



On approval of the Rules for conducting an open competitive tender to determine the expert organization

Invalidated Unofficial translation

Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan of October 24, 2018 № 431. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 26, 2018 № 17780.

Unofficial translation

Footnote. Expired by order of the Minister of agriculture of the Republic of Kazakhstan dated 31.01.2020 No. 31 (effective from 06.05.2020).

In accordance with sub-item 21-2) of article 7 of the Law of the Republic of Kazakhstan dated June 21, 2007 "On Development of Cotton Industry" **I HEREBY ORDER:**

1. To approve the attached Rules for conducting an open competitive tender to determine the expert organization.

2. The Department of production and processing of plant products of the Ministry of Agriculture of the Republic of Kazakhstan in accordance with the procedure established by the legislation, shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, the direction hereof in Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) within ten working days after the state registration of this joint order, direction of a copy hereof for official publication to periodical printed media;

4) placing this order on the Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan;

5) within ten working days after the state registration of this order, reporting to the Department of Legal Services of the Ministry of Agriculture of the Republic of Kazakhstan on performance of activities, stipulated by sub-items 2) 3) and 4) of this item.

3. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Agriculture of the Republic of Kazakhstan.

4. This order shall be put into effect upon expiry of ten calendar days after the day of its first official publication.

*Deputy Prime-Minister of the
Republic of Kazakhstan –
Minister of Agriculture
of the Republic of Kazakhstan*

U. Shukeyev

"AGREED"

Ministry of National Economy
of the Republic of Kazakhstan

Approved
by the order no.431 of the of
the Deputy Prime-Minister of the
Republic of Kazakhstan –
Minister of Agriculture of the
Republic of Kazakhstan
dated October 24, 2018

Rules for conducting an open competitive tender to determine the expert organization

Chapter 1. General Provisions

1. The Rules for conducting an open competitive tender to determine the expert organization (hereinafter referred to as the Rules) have been developed in accordance with sub-item разработаны in accordance with sub-item 21-2) of article 7 Of the Law of the Republic of Kazakhstan dated July 21,2007 "On Development of Cotton Industry" (hereinafter referred to as the Law) and shall establish the procedure of conducting an open competitive tender to determine the expert organization (hereinafter referred to as the expert organization) by the authorized body.

2. These Rules shall use the following notions:

1) the expert organization – a legal entity, performing expertise of the quality of cotton-lint and issuance of the certificate of quality for cotton-lint in accordance with the requirements, established by the legislation of the Republic of Kazakhstan;

2) the potential supplier of expert organization services (hereinafter referred to as the supplier) – a legal entity participating in the open tender to determine the expert organization and applying for its determination as the expert organization;

3) the authorized body in development of cotton industry - (hereinafter referred to as the authorized body) - a central executive body determined by the Government of the Republic of Kazakhstan, which performs state regulation of the cotton industry in accordance with sub-item 15) of article 1 of the Law.

Chapter 2. The procedure for the open competitive tender to determine the expert organization

3. To determine the expert organization, the authorized body shall create a commission on selection of the expert organization (hereinafter referred to as the commission).

The commission shall consist of the chairperson, members of the commission and the secretary.

The chairperson of the commission shall be the representative of the authorized body.

The composition of the commission shall include representatives of public associations and organizations in the field of agriculture of the Republic of Kazakhstan and the authorized body. At the same time, the total number of commission members shall be at least nine. The meeting of the commission shall be valid if it is attended by at least five members of the commission.

Obligations of the secretary of the commission shall be entrusted to a specialist of the authorized body.

4. The chairperson of the commission shall:

- 1) plan the work and manage the activities of the commission;
- 2) chair at the meetings of the commission.

5. The secretary of the commission shall:

1) form the agenda of the meeting of the commission, provide the commission with necessary documents, organize the conducting of the meeting of the commission;

2) execute and sign with the members of the commission the protocol of opening the envelopes with bids of suppliers, protocol of the results of the open competitive tender to determine the expert organization;

3) ensure the preservation of documents and materials on determination of the expert organization from the time of opening the bids of suppliers;

4) within the period of fifteen calendar days before the final date of submission by the suppliers of the bids, ensure publication of the announcement on conducting the open competitive tender to determine the expert organization (hereinafter referred to as the tender) on the web-site of the authorized body.

