinin, o cümlədən subpodrat müqaviləsinin məbləğində və (və ya) icra müddətində dəyişiklik, o cümlədən xitam barədə qərar qüvvəyə mindikdən sonra 10 (on) iş günü ərzində portalda məlumat yerləşdirilir. 42. ~~24~~The procedure for assessing the impact of the circumstances provided for in Article 422 of the Civil Code of the Republic of Azerbaijan on the procurement contract shall be determined by the body (institution) designated by the relevant executive authority.		changes to the terms of the procurement contract shall be considered within 10 (ten) business days. 42.4. Information on changes in the amount and (or) execution period of the procurement contract, including subcontracts, including termination, shall be posted on the portal within 10 (ten) business days after the decision to terminate the contract enters into force. 42.4. The procedure for assessing the impact of the circumstances provided for in Article 422 of the Civil Code of the Republic of Azerbaijan on the procurement contract shall be determined by the body (institution) designated by the relevant executive authority.
18.	**Improvement** *(unreliable supplier)* Although cases of inclusion in the register of unreliable suppliers are identified, cases in which a warning can be issued are not provided for, which in some cases leads to very severe punishment of the supplier.	Cases where a warning is given to the supplier should also be considered.	16.4. Depending on the severity of the violation and whether the supplier has previously committed such a violation, ona xəbərdarlıq verilməsi halları və ya the period of its stay in the register of unreliable suppliers shall be determined in accordance with the procedure provided for in Article 14.2.8 of this Law. The period of stay of suppliers in the register of unreliable suppliers shall not exceed 3 (three) years, and during this period suppliers birbaşa, müvəqqəti və ya daimi birliyin üzvü olaraq shall not be allowed to participate in procurements., habelə qalib təchizatçı elan edilməsinə və ya subpodrat müqavilə bağlanmasına	16.4. Depending on the severity of the violation and whether the supplier has previously committed such a violation, the period of its stay in the register of unreliable suppliers shall be determined in accordance with the procedure provided for in Article 14.2.8 of this Law. The period of stay of suppliers in the register of unreliable suppliers shall not exceed 3 (three) years, and during this period suppliers shall not be allowed to participate in procurements.	16.4. Depending on the severity of the violation and whether the supplier has previously committed such a violation, the circumstances in which it is given a warning or the period of its stay in the register of unreliable suppliers shall be determined in accordance with the procedure provided for in Article 14.2.8 of this Law. The period of stay of suppliers in the register of unreliable suppliers shall not exceed 3 (three) years, and during this period, suppliers shall not be allowed to participate in procurements directly, as a member of a temporary or permanent association, as well as to be declared

TST
TENDER SATINALMA TƏŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
					a winning supplier or to conclude a subcontract.
19.	**Improvement** *(participation of non-residents)* The participation of non-residents in the tenders is limited, and only companies that have opened a branch office in Azerbaijan can submit proposals. This, in turn, leads to negative reviews in international reports, as well as dissatisfaction due to the limited participation of suppliers from friendly countries. Non-residents cannot provide any of the references specified in the general requirements, especially if their applications from one source do not include these documents, but their applications are considered positively.	A separate registration page can be created for the participation of non-residents and the necessary information can be requested. In the next stage, based on that information, the supplier can either pass the verification in the system and be automatically registered, or an organization can be authorized to conduct and approve the verification. In the initial stage, after receiving the registration information of companies from unfriendly countries, a "you have not been	23.5.1. the requirements specified in Article 23.3 of this Law shall apply qeyri-rezidentlərə münasibətdə bu Qanunun 23.3.5-ci maddəsi və qalib təchizatçının satınalan təşkilat olduğu hallar istisna olmaqla to all methods of procurement; 23.9. Suppliers who are non-resident legal entities or individuals shall obtain Qanunun 23.3.5-ci maddəsinin tələbləri istisna olmaqla their compliance documents ~~Azərbaycan Respublikasında əldə edə bilmədiyi hallarda, həmin sənədləri~~ from the country of registration and submit them by legalizing them or by issuing them with an apostille in accordance with the procedure established by law.	23.5.1. the requirements specified in Article 23.3 of this Law shall apply to all methods of procurement; 23.9. In cases where suppliers who are non-resident legal entities or individuals cannot obtain compliance documents in the Republic of Azerbaijan, they shall obtain these documents from the country of their registration and submit them by legalizing them in accordance with the procedure established by law or by issuing an apostille.	23.5.1. the requirements specified in Article 23.3 of this Law - for all methods of procurement, except for Article 23.3.5 of this Law in relation to non-residents and cases where the winning supplier is the procuring entity; 23.9. Suppliers who are non-resident legal entities or individuals shall obtain compliance documents from the country of their registration, except for the requirements of Article 23.3.5 of the Law, and submit them by legalizing them or by issuing an apostille in accordance with the procedure established by law.

