



## **On approval of the Rules for determining a private partner and concluding a public-private partnership agreement in the field of healthcare**

### *Unofficial translation*

Order of the Minister of Healthcare of the Republic of Kazakhstan dated December 31, 2019 No. ҚР ДСМ-155. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 31, 2019 No. 19813

### *Unofficial translation*

In accordance with subclause 2-1) of article 23 of the Law of the Republic of Kazakhstan dated October 31, 2015 "On public-private partnership", **I HEREBY ORDER:**

1. To approve the attached Rules for determining a private partner and concluding a public-private partnership agreement in the field of healthcare.
2. The Department of Investment Policy of the Ministry of Healthcare of the Republic of Kazakhstan in accordance with the procedure, established by the legislation of the Republic of Kazakhstan, shall ensure:
  - 1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;
  - 2) placement of this order on the Internet resource of the Ministry of Healthcare of the Republic of Kazakhstan after its official publication;
  - 3) within ten working days after state registration of this order, submission to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan of information about implementation of activities, stipulated by subclauses 1) and 2) of this clause.
3. Control over execution of this order shall be entrusted to the supervising Vice Minister of Healthcare of the Republic of Kazakhstan.
4. This order shall come into force from the date of its first official publication.

*Minister of Healthcare  
of the Republic of Kazakhstan*

*Ye. Birtanov*

Approved by the Order  
of the Minister of Healthcare  
of the Republic of Kazakhstan  
dated December 31, 2019  
No. ҚР ДСМ-155

## **Rules**

### **for determining a private partner and concluding a public-private partnership agreement in the field of healthcare**

#### **Chapter 1. General provisions**

1. These Rules for determining a private partner and concluding a public-private partnership agreement in the field of healthcare (hereinafter referred to as the Rules) have been developed in accordance with subclause 2-1) of article 23 of the Law of the Republic of Kazakhstan dated October 31, 2015 "On public-private partnership" (hereinafter referred to as the Law) and shall establish the procedure for determining a private partner and conclusion of a public-private partnership agreement.

## **Chapter 2.**

### **Procedure for determining a private partner of a public-private partnership in the field of healthcare**

2. Determining of a private partner in the field of healthcare shall be carried out through:

1) a tender, including through a simplified procedure and using two-stage procedures. The tender for determining of a private partner shall be carried out in a closed method in relation of facilities, the list of which is determined by the Government of the Republic of Kazakhstan in accordance with article 6 of the Law;

2) direct negotiations

3. Initiatives to develop PPP in the field of healthcare are public in nature and are implemented in accordance with regional perspective plans for the development of healthcare infrastructure.

4. The procedure for holding a tender and direct negotiations with a potential private partner, registration of the results of the tender and the results of direct negotiations with a potential private partner are established in accordance with the order of the acting Minister of National Economy of the Republic of Kazakhstan dated November 25, 2015 No. 725 "On certain issues of planning and implementation of the projects of public-private partnership" (registered in the Register of State Registration of Regulatory Legal Acts under No. 12717) (hereinafter referred to as the Order No.725).

## **Chapter 3.**

### **Procedure for conclusion of a public-private partnership agreement in the field of healthcare**

5. The organizer of the tender or direct negotiations shall bring to the notice of the relevant regional branch of the Non-Profit Joint Stock Company "Social Health Insurance Fund" of information on the accepted state obligations in terms of guaranteed volumes of consumption of medical services, the cost of tariffs for the period of conclusion of the PPP agreement (minimum or maximum values), conditions for the required services and tariffs for planned PPP projects.

6. The content of a PPP agreement for medical equipment supply shall be included the conditions, set forth by clause 1 of article 46 of the Law, as well as additional conditions:

1) existence on the part of a potential private partner of qualified personnel, including the personnel certified for training the employees of public partner to use medical equipment;

- 2) opportunity to monitor with integration into existing information systems of medical institutions;
  - 3) existence of service centers in the Republic of Kazakhstan;
  - 4) availability of an insurance agreement of a PPP facility for the period of implementation of the PPP Project;
  - 5) a list of warranty service cases and a price list for repair services and spare parts.
7. The content of a PPP agreement for creation of medical organizations shall be included the conditions, established by subclauses 1)-26) of clause 1 of article 46 of the Law.
8. The procedure for concluding a PPP agreement and its registration shall be established in accordance with Order No.725.