



On approval of the Rules for Holding a Competitive Tender for the Selection of an Accreditation Body and Qualification Requirements for an Accreditation Body

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 1770 dated December 29, 2012. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 28.06.2021 No. 439.

Unofficial translation

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In accordance with subparagraph 2) of article 5 of the Law of the Republic of Kazakhstan dated July 5, 2008 “On Accreditation in the Field of Conformity Assessment”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the attached Rules for Holding a Competitive Tender for the Selection of an Accreditation Body and Qualification Requirements for an Accreditation Body shall be approved.
2. This Decree shall come into force from the day of the first official publication.

Prime Minister of the Republic of Kazakhstan

S. Akhmetov

Approved by
Decree of the Government of the
Republic of Kazakhstan
No. 1770 dated December 29, 2012

Rules for

Holding a Competitive Tender for the Selection of an Accreditation Body and Qualification Requirements for an Accreditation Body

1. General provisions

1. These Rules for Holding a Competitive Tender for the Selection of an Accreditation Body and Qualification Requirements for an Accreditation Body (hereinafter referred to as the Rules) are developed in accordance with subparagraph 2) of article 5 of the Law of the Republic of Kazakhstan dated July 5, 2008 “On Accreditation in the Field of Conformity Assessment” (hereinafter - the Law) and determine the procedure for holding a competitive tender for the selection of an accreditation body and qualification requirements for an accreditation body.

2. The main concepts used in these Rules:

1) authorized body - a state body that carries out state regulation in the field of technical regulation and ensuring the uniformity of measurements;

2) company-participant - a legal entity registered in the established manner, a resident of the Republic of Kazakhstan, who has filled out an application for participation in the tender in accordance with the requirements of these Rules, and submitted it no later than established by the information message.

3. The concepts and terms used in these Rules shall be applied in accordance with the legislation of the Republic of Kazakhstan.

2. Procedure for holding a competitive tender

4. The competitive tender for the selection of an accreditation body shall be held by a fully qualified body.

5. The authorized body shall publish an information message about the competitive tender for the selection of the accreditation body on its Internet resource, as well as in republican periodicals no later than twenty calendar days before the competitive tender.

The announcement of the competitive tender shall contain the following information:

- 1) the name and location of the authorized body;
- 2) the place and methods of obtaining detailed information;
- 3) the place and deadline for the submission of competitive offers, as well as the place, date and time of opening of envelopes with competitive offers.

6. The authorized body shall:

- 1) accept envelopes with competitive offers from participating companies;
- 2) keeps journals of registration of submitted bids and authorized representatives of participating companies that have expressed a desire to participate in the procedure for opening envelopes. The time and date of presentation by the participating company of an envelope with a competitive offer, the name, surname, patronymic of the authorized representative of the participating company (the person who submitted the envelope with the competitive offer and participating in the competition) shall be reflected in the journals.

7. The tender proposal submitted by the participating company that has expressed a desire to participate in the tender shall contain:

1) an application for participation in the tender in accordance with the appendix to these Rules;

2) list of documents confirming compliance with the qualification requirements for the participating company:

a copy of a certificate * or a certificate of state registration (re-registration) and charter of a legal entity.

Note: * certificate of state (accounting) registration (re-registration) of a legal entity (branch, representative office) issued before the Law of the Republic of Kazakhstan dated December 24, 2012 “On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on State “the registration of legal entities and the registration of branches and representative offices,” is valid until the termination of the legal entity;

documents confirming membership in international accreditation organizations;

the original certificate of the bank (s) about the absence of overdue debts for the three months preceding the date of opening the envelopes to the bank (s) (if the participating company is a client of several second-tier banks or branches, as well as a foreign bank, this certificate is submitted from each of such banks) signed by the first head or person replacing him, with the seal of the bank (s);

the original balance sheet for the last fiscal year, signed by the first manager or person replacing him, as well as the chief accountant (accountant) certified by a seal;

the original or notarized copy of the audit report for the last financial year of legal entities for which the statutory acts of the Republic of Kazakhstan established the mandatory audit;

information on the availability of qualified personnel (expert auditors for accreditation) with copies of supporting documents;

information on the staff’s experience in accreditation work.

Footnote. Paragraph 7 as amended by Decree of the Government of the Republic of Kazakhstan No. 1363 dated December 20, 2013 (shall be enforced upon expiry of ten calendar after its first official publication).

8. The tender proposal shall be submitted by the participating company in a stitched form with numbered pages and certified by the seal.

9. It shall be prohibited to make an insertion between lines, subtitles or postscripts in the tender proposal.

10. The envelope with the tender proposal shall be sent to the authorized body at the address indicated in the information message on the tender, and shall contain the words “Competitive tender of choice

accreditation body ” and “ Do not open until _____ ”.

(date and time of opening envelopes)

11. The participating company shall have the right to withdraw its tender. The notice of withdrawal shall be sent by the participating company in writing , but no later than the deadline indicated in the official information message.

12. The authorized body shall open the envelopes with applications for participation in the tender at the time, time and place specified in the tender documentation.

When opening an envelope with an application for participation in the tender, the authorized body announces information on the list of documents and materials contained in the application for participation in the tender.

