

*Approved
by the decision of the Board of Trustees
of “Nazarbayev Intellectual Schools”
"Nazarbayev Intellectual Schools" AEO
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**REGULATIONS FOR PROCUREMENT OF GOODS, WORKS AND SERVICES
BY NAZARBAYEV INTELLECTUAL SCHOOLS AEO
AND ORGANISATIONS OF INTELLECTUAL SCHOOLS**

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Content

Section 1. Scope of application of these regulations

Section 2. Terms and definitions

Section 3. General provisions

Section 4. Procurement planning

Section 5. Procurement by tendering

Section 6. Tender committee, expert committee (expert)

Section 7. Tender documents

Section 8. Announcement of procurement by tendering

Section 9. Content, processing and submission of applications by tendering

Section 10. Opening of tender applications

Section 11. Consideration, pre-admission, admission of applications by tendering

Section 12. Evaluation and comparison of quotations, defining the results of procurement by tendering

Section 13. Procurement by request for quotations

Section 14. Opening and consideration of quotations

Section 15. Single-source procurement

Section 16. Special procedure for the procurement of residential property owned by an individual who is not engaged in entrepreneurial activities

Section 17. Conclusion and execution of procurement contract

Section 18. Liability for violation of regulations

Section 19. Final provisions

This Regulations for Procurement of Goods, Works and Services (hereinafter — the Regulations) was developed in accordance with Article 6, Paragraph 5, Subparagraph 3 of Law of the Republic of Kazakhstan ‘On Status of Nazarbayev University, Nazarbayev Intellectual Schools and Nazarbayev Fund’ (hereinafter — the Law), as well as Article 7, Paragraph 7, Subparagraph 5 of the Charter of Nazarbayev Intellectual Schools, approved by the decision No. 2 of the Supreme Board of Trustees of Nazarbayev Intellectual Schools dated 18 April 2013. The purpose of the Regulations is to govern procurement of goods, works and services by Nazarbayev Intellectual Schools AEO and organisations of Intellectual Schools with the exception of fund-based non-commercial organisations.

Section 1. Scope of application of these Regulations

1.1. These Regulations shall apply to the relations related to the purchase of goods, works, services required to ensure the functioning, as well as the performance of functions or statutory activities of the Customer, except for:

- 1) purchase of works and services from natural persons under labour contracts or from natural persons who are not business entities under contracts for the provision of services on a paid basis, including services of private notaries, private bailiffs, and private attorneys;
- 2) making contributions (deposits), including contributions to the authorised capital of newly established legal entities;
- 3) acquisition of securities, shares in the authorised capital of legal entities;
- 4) acquisition of goods, works and services carried out in accordance with international treaties of the Republic of Kazakhstan, as well as within the framework of investment projects financed by international organisations of which the Republic of Kazakhstan is a member;
- 5) payment of fees and charges;
- 6) reimbursement of travelling expenses;
- 7) payment of travelling expenses, accommodation and meals for students, foreign specialists and other invited persons;
- 8) acquisition of the right to use natural resources;
- 9) purchase of financial services related to banking operations carried out by the National Bank of the Republic of Kazakhstan, banks and organisations carrying out certain types of banking operations on the basis of licenses obtained in accordance with the legislation of the Republic of Kazakhstan;
- 10) payment of remuneration and/or compensation of expenses to members of the management bodies and the supervisory board;
- 11) purchase of goods, works, services carried out at the expense of sponsorship and/or charitable support;
- 12) acquisition of services of international accreditation and/or certification in accordance with the statutory activities of the Customer;
- 13) payment for participation in exhibitions, seminars, conferences, meetings, forums, symposiums, trainings, festivals, training camps, fairs, Olympiads, scientific projects and competitions, elective courses, extracurricular courses, including virtual ones;
- 14) purchase of periodicals on paper and/or electronic media, including subscriptions to periodicals;
- 15) acquisition of services for placement of information in foreign and domestic mass media;
- 16) publication of articles in domestic and foreign publications;
- 17) purchase of goods and services through foreign online resources related to the main activity of the Customer in an amount not exceeding the equivalent of 10,000 (ten thousand) US dollars, including payment by card in accordance with the Customer's internal document;
- 18) acquisition of services for training, retraining and advanced training of employees, including educational programmes, technical assistance, testing, test accreditations;

- 19) payment of arbitration fees, expenses related to dispute resolution in the arbitration court;
- 20) purchase of services for booking, issuing and selling air, railway, river, sea and bus travel documents (tickets);
- 21) purchase of services of customs representatives, payment of fees and other charges for temporary storage warehouses (TSW);
- 22) payment for providing housing, utilities and maintenance services of residential and non-residential premises owned by NIS AEO and/or organisations of Intellectual schools;
- 23) purchase of tickets to visit the zoo, theater, cinema, circus, museum, exhibition, places of interest and sports events;
- 24) purchase of services of Chambers of Commerce and Industry of the Republic of Kazakhstan;
- 25) purchase of goods, works, services to provide material assistance;
- 26) purchase of goods, works, services from organisations in which the Customer owns, directly or indirectly, twenty-five percent or more of the shares (participation interest), from organisations in which the Customer owns, directly or indirectly, twenty-five percent or more of the shares (participation interest), from institutions founded by the Customer, from organisations of Intellectual Schools;
- 27) purchase of medicines and medical devices;
- 28) purchase of goods, works, and services on elimination of emergencies; localization and/or elimination of the consequences of emergencies, elimination of incidents posing a threat to the lives and/or health of students, including their causes, elimination of accidents at power facilities, life support communication systems, and other hazardous production facilities, as well as in cases of breakdowns, failures of communications, mechanisms, assemblies, spare parts, and materials requiring immediate restoration, with the presence of supporting documentation;
- 29) acquisition of services on organisation and conduct of the international English Language examination – International English Language Testing System (IELTS) for students of Intellectual schools;
- 30) acquisition of services on automation, digitalisation of assessment procedures for students and/or teaching staff;
- 31) purchase of laboratory consumables, chemical reagents, precursors for the implementation of educational, scientific, research, scientific and technical, development, innovative works and/or projects;
- 32) procurement from strategic partners, including their subsidiary organisations, of goods, works, and services;
- 33) procurement of goods, works, and services funded by revenues generated from the provision of fee-based services.

The procedures for procuring goods, works, and services funded by revenues generated from fee-based services shall be determined by the decision of the collegial executive body of the NIS AEO.

Section 2. Terms and Definitions

2.1. Below are the main terms and expressions used in the Regulations:

NIS AEO - Nazarbayev Intellectual Schools autonomous educational organisation;

affiliate of the potential supplier — any natural or legal person, entitled to exercise decision-making power and/or influence decisions, made by the appropriate potential supplier, including transactions, made in written form, as well as any natural or legal person in respect of whom the potential supplier is entitled to exercise this power;

internal documents – internal regulatory documents of “Nazarbayev Intellectual Schools” AEO

types of homogeneous goods – non-interchangeable homogeneous goods;

civil objects — objects (facilities) of non-productive sector: houses, residential complexes, dormitories, hotels, eating and shopping facilities, schools, educational institutions, medical and children's institutions, theatres, cultural centres, cinema theatres, clubs, art centres, office buildings, sports facilities, libraries, museums, administrative buildings, railway stations, airports;

procurement contract — a civil law contract, concluded between the Customer and the Supplier in accordance with the Regulations and the civil legislation of the Republic of Kazakhstan, on the delivery of goods, the execution of obligations, the rendering of services for carrying out the Customer's statutory activity;

long-term Contract — a procurement contract with a term of execution of more than 12 (twelve) months;

unified Register of Unscrupulous potential suppliers — structured information on unscrupulous potential suppliers of the customer;

customer — Nazarbayev Intellectual Schools autonomous educational organisation (including its branches) and Intellectual Schools organisations with the exception of fund-based non-commercial organisations;

procurement — purchase by the Customer at the expense of its own funds of goods, works, services necessary to ensure the functioning, as well as the execution of functions or statutory activities of the Customer, carried out in compliance with the present Regulations, the civil legislation of the Republic of Kazakhstan.

Work package:

- total of works and services, including:
conducting of project and survey works, turnkey construction,
project and survey works, turnkey construction management (if required), and appropriate delivery of goods, services rendering;

- implementation of plug-and-produce projects in the field of information technology, including:

- software delivery, services on introduction of information system and equipment supply (if required);

conflict of interests of member of tender committee — situation, where personal interests of a member of the tender Committee can impact on impartiality of their participation in decision-making by the tender committee;

homogeneous goods, works, services — goods, works, services, while not identical, have corresponding characteristics and consist of similar components, therefore performing same functions;

procurement supervisor — a structural or separate division (employee) acting on behalf of the Customer, responsible for procurement arrangement, or any legal entity, designated for the purpose of procurement arrangement;

organisations of Intellectual Schools — non-commercial organisations, founded by Nazarbayev Intellectual Schools AEO, other legal entities, which have 50 or more per cent of voting shares (equity shares in authorised capital) belonging to Nazarbayev Intellectual Schools AEO by the right of ownership or trust management, and also their fund-based branches;

supplier — an individual, conducting entrepreneurial activity; legal entity (except public institutions, unless otherwise established by laws of the Republic of Kazakhstan); a temporary association of legal entities (consortium), acting as the Customer's contractor bound by a procurement contract. An individual, who is not a business entity, may be a supplier in cases, provided for in Section 16 of the Regulations;

potential supplier — an individual, conducting entrepreneurial activity; a legal entity (except public institutions, unless otherwise provided by laws of the Republic of Kazakhstan); a temporary association of legal entities (consortium), competing for the conclusion of procurement contract. An individual, who is not a business entity, may be a potential supplier in cases, provided for in Section 16 of the Regulations;

residents — citizens of the Republic of Kazakhstan, including those temporally being abroad or on civil service, except those citizens with the document for permanent residence in a foreign state, issued in accordance with the legislation of that state; foreigners and non-citizens, having a document on permanent residence in the Republic of Kazakhstan; all legal entities established in accordance with the legislation of the Republic of Kazakhstan, located in Kazakhstan, as well as their branches and representative offices located in the Republic of Kazakhstan and abroad;

diplomatic, trade and other official representative offices of the Republic of Kazakhstan, located abroad;

