



On approval of Rules of holding a tender for selection of the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in outbound tourism

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated February 18, 2016 No. 80. Abolished by the Decree of the Government of the Republic of Kazakhstan dated September 1, 2023 No. 752

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated September 1, 2023 No. 752 (it is put into effect after ten calendar days after the date of its first official publication).

In accordance with subparagraph 10-3) of Article 10 of the Law of the Republic of Kazakhstan dated June 13, 2001 “On touristic activity in the Republic of Kazakhstan”, the Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Rules of holding a tender for selection of the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in outbound tourism.

2. This resolution shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. MASSIMOV

Approved by
Resolution No. 80
of the Government
of the Republic of Kazakhstan
dated February 18, 2016

Rules of holding a tender for selection of the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in outbound tourism

1. General Provisions

1. These Rules of holding a tender for selection of the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the

Republic of Kazakhstan in outbound tourism (hereinafter - the Rules) are developed in accordance with subparagraph 10-3) of article 10 of the Law of the Republic of Kazakhstan dated June 13, 2001 “On touristic activity in the Republic of Kazakhstan”.

2. The following basic concepts are used in the Rules:

1) authorized body - the central executive body performing public administration functions in the field of tourism;

2) administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism - a legal entity defined by the Government of the Republic of Kazakhstan, whose single type of activity is exercising functions of the administrator of the system of guaranteeing rights of the citizens of the Republic of Kazakhstan in the field of outbound tourism.

2. Order of holding a tender for selection of the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in outbound tourism

3. The tender for selection of the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in outbound tourism (hereinafter the tender) shall be held by the authorized body.

For the purpose of carrying out the tender, the authorized body shall form a commission to select the legal entity to perform functions of the administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in the field of outbound tourism (hereinafter - the commission). The composition and Regulations of the commission shall be approved by the authorized body.

4. In its activity the Commission shall be guided by the Constitution, laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, other regulatory legal acts, and also these Rules.

5. Announcement on holding of the tender shall be posted on the Internet resource of the authorized body and the republican printed periodical no later than twenty calendar days before the tender. The tender announcement shall contain the following information:

- 1) name of the authorized body and location of the commission;
- 2) methods for obtaining detailed information about the tender (contact phones, Internet resource, e-mail);
- 3) address and deadline for accepting applications for participation in the tender;
- 4) the date, time and venue of the tender;
- 5) list of documents required for participation in the tender, in accordance with paragraph 6 of the Rules;

6) requirements for the content of the competitive offer in accordance with paragraph 8 of the Rules.

6. The following documents shall be submitted for participation in the tender:

- 1) an application for participation in the tender in accordance with the form of the Appendix to the Rules;
- 2) competitive offer conforming to the requirements of paragraph 8 of the Rules;
- 3) a copy of the reference or certificate * of state registration (re-registration) of the legal entity;
- 4) a copy of the charter of the legal entity. If the legal entity works on the basis of a model charter approved in the procedure established by the legislation of the Republic of Kazakhstan, then a notarized copy of the application on state registration is required.

Note: * certificate of state (accounting) registration (re-registration) of a legal entity (branch, representative office), issued before enforcement of 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 registration of legal entities and accounting registration of branches and representative offices” is valid until the termination of the legal entity’s activity.

7. Non-compliance of the documents submitted for participation in the tender with paragraph 6 of the Rules shall be the ground for their return.

8. The competitive offer shall contain:

- 1) an indication of the legal form of the legal entity;
- 2) location of the legal entity;
- 3) information about the founder (s) of the legal entity (with a copy of a document confirming the work experience in the tourism industry; a copy of the document confirming membership in an association of legal entities in the tourism industry (if any) ;
- 4) information about the head of the legal entity (with a copy of the document confirming the experience in tour operator and / or travel agent activities; a copy of the tourist education diploma and a copy of the diploma, certificate, official certificate of passing the foreign language test (if any);
- 5) the staff list with the duties of employees (with copies of documents confirming the employees’ experience in tour operator and / or travel agent activities, as well as knowledge of foreign languages (copies of a diploma, certificate, official certificate of passing the test in a foreign language); copies of the certificate of internship with a foreign organization in the field of tourist activity (if any);
- 6) planned budget spending of the legal entity.