The participating company that submitted the application for participation in the competitive tender and (or) its authorized representative shall be entitled to be present provided that a power of attorney is presented when opening envelopes with applications for participation in the competitive tender with the right to conduct audio recordings or video filming.

Persons present at the opening of envelopes with applications for participation in the tender shall not interfere in the activities of the authorized body.

13. Not later than one business day following the day of opening the envelopes with applications for participation in the competitive tender, the authorized body shall draw up the relevant protocol.

The protocol for opening envelopes with applications for participation in the tender shall be signed by the authorized body.

14. No later than two business days following the day of opening the envelopes with applications for participation in the tender the authorized body shall be obliged to:

1) send or submit a copy of the opening protocol of envelopes with applications for participation in the tender to participating companies or their authorized representatives who have been present during the opening procedure;

2) publish on the Internet resource of the authorized body the text of the signed protocol for opening the envelopes with applications for participation in the tender.

The information contained in the protocol for opening envelopes with applications for participation in the tender and posted on the Internet resource of the authorized body shall be available for review to all interested parties without charge.

Participating companies that have not been present during the procedure for opening envelopes with applications for participation in the competitive tender, shall receive a copy of the protocol for opening envelopes upon their written request or by their authorized representatives no later than two business days from the day the authorized body receives such a request.

15. It shall be prohibited to change the date, time and place of opening envelopes with applications for participation in the competitive tender without making these changes to the tender documentation and publications in the republican periodical printed publication.

16. The authorized body shall reject the competitive offers of participating companies in the following cases:

1) establishing the fact that the company-participant has submitted false information in its tender proposal;

2) non-compliance of the company-participant with the qualification requirements specified in paragraph 24 of these Rules;

3) the lack of documents referred to in paragraph 7 of these Rules, and (or) their submission with non-compliance with established requirements;

4) the presence in the tender proposal of inserts between the lines, subtitles or postscripts.

17. For the purposes of a detailed review, objective assessment and comparison of the submitted tender proposals, the authorized body shall request clarification on the submitted tender proposals. Clarifications on submitted competitive bids shall be provided by the participating company to the authorized body within 3 (three) business days in a stitched form with numbered pages and certified with a seal.

18. If a participating company submits tender proposals that meet the qualification requirements and contain the necessary documents that meet the established requirements, the authorized body shall determine the winner taking into account the following criteria, in the presence of which points shall be awarded:

1) the presence in the staff of qualified personnel (expert auditors for accreditation)

:

from one to ten units inclusive - one point shall be awarded;

from eleven to twenty units inclusive - two points shall be awarded;

from twenty one to thirty units inclusive - three points shall be awarded;

from thirty one units and over - four points shall be awarded;

2) staff's (accreditation expert auditors) work experience in conducting accreditation works:

from one to two years - one point shall be awarded for every five accreditation expert auditors;

more than two to three years - two points shall be awarded for every five accreditation expert auditors;

over three years - three points shall be awarded for every five expert auditors for accreditation.

19. The company-participant with the highest total score shall be recognized as the winner.

20. If two or more participating companies have the same score as the total score, the winner shall be the participating company with the highest total score in terms of experience in accreditation work with staff (accreditation expert auditors).

21. In the event of the failure to submit a single tender within the established time limits or their rejection by the authorized body, the authorized body shall, within ten working days, announce a second competitive tender in the manner established by these Rules.

22. If only one tender proposal has been submitted for participation in the competitive tender, the authorized body shall recognize as the winner the only company-participant that has submitted an application for participation in the competitive tender, in case of its compliance with the qualification requirements provided for in paragraph 24 of these Rules, and the submission of all necessary documents specified in paragraph 7 of these Rules.

23. The authorized body shall summarize the results of the tender within a period of not more than five business days from the date of opening of envelopes with tender proposals. The protocol on the results of the competitive tender shall be drawn up and signed by the authorized body. Any changes to the protocol on the results of the competitive tender shall be prohibited.

3. Qualification requirements for the participant

24. To participate in the competitive tender, the participating company must meet the following qualification requirements:

- 1) have the status of a legal entity, a resident of the Republic of Kazakhstan;
- 2) to have in the staff of expert auditors for accreditation;
- 3) be a member of international accreditation organizations;
- 4) not be in the process of bankruptcy or liquidation;

5) not have arrears exceeding three months to the bank (s), for taxes and other obligatory payments to the budget and compulsory pension contributions, compulsory professional pension contributions to the unified accumulative pension fund;

- 6) not be affiliated with the subjects of accreditation.

Footnote. Paragraph 24 as amended by Decree of the Government of the Republic of Kazakhstan No. 1363 dated December 20, 2013 (shall be enforced from 01.01.2014)

Appendix
to the Rules Holding a Competitive
Tender
for the Selection of an Accreditation Body
and
Qualification Requirements for an
Accreditation Body

To: _____

(name of an authorized body)

From: _____

(company-participant name)

Application for participation in the competitive tender

Having considered the proposal to participate in the competitive tender for the selection of a body for

accreditation _____

(company name)

hereby offers its services to act as an accreditation body

in accordance with the Law of the Republic of Kazakhstan “On Accreditation in the Field

of Conformity Assessment."This tender application consists of:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

(signature, date) (position, full name)

Stamp here