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
		registered" message may be displayed after 1 day, while others may be automatically approved, or this function may be activated after changes are made to the legislation and these powers are transferred to an official body. These references should not be required from non-residents (if this is eliminated, there will be no problem with integration)			
20.	**Improvement** *(centralized purchasing)* Since purchasing organizations cannot conduct procurement for subordinate organizations, and due to the lack of a central purchasing	Procuring entities should be given the authority to conduct procurement for their subordinate institutions. A central procurement	(geniş mövzudur, bu mərhələdə icrası real deyil)		(this is a broad topic, implementation is not realistic at this stage)

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	organization, when the most purchased goods and services in the country are carried out by small purchasing organizations, there are many discrepancies (cancellations increase) due to the lack of specialists, and when there are small amounts, suppliers are not interested, and competition opportunities are low.	authority should be established and a list of goods and services it should purchase should be determined. The application of the framework agreement should be considered mandatory for procurements conducted by that institution.			
21.	**Improvement** *(other)* There are both inconsistencies and difficulties in practical application in the requirements set out in the NK regulations regarding financial and experience indicators.	Prepare a draft amendment to the decision (prepared)			
22.	**Improvement** *(ensuring repeat participation)* Since participation fees in procurements canceled by the decision of the supervisory authority are not refunded, there is dissatisfaction among suppliers and	When the supervisory authority also cancels the procurement, suppliers participating in the canceled procurement can participate in the next procurement	28.5. The participation fee shall not be refunded under any circumstances, except for the paid usage fee and cases where the purchase does not take place in accordance with Article 36.1.1 of this Law. Article 36.1.1 of this Law, In the event that a procurement is canceled in accordance with ~~və~~ Article lərs~~~~36.1.6 və 36.1.7-ci , if a re-procurement is conducted for the same procurement subject as	28.5. Except for the paid usage fee and cases where the procurement does not take place in accordance with Article 36.1.1 of this Law, the participation fee shall not be refunded under any circumstances. In the event that the procurement is canceled in accordance with Articles 36.1.1 and 36.1.6 of this Law, if a re-procurement is held for the same procurement subject as provided for in the procurement plan, the	28.5. Except for the paid usage fee and cases where the procurement does not take place in accordance with Article 36.1.1 of this Law, the participation fee shall not be refunded under any circumstances. In the event that the procurement is canceled in accordance with Articles 36.1.1, 36.1.6 and 36.1.7 of this Law, if a re-procurement is held for the same procurement subject as provided for in the procurement plan,

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	resistance to the cancellation.	without having to pay again.	provided for in the procurement plan, the suppliers who paid the participation fee shall be ensured participation in the procurement without re-payment. In the event that a procurement is canceled in accordance with Article 36.1.1 of this Law and a re-procurement is not conducted for the same procurement subject, the participation fee shall be refunded upon the application of the suppliers. (reasons for cancellation)36.1.6. müsabiqə satınalma prosedurlarının pozulması ilə keçirildikdə.	suppliers who paid the participation fee shall be ensured participation in the procurement without re-payment. In the event that the procurement is canceled in accordance with Article 36.1.1 of this Law and a re-procurement is not held for the same procurement subject, the participation fee shall be refunded upon the application of the suppliers. (reasons for cancellation)	the suppliers who paid the participation fee shall be ensured participation in the procurement without re-payment. In the event that the procurement is canceled in accordance with Article 36.1.1 of this Law and a re-procurement is not held for the same procurement subject, the participation fee shall be refunded upon the application of the suppliers. (reasons for cancellation) 36.1.6. when the competition was held in violation of procurement procedures.
23.	**Improvement** *(extension of offers)* Even if no one submits a bid in the competition, the buyer cannot extend the bid opening period himself, and the competition is canceled (in practice, even if it is extended, it is not canceled, but it is illegal).	The procurement commission should be able to extend the deadline for submitting proposals until the deadline expires (currently there is no deadline), including on its own initiative if it sees that a sufficient number has not been provided.	27.2. The procurement commission may, taking into account the requirements of Article 10.4 of this Law, make changes (except for changing the subject of procurement) to the set of documents on compliance or the set of conditions at the request of any supplier or on its own initiative in case of technical errors or deficiencies, up to 3 (three) working days before the expiration of the period for submission of compliance documents or proposals, taking into account the requirements of Article 10.4 of this Law , uyğunluq sənədlərinin və ya təkliflərin təqdim edilməsi müddəti bitənədək uyğunluğa dair sənədlər toplusuna və ya şərtlər toplusunun digər şərtlərinə dəyişiklik etmədən təkliflərin təqdim edilməsi müddətini uzada, uyğunluq sənədlərinin və ya təkliflərin təqdim edilməsi müddəti bitdikdən sonra bu Qanunun 31.2-ci maddəsinin tələbləri	27.2. The procurement commission may, taking into account the requirements of Article 10.4 of this Law, make changes (except for changing the subject of procurement) to the set of documents on compliance or the set of conditions at the request of any supplier or on its own initiative in case of technical errors or deficiencies, up to 3 (three) working days before the expiration of the period for submission of compliance documents or proposals, taking into account the requirements of Article 10.4 of this Law. The changes are sent to all suppliers through the portal and are binding on all suppliers.	27.2. The procurement commission may, taking into account the requirements of Article 10.4 of this Law, make changes (except for changing the subject of procurement) to the set of documents on compliance or the set of conditions at the request of any supplier or upon detection of technical errors or deficiencies, up to 3 (three) business days before the expiration of the period for submission of compliance documents or proposals, on its own initiative, without changing the set of documents on compliance or other conditions of the set of conditions, until the expiration of the period for submission of compliance documents or proposals, extend the period for submission of proposals without changing the set of documents on compliance or other conditions of the set of conditions, and after the expiration of the period for