9. The competitive offer shall be presented in an envelope with tied together and numbered pages, and certified by the seal of the legal entity.

Corrections shall not be allowed in the text of the competitive offer.

10. It shall be allowed to withdraw the submitted application for participation in the tender before expiry of the deadline specified in subparagraph 3) of paragraph 5 of the Rules.

11. An authorized representative (proxy) of the legal entity shall be present at the opening of the envelopes with competitive offers upon presenting the letter of attorney.

12. The commission shall determine the tender winner by assigning points taking into account the following criteria:

1) information about the founder (s) of the legal entity with at least 3 years of experience in the tourism industry:

from 3 (three) to 5 (five) years - 1 point;

from 5 (five) to 7 (seven) years - 2 points;

from 7 (seven) to 10 (ten) years - 3 points;

from 10 (ten) and over years - 4 points;

an additional 1 point is scored if the founder is a member of associations of legal entities in the tourism industry of the Republic of Kazakhstan;

2) information on the experience of work as the head of the legal entity in tour operator and / or travel agent activity for at least 3 years:

from 3 (three) to 5 (five) years - 1 point;

from 5 (five) to 7 (seven) years - 2 points;

from 7 (seven) to 10 (ten) years - 3 points;

from 10 (ten) and over years - 4 points;

additional points are awarded if the head of the legal entity has a tourist education (1 point) and knowledge of a foreign language (s) (1 point);

3) presence on the staff of employees with work experience in tour operator and / or travel agent activities, with knowledge of foreign languages (1 point);

additional points are awarded in the presence on the staff of employees:

with work experience in associations of legal entities in the tourism industry of the Republic of Kazakhstan (1 point);

internships in foreign tourist organizations (1 point);

4) presence of a branch and / or representative office of a legal entity;

additional points are awarded in case of presence of a branch (branches) and / or representative office (offices):

in the cities of the Republic of Kazakhstan (1 point for each branch and / or representative office);

in the territory of foreign states (1 point for each branch and / or representative office).

13. The legal entity with the highest total score shall be recognized the winner. With equal total points for two or more legal entities, the winner shall be the legal

entity with the largest number of votes of the commission members. In the event of a tie in the vote, the commission chairman's vote shall be considered decisive.

14. Non-compliance of the content of the legal entity's competitive offer with conditions of paragraph 8 of the Rules shall be the ground for rejection of the application for participation in the tender. The legal entity shall be notified in writing of rejection of its application for participation in the tender.

15. The date of holding the tender is the first working day following the date of acceptance of applications for participation in the tender.

16. No later than 3 (three) working days following the date of holding the tender, a protocol shall be drawn up on the tender results, signed by the chairman, secretary and members of the commission.

17. Copies of the protocol on the tender results shall be sent to the bidders or their proxies no later than three working days from the date of its signing.

18. The text of the signed protocol on the tender results shall be posted on the Internet resource of the authorized body.

19. Within 10 (ten) business days the authorized body shall announce a second tender in the manner prescribed by the Rules, in the following cases:

1) absence of applications for participation in the tender or their rejection by the commission in accordance with paragraph 14 of the Rules;

2) receipt of less than two applications for participation in the tender;

3) refusal of the tender winner to perform the functions of administrator of the guarantee system for the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism.

20. The decision of the commission may be appealed in the authorized body, also in a judicial proceeding in accordance with the current legislation of the Republic of Kazakhstan.

Appendix
to Rules of holding a tender
for selection of the legal entity
to perform functions of the
administrator
of the system of guaranteeing
rights of citizens of the
of the Republic of Kazakhstan
in outbound tourism
The form

To _____
(name of the authorized body)
from _____
(name of the legal entity)

Application for participation in the tender

We request admission to the tender for selection of the legal entity to perform functions of administrator of the system of guaranteeing rights of citizens of the Republic of Kazakhstan in outbound tourism, in accordance with the Law of the Republic of Kazakhstan “On touristic activity in the Republic of Kazakhstan”.

Attached to the application are:

1. _____
2. _____
3. _____
- _____
- _____
- _____
- _____

(signature, date) (position, full name)

C/S