



On approval of the Rules of public procurement in the implementation (introduction) of pilot projects for the construction of facilities in the sectors of health, education and housing, that are not technically complex, the construction thereof is supposed to be on standard designs, standard design solutions and re-use projects

Expired *Unofficial translation*

Order No. 320 of the Minister of Finance of the Republic of Kazakhstan dated April 9, 2021. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 12, 2021 under No. 22524. The order is valid until December 31, 2022

Unofficial translation

Footnote. Valid until December 31, 2022 in accordance with paragraph 3 of this order.

Footnote. Valid until December 31, 2022 as per paragraph 3 hereof.

Under paragraph 1 of Article 153 of the Budget Code of the Republic of Kazakhstan dated December 4, 2008, **I HEREBY ORDER:**

1. That the attached Rules for public procurement in the implementation (introduction) of pilot projects for the construction of facilities in health, education and housing, that are not technically complex, the construction thereof is supposed to be on standard designs, standard design solutions and reuse projects shall be approved.

2. That, pursuant to the procedure established by the legislation of the Republic of Kazakhstan, the Department of Public Procurement Law and Quasi-Public Sector Procurement of the Ministry of Finance of the Republic of Kazakhstan shall ensure:

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

2) placing this order on the website of the Ministry of Finance of the Republic of Kazakhstan;

3) within ten working days after the state registration hereof with the Ministry of Justice of the Republic of Kazakhstan, submission to the Legal Service Department of the Ministry of Finance of the Republic of Kazakhstan of information on the implementation of measures under sub-paragraphs 1) and 2) of this paragraph.

3. That this order shall take effect ten calendar days after the date of its first official publication and shall remain in effect until December 31, 2022.

*Minister of Finance
of the Republic of Kazakhstan*

Y. Zhamaubayev

Approved
by Order of the
Minister of Finance of the
Republic of Kazakhstan No. 320
of April 9, 2021

Rules for public procurement in the implementation (introduction) of pilot projects for the construction of facilities in health, education and housing, that are not technically complex, the construction thereof is supposed to be on standard designs, standard design solutions and re-use projects

Chapter 1. General provisions

1. These Rules for public procurement in the implementation (introduction) of pilot projects for the construction of facilities in health, education and housing, that are not technically complex, the construction thereof is supposed to be on standard designs, standard design solutions and re-use projects have been elaborated in conformity with paragraph 1 of article 153 of the Budget Code of the Republic of Kazakhstan dated December 4, 2008 (hereinafter - Rules) and determine the order of public procurement implementation during realization (implementation) of pilot projects on construction of facilities in healthcare, education and housing, that are technically non-complex, the construction whereof is expected on standard designs, standard design solutions and reusable designs (hereinafter - pilot projects).

2. The following terms are used in these Rules:

1) integrated cost indices - integrated cost indices for construction of buildings and structures per unit of measurement of capacity of facilities (per building or structure as a whole, per 1 cubic meter of building volume, per 1 cubic meter of usable building area, per 1 cubic meter of facility capacity (tank, reservoir, pool), per 1 kilometer of linear structure (power transmission line, highway, pipeline, power supply and communication cables), for other technical characteristics, considering the functional purpose of the building, the structure), the aggregate indicators of the estimated cost of the structures and types of work;

2) "turnkey construction" means comprehensive construction work, including design and survey work, turnkey construction and related supply of goods and services, excluding the performance of a comprehensive non-departmental expert review of projects.

Other terms used herein shall have the meanings as specified by the legislation of the Republic of Kazakhstan on public procurement.

Chapter 2. The procedure for the organization of public procurement in the implementation (introduction) of pilot projects for the construction of facilities in the sectors of health, education and housing, that are not technically complex, the construction thereof is supposed to be on standard designs, standard design solutions and reuse projects

3. Pilot projects shall be implemented (introduced) in public procurement of works on complex turnkey construction of facilities based on the aggregated cost indicators of buildings and structures developed by the customer as per Article 20 of the Law of the Republic of Kazakhstan dated July 16, 2001 "On Architectural, Urban Planning and Construction Activities in the Republic of Kazakhstan".

4. The tender price of a potential supplier shall be considered a dumping tender if it is lower than the tender price by over thirty (30) percent.

5. These Rules shall include the conduct of public procurement as part of a single lot for:

- 1) development (binding) of design and estimate documentation;
- 2) construction and installation work.

6. When purchasing public works under the pilot project, the tender documentation shall contain qualification requirements and aggregated cost indicators.

7. Based on the results of consideration of applications for participation in the competition for the qualification requirements and the requirements of the tender documentation, a protocol of results shall be drawn up, that is signed on the web portal of public procurement by all members of the tender commission and is posted by the secretary of the tender commission on the day of the decision on the results on the web portal of public procurement with automatic notification of all potential suppliers who have applied for participation in the competition.

8. The tender documents shall stipulate the following criteria affecting the competitive price tender:

- 1) tax payment rate;
- 2) work experience.

9. If the potential supplier has a tax paid rate in excess of three (3) percent, the Public Procurement Web Portal shall automatically assign a conditional discount for each tax paid rate in excess of one-tenth (0.1) percent, but not to exceed three (3) percent.

10. If the potential supplier has experience as a general contractor for new construction, the tender commission shall assign a conditional discount of one (1) percent for each year of the potential supplier's experience in the market of the works being purchased, including similar (identical) types of works, being the subject of the tender.

If the potential supplier has performed the work purchased in the tender, including similar (identical) types of work, on over one construction project within 1 (one) year, the tender commission shall assign a conditional discount of 0.2 (two-tenths) percent for each subsequent construction project.

The cumulative percentage impact on the notional tender price of this criterion shall not exceed five (5) percent.

Experience as a subcontractor shall not be regarded.

11. In case of equality of conditional prices of tender price bids, the winner shall be the tenderer who has the highest indicator of taxes paid, determined by the web portal of public procurement automatically as per the information systems of state revenue authorities.

12. Public procurement procedures for works on a comprehensive non-departmental examination of projects, engineering services (technical and author's supervision, project

management) shall be implemented by customers under the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities in the Republic of Kazakhstan.

13. Juridical relations not regulated herein shall be governed by the Rules for Public Procurement approved by Order No. 648 of the Minister of Finance of the Republic of Kazakhstan dated December 11, 2015 "On Approval of the Rules for Public Procurement" (recorded in the Register of State Registration of Regulatory Legal Acts under No. 12590).

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