6. The supplier shall be applied the qualification requirements in accordance with the order no.4-1/55 of the Minister of Agriculture of the Republic of Kazakhstan dated January 30, 2015 "On approval of qualification requirements applicable to the expert organization, and the list of documents, confirming the compliance by it" (registered in the Register of State Registration of Regulatory Legal Acts no.11004).

7. Acceptance of bids from the suppliers shall be made by the authorized body within fifteen calendar days from the date of publication of the announcement.

8. The package of documents submitted by the supplier for participation in the tender shall contain:

1) an application signed by the first head of the supplier for participation in the competition in form according to the Annex 1 to these Rules;

2) a notarized copy of the charter (if any) approved in accordance with the procedure established by the legislation of the Republic of Kazakhstan, except for the cases when a legal entity operates on the basis of a model charter approved in accordance with the procedure established by the legislation of the Republic of Kazakhstan (hereinafter referred to as the Model Charter);

3) extract of a single operator in the field of state property accounting from the state property register at the date of publication of the announcement of the competition;

4) certificate of state registration (re-registration) of the supplier. In case if the supplier operates on the basis of the Model Charter, then a notarized copy of the application for state registration of the supplier;

5) the original certificate of no arrears on all types of obligations of the supplier, extending for more than three months, preceding the date of issuance of the certificate, from the bank or a branch of the bank, where the supplier is serviced, signed by the authorized person and sealed (if any)(in case if the supplier is a customer of several second-tier banks or branches, as well as a foreign bank, this certificate shall be provided from each of such banks), issued not earlier than one month prior the date of opening of the envelopes;

6) information about the absence (presence) of tax arrears and arrears on mandatory pension contributions, mandatory professional pension contributions, deductions and (or) contributions to compulsory social health insurance and social deductions issued not earlier than one month preceding the date of opening of envelopes in the forms, approved by the order no. 306 of the Minister of Finance of the Republic of Kazakhstan dated February 27, 2018 "Об утверждении Правил ведения лицевых счетов" (зарегистрирован в Реестре государственной регистрации нормативных правовых актов за № 16601 On approval of the Rules for maintaining personal accounts"(registered in the Register of State Registration of Regulatory Legal Acts as no. 16601);

7) the power of attorney to the representative of the supplier, confirming the authority to sign the application for participation in the competition, except for the first head of the supplier;

8) price list of supplier services for participants in the cotton market. The price list for the services of the winner of the tender (expert organization) shall be approved by its internal document (the decision of the sole participant, the minutes of the general meeting of participants).

9. Opening of the envelopes with the proposals of suppliers submitted within fifteen calendar days from the date of publication of the announcement about conducting the tender shall be carried out by the commission.

The protocol of opening the envelopes with the bids of potential service suppliers of the expert organization in the form, according to Annex 2 to these Rules, shall be signed and initials shall be put on a per-page basis by all members of the commission present at the meeting, as well as by the commission secretary.

10. Not later than two working days after the day of the meeting of the commission , a protocol for opening envelopes with bids of suppliers shall be published on the website of the authorized body.

11. Not later than one business day from the date of opening the envelopes with the bids of suppliers, the secretary of the commission shall:

- 1) coordinate the date and time of conducting the meeting of the commission on consideration of the bids of suppliers with the chairperson of the commission;
- 2) notifies the members of the commission and suppliers about the date and time of conducting the meeting of the commission on consideration of the bids of suppliers;
- 3) submit for consideration of the commission the documents supporting compliance of the supplier with the qualification requirements specified in item 6 of these Rules.

12. The members of the commission shall ensure the preservation of the documents of the supplier during their consideration before returning them to the secretary of the commission.

13. The commission at the meeting on consideration of the bids of suppliers, which is conducted within the period of two days, shall:

- 1) consider package of documents containing the bids of suppliers in terms of completeness and proper execution;
- 2) determine the suppliers that submitted incomplete list of documents and (or) submitted the executed documents in the improper manner;
- 3) determine the suppliers that are comply with the qualification requirements, specified in item 6 of these Rules.

14. If during the period of submission of the bids, only one bid of a potential supplier has been submitted, the tender shall be recognized by the commission as invalid and the commission shall take a decision about repeated tender.

In case if the repeated tender is recognized by the commission as not having place, in connection with the fact that only one potential supplier has been admitted to participation in the tender, the commission shall take a decision about its recommendation to be determined as an expert organization.

If the tender is recognized to be valid, as the bidding applications that meet the qualification requirements and the tender documentation requirements have been

admitted to the tender, the commission shall decide to recommend the potential supplier, as determined by the expert organization, based on the lowest prices for services in accordance with the price list.