TENDER SATINALMA TƏŞKİLİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			nəzərə alınmaqla təkliflərin qüvvədə olma müddətinin uzada . The changes are sent to all suppliers through the portal and are binding on all suppliers.		submission of compliance documents or proposals, taking into account the requirements of Article 31.2 of this Law, extend the period of validity of proposals, taking into account the requirements of Article 31.2 of this Law. The changes are sent to all suppliers through the portal and are binding on all suppliers.
24.	**Improvement** *(keeping suppliers confidential until opening on the portal)* When procuring entities see suppliers submitting bids, they are asked to intervene and withdraw their bids before the opening.	The law should stipulate that information about participants must be kept confidential until bids are opened (already implemented on the portal)	8.2. When the procurement is carried out on paper, the procuring entity shall consider the submitted proposals only after their opening and shall protect the completeness, integrity and confidentiality of these proposals until that time.Satınalma portal vasitəsilə keçirildikdə təkliflər açılanadək şərtlər toplusunu əldə etmiş və təklif təqdim etmiş təchizatçılar barədə məlumat gizli saxlanılır	8.2. When the procurement is carried out on paper, the procuring entity shall consider the submitted proposals only after their opening and shall protect the completeness, integrity and confidentiality of these proposals until that time.	8.2. When the procurement is carried out on paper, the procuring entity shall consider the submitted proposals only after their opening and shall maintain the completeness, integrity and confidentiality of these proposals until that time. When the procurement is carried out through the portal, information about the suppliers who have obtained the set of conditions and submitted a proposal shall be kept confidential until the proposals are opened.
25.	**Improvement** *(purchase report)* Much of the information required to prepare a procurement report is contained in the final protocol, and re-preparing this information complicates the procurement procedure.	The information included in the final protocol should be removed from the report.	40.1. The procuring entity shall prepare a report on each procurement. The report shall contain the following information on the procurement procedures: 40.1.1. ~~adı, miqdarı, həcmi və~~ a brief description of the subject of procurement; ~~40.1.2. təklifləri təqdim etmiş təchizatçıların uyğunluq göstəriciləri~~; ~~40.1.3. ehtimal olunan qiymət və onun müəyyənləşdirilməsinin əsası;~~ 40.1.4. ~~təchizatçılar satınalmadan kənarlaşdırıldıqda və ya~~ if the procurement is canceled, the reasons justifying it; 40.1.5. If procurement methods other than open tender, two-stage tender	40.1. The procuring entity shall prepare a report on each procurement. The report shall contain the following information on the procurement procedures: 40.1.1. name, quantity, volume and brief description of the procurement subject; 40.1.2. the eligibility criteria of suppliers who submitted proposals; 40.1.3. the estimated price and the basis for its determination; 40.1.4. if suppliers are excluded from the procurement or the procurement is canceled, the reasons justifying this; 40.1.5. If procurement methods other than open tender, two-stage tender	40.1. The procuring entity shall prepare a report on each procurement. The report shall contain the following information on the procurement procedures: 40.1.1. a brief description of the subject of procurement; ; 40.1.4. if the procurement is canceled, the reasons justifying it; 40.1.5. If procurement methods other than open tender, two-stage tender and request for quotation are applied, the reasons justifying this and the consent obtained from the supervisory authority; 40.1.9. when information is disclosed, taking into account the requirements

TENDER SATINALMA TEXHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			and request for quotation are applied, the reasons justifying this and the consent obtained from the supervisory authority; ~~40.1.6. çərçivə sazişi tətbiq edildikdə, bunu əsaslandıran səbəblər, çərçivə sazişi bağlanan təchizatçıların adları və ünvanları, habelə nəzarət orqanından alınmış razılıq;~~ ~~40.1.7. uyğunluğa dair sənədlər toplusunun və ya şərtlər toplusunun izahı barədə istənilən sorğunun, həmçinin belə sorğulara cavabların, eləcə də bu sənədlərdəki hər hansı dəyişikliyin xülasəsi;~~ ~~40.1.8. bu Qanunun 33.10-cu maddəsinə əsasən qəbul edilmiş qərarın əsaslandırılması;~~ 40.1.9. when information is disclosed, taking into account the requirements of Article 8.1 of this Law, the circumstances that led to this; ~~40.1.10. məxfi məlumatlarla əlaqəli satınalma keçirildikdə, bu Qanunun 8.3-cü maddəsinə əsasən təchizatçılar və onların subpodratçıları qarşısında qoyulmuş tələblər;~~ ~~40.1.11. elan yerləşdirilməsi (dəvət göndərilməsi) barədə məlumat.~~	and request for quotation are applied, the reasons justifying this and the consent obtained from the supervisory authority; 40.1.6. if a framework agreement is applied, the reasons justifying it, the names and addresses of the suppliers with whom the framework agreement is concluded, as well as the consent received from the supervisory authority; 40.1.7. a summary of any requests for clarification of the compliance documentation or set of conditions, as well as responses to such requests, as well as any changes to these documents; 40.1.8. justification of the decision adopted pursuant to Article 33.10 of this Law; 40.1.9. when information is disclosed, taking into account the requirements of Article 8.1 of this Law, the circumstances that led to this; 40.1.10. requirements imposed on suppliers and their subcontractors pursuant to Article 8.3 of this Law when conducting procurement involving confidential information; 40.1.11. Information on the announcement (sending of invitation).	of Article 8.1 of this Law, the circumstances that led to this;
26.	Improvement *(contract signing sequence)* Currently, the buyer provides the winning supplier with the contract without signing	The order of signing the contract should be restored to the old law, with the buyer signing first and	1.1.8. performance security – işlər üzrə a security provided by the winning supplier in the form of a guarantee, insurance coverage, letter of credit, deposits and other financial assets for the obligations assumed by the contracting authority for the	1.1.8. performance security – a security provided by the winning supplier in the form of a guarantee, insurance coverage, letter of credit, deposits and other financial assets for the obligations assumed by the contracting authority for the	1.1.8. performance security – a security provided by the winning supplier in the form of a guarantee, insurance coverage, letter of credit, deposits and other financial assets for the obligations assumed by the contracting authority for the

TST
TENDER SATINALMA TƏŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	it, and the supplier must sign the contract and submit the performance guarantee within 5 working days (if more than 30 thousand). However, in practice, suppliers cannot obtain the performance guarantee unless there is a bilateral unsigned contract or they can obtain it after the contract is signed, in which case they violate the 5 working day requirement	then giving it to the supplier.	performance of the procurement contract; 38.2. The winning supplier shall sign the purchase agreement within 5 (five) business days and ~~bu Qanuna əsasən tələb olunan icra təminatını~~ submit it to the procuring entity. The procuring entity shall sign the purchase agreement within the period specified in the set of terms and conditions, but no later than 10 (ten) business days. 38.3. Satınalma müqaviləsi satınalan təşkilat tərəfindən imzalandıqdan sonra qalib təchizatçı satınalan təşkilata 10 (on) iş günü ərzində Qanunun 38.4-ci maddəsi nəzərə alınmaqla tələb olunduğu halda icra təminatını təqdim edir. The amount of the performance security shall be determined at 10 percent (5 percent for micro and small business entities) of the total amount of the procurement contract. The validity period of the performance security shall exceed the period of performance of the procurement contract (including the warranty period, if required) by 30 (thirty) business days.	performance of the procurement contract; 38.2. The winning supplier shall sign the procurement contract within 5 (five) business days and provide the procuring entity with the performance security required under this Law . The procuring entity shall sign the procurement contract within the period specified in the set of conditions, but no later than 10 (ten) business days. 38.3. The amount of the performance security shall be determined at 10 percent (5 percent for micro and small business entities) of the total amount of the procurement contract. The validity period of the performance security shall exceed the period of performance of the procurement contract (including the warranty period, if required) by 30 (thirty) business days.	performance of the works procurement contract; 38.2. The winning supplier shall sign the purchase agreement within 5 (five) business days and submit it to the procuring entity. The procuring entity shall sign the purchase agreement within the period specified in the set of terms and conditions, but no later than 10 (ten) business days. 38.3. After the procurement contract is signed by the procuring entity, the winning supplier shall submit to the procuring entity, within 10 (ten) business days, a performance security, if required, taking into account Article 38.4 of the Law. The amount of the performance security shall be determined at the rate of 10 percent (5 percent for micro and small business entities) of the total amount of the procurement contract. The validity period of the performance security shall exceed the period of performance of the procurement contract (including the warranty period, if required) by 30 (thirty) business days.
27.	**Improvement** *(contract)* A standard form of contract is required for all purchases, but in single-source purchases, especially in cases where there is a seller's market (where	The application of a model contract for single-source methods should be voluntary.	38.15. The standard form of the procurement contract for the subject of procurement shall be determined by the body (institution) designated by the relevant executive authority.Bir mənbədən satınalma metodunun tətbiqi zamanı satınalma predmeti üzrə satınalma müqaviləsinin nümunəvi formasından istifadə edilməyə bilər.	38.15. The standard form of the procurement contract for the subject of procurement shall be determined by the body (institution) designated by the relevant executive authority.	38.15. The standard form of the procurement contract for the subject of procurement shall be determined by the body (institution) designated by the relevant executive authority. When applying the single-source procurement method, the standard form of the procurement contract for the subject of procurement may not be used.

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	the seller is dominant), a contract dictated by the seller must be signed, in which case the requirement of the law is violated.				
28.	**Improvement** *(tracking contract payments)* Even if the procurement procedures are carried out ideally and the winner is selected, it is impossible to monitor what is happening at the most important stage and intervene in time if necessary, problems can only be detected by the Chamber of Accounts or the Financial Control Service after a long period of time has passed. The reason for many complaints is that the complaining suppliers rightly doubt whether the winning supplier is providing the goods and services they offered (because the price is too low). When buyers accept goods of lower quality at this stage, or accept and then refuse to accept, it is not	Create a legal opportunity for real-time monitoring of contracts concluded through public procurement procedures (payments, invoices, contract amendments and handovers), and make it mandatory to transfer or enter information about this into the portal	39.5. If payments under the purchase agreement (including advance payment) are not made within the period specified in the purchase agreement, a penalty fee in the amount specified in the purchase agreement shall be calculated for each day of delay.Dövlət büdcəsindən maliyyələşən satınalan təşkilatlar tərəfindən ödənişlərin edilməsi barədə məlumatlar müvafiq icra hakimiyyəti orqanının müəyyən etdiyi orqan (qurum) tərəfindən portala ötürülür. Dövlət büdcəsindən maliyyələşməyən təşkilatlar tərəfindən ödəniş edildiyi tarixdən sonrakı 10 (on) iş günü ərzində ödənişin tarixi və məbləği barədə portala daxil edilir.	39.5. If payments under the purchase agreement (including advance payment) are not made within the period specified in the purchase agreement, a penalty fee in the amount specified in the purchase agreement shall be calculated for each day of delay.	39.5. If payments under the procurement contract (including advance payment) are not made within the period specified in the procurement contract, a penalty fee in the amount specified in the procurement contract shall be calculated for each day of delay. Information on payments made by procuring organizations financed from the state budget shall be transmitted to the portal by the body (institution) determined by the relevant executive authority. Information on the date and amount of payment made by organizations not financed from the state budget shall be entered into the portal within 10 (ten) business days after the date of payment.

TST
TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	possible to detect this in time.				
29.	**Improvement** *(commercial legal entities)* The complete exclusion of commercial legal entities from the scope of application of the law, as provided for in Article 3.2.8, and the lack of transparent mechanisms for regulating the procurement of such organizations, leads to a negative opinion in international reports, and at the same time weakens state and public control over the activities of such organizations.	All procurements by such organizations that are not considered confidential due to their commercial activities should be announced on the portal, opened on the portal, and information about the winning supplier should be required to be posted on the portal.	shall be approved , onların təsisçisi və iştirakçısı (iştirak payına uyğun) olduğu hüquqi şəxslər və müəssisələrby the body (organization) determined by the relevant executive authority or in agreement with the body (organization) determined by the relevant executive authority , goods, works or services purchased at the expense of other financial resources, excluding funds from the state budget of the Republic of Azerbaijan and the budget of the Nakhchivan Autonomous Republic, including funds from special-purpose budget funds, budget loans, subsidies, loans received with state guarantees, state grants, assistance, funds from extra-budgetary state funds; 3.10. The procedure for the purchase of goods, works or services by commercial legal entities, as provided for in Article 3.2.8 of this Law, in accordance with that Article, shall be approved by their supervisory boards (boards of directors) for commercial legal entities transferred to the management of a body (institution) determined by the relevant executive authority, and by the supervisory boards (boards of directors) of those commercial legal entities in agreement with the body (institution) determined by the relevant executive authority for other commercial legal entities. Bu Qanunun 3.2.8-ci	3.2.8. the composition of the supervisory board (board of directors) shall be approved by the body (organization) determined by the relevant executive authority or in agreement with the body (organization) determined by the relevant executive authority, goods, works or services purchased at the expense of other financial resources, excluding funds from the state budget of the Republic of Azerbaijan and the budget of the Nakhchivan Autonomous Republic, including funds from special-purpose budget funds, budget loans, subsidies, loans received with state guarantees, state grants, assistance, funds from extra-budgetary state funds; 3.10. The procedure for the purchase of goods, works or services by commercial legal entities, as provided for in Article 3.2.8 of this Law, in accordance with that Article, shall be approved by their supervisory boards (boards of directors) for commercial legal entities transferred to the management of a body (institution) determined by the relevant executive authority, and by the supervisory boards (boards of directors) of those commercial legal entities in agreement with the body (institution) determined by the relevant executive authority for other commercial legal entities.	3.2.8. the composition of the supervisory board (board of directors) is approved by the body (institution) determined by the relevant executive body or by agreement with the body (institution) determined by the relevant executive body , by legal entities and enterprises whose founders and participants (in accordance with the participation share) are the funds of the state budget of the Republic of Azerbaijan and the budget of the Nakhchivan Autonomous Republic, including funds of targeted budget funds, budget loans, subsidies, loans received with state guarantees, state grants, assistance, goods, works or services purchased at the expense of other financial resources, excluding funds of extra-budgetary state funds; 3.10. The procedure for the purchase of goods, works or services by commercial legal entities, as provided for in Article 3.2.8 of this Law, in accordance with that Article, shall be approved by their supervisory boards (boards of directors) for commercial legal entities transferred to the management of a body (institution) determined by the relevant executive authority, and by the supervisory boards (boards of directors) of those commercial legal entities in agreement with the body (institution) determined by the relevant executive authority for other commercial legal

TENDER SATINALMA BYRHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			maddəsi həmin maddədə nəzərdə tutulan kommersiya hüquqi şəxsləri tərəfindən bu Qanunu tətbiq etmək hüququnu məhdudlaşdırmır. 15.7. Commercial legal entities referred to in Article 3.2.8 of this Law shall be registered kommersiya fəaliyyətinə ziyan gətirməyən at least26.1-ci maddəsinin, elan müddətlərinə münasibətdə 26.8-ci maddəsinin tələbləri nəzərə alınmaqla satınalma elanlarının verilməsini, təkliflərin qəbul edilməsini və açılmasını portal vasitəsilə həyata keçirərək, qalib təchizatçı barədə bu Qanunun 38.11-ci maddəsində müəyyən edilən məlumatları müqavilə bağlandıqdan sonra 15 (on beş) iş günü ərzində portalda yerləşdirir~~14.2.7-ci, 18-ci, 38.11-ci, 15.2-ci, 24.2-ci və 26.1-ci maddələrində müəyyən edilən məlumatları və elanları özlərinin rəsmi internet səhifəsində yerləşdirməlidirlər.~~ ~~26.8. Satınalan təşkilatın tələbatını nəzərə almaqla elanın verilməsi~~ (dəvətin dərc edilməsi) ilə satınalmanın keçirilməsi arasında müddət təchizatçılar tərəfindən satınalmaya hazırlığın görülməsi və təkliflərin təqdim edilməsi üçün kifayət etməlidir.	must post at least the information and announcements specified in Articles 14.2.7, 18, 38.11, 15.2, 24.2 and 26.1 of this Law on their official website.	entities. Article 3.2.8 of this Law does not limit the right to apply this Law by commercial legal entities referred to in that article. 15.7. Commercial legal entities referred to in Article 3.2.8 of this Law shall, taking into account at least the requirements of Article 26.1 of this Law and Article 26.8 regarding the announcement periods, place the information on the winning supplier specified in Article 38.11 of this Law on the portal within 15 (fifteen) business days after the conclusion of the contract, by issuing procurement announcements, accepting and opening proposals through the portal. 26.8. Taking into account the needs of the procuring entity, the period between the issuance of the announcement (publication of the invitation) and the conduct of the procurement shall be sufficient for suppliers to prepare for the procurement and submit proposals.
30.	**Improvement** *(item and supplier requirements)*	References should not be required for real estate and vehicles; the	22.3. The description of the subject of procurement daha əvvəl satın alınmış malın ehtiyat hissəsinə və ya sərfiyyat mallarına dari tələbin qeyd edilməsi halı istisna olmaqla shall not	shall not contain any requirements or references to any specific trademark or name, patent, design, model, source of production or manufacturer . If it is not possible to describe the	22.3. The description of the subject of procurement shall not contain any requirements or references to any specific trademark and name, patent, design, model, source of production

TENDER SATINALMA TƏCHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	The issuance of certificates regarding real estate and vehicles cannot be electronic and it is not possible to obtain them from the relevant institutions within the stipulated time frames.	supplier's own reference should suffice.	contain any requirements or references to any specific trademark or name, patent, design, model, source of production or manufacturer. If it is not possible to describe the characteristics of the subject of procurement, the words "or equivalent" shall be used next to the specific reference . 23.5.1. the requirements specified in Article 23.3 of this Law shall apply qeyri-rezidentlərə münasibətdə bu Qanunun 23.3.5-ci maddəsi və qalib təchizatçının satınalan təşkilat olduğu hallar istisna olmaqla to all methods of procurement; 23.5.2. the requirements specified in Article 23.4.1 of this Law - for open tender, two-stage tender, closed tender and single-source procurement methods, as well as for the request for quotation method for bu Qanunun 48.2.1-ci maddəsi istisna olmaqla the procurement of works and services ; 23.5.3. the requirements specified in Article 23.4.2 of this Law – ~~açıq tender, ikimərhələli tender, qapalı tender və bir mənbədən satınalma metodlarına, habelə~~ the method larıuof ~~kotirovka sorğusu~~satınalmanın bütünprocurement of works ; 23.5.4. the requirements specified in Article 23.4.3 of this Law – satınalma komissiyasının mülahizəsinə əsasən the work və texniki imkanların olması zəruri hesab edilən xidmətlərin all methods of procurement related to procurement ;	characteristics of the subject of procurement, the words "or equivalent" shall be used next to the specific reference . 23.5.1. the requirements specified in Article 23.3 of this Law shall apply to all methods of procurement; 23.5.2. the requirements specified in Article 23.4.1 of this Law - for open tender, two-stage tender, closed tender and single-source procurement methods, as well as for the request for quotation method for the procurement of works and services ; 23.5.3. the requirements specified in Article 23.4.2 of this Law - for open tender, two-stage tender, closed tender and single-source procurement methods, as well as for the request for quotation method for the procurement of works ; 23.5.4. the requirements specified in Article 23.4.3 of this Law shall apply to all methods of procurement related to the procurement of works; 23.5.5. the requirements specified in Article 23.4.4 of this Law - for all methods of procurement related to the procurement of works and services. 23.6.3. upon request specified in Article 23.3.3 of this Law - documents issued by the body (institution) determined by the relevant executive authority in relation to real estate and means of transport;	or manufacturer, except in the case of a requirement for spare parts or consumables of a previously purchased good. If it is not possible to describe the characteristics of the subject of procurement, the words "or equivalent" should be used next to the specific reference . 23.5.1. the requirements specified in Article 23.3 of this Law - for all methods of procurement, except for Article 23.3.5 of this Law in relation to non-residents and cases where the winning supplier is the procuring entity; 23.5.2. the requirements specified in Article 23.4.1 of this Law - for open tender, two-stage tender, closed tender and single-source procurement methods, as well as for the request for quotation method for the procurement of works and services, with the exception of Article 48.2.1 of this Law ; 23.5.3. the requirements specified in Article 23.4.2 of this Law shall apply to all methods of procurement related to the procurement of works; 23.5.4. the requirements set out in Article 23.4.3 of this Law shall apply to all methods of procurement relating to the procurement of works and services for which, at the discretion of the procurement commission, technical capabilities are deemed necessary; 23.5.5. the requirements specified in Article 23.4.4 of this Law - to all methods of procurement related to

TENDER SATINALMA MƏRKƏZİ

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			23.5.5. the requirements specified in Article 23.4.4 of this Law - satınalma komissiyasının mülahizəsinə əsasən for all methods of procurement related to the procurement of works and services . ~~23.6.3. bu Qanunun 23.3.3-cü maddəsində qeyd olunan tələb üzrə - daşınmaz əmlaka və nəqliyyat vasitələrinə münasibətdə müvafiq icra hakimiyyəti orqanının müəyyən etdiyi orqanın (qurumun) verdiyi sənədlər;~~ 23.6.4. for the requirements specified in Articles 23.3.3 ~~(daşınmaz əmlaka və nəqliyyat vasitələrinə münasibətdə istisna olmaqla)~~, 23.3.8, 23.4.1, 23.4.3 and 23.4.4 of this Law - a certificate, information and supporting documents prepared by the supplier himself;	23.6.4. for the requirements specified in Articles 23.3.3 (except in relation to real estate and vehicles), 23.3.8, 23.4.1, 23.4.3 and 23.4.4 of this Law - a certificate, information and supporting documents prepared by the supplier himself;	the procurement of works and services, at the discretion of the procurement commission. 23.6.4. for the requirements specified in Articles 23.3.3, 23.3.8, 23.4.1, 23.4.3 and 23.4.4 of this Law - a certificate, information and supporting documents prepared by the supplier himself;
31.	**Improvement** *(subcontract)* The requirements in the law on subcontracting are not feasible or convenient to implement. Due to these requirements, in many cases suppliers do not provide information about their subcontractors at all. In some cases, the 50% subcontracting limit is unrealistic, forcing suppliers to	Requirements for subcontractor compliance indicators should be removed from the law To remove the 50% limit for procurement items in organization and management, as well as the requirement for	33.1. The procurement commission ~~(o cümlədən bu Qanunun 25.1.19-cu maddəsinə əsasən subpodratçının uyğunluq sənədlərini)~~ shall evaluate the compliance documents and proposals based on the criteria and procedures specified in the set of compliance documents and the set of conditions. It is prohibited to use criteria and procedures not specified in the set of compliance documents or the set of conditions. ~~25.1.19. subpodratçının cəlb edilməsinə yol verildikdə, subpodratçıya dair ona həvalə edilən işlərin (xidmətlərin) icra edilə bilinməsi üçün bu Qanunun 23.3-cü~~	33.1. The procurement commission shall evaluate the compliance documents (including the compliance documents of the subcontractor pursuant to Article 25.1.19 of this Law) and the proposals based on the criteria and procedures specified in the set of compliance documents and the set of conditions. The use of criteria and procedures not specified in the set of compliance documents or the set of conditions is prohibited. 25.1.19. If the involvement of a subcontractor is allowed, the minimum indicators determined in accordance with Articles 23.3 and 23.4 of this Law for the subcontractor	33.1. The procurement commission shall evaluate the compliance documents and proposals based on the criteria and procedures specified in the set of compliance documents and the set of conditions. It is prohibited to use criteria and procedures not specified in the set of compliance documents or the set of conditions. 29.1. The supplier shall attach to the submitted proposal the documents of compliance and the declaration of guarantee of the proposal . shall evaluate the compliance documents and proposals based on the criteria and procedures specified in the set of compliance documents

TST
TENDER SATINALMA TEXHİZAT

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
	artificially change their data.	micro, small and medium suppliers for 20% of the subcontracting volume	~~və 23.4-cü maddələrinə uyğun olaraq müəyyən edilən minimum göstəricilər;~~ attach compliance documents and bid security to the submitted bid ~~ı~~ dair bəyannaməni~~, habelə şərtlər toplusunda nəzərdə tutulduğu halda, subpodratçının müəyyən olunmuş tələblərə uyğun olması barədə sənədləri~~ . 33.1. The procurement commission ~~(o cümlədən bu Qanunun 25.1.19-cu maddəsinə əsasən subpodratçının uyğunluq sənədlərini)~~ shall evaluate the compliance documents and proposals based on the criteria and procedures specified in the set of compliance documents and the set of conditions . It is prohibited to use criteria and procedures not specified in the set of compliance documents or the set of conditions . 35.1.1. if the supplier ~~və (və ya) subpodratçı~~ does not meet the compliance indicators; 38.10. ~~Şərtlər toplusunda nəzərdə tutulmuşdursa, qalib təchizatçı işlərin görülməsi və ya xidmətlərin göstərilməsi ilə əlaqədar subpodratçılarla müqavilə imzalaya bilər. Bütün digər hallarda satınalma müqaviləsinin icrası subpodratçılara həvalə edilə bilməz.~~ Təşkilatçılıq və idarəetmə üzrə satınalma predmetləri istisna olmaqla ~~S~~sThe amount of the subcontract(s) shall not exceed 50 percent of the total value of the procurement contract.~~Satınalma müqaviləsinin icrasına subpodratçılar cəlb olunduğu halda, subpodrat müqavilələrinin ümumi məbləğinin 20~~	to be able to perform the work (services) entrusted to it; 29.1. The supplier shall attach to the submitted proposal the documents of compliance, the guarantee of the proposal, as well as, if provided for in the set of conditions, documents confirming the compliance of the subcontractor with the specified requirements. shall evaluate the compliance documents (including the compliance documents of the subcontractor pursuant to Article 25.1.19 of this Law) and the proposals based on the criteria and procedures specified in the set of compliance documents and the set of conditions . It is prohibited to use criteria and procedures not specified in the set of compliance documents or the set of conditions . 35.1.1. if the supplier and (or) subcontractor does not meet the compliance indicators; 38.10. If provided for in the set of conditions , the winning supplier may sign a contract with subcontractors for the performance of works or the provision of services. In all other cases, the execution of the procurement contract may not be entrusted to subcontractors. The amount of the subcontract(s) shall not exceed 50 percent of the total value of the procurement contract. In the event that subcontractors are involved in the execution of the procurement contract, the execution of not less than 20 percent of the total amount of the subcontracts shall	and the set of conditions . It is prohibited to use criteria and procedures not specified in the set of compliance documents or the set of conditions . 35.1.1. if the supplier does not meet the compliance indicators; 38.10. The amount of subcontract(s), except for procurement items for organization and management, shall not exceed 50 percent of the total value of the procurement contract.

TENDER SATINALMA TEŞKİLATI

S/s	Direction, topic and problem description	Proposed solution	Items to be corrected	Items to be corrected (original)	Items to be amended (amended)
			~~faizdən az olmayan hissəsinin icrası Azərbaycan Respublikasında qeydiyyatdan keçmiş mikro, kiçik və orta sahibkarlıq subyektlərinə həvalə olunmalıdır.~~	be entrusted to micro, small and medium-sized enterprises registered in the Republic of Azerbaijan .	

TST

TENDER SATINALMA TƏCHİZAT