strategic partners — organisations, determined by the NIS Board of Trustees, including foreign ones, as well as their subsidiaries, possessing appropriate resources (intellectual, scientific, methodological, educational, technological, personnel, and others), and have experience in one or more of the following areas:

introducing modern methodology and new technologies in education;

developing and introducing innovative educational content, modern educational programmes, textbooks and educational resources;

monitoring, external evaluation of educational activity and its results, including teaching quality and students' learning outcomes;

developing and introducing tools for control and evaluation of quality of educational activity, tools and technologies for competitive selection of children and teachers;

development and production of equipment for classrooms and laboratories providing the educational process;

architectural, urban planning and/or construction activities;

structural unit for procurement (person responsible for procurement) – a structural or separate unit (employee) responsible for the organisation and conduct of procurement;

goods — objects (things), including semi-products or raw materials in solid, liquid or gaseous state, electricity and heat energy, objectified results of creative intellectual activity, as well as property rights which provide for performing purchase and sale transactions in compliance with laws of the Republic of Kazakhstan;

works — activity with material results, related to works in accordance with the legislation of the Republic of Kazakhstan;

services — activity aimed at meeting the customer's requirements, which does not have a tangible result;

tender documents — documents, provided to a potential supplier to prepare a tender application and containing information about the terms and procedure of the tender;

tender quotation – the price offered by a potential supplier for participation in procurement by tendering, attached to the application for participation in procurement by tendering;

committee – a collegial body created by the procurement supervisor to implement the procurement procedure;

notional price — the price calculated taking into account the application to the tender quotation of the tender participant of the relative value of the criteria provided for in the tender documentation, and used exclusively in the evaluation and comparison of tender quotations in order to determine the winner of the tender;

production facility — property complex, including land plot, administrative and technical building(s);

expert — individual, attracted by procurement supervisor or the customer to participate in the development of technical specification (terms of reference) of procured goods, works and services, and to prepare an expert opinion on the compliance of the proposals of potential suppliers with the technical specification (terms of reference) of procured goods, works, services;

expert committee — collegial body, created by the procurement supervisor or the Customer, involving experts to participate in the development of technical specification (terms of reference) of procured goods, works and services, and to prepare an expert opinion on the compliance of the

proposals of potential suppliers with the technical specification (terms of reference) of procured goods, works, services;

e-procurement — procurement using information systems that automate the processes of procurement;

electronic procurement portal (EPP) – information system for electronic procurement of goods, works, and services of NIS AEO;

electronic digital signature – a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity and ownership of an electronic document, and the immutability of its content;

false information – incorrect information contained in the application of a potential supplier for participation in procurement by tendering, as well as amendments that distort the actual content and do not comply with the application submitted by a potential supplier;

electronic document – a document in which information is presented in electronic and digital form and certified by means of an electronic digital signature;

affiliate of the potential supplier — any natural or legal person, entitled to exercise decision-making power and (or) influence decisions, made by the appropriate potential supplier, including transactions, made in written form, as well as any natural or legal person in respect of whom the potential supplier is entitled to exercise this power.

The terms and definitions established by the legislation of the Republic of Kazakhstan or business practices are used, unless otherwise defined by the Regulations in the course of procurement procedures.

In these Regulations, unless otherwise required by the context, words used in the singular include the plural and vice versa.

Section 3. General provisions

3.1. Procurement organisation, cooperation during procurement and other issues, are regulated by the Regulations, and also by other internal documents of “Nazarbayev Intellectual Schools” AEO. Internal procurement documents shall not contradict the present Regulations.

3.2. Procurement of goods, works, services is based on the principles of:

- 1) efficient implementation of investment projects;
- 2) providing equal opportunities to potential suppliers to participate in procurement;
- 3) fair competition among potential suppliers;
- 4) publicity and transparency of procurement process;
- 5) optimal and efficient cash outflow, used for procurement;
- 6) minimising the involvement of third parties in the procurement process;
- 7) control and responsibility for decisions.

3.3. The procurement process includes:

1) development and approval of Plan for procurement of goods, works and services (hereinafter — Procurement Plan);

2) procurement management and selection of a supplier;

3) conclusion of procurement contract.

3.4. Restrictions related to participation in procurement.

3.4.1. The potential supplier is not allowed to participate in procurement, if:

close relatives, spouse or legal relatives of the potential supplier and/or authorized representative of the potential supplier have the right to participate in decision-making on the selection of the supplier or are the representatives of the customer or procurement supervisor in procurement;

the potential supplier and/or its subcontractor is in the Unified Register of Unscrupulous potential suppliers and/or in the Register of Unscrupulous Participants in Public procurement;

legal entity, which is part of the consortium, is in the Unified Register of Unscrupulous potential suppliers and/or in the Register of Unscrupulous Participants in Public procurement;

financial and economic activities of the potential supplier and/or the subcontractor (co-executor), engaged by it, are suspended in accordance with the legislation of the Republic of Kazakhstan or by the legislation of the state of the potential supplier non-resident of the Republic of Kazakhstan;

the head of a potential supplier applying for participation in procurement is associated with the management, establishment, participation in the authorised capital of legal entities that are in the Unified Register of Unscrupulous potential suppliers (suppliers) and/or in the Register of Unscrupulous Participants in Public procurement;

the head of a potential supplier applying for participation in procurement is a natural person engaged in entrepreneurial activity included in the Unified Register of Unscrupulous Potential Suppliers (Suppliers) and/or in the Register of Unscrupulous Participants in Public procurement;

a potential supplier who is a natural person engaged in entrepreneurial activity, applying for participation in procurement, is the head of a potential supplier who is included in the Unified Register of Unscrupulous potential suppliers (suppliers) and/or in the Register of Unscrupulous Participants in Public procurement;

a potential supplier and (or) a subcontractor (co-executor) attracted by him, and (or) their head, founders (shareholders) are included in the list of organisations and persons related to the financing of proliferation of weapons of mass destruction, and (or) in the list of organisations and persons related to the financing of terrorism and extremism, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

3.4.2. A potential supplier and the affiliate of the potential supplier are not allowed to participate in the same procurement lot by tendering.

3.4.3. The requirements of paragraphs 3.4.1. and 3.4.2. shall be observed at any stage of the procurement process.

3.5. The Unified Register of Unscrupulous Potential suppliers is maintained by the structural unit of NIS AEO on procurement in the manner, determined by the executive body of NIS AEO.

3.6. The customer is entitled to terminate a procurement process at any stage of procurement in cases of a reduction in the cost of procured goods, works and services, stipulated in the Procurement Plan, or a reasonable reduction or an absence of need for procurement of goods, works, services.

In this case, the customer/procurement supervisor is obliged:

1) within 3 (three) working days from the date of the decision to refuse to carry out procurement, to notify the persons participating in the procurement and publish the relevant announcement on EPP;

2) within 5 (five) working days since the decision was made, to return the security of the applications.

The decision of the contracting authority not to proceed with the procurement shall not be subject to appeal.

3.7. The supplier is selected via:

- 1) tendering;
- 2) request for quotations;
- 3) from a single source.

Method of procurement is selected by the customer independently in accordance with these Regulations, except for the cases, when the tender committee, committee for procurement by RFQ) decides on the procurement from a single source.

Procurements carried out by the methods provided for in this paragraph are carried out through e-procurement at EPP, except for the cases provided for by these Regulations.

3.8. During the procurement the customer/supervisor is entitled to:

1) divide goods, works, services into lots by homogeneity, their similar characteristics and components or by the place of their delivery (implementation, rendering);

2) provide procurement of goods, works, services with complex technical characteristics and specifications and consisting of several interrelated components in one lot.

When drafting an announcement about procurement by request for quotations, it is allowed to combine homogeneous goods into one lot:

- 1) office supplies;
- 2) household goods;
- 3) detergents;
- 4) food products;
- 5) construction supplies;
- 6) electrical goods;
- 7) plumbing products;
- 8) spare parts;
- 9) light industry products;
- 10) furniture.

Potential suppliers submit a quotation for a combined lot indicating the prices for each product and the potential supplier who offered the lowest total cost of the goods in a combined lot is recognised as the winner.

Consideration of the submitted documents of a potential supplier for participation in procurement, as well as determining of the winner, shall be carried out for each lot.

3.9. A potential supplier bears all costs, associated with the participation in procurement. The procurement supervisor and the Customer are not obligated to reimburse these costs regardless of the results of the procurement.

3.10. To perform the procurement:

- 1) NIS AEO is entitled to act as the procurement supervisor for organisations of Intellectual schools;
- 2) NIS AEO is entitled to determine procurement supervisor for one (several) organisations of Intellectual schools upon agreement with it (with them);
- 3) organisation of Intellectual schools is entitled to determine another organisation of Intellectual schools as the Supervisor upon agreement with it;
- 4) organisation of Intellectual schools is entitled to act as procurement supervisor for one (several) organisations of Intellectual schools upon agreement with it (with them).

Section 4. Procurement Planning

4.1. The Customer, within 15 (fifteen) working days from the date of approval of the relevant budget (business plan, estimates of income and expenses), develops and approves a Procurement Plan for the relevant year in the manner and form defined by these Regulations and an internal procurement document approved by the collegial executive body of NIS AEO.

4.2. The Procurement Plan is approved by the first head of the Customer or the person substituting for him.

The Procurement Plan is to contain the following information:

- 1) names of goods, works, services;
- 2) range of goods, works, services, including the amounts allocated for procurement, excluding value added tax;
- 3) methods and terms of procurement;
- 4) planned terms and place of delivery of goods, performance of works, provision of services;
- 5) planned terms of delivery of goods, performance of works, provision of services in accordance with the schedule and breakdown by years within the allocated amounts for each financial year in cases of long-term procurement.

4.3. Within 10 (ten) working days after the approval of the Procurement Plan, the Customer is obliged to publish it on NIS AEO/EPP website, excluding information constituting state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets.