15. The meeting of the commission shall be mandatorily recorded using audio and video means. The record of the meeting of the commission using audio means shall be carried out by the authorized body.

16. On the issues under consideration, the commission shall make a decision by a majority vote of its members participating in the meeting in the amount of two thirds of the number of those present. Commission members who have been present at the commission meeting and who disagree with the decision made shall have the right to state in writing the opinion, which shall be attached to the protocol, on which the corresponding note shall be made in the protocol.

17. The protocol on the results of the meeting of the commission to develop recommendations for determination of the expert organization in the form, according to Annex 3 to these Rules, shall be signed by the chairperson and all members of the commission present at the meeting, as well as by the secretary of the commission no later than fifteen calendar days from the opening of the suppliers' bids.

Annex 1
to the Rules for conducting an
open competitive tender to
determine the expert organization

(State agency)

Application

I hereby ask to admit me to participation in the tender on determination of the expert organization

I shall be liable for the authenticity of the submitted documents.

Documents attached _____

:

Address and contact phone. _____

(signature) (surname, name, patronymic (if any))

" ____ " _____ 20__ .

Annex 2
to the Rules for conducting an
open competitive tender to
determine the expert organization

Protocol on opening the envelopes with the bids of potential suppliers of the expert organization services

(venue of opening) (time and date)

1. Commission on selection of the expert organization consisting of:

(to specify the surname, name, patronymic (if any
наличии), position of the chairperson, secretary and the commission members)
performed the procedure of opening of envelopes with the bids of the potential
suppliers of the
expert organization services(hereinafter referred to as the supplier).

2. The package of the documents have been submitted by the following suppliers:

(name, address of all suppliers)

3. Bids of the suppliers:

(indicate the name and address of all suppliers, who submitted the bids after the
deadline for
submission of the bids) have been returned unopened based on:

4. Bids of suppliers, submitted them within the established period before expiry of
the final
deadline for the submission of bids: _____

(indicate the name and address of all suppliers submitted the bid before the expiry of the final deadline for submission of the bids, the time of submission of bids) have been opened and contain : _____

(indicate the list of documents, contained in the bid, information about the recalling and amendments of the bids, number of sheets of the submitted documents) which have been announced to all the present at the opening of the suppliers' bids.
5. During the opening of the bids, the following suppliers have been present:

(name, address, details of all suppliers present at the opening of offers, last name, first name, patronymic (if any) of their authorized representatives).
Surnames, name, patronymic (if any), signatures of the chairperson, members and the secretary of the commission.

Annex 3
to the Rules for conducting an
open competitive tender to
determine the expert organization

The protocol on the results of the meeting of the commission to develop recommendations for determination of the expert organization

(venue of the selection) (time and date)
1. The commission on selection of the expert organization (hereinafter referred to as the commission) consisting of: _____

(indicate surname, name, patronymic (if any), position of the chairperson, secretary and members of the commission)

2. The following bids of the potential suppliers of expert organization services (hereinafter referred to as the suppliers)

have been admitted: _____

(indicate the bids of suppliers admitted to participation in accordance with the protocol of admission)

3. Envelops with suppliers' bids: _____

(indicate name of suppliers, whose bids have not been accepted in connection with submission

upon expiry of the final deadline for their consideration)

4. Bids of participants, who submitted the bids before the expiration of the time for consideration of them by the commission: _____

(indicate name of suppliers and their requisites)

have been opened and contain: _____

(indicate bids, submitted by the suppliers)

which have been announced to all the present at the opening of envelopes with bids

.

5. Rejected bids of suppliers: _____

(indicate the suppliers(its requisites),

whose bids have been rejected, as well as the reasons for rejection)

The commission on the results of consideration of proposals from suppliers, **HEREBY HAVE BEEN DECIDED:**

1) to recommend to determine as the expert organization: _____

(indicate the supplier (its requisites))

or to recognize the recommendation of determination of the expert organization as invalid due

to the following reason: _____

(indicate the corresponding reason)

2) to publish this protocol on the website of the Ministry of Agriculture of the Republic of Kazakhstan.

This decision has been voted:

FOR - _____ votes (surname, name, patronymic (if any) of members of the commission);

AGAINST - _____ votes (surname, name, patronymic (if any) members of the commission).

Surnames, name, patronymic (if any), signatures of the chairperson, members and the secretary of the commission.