4.4. The Customer is entitled to make changes and/or amendments to the Procurement Plan in case of:

- 1) amendments and additions to the approved budget (business plan, estimates of income and expenses);
- 2) decrease/increase in prices of goods, works and services revealed in the result of marketing research before making a decision on the implementation of the procurement procedure;
- 3) reallocation of funds within the approved budget and (or) items of procurement plans;
- 4) savings based on the results of procurement;
- 5) occurrence of the exchange rate difference of KZT to a foreign currency;
- 6) elimination of violations identified in the result of control measures;
- 7) change of the planned month of procurement;
- 8) adjustments to the procurement method.

4.5. The Customer shall post changes and/or amendments to the Procurement Plan on the NIS/EPP website within five working days from the date of making decision on making changes and/or amendments to the Procurement Plan, except information, constituting state secrets, in accordance with the legislation of the Republic of Kazakhstan on state secrets.

4.6. Information on procurements not being the subject of procurement in accordance with paragraph 1.1 of these Regulations is not subject to inclusion in the Procurement Plan.

4.7. Decision on implementation of Procurement is made by the Customer on the basis of Procurement Plan of goods, works and services.

4.8. It is not allowed to purchase goods, works, services, which are not stipulated by the approved Procurement Plan for goods, works and services, except for the purchase of goods, works, services in accordance with paragraph 1.1. of these Regulations, as well as in the case provided in paragraph 3.10. of these Regulations.

4.9. Procurement for a period of more than one financial year is allowed in case of purchasing:

- 1) works and services with the term of completion in the next (subsequent) financial year (years);
- 2) assets and other goods, the duration of the technological period of manufacture of which determines their delivery in the next (subsequent) financial year (years);
- 3) catering services for students (children of preschool age) for a period no longer than three financial years;
- 4) services for tailoring, supply of clothing for students for a period no longer than three financial years;
- 5) security services for a period no longer than three financial years;
- 6) services on audit of annual financial statements for a period no longer than three financial years.

4.10. The Customer is entitled to implement procurement procedures related to selection of supplier of goods, works and services prior to the approval (adjustment) of budget (cost estimates, development plan, business plan) and the Procurement Plan. In this case, condition for the conclusion of procurement contract shall be the approval (adjustment) of the budget (cost estimates, development plan, business plan) and the Procurement Plan, with a mandatory list of goods, works and services, for which procurement procedures, related to the selection of a supplier, were carried out.

4.11. The Customer is entitled, by the decision of the executive body, to delegate procedures on procurement of goods, works and services to its branches, organisations of Intellectual schools and representative offices.

Section 5. Procurement by Tendering

5.1. Procurement by tendering is carried out in accordance with these Regulations and the Civil Code of the Republic of Kazakhstan.

5.2. To participate in procurement, a potential supplier shall meet following general eligibility requirements:

- 1) have legal capacity and civil capacity;
- 2) be solvent and have no tax arrears exceeding six times the monthly calculation index established for the corresponding financial year by the law on the republican budget;
- 3) have material, financial and labour resources sufficient to fulfill obligations under the procurement contract;
- 4) not be subject to bankruptcy or liquidation proceedings;
- 5) have work experience (if required).

5.3. A potential supplier shall be recognised as not meeting the eligibility requirements for one of the following reasons:

- 1) failure to submit or submission of an improperly completed document (documents) to confirm compliance with the eligibility requirements of a potential supplier and/or a subcontractor (co-executor) of works or services;
- 2) discovery of the fact of non-compliance with the eligibility requirements based on the information contained in the documents submitted by a potential supplier to confirm its compliance or the compliance of a subcontractor (co-executor) of works or services with eligibility requirements;
- 3) discovery of the fact of providing false information on compliance with eligibility requirements.

A potential supplier and/or a subcontractor (co-executor) of works or services shall not be recognised as failing to meet the eligibility requirements on grounds not provided for in this paragraph.

5.4. The process of procurement of goods, works and services by tendering includes the following sequential actions:

- 1) determination of the procurement supervisor by the customer, except cases when the Customer and the supervisor act in one person;
- 2) making a decision on procurement of goods, works, services by tendering, approval of the composition of tender committee and, if required, expert committee (an expert), appointment of the tender committee secretary, approval of tender documentation. This decision is made in the form of an order of the first head of the customer/ procurement supervisor or a person substituting for him;
- 3) placement of an announcement about the procurement by tendering and the list of required tender documentation on the EPP website;
- 4) submission by potential suppliers of tender applications for participation in procurement by tendering and their registration on the EPP website;
- 5) opening of envelopes with tender applications of potential suppliers and publication of the corresponding envelope opening protocol on the EPP website;
- 6) consideration by the tender committee of tender applications of potential suppliers for their compliance with eligibility requirements and requirements for tender documentation, producing and publishing the protocol of preliminary admission to participate in procurement by tendering on the EPP website.
- 7) bringing by potential suppliers of their tender applications in accordance with the eligibility requirements and requirements for the tender documentation, according to the comments of the tender committee specified in the protocol of preliminary admission to participate in procurement by tendering;
- 8) re-consideration by the tender committee of tender applications of potential suppliers brought into compliance with the eligibility requirements and the requirements for the tender documentation, determination of potential suppliers admitted to participate in procurement by tendering, calculation of criteria affecting potential reduction of tender bids by potential suppliers recognised by bidders, drafting and publishing on the EPP website of the protocol of admission to participate in procurement by tendering;
- 9) opening of tender quotations of potential suppliers admitted to participate in procurement by tendering on EPP, comparison of conditional prices of participants to the procurement by

tendering, determination of the winner and the potential supplier who took the second place, drafting and publishing of the protocol on the results of procurement by tendering on the EPP website;

10) conclusion by the customer of a procurement contract with the winner of the procurement by tendering.

Section 6. Tender committee, expert committee (expert)

6.1. To carry out the procedures of procurement by tendering, the customer/ supervisor approves the composition of the tender committee and determines the secretary of the tender committee for each procurement by tendering.

The decision on the establishment of the tender committee and the appointment of the secretary of the tender committee is made by the first head of the customer/ supervisor or a person substituting for them.

The tender committee shall consist of a chair, a vice-chair and members of the tender committee. In the absence of the chair, his/her functions shall be performed by the deputy chair of the tender committee. The tender committee shall consist of an odd number of people, but not less than 5 (five).

The chair of the tender committee is the first head, or the deputy of the first head of the customer/supervisor, or a person substituting for them.

6.2. Chair of the tender committee:

- 1) manages the activities of the tender committee;
- 2) performs other functions provided for by these Regulations.

6.3. The tender committee shall be effective from the date of the entry into force of the decision on its establishment and cease its activities from the date of conclusion of the procurement contract or in the event provided for in paragraph 3.6. of these Regulations.

6.4. In the absence of a member of the tender committee, the protocol of the tender committee shall state the reason for his/her absence with reference to the document confirming this fact (if any).

In the absence of a simple majority of the tender committee, the customer /supervisor of the procurement, in order to achieve a quorum, shall replace the absent member(s) of the tender committee by issuing an appropriate order. The absent secretary of the tender committee and/or the expert shall be replaced by the customer/supervisor of procurement on a mandatory basis.

6.5. The decision of the tender committee is made by open voting on the EPP website and is considered adopted if the majority of votes of the tender committee are in favour.

In case of equality of votes from the total composition of the tender committee, the vote of the chair of the tender committee and, in case of his/her absence, the vote of the deputy chair, shall be decisive.

6.6. In case of disagreement with the decision of the tender committee, a member of the tender committee has the right to have a dissenting opinion, which shall be attached to the protocol in the form of an electronic document and published on the EPP website.

6.7. If any of the members of the tender committee has a conflict of interests, this person shall notify the tender committee about this in writing, and the secretary of the tender committee makes a record in the protocol of the tender committee meeting. However, this person shall not participate in the decisions of the tender committee.

6.8. The organisational activities of the tender committee are facilitated by the secretary of the tender committee, who is not a member of the tender committee and does not have the right to vote in decision-making.

6.9. The secretary of the tender committee is appointed from among the employees of structural departments on procurement issues and performs the following functions:

1) drafts and publishes an announcement and approved tender documentation on the EPP website;

2) drafts, signs and publishes on the EPP website the protocol of opening tender applications, the protocol of preliminary admission to participate in procurement by tendering, the protocol of admission to participate in procurement by tendering, the protocol on the results of procurement by tendering, as well as other documents, if any;

3) timely enters information in the log of registration of bank securities;

4) performs other functions provided for by these Regulations.

6.10. To develop the terms of reference and/or the technical specification, determine the conformity of the goods, works and services, offered by potential suppliers, to the requirements of the tender documentation, the customer/supervisor is entitled to create an expert committee (to attract an expert).

If the customer/supervisor does not have employees for the development of terms of reference and/or the technical specification, the conformity of the tender documents proposed by potential suppliers of goods, works, services, the customer/supervisor can attract public servants as experts on a gratuitous basis, as well as other experts, both on a paid basis and on a non-repayable basis, upon the agreement of the parties.

An obligatory condition for attracting a person as an expert is the correspondence of the scope of his/her activity to the subject of procurement.

6.11. If several experts are involved, the customer/supervisor forms an expert committee from among the experts and determines the head of the expert committee among them. The expert committee should consist of at least 3 (three) people.

6.12. The expert committee (experts) give a written expert opinion on the conformity of goods, works, and services, offered by potential suppliers, to the requirements of the tender documentation and do not have the right to vote, when the tender committee makes a decision.

In case of expert disagreement with the conclusion of the expert committee, it sets out its opinion in writing, which is attached to the conclusion of the expert committee and is its integral part.

6.13. An expert cannot be a person:

1) interested in the results of procurement procedures;

2) connected by labour relations with the customer, supervisor of procurement or their subordinate, subsidiary and dependent organisations, or potential suppliers;

3) who is a close relative, spouse or legal relative of the first executive officer of the customer/procurement supervisor or their subordinate, subsidiary and dependent organisations.

Experts do not have the right to vote when the tender committee makes a decision.

Section 7. Tender documents

7.1. Procurement supervisor forms tender documentation for each procurement to determine terms and procedures for the procurement.

The tender documentation is approved by the decision of the first head of the customer/supervisor, or by the person substituting for him.

7.2. Tender documentation is developed by procurement supervisor and shall contain the following information:

1) name and location of the customer/procurement supervisor;

2) list of documents submitted by a potential supplier to confirm its (and its subcontractors (co-executors) compliance with eligibility requirements;

3) list of documents submitted by a potential supplier to confirm its (and its subcontractors (co-executors) compliance with the requirements to the tender documentation;

4) description and required technical, qualitative and operational characteristics of the procured goods, works, services, including approved in the established procedure design estimates (necessary section of the approved design estimates), technical specifications, and if necessary, an indication of the normative - technical documentation;

5) the amount of goods, scope of performed work, provided services, which are the subject of ongoing procurement;

- 6) providing a guarantee for the quality of the goods, works, and services offered;
 - 7) place and conditions of delivery of goods, performance of work, rendering of services;
 - 8) required terms of delivery of goods, performance of work, rendering of services;
 - 9) terms of payment;
 - 10) description of all the mandatory criteria for evaluating and comparing applications of potential suppliers for participation in the tender, affecting the conditional price reduction;
 - 11) requirements for the content of the tender quotation:
the tender quotation of a potential supplier must contain the price per unit, as well as the total amount of goods, works and services, including the costs of their transportation and insurance, payment of customs duties, and other taxes, fees, as well as other expenses stipulated by the terms of delivery of goods, performance of works, provision of services, excluding the value-added tax amount;
 - 12) the currency or currencies in which the tender quotation of a potential supplier should be expressed, and the rate that will be applied to bring the tender quotations to a single currency for the purpose of their comparison and evaluation;
 - 13) the limit amounts of work and services that can be transferred by a potential supplier to subcontractors (co-executors) for the performance of work or for rendering of services that are the subject of ongoing procurement.
A potential supplier is not allowed to subcontract (co-execute) more than 2/3 (two-thirds) of the scope of works, services in aggregate to subcontractors (co-executors);
 - 14) draft procurement contract specifying the essential conditions;
 - 15) language requirements for the preparation and submission of applications for participation in the tender;
 - 16) terms of submission, content and type of security of the tender application;
 - 17) indication on the right of a potential supplier to modify or withdraw its tender application before the deadline for their submission;
 - 18) procedure, method, place and deadline for submission of the tender application, and the required validity period of tender applications;
 - 19) the conditions for holding a meeting with potential suppliers to clarify the provisions of the tender documentation (if the tender documentation provides for a meeting with potential suppliers), as well as the ways in which potential suppliers can request clarification on the content of tender documents;
 - 20) place, date and time of opening envelopes with tender applications;
 - 21) description of the procedure for opening envelopes with tender applications, consideration of them, evaluation and comparison of tender applications;
 - 22) conditions, amount and method of payment of security for fulfilment of the procurement contract;
 - 23) information on the amounts allocated for the purchase of goods, works, services, which are the subject of procurement by tendering;
 - 24) electronic address of the Internet resource where the information is planned to be published;
 - 25) the procedure and terms for introducing amendments and additions to the tender documentation;
 - 26) the procedure for concluding a procurement contract following a tender.
- 7.3. The customer/supervisor is entitled, if necessary, to establish the following special eligibility requirements in the tender documentation:
- 1) availability of work experience on the market of purchased goods, works, services. The requirement for work experience shall not exceed 1 (one) year, with the exception of the following goods, works and services:
in the construction of new facilities – experience in the construction of at least 3 (three) completed civil projects within the last 5 (five) years preceding the current year. In the case of procurement of Complex Construction Works, an additional requirement may be set that the engaged

subcontractor has experience of designing at least 3 (three) civil works within the last 5 years preceding the current year;

in the provision of security services – work experience of at least 3 (three) years within the last 10 (ten) years preceding the current year;

in making, supply of clothes for students – work experience of at least 3 (three) years within the last 10 (ten) years preceding the current year;

in catering services – experience of at least 3 (three) years within the last 10 (ten) years preceding the current year;

in rendering audit services, as well as services related to audit – work experience of at least 3 (three) years within the last 10 (ten) years preceding the current year;

in provision of consulting (advisory) services – work experience of at least 3 (three) years within the last 10 (ten) years preceding the current year;

in rendering services on replication of textbooks and teaching and methodical complexes – work experience of at least 3 (three) years within the last 10 (ten) years preceding the current year;

2) availability of equipment (quantitative and qualitative characteristics), production premises (including warehousing), mechanisms, facilities, service centre and equipment (with the application of notarised copies of supporting documents) for performing works, rendering services and delivering goods;

3) availability of labour resources (availability in the state or on the basis of civil legal agreements), necessary for the performance of work, services;

4) the availability of qualified specialists with experience in the area corresponding to the subject of the tender, confirmed by the availability of appropriate notarised copies of documents (diplomas, certificates, certificates and other documents). At the same time, it is not allowed to establish a requirement for work experience of specialists exceeding 5 (five) years;

5) the existence of exclusive rights to objects of intellectual property, in the case of the acquisition of intellectual property rights.

7.4. The tender documentation may contain other additional requirements and/or information enabling potential suppliers to obtain the most complete information about the conditions of the tender.

7.5. Tender documentation may not contain indications on trademarks, service marks, trade names, patents, utility models, industrial designs, the name of the place of origin of goods and the name of the manufacturer, as well as other characteristics that determine the affiliation of the purchased goods, work, services to a separate potential supplier, except for the cases, when the following are carried out:

- procurement of goods for supplementation, modernisation, and enhancement, applicability, and compatibility with existing core (installed) equipment, as well as for further technical support, servicing, and repair, including planned maintenance of the core (installed) equipment;

- procurement of works and services, the execution (provision) of which is related to the operation, technical support, servicing, and repair, including planned maintenance of the Customer's core (installed) equipment.

7.6. Following criteria for the evaluation and comparison of tender applications of potential suppliers that affect the conditional price reduction are stipulated in tender documents:

1) the potential supplier's experience in the market of purchased goods, works, services during the last ten years - 0.5% (zero point five percent) for each subsequent one year of work, but not more than 5% (five percent), confirmed by the relevant originals or notarised copies of contracts and acts of acceptance and transfer of goods delivered, works performed, services rendered.

The requirements of this subparagraph do not apply to the procurement of construction works;

2) the potential supplier has experience in the construction of civil objects within the last five years preceding the current year, while the work experience may only include the construction of objects, the cost of which is:

- not less than fifteen per cent (15%) of the total value of the works to be procured in this tender, a conditional price reduction of 0.5% (zero point five) per cent for each item if the potential supplier has experience as a general contractor;

- more than fifty per cent (50%) of the total cost of the works to be procured, a conditional price reduction of one per cent (1%) per item if the potential supplier has experience as a general contractor;

Work experience shall be confirmed by relevant notarised copies of contracts and certificates of works performed, and/or contracts and KS-3 certificates, and/or acts of acceptance Committee confirming the cost and fact of performed works, as well as the status of a general contractor.

The total percentage impact on the conditional price of the application for participation in the tender of this criterion should not exceed 30 (thirty) percent.

The requirements of this subparagraph apply only when purchasing works on the construction of new facilities.

3) availability of certificates from the potential supplier, required in accordance with the tender documentation (certified systems), corresponding to the subject of ongoing procurement - a conditional price reduction of 2% (two percent).

To confirm that the potential supplier has the certificates required in accordance with the tender documentation (certified systems) corresponding to the subject of the procurement, the potential supplier provides a notarised, certified copy of the certificate in the form established by the legislation of the Republic of Kazakhstan.

7.7. If the potential supplier fails to provide documents confirming the criteria which affect the conditional price reduction, the tender committee does not apply a conditional discount to such a potential supplier.

7.8. The tender documents shall provide for the submission of a tender security by a potential supplier as a guarantee that, if it is determined to be the winner of procurement by tendering, it will conclude a procurement contract and pay the security for the performance of the procurement contract.

7.9. The security of an application for participation in procurement by tendering shall be paid in the amount not less than 1 (one) per cent of the amount allocated for the purchase of goods, works and services specified in the tender documentation. The amount of security of application to participate in procurement by tendering calculated in tiyns shall be rounded up. The amount less than fifty tiyn shall be rounded to zero, and the amount equal to fifty tiyn and more shall be rounded to one tenge.

In case of participation in procurement by tendering for several lots, the potential supplier is obliged to provide security of the application for participation in procurement by tendering for each lot separately.

The period of validity of the security of the tender application shall not be less than the period of validity of the tender application.

A potential supplier may choose one of the following types of the security of application for participation in procurement by tendering:

- 1) a guarantee fee, which shall be deposited to the bank account of the procurement supervisor, specifying the name of the tender (lot);

- 2) a bank guarantee on paper, provided for in the tender documentation.

In case a potential supplier provides a tender security in the form of a bank guarantee, the potential supplier is obliged to submit the original bank guarantee to the Procurement Supervisor before the deadline for submission of tender applications on the EPP website.

7.10. It is not allowed for a potential supplier to take any actions resulting in the right of third parties to claim in whole or in part the paid guarantee fee before the expiry of the validity period of its application for participation in procurement by tendering.

7.11. The security of a tender application deposited by a potential supplier shall be returned to the potential supplier within 10 (ten) working days from the date of occurrence of one of the following cases:

1) publication of the envelope opening protocol on the EPP website in cases where a given potential supplier withdraws its application to participate in procurement by tendering before the deadline for submission of applications to participate in procurement by tendering;

2) signing of the protocol on the results of procurement by tendering. This case does not apply to a potential supplier determined as the winner of procurement by tendering;

3) the entry into force of the procurement contract and the submission by the winner of the procurement by tendering to ensure the execution of the procurement contract provided for in the tender documentation.

7.12. The security of the tender application submitted by a potential supplier shall be withheld if one of the following cases occurs:

1) a potential supplier, determined to be the winner of procurement by tendering, evaded the conclusion of a procurement contract;

2) the winner of procurement by tendering, having concluded a procurement contract, did not fulfill or improperly fulfilled, or untimely fulfilled the requirements established by the tender documentation on the introduction and (or) deadlines for providing the security for the execution of the procurement contract.

7.13. Upon the occurrence of one of the cases provided for in paragraph 7.12. of these Regulations, the amount of the security of the application for participation in procurement by tendering is credited to the customer's income.

7.14. The customer/supervisor has the right, no later than three calendar days before the deadline for the submission of tender applications, to make amendments and/or additions to the approved tender documentation on its own initiative by publishing the tender documentation on the EPP website, indicating the amendments and/or additions made.

The deadline for submission of tender applications shall be extended for a period of at least five calendar days.

7.15. Tender documentation is provided to potential suppliers by publishing the approved tender documentation on the EPP website.

It is not allowed to provide tender documentation before publishing it on the EPP website.

Section 8. Announcement of procurement by tendering

8.1. The customer/supervisor of the procurement not less than 15 (fifteen) calendar days in advance, and in case of repeated procurement by tendering not less than 7 (seven) calendar days before the deadline for the submission of tender applications by potential suppliers must:

- 1) publish on the EPP website the text of the announcement about procurement by tendering;
- 2) publish the approved tender documentation on the EPP website.

The term starts from the date of publishing of the announcement on the EPP website.

Section 9. Content, processing and submission of applications for procurement by tendering

9.1. The tender application of a potential supplier shall be submitted to the procurement supervisor within the deadlines specified in the tender documentation and is a form of expressing the consent of a potential supplier to supply goods, perform work, render services in accordance with the requirements and conditions established by tender documents.

9.2. The tender application of a potential supplier for participation in procurement by tendering shall contain:

1) the application for participation in procurement by tendering filled in and signed by a potential supplier;

2) electronic copies of licenses, permits (notifications) and/or patents, certificates, other documents confirming the right of a potential supplier to manufacture, process, supply and sell procured goods, perform works, render services provided for by the legislation of the Republic of

Kazakhstan (if the terms of procurement by tendering assumes activities that are subject to mandatory licensing or authorisation) or the copies of electronic documents;

3) the technical specification (terms of reference) signed and sealed (if available) by a potential supplier and other documents submitted in accordance with the requirements provided for in the technical specification of the tender documentation;

4) the original of the document confirming the security of the tender;

5) documents confirming the applicability of evaluation and comparison criteria, specified in paragraph 7.6. of these Regulations, to the application (in the event that potential supplier claims to apply criteria that affect the conditional price reduction);

6) an electronic copy or in the form of an electronic document of the certificate of state registration (re-registration) of a legal entity, obtained from the official Internet source (www.egov.kz); for an individual - an electronic copy or in the form of an electronic document of a certificate, notification or other document granting the right to carry out entrepreneurial activities without forming a legal entity, issued by the relevant state body or a document obtained from the official Internet source (www.egov.kz). A certificate, notification or other document shall be issued no earlier than one month preceding the date of opening tender applications/the date of additions to the tender application according to the comments of the Tender Committee specified in the protocol of preliminary admission;

7) for a legal entity - a document containing information on the founders: the original or a notarised copy of the charter, approved in the manner prescribed by law; the original or a notarised copy of an extract from the register of shareholders, issued not earlier than 30 (thirty) calendar days prior to the date of opening of tender applications. If the register of limited liability partnership participants is kept, the original or a notarised copy of the extract from the register of partnership participants shall be provided. non-residents of the Republic of Kazakhstan shall submit the original or notarised extract from the trade register with translation into Kazakh and/or Russian languages;

8) for a legal entity - the original or a notarised copy of the document on appointment (election) of the first head of the potential supplier (and its subcontractors (co-executors));

9) the original (electronic document) of the certificate of the bank or a branch of the bank, which confirms the absence of overdue debts for all types of obligations lasting more than three months preceding the date of issue of the certificate to the bank or the branch of the bank under the Standard Chart of Accounts in second-tier banks and mortgage companies, approved by the resolution of the Board of the National Bank of the Republic of Kazakhstan. If the potential supplier is a client of several second-tier banks or their branches, or a foreign bank, this certificate is submitted from each of such banks. The certificate shall be issued not earlier than one month preceding the date of opening tender applications/the date of additions to the tender application according to the comments of the tender committee specified in the protocol of preliminary admission;

10) the original information (electronic document) on the absence (presence) of debts, records on which are kept in the state revenue authorities (except for cases when the term of payment is deferred in accordance with the legislation of the Republic of Kazakhstan), or on the presence of tax arrears and arrears on obligatory pension contributions and social deductions not exceeding six times the size of the monthly calculation index established for the corresponding financial year by the law on the republican budget, issued not earlier than one month preceding the date of opening of tender applications/the date of additions to the tender application on the comments of the tender committee specified in the protocol of preliminary admission;

11) the original of information on qualification, according to the form provided by the requirement of the tender documentation;

12) documents confirming the compliance of the attracted subcontractors (co-executors) established by this paragraph with the qualification requirements (if a potential supplier plans to involve subcontractors (co-executors) of works or services);

13) the original of information about subcontractors in the performance of works (co-executors in the provision of services) that are the subject of procurement by tendering, according to

the appendix to the tender documentation (if a potential supplier plans to involve subcontractors (co-executors) of works or services);

14) the original power of attorney to the person(s) representing the interests of the potential supplier on the right to sign the tender application, except for the first head of the potential supplier, who has the right to act on behalf of the potential supplier without a power of attorney, in accordance with the charter of the potential supplier.

15) tender quotation. Operator of the electronic procurement portal ensures the confidentiality of tender quotations of potential suppliers before summing up the results of procurement by tendering.

9.3. In case of participation in procurement by tendering of a temporary association of legal entities (consortium), such an association (consortium) shall provide:

- documents established by paragraph 9.2. sub-paragraphs 1), 3), 4), 15) of the Regulations;
- documents established by paragraph 9.2. subparagraph 5) of the Regulations are provided by the leader of the temporary association of legal entities (consortium) established by the consortium agreement. Calculation of criteria affecting conditional price reduction is applied to the leader of the temporary association of legal entities (consortium) established by the consortium agreement;
- documents established by paragraph 9.2. sub-paragraphs 6) - 11) of the Regulations for each participant of the association (consortium);
- a notarised copy of the consortium agreement. The agreement on the creation of the consortium should provide for the joint responsibility of all members of the consortium, as well as the activities of each member of the association (participant);
- electronic copies of licenses, permits (notifications) and/or patents, certificates, other documents for the right to provide goods, perform works, render services in part of the activities provided for by the agreement on joint economic activity or the copies of electronic documents.

9.4. A potential supplier non-resident of the Republic of Kazakhstan submits the same documents as residents of the Republic of Kazakhstan, or documents containing similar information, with a certified notary translated into the language of the tender documentation in accordance with the legislation of the Republic of Kazakhstan.

9.5. The period of validity of the tender application must correspond to the required period established by the tender documentation.

9.6. A tender application that has a shorter validity period than specified in the tender documentation shall be rejected.

9.7. The tender application is submitted by a potential supplier on the EPP website before the deadline for submission of applications specified in the tender documentation.

9.8. Registration of tender applications of potential suppliers is carried out automatically on the EPP website.

9.9. A potential supplier, no later than the deadline for submission of tender applications, has the right to:

- 1) amend and/or supplement the submitted tender application;
- 2) withdraw its tender application without losing the right to return the provided security of the tender application.

9.10. The submission of a tender application with the amendments and/or additions, as well as the withdrawal of a tender application shall be made at the EPP website within the prescribed time.

9.11. A potential supplier is not allowed to make changes and/or additions, as well as to withdraw the tender application after the deadline for submission of tender applications, except for the case when the potential supplier provides additions to the tender application by commenting the Tender Committee's notes specified in the protocol of preliminary admission.

9.12. A potential supplier bears all costs, associated with the participation in procurement by tendering. The customer and/or the supervisor (tender committee, expert committee, expert) is not obligated to reimburse these costs regardless of the results of the procurement by tendering.

9.13. Documents provided for in section 9 of these Regulations shall be published on the EPP website in electronic and/or scanned form and shall be identified with alphabetic, numeric and other symbols and shall be opened via accessible means of viewing.

Electronic copies of documents that cannot be identified with alphabetic, numeric or other symbols, as well as those submitted with a file opening error, shall be considered not submitted and not accepted for consideration.

Section 10. Opening of tender applications

10.1. The opening of tender applications from potential suppliers is carried out automatically on the EPP on the day and at the time specified in the tender documentation.

10.2. All timely submitted tender applications from potential suppliers on the EPP are subject to opening.

In the event that only one tender application is submitted for participation in the procurement process through the tender method, that application is also opened and considered.

10.3. The protocol of opening tender applications is automatically generated on the EPP website on the day of the tender application opening and are signed by the chair, deputy chair, all members, and the secretary of the tender committee.

10.4. The protocol of the opening is provided to potential suppliers through the EPP.

10.5. In the absence of tender applications from potential suppliers, the protocol of opening tender applications is not generated on the EPP website (instead, protocol of results is generated with information indicating the absence of tender applications).

Section 11. Consideration of tender applications, preliminary admission, admission for participation in procurement through tendering.

11.1. The tender committee conducts the consideration of applications for participation in procurement through tendering with the goal of identifying potential suppliers who meet the qualification requirements and the requirements of the tender documentation.

If the tender committee identifies potential suppliers that do not meet the qualification requirements and the requirements of the tender documentation, protocol of preliminary admission to participate in procurement by tendering shall be drawn up.

In case of compliance of all potential suppliers with the qualification requirements and the requirements of the tender documentation, protocol of preliminary admission to participate in procurement by tendering is not drawn up.

11.2. The tender committee, in case of identification of non-compliance of a potential supplier with the qualification requirements and the requirements of the tender documentation, gives such potential suppliers the right to bring tenders in compliance with the qualification requirements and the requirements of the tender documentation within 3 (three) working days from the date of publication of the protocols of preliminary admission on the EPP.

11.3. The right to align their applications for participation in procurement by tendering with the qualification requirements and the requirements of the tender documentation is not granted to potential suppliers:

- 1) in the case of non-compliance with paragraph 3.4 of these Regulations;
- 2) who have provided false information regarding the qualification requirements and the requirements of the tender documentation;
- 3) who have not submitted the security for participation in procurement by tendering or have not submitted it in the amount specified by these Regulations.

11.4. The decision of the tender committee on preliminary admission of potential suppliers to participate in procurement by tendering shall be taken within a period not exceeding 10 (ten) working days from the date of opening of tender applications. In the case of procurement of goods, works and services with complex technical characteristics and specifications, tenders shall be considered by the tender committee within a period not exceeding 20 (twenty) working days from the date of opening of tender applications.

11.5. The protocols of preliminary admission to participate in procurement by tendering shall be signed by the chair, deputy chair and all members of the tender committee, as well as by the secretary of the tender committee on the day of decision-making and shall be published on the EPP not later than 1 (one) working day following the day of signing the protocols of preliminary admission to participate in procurement by tendering.

11.6. A potential supplier identified during the preliminary admission process as not meeting the qualification requirements and the requirements of the tender documentation shall only submit to the tender committee, for reconsideration of their application, those documents, information, and other evidence that were identified as not meeting the requirements and specified in the protocol of preliminary admission to participate in procurement by tendering.

At the same time, additions to the tender application on the tender committee's comments shall be executed in accordance with the requirements for submission of the tender application.

11.7. The opening of addenda to tender application is carried out within the time specified in the protocol of preliminary admission.

11.8. The tender committee within 3 (three) working days from the date of opening of addenda shall re-examine the applications of potential suppliers for completeness of bringing them into compliance with the qualification requirements and requirements of the tender documentation, for documents, information and other confirmations, which were the object of non-compliance, specified in the protocols of preliminary admission for participation in procurement by tendering.

11.9. When considering applications, the tender committee shall have the right:

1) to request from potential suppliers materials and explanations necessary for consideration, evaluation and comparison of applications;

2) in order to clarify the information contained in the applications, to request the necessary information from the relevant state bodies, individuals and legal entities.

At the same time, the term for consideration of applications may be extended by 15 calendar days.

The tender committee, when re-examining applications, shall not reject potential suppliers on grounds not provided for in the preliminary admission protocol for participation in procurement by tendering.

11.10. A potential supplier may not be allowed to participate in procurement by tendering (recognised as a tender participant) if:

1) he/she and (or) the subcontractor (co-executor) engaged by him/her are determined not to comply with the requirements of the tender documentation:

failure to provide a technical specification;

submission by a potential supplier of a technical specification that does not comply with the requirements of the tender documentation, as well as failure to submit documents required by the technical specification;

failure to provide information on subcontractors for the performance of works (co-executors in the provision of services) that are the subject of procurement at the tender, as well as the types of works and services transferred by the potential supplier to subcontractors (co-executors) (if the potential supplier engages subcontractors (co-executors);

transfer by the potential supplier to subcontractors (co-executors) for subcontracting (co-execution) in aggregate more than two thirds of the scope of works, services in case of submission of information on subcontractors;

failure to provide a tender security in accordance with the requirements of the tender documents and these Regulations;

2) he/she and (or) the subcontractor (co-executor) engaged by him/her are determined not to meet the qualification requirements:

failure to submit electronic copies or in the form of an electronic document of licences, permits (notifications) and/or patents, certificates, other documents confirming the right of a potential supplier to produce, process, supply and sell the goods to be procured, perform works, render services stipulated by the legislation of the Republic of Kazakhstan;

failure to provide a certificate of state registration (re-registration) of a legal entity obtained from an official Internet source (www.egov.kz); for an individual - a document granting the right to carry out entrepreneurial activities without forming a legal entity, issued by the relevant state body or a document obtained from an official Internet source (www.egov.kz);

failure to submit for a legal entity - a document containing information on the founders: the original or a notarised copy of the charter, approved in the manner prescribed by law; the original or a notarised copy of an extract from the register of shareholders, issued not more than 30 (thirty) calendar days prior to the date of opening of tender applications. If the register of limited liability partnership participants is kept, the original or a notarised copy of the extract from the register of partnership participants shall be provided. non-residents of the Republic of Kazakhstan shall submit the original or notarised extract from the trade register with translation into Kazakh and/or Russian languages;

failure to submit for a legal entity - the original or notarised copy of the document on appointment (election) of the first head of the potential supplier (and subcontractors (co-executors) engaged by them);

existence of overdue debts of the potential supplier, lasting more than three months preceding the date of issuance of the certificate, to the bank or branch of the bank;

failure to submit the original (electronic document) of information verifying the absence (or presence) of debts, as recorded by the state revenue authorities (except for cases when the term of payment is deferred in accordance with the legislation of the Republic of Kazakhstan), or confirming the presence of tax debts and debts of mandatory pension contributions and social contributions exceeding six times the monthly calculation index established by the national budget law for the relevant financial year, issued earlier than one month preceding the date of opening of tender applications/date of tender addenda in response to remarks from the Tender Committee, as specified in the preliminary admission protocol;

failure to submit, or submission of incomplete information on qualifications in accordance with the requirements of the tender documents;

non-compliance of a potential supplier with qualification requirements in terms of experience in the market of purchased goods, works, services, as outlined in the tender documentation;

non-compliance of the potential supplier with the qualification requirements in terms of possession of material and labour resources specified in the tender documentation;

3) the requirements of paragraph 3.4. of these Regulations are not complied with;

4) the potential supplier provided unreliable information on qualification requirements and requirements of the tender documentation. If inaccurate information is provided for one lot, the tender application of a potential supplier shall be disqualified for all lots.

11.11. A tender application may not be rejected for grammatical or arithmetical errors that can be corrected without affecting the substance of the submitted application (except for the proposed price, technical specification, bank guarantee).

11.12. After reviewing the tender applications, the tender committee:

1) identifies potential suppliers that meet the qualification requirements and requirements of the tender documentation and recognises them as participants in procurement by tendering;

2) applies to them relative values of criteria, conditional price reduction of a potential supplier, except for the case when 1 (one) potential supplier is recognised as a participant of procurement by tendering;

3) signs the protocol on admission to participation in procurement by tendering.

11.13. The protocol on admission to participate in procurement by the tender method is signed by the composition of the tender committee, as well as the secretary of the tender committee on the day of the decision on admission of potential suppliers to participate in procurement by the tender method (recognition by procurement participants by tendering).

11.14. The customer/procurement supervisor shall publish the protocol on admission to participate in procurement by tendering on the EPP website no later than one working day following the day of signing of the protocol on admission to participate in procurement by tendering.

Section 12. Evaluation and comparison of quotations, defining the results of procurement by tender method

12.1. Evaluation and comparison of tender quotations of potential suppliers (participants of procurement by tendering) shall be carried out by the tender committee within three working days from the date of opening of tender quotations.

Tender quotations of non-admitted (rejected) potential suppliers to participate in procurement by tendering are not subject to evaluation and comparison, and accordingly are not opened on the EPP.

Tender quotations of potential suppliers (participants of procurement by tendering) are opened by the EPP automatically after publication of the protocol on admission to participation in procurement by tender.

12.2. The tender committee compares conditional prices of participants of procurement by tendering and determines the winner of procurement by tendering and the potential supplier ranked second.

12.3. A tender quotation of a potential supplier is subject to automatic rejection by the EPP at the tender opening stage if it:

- 1) exceeds the amount allocated for the procurement;
- 2) is dumping.

12.4. A tender quotation shall be recognised as dumping in the following cases:

1) a tender quotation for construction and installation works and design and survey works shall be deemed dumping if it is more than 10 (ten) percent lower than the amount allocated for the tender (lot);

2) a tender quotation for consulting services shall be deemed dumping if it is more than 15 (fifteen) per cent lower than the average arithmetic price of all submitted quotations;

3) a tender quotation for the services of providing meals to pupils (pre-school children) shall be deemed dumping if it is more than 10 (ten) percent lower than the amount allocated for the tender (lot);

4) a tender quotation for works not specified in subparagraph (1) of this paragraph, services not specified in subparagraphs (2) and (3) of this paragraph shall be deemed dumping if it is more than 15 (fifteen) percent lower than the arithmetic average price of all submitted tender quotations.

12.5. The winner of procurement by tendering shall be determined on the basis of the lowest conditional price.

The potential supplier ranked second according to the results of comparison and evaluation shall be determined on the basis of the conditional price following the lowest conditional price.

12.6. In case of equality of conditional prices of tender quotations, the potential supplier with more experience in the market of procured goods being the subject of procurement by tender method shall be recognised as the winner.

When conditional prices of tender quotations are equal, and there is an equal level of experience in the market of the purchased goods (or in cases where it is impossible to determine the experience based on documents provided by potential suppliers), the potential supplier who submitted the tender application earlier shall be declared the winner.

12.7. In case of procurement of works, services, when conditional prices of tender quotations are equal, the potential supplier with more experience in the market of the procured works or services subject to the tender shall be declared the winner.

In the event of equal conditional prices in tender quotations and equal experience in the market of procured works or services (or in cases where it is impossible to determine the experience based on documents provided by potential suppliers), the winner shall be the potential supplier with greater experience in performing similar works or services within the administrative territorial region where the works or services are to be carried out.

When conditional prices in tender quotations are equal, taking into account the experience in

the market of the procured works or services, as well as the experience in similar works or services within the administrative territorial region where the works or services will be performed, the potential supplier who submitted the tender application earlier shall be considered the winner.

12.8. The results of evaluation and comparison of tender quotations are indicated in the protocol on the results of procurement by tender method, which is signed by the chair, vice-chair and all members of the tender committee, as well as by the secretary of the tender committee and posted by the customer/supervisor on the EPP website not later than one working day from the date of signing.

12.9. Procurement by tender method shall be recognised by the tender committee as invalid in cases:

- 1) absence of submitted tenders for participation in procurement by tender method;
- 2) submission of less than two tenders for participation in procurement by tender method;
- 3) if no potential supplier is admitted to participation in procurement by tender method;
- 4) if only one potential supplier is allowed to participate in procurement by tender method.

12.10. If the procurement by tender method is unsuccessful, the tender committee shall take one of the following decisions:

- 1) on repeated procurement by tender;
- 2) on amendment of tender documentation and repeated procurement by tender method;
- 3) on the implementation of procurement by single-source method.

12.11. If procurement by tender method is recognised as unsuccessful, the tender committee may decide to carry out procurement by single-source method in following cases:

1) absence of submitted tenders for participation in procurement by tender method. In this case, the potential supplier to whom the invitation to participate in procurement by means of the single-source procurement method is sent shall be determined by the contracting authority;

2) if no potential supplier is admitted to participate in procurement by tender method. In this case, the potential supplier to whom the invitation to participate in procurement by means of the single-source procurement method is sent shall be determined by the contracting authority;

3) if only one potential supplier is allowed to participate in procurement by tender method. The invitation to participate in single-source procurement shall be addressed to the admitted potential supplier. The price of the concluded procurement contract shall not exceed the tender quotation of the potential supplier specified in the application for participation in procurement by tender method.

12.12. If the potential supplier, recognised as the winner according to the results of procurement by tender method, within the terms determined by the customer, has not submitted to the customer a signed procurement contract or, having concluded a procurement contract, has not paid a security for the execution of the procurement contract, the customer has the right to conclude a procurement contract with the potential supplier, who won the second place according to the results of procurement by tender method.

12.13. If a potential supplier, recognised as a winner according to the results of procurement by tender method, within the terms determined by the customer, has not submitted to the customer a signed procurement contract or, having concluded a procurement contract, has not paid a security for the execution of the procurement contract, or a potential supplier ranked second according to the results of procurement has not signed a procurement contract within the established term, the customer carries out repeated procurement by tender method.

12.14. In case of detection of irregularities in the conducted procurement by tender method, which affected its results (determination of the winner of procurement by tender method), the tender committee is obliged to cancel the results of procurement by tender method before the conclusion of the procurement contract. In this case, procurement by tender method must be repeated.

Section 13. Procurement by request for quotations

13.1. Procurement by means of request for quotations is allowed if the annual volume of goods, works and services provided for in the customer's plan of procurement of goods, works and

services for the relevant financial year in value terms does not exceed five thousand-fold of the monthly calculation index established by the law on the republican budget for the relevant financial year, with price being the decisive condition.

In order to apply the method of request for quotations, it is not allowed to split the volume of purchases of goods, works and services planned for the relevant financial year into parts not exceeding five thousand-fold of the monthly calculation indicator established by the law on the republican budget for the relevant financial year.

When procuring goods, works, services having complex technical characteristics and specifications, the customer has the right to choose the tender procurement method.

13.2. To participate in procurement by means of request for quotations, a potential supplier must have legal capacity (for legal entities), civil capacity (for individuals).

13.3. The decision on procurement of goods, works, services by means of request for quotations, approval of the composition of the committee, determination of the secretary of the committee shall be executed in the form of an order of the head of the customer/supervisor or his substitute.

13.4. The committee shall consist of a chair, a vice-chair and members of the committee. In the absence of the chair, his/her functions shall be performed by the deputy chair of the committee.

The chair of the committee is the first head, or the deputy of the first head of the customer/supervisor, or a person substituting for the mentioned individuals.

The organisational activities of the committee are facilitated by the secretary of the committee, who is not a member of the committee and does not have the right to vote in decision-making.

13.5. The committee operates from the date when the decision on its establishment takes effect and ceases its activities upon the conclusion of the procurement contract.

In the absence of a simple majority of the committee members, the head of the customer/supervisor shall replace the absent members of the committee in order to achieve a quorum (by issuing an appropriate order). The replacement of the absent secretary of the committee and/or expert shall be made by the head of the customer/supervisor on a mandatory basis.

13.6. The decision of the committee is taken by voting on the EPP and is considered adopted if the majority of votes of the total membership of the committee are in favour.

In case of a tie vote among committee members, the vote of the committee's chair, and in their absence, the deputy chair, shall be decisive.

In case of disagreement with the decision of the committee, any member of the committee has the right to submit a dissenting opinion in writing, which must be attached to the protocol of the results.

13.7. Consideration of quotations, comparison and evaluation, as well as determination of the winner of the procurement in cases specified in paragraph 3.8 of these Regulations shall be carried out for each lot.

13.8. The customer/supervisor shall, not later than 5 (five) working days prior to the deadline for submission of quotations, place the relevant electronic announcement on the EPP website.

13.9. The customer/supervisor is obliged to place the following information in the announcement:

- 1) on the quantity of goods, volumes of work performed, services rendered, which are the subject of the ongoing procurement, indicating the amounts allocated for procurement;
- 2) a brief description of the goods, works, services to be procured;
- 3) place and required terms of delivery of goods, performance of works, rendering of services;
- 4) on the start and end date for submission of quotations by potential suppliers;
- 5) technical specification (if the terms and conditions of the announcement provide for it).
- 6) draft procurement contract.

The published announcement may not contain indications on trademarks, service marks, trade names, patents, utility models, industrial designs, the name of the place of origin of goods and the name of the manufacturer, as well as other characteristics that determine the affiliation of the purchased goods, work, services to a separate potential supplier, except for the following cases, when

the following are carried out:

procurement of goods for supplementation, modernization, and enhancement, applicability, and compatibility with existing core (installed) equipment, as well as for further technical support, servicing, and repair, including planned maintenance of the core (installed) equipment.

procurement of works and services, the execution (provision) of which is related to the operation, technical support, servicing, and repair, including planned maintenance of the customer's core (installed) equipment.

13.10. The quotation of a potential supplier is a form of expression of its consent to deliver goods, perform works, render services in compliance with the conditions stipulated by the announcement.

The quotation of a potential supplier shall include all expenses related to the supply of goods, performance of work, rendering of services, minus the amount of value added tax.

13.11. A potential supplier who has expressed a desire to participate in procurement by the method of request for quotations shall submit only one quotation to the EPP within the period specified in the announcement, which shall contain:

- 1) a quotation in electronic form;
- 2) an electronic copy or in the form of an electronic document of the certificate of state registration (re-registration) of a legal entity, obtained from the official Internet source (www.egov.kz); for an individual - an electronic copy or in the form of an electronic document of a certificate, notification or other document granting the right to carry out entrepreneurial activities without forming a legal entity, issued by the relevant state body or a document obtained from the official Internet source (www.egov.kz);
- 3) a technical specification signed and sealed with the potential supplier's stamp (if available) (in case the terms of the announcement require a technical specification);
- 4) other documents drawn up in accordance with the requirements of the technical specification (if the terms of the announcement provide for the technical specification).

Documents under this paragraph shall be placed on the EPP in electronic and/or scanned form and shall be identified with alphabetic, numeric and other symbols and shall be opened by accessible means of viewing.

Electronic copies of documents that cannot be identified with alphabetic, numeric or other symbols, as well as those submitted with a file opening error, shall be considered not submitted and not accepted for consideration.

A potential supplier may withdraw submitted quotations before the deadline for their submission. At the same time, the potential supplier may resubmit amended quotations before the deadline for their submission.

13.12. A potential supplier - non-resident of the Republic of Kazakhstan shall submit the same documents stipulated by the announcement as residents of the Republic of Kazakhstan, or documents containing similar information with a notarised translation into the language of the announcement on procurement of goods, works, services by means of request for quotations.

13.13. The terms and conditions of delivery of goods, performance of work, rendering of services contained in the quotation shall not contradict the terms and conditions contained in the electronic announcement placed by the customer/supervisor on procurement of goods, works, services by means of request for quotations.

Section 14. Opening and consideration of quotations

14.1. Opening of quotations of potential suppliers shall be held on the EPP on the date, time and place specified in the announcement of procurement of goods, works and services by means of request for quotations.

14.2. The winner of procurement by the method of request for quotations shall be determined by the committee on the basis of the lowest quotation.

If the lowest quotation is submitted by several potential suppliers, the winner shall be the potential supplier whose quotation was received earlier than the quotations of other potential suppliers.

The Potential Supplier ranked second by the results of the comparison shall be determined by the committee on the basis of the quotation following the lowest quotation.

14.3. The committee rejects the quotation of a potential supplier if:

1) the potential supplier submitted documents, information as part of the quotation that do not meet the requirements of the announcement;

2) the potential supplier fails to comply with the requirements of paragraph 3.4. of these Regulations.

In this case, the quotation of a potential supplier is subject to automatic rejection by the EPP if it exceeds the amount allocated for the purchase of these goods, works, services.

Rejection of quotations of potential suppliers on other grounds is not allowed.

14.4. Procurement by means of request for quotations shall be recognised by the Committee as invalid in the following cases:

1) if after consideration of quotations there is one quotation not rejected;

2) if after consideration of quotations all quotations are rejected;

3) the receipt of less than two quotations;

4) lack of submitted quotations.

14.5. If the procurement by the method of request for quotations is recognised as failed, the Committee shall take one of the following decisions:

1) on repeated procurement by the method of request for quotations;

2) on change of essential conditions and repeated procurement by means of request for quotations;

3) on the implementation of procurement by single-source method.

14.6. In case of recognition of procurement by the method of request for quotations as invalid, the Committee has the right to make a decision on implementation of procurement by the method of single source in cases:

1) if after consideration of quotations there is one quotation not rejected. In this case, an invitation to participate in the procurement process by a single-source method is sent to a potential supplier whose quotation has not been rejected. The price of the concluded procurement contract shall not exceed the quotation of the potential supplier specified in the procurement by the method of request for quotations;

2) if after consideration of quotations all quotations are rejected; In this case, the potential supplier to whom the invitation to participate in procurement by means of the single-source procurement method is sent shall be determined by the contracting authority;

3) lack of submitted quotations. In this case, the potential supplier to whom the invitation to participate in procurement by means of the single-source procurement method is sent shall be determined by the contracting authority;

14.7. The results of evaluation and comparison of quotations are indicated in the protocol on the results of procurement by the method of request for quotations within 3 (three) working days, which is signed by the entire committee and published by the customer/supervisor on the EPP website no later than one working day from the date of signing.

14.8. In case of detection of irregularities in the conducted procurement by means of request for quotations, which influenced its results (determination of the winner), the committee is obliged to cancel the results of the procurement before the conclusion of the procurement contract. In this case, procurement by means of request for quotations must be repeated.

14.9. If a potential supplier, recognised as the winner according to the results of procurement by the method of request for quotations, has not submitted a signed procurement contract to the customer within the terms determined by the customer, the customer has the right to conclude a procurement contract with a potential supplier, who took the second place according to the results of procurement.

If a potential supplier, recognised as a winner according to the results of procurement by means of request for quotations, has not submitted a signed procurement contract to the customer within the timeframe determined by the customer, or a potential supplier ranked second according to the results of procurement has not signed a procurement contract within the established timeframe, the customer shall carry out repeated procurement by means of request for quotations.

Section 15. Single-source procurement

15.1. Single-source procurement shall be made in the following cases:

- 1) on the basis of the decision of the collegial executive body of the customer (if the customer does not have a collegial executive body, these decisions are made by the first head of the customer);
- 2) on the basis of the decision of the tender committee, in cases where the procurement by tendering has been recognised as failed;
- 3) on the basis of the committee's decision, in cases when procurement by means of request for quotations is recognised as invalid;
- 4) by direct contracting.

15.2. Single-source procurement is carried out on the basis of a decision of the collegial executive body of the customer in the following cases:

- 1) acquisition under long-term contracts of goods from domestic commodity producers providing for the organisation of serial production of goods in the Republic of Kazakhstan according to the customer's specifications, if such goods have not been produced in the territory of the Republic of Kazakhstan within the last three years;
- 2) acquisition of services for trust management of assets;
- 3) acquisition of goods, works, services for the purpose of implementation of investment strategic projects;
- 4) acquisition of consulting and legal services for defence and representation of the customer's interests in international commercial arbitrations and foreign judicial bodies;
- 5) purchase of securities in the course of treasury operations related to placement of temporarily free money;
- 6) if the customer who has purchased goods, works, services from a supplier has a need to make other purchases from the same supplier in order to unify, standardise or ensure compatibility with existing goods, equipment, technology, works or services;
- 7) acquisition of goods, works, services by the customer's separate subdivisions on the territory of a foreign state (outside the territory of the Republic of Kazakhstan) to support the activities of the separate subdivision;
- 8) purchasing the services of specialised libraries;
- 9) acquisition of information services by international information organisations;
- 10) acquisition of marine agent and marine broker services;
- 11) acquisition of services on verification of measuring instruments used in the sphere of distribution of state metrological control;
- 12) acquisition of goods, works, services by the customer for fulfilment of obligations under the public procurement contract concluded by him\her as a supplier within the framework of the legislation on public procurement;
- 13) purchase of design works from a supplier who has duly performed the main scope of work on preparation of pre-design documentation;
- 14) purchase of design works from the supplier who developed the design documentation arising from the need to make amendments and additions to the design documentation;
- 15) acquisition of goods, works and services necessary for the implementation of targeted scientific and technical programmes approved in accordance with the procedure established by law.
- 16) purchase of simultaneous interpretation services, rent of premises for the organisation by the customer of exhibitions, trainings, seminars, conferences, meetings, forums, symposiums, trainings, fairs, olympiads, scientific projects and competitions;

17) acquisition of international accreditation and/or certification preparation services, including test accreditation network;

18) purchase of goods, works, services, if the total amount of purchased goods, works, services, provided by the Procurement Plan for the relevant calendar year does not exceed two thousand times the amount of the monthly calculation indicator established by the law on the republican budget for the relevant financial year;

19) purchase of goods, works, services, if there is a need for procurement of daily and/or weekly needs (for the period from the moment of announcement and until the conclusion of the contract based on the tender results).

15.3. Procurement from a single source on the basis of a decision of the collegial executive body of the customer is formalised by a relevant decision of the collegial executive body of the customer, and in the absence of the collegial executive body of the customer, the decision is formalised by issuing an order of the first head of the customer.

15.4. In procurement by single-source method in cases provided for by subparagraphs (2) and (3) of paragraph 15.1. of these Regulations, the supervisor of procurement shall send to the potential supplier an invitation to participate in procurement, which shall contain the following information:

- 1) name and location of the procurement supervisor;
- 2) description and required functional, technical, quality and performance characteristics of goods, works, services to be procured, technical specifications;
- 3) quantity of goods, scope of work performed, services rendered, which are the subject of the procurement being conducted;
- 4) place of delivery of goods, performance of work, rendering of services;
- 5) required terms of delivery of goods, performance of works, rendering of services, provision of warranty for quality of offered goods, works, services;
- 6) conditions of payment and draft procurement contract;
- 7) conditions, form, amount and method of payment of security for fulfilment of the procurement contract in cases stipulated by these Regulations;
- 8) information on the amounts allocated for the purchase of goods, works, services, which are the subject of the conducted procurement by a single-source method;
- 9) the list of qualification requirements stipulated by the Regulations, as well as the list of documents to be submitted by the potential supplier to confirm its compliance with the qualification requirements, except when procurement by single-source method is carried out on the basis of subparagraph 3) of paragraph 15.1. of these Regulations;
- 10) place and deadline for submission by the potential supplier of the contract on participation in procurement by means of single-source method with attachment of documents.

In this case, the information in the invitation letter sent to the potential supplier on the condition of procurement by means of single-source procurement shall comply with the terms and conditions of the tender documentation, recognised procurement by means of tender failed or the terms and conditions of the announcement, recognised procurement by means of request for quotations failed.

15.5. A potential supplier who has expressed a desire to supply goods, works or services that are the subject of the ongoing procurement through a single-source procurement method shall submit an contract on participation in procurement through a single-source procurement method with the following documents attached to the procurement supervisor within the established deadline:

- 1) description and required functional, technical, quality and performance characteristics of goods, works, services to be procured, technical specifications (if any);
- 2) the documents stipulated in the invitation;
- 3) quotation for the proposed goods, works, services.

15.6. In case if procurement by tendering is recognised as failed on the basis of subparagraph 4) of paragraph 12.9. of these Regulations, the customer is obliged to procure from this potential supplier.

In this case, a potential supplier who has expressed a desire to supply goods, works, services that are the subject of the ongoing procurement through a single-source method shall submit an contract on participation in procurement through a single-source method with an attached price proposal for the proposed goods, works, services. The procurement contract shall be concluded with it on the terms and conditions stipulated in its application for participation in procurement by tendering, and the price of the concluded procurement contract shall not exceed the tender price specified in its application for participation in the failed procurement by tendering.

15.7. In case if the procurement by request for quotations is recognised as failed on the basis of paragraph 14.4. subparagraph 1) of these Regulations, the customer is obliged to procure from this potential supplier.

In this case, a potential supplier who has expressed a desire to supply goods, works, services that are the subject of the ongoing procurement through a single-source method shall submit an agreement on participation in procurement from a single source with an attached price proposal for the proposed goods, works, services. The procurement contract shall be concluded with him on the terms and conditions stipulated in his quotation and the price of the concluded procurement contract shall not exceed the price specified in his/her quotation of the failed procurement by the method of request for quotations.

15.8. The Procurement supervisor represented by the tender committee for failed procurement by tendering or the committee for failed procurement by request for quotations within 3 (three) working days from the date of submission by the potential supplier of the requested information shall consider the documents submitted by the potential supplier for their compliance with the requirements established by the Regulations.

15.9. The procurement supervisor represented by the secretary of the tender committee/committee for failed procurement by tendering or request for quotations within 1 (one) working day after review of the submitted documents of the potential supplier for their compliance with the requirements established by the Regulations, drafts and publishes on the EPP website the protocol on the results of procurement by single source method signed by all members of the tender committee/committee for failed procurement by tendering.

15.10. Single-source procurement under subparagraphs (2) and (3) of paragraph 15.1. of these Regulations shall be recognised as failed in cases:

- 1) if the potential supplier does not meet the qualification requirements and requirements of the tender documentation of the failed procurement by tendering;
- 2) if the potential supplier does not comply with the requirements for declaration of failed procurement by means of request for quotations;
- 3) if the potential supplier fails to comply with the requirements of paragraph 3.4. of these Regulations;
- 4) if the potential supplier has refused to participate in procurement by single-source method.

In the event that procurement by single-source procurement is declared unsuccessful on the basis of this paragraph of the Regulations, procurement shall be carried out by the methods provided for in these Regulations.

15.11. Single-source procurement by direct award of a procurement contract shall be made in the following cases:

- 1) acquisition of goods, works, services from a person defined by the legislation of the Republic of Kazakhstan;
- 2) the acquisition of goods, work and services that are objects of intellectual property from a person who has exclusive rights in respect of the acquired goods, work and services;
- 3) acquisition of goods, works, services at prices, tariffs, fees and charges established by the legislation of the Republic of Kazakhstan or the legislation of other countries;

4) purchase of goods, works, services from a natural monopoly entity for regulated services in accordance with the legislation of the Republic of Kazakhstan on natural monopolies and regulated markets;

5) acquisition of goods, works, services from a person occupying a dominant (monopoly) position in a certain market of procured goods, works, services, whose share in such market is equal to 100 (one hundred) percent, or from a state monopoly subject on the main subject of its activity;

6) purchase of natural gas, water, water supply and water disposal services, electricity and heat energy services through the connected network;

7) purchase of goods, services related to hospitality expenses;

8) acquisition of property (assets) realised at auctions:

- court bailiffs in accordance with the legislation of the Republic of Kazakhstan on enforcement proceedings;

- conducted in accordance with the legislation of the Republic of Kazakhstan on bankruptcy;

- conducted in accordance with the land legislation of the Republic of Kazakhstan;

- in the privatisation of state property;

9) purchasing services of rating agencies, financial services;

10) acquisition of services and/or works on development, introduction and/or implementation of educational and training programmes (including selection and admission of students), development concepts for the organisation and implementation of educational, scientific activities in accordance with the statutory objectives of the Customer.

11) purchase of works and services on redemption and demolition of structures on land plots allocated to the Customer for capital construction, Nazarbayev Intellectual Schools, from a legal entity whose founder is a local executive body.

12) acquisition of special, educational, educational-methodical and/or artistic literature in accordance with the content of educational programmes, including on electronic media (CD/DVD, etc.) according to the list approved by the executive body of NIS AEO and in coordination with the NIS AEO structural subdivision(s) supervising these issues;

13) acquisition of services for providing information from websites, audio books, publications on various magnetic or electronic media, books published in braille, and tactile aids for serving visually impaired individuals, subject to coordination with the structural department(s) of the NIS AEO responsible for these issues;

14) acquisition of services for accessing online electronic full-text, abstract, bibliographic, and other databases, electronic journal collections, electronic libraries, electronic book collections, and individual electronic journal and book titles, subject to coordination with the structural department(s) of the NIS AEO responsible for these issues;

15) acquisition of telecommunications services, data transmission (internet, IP VPN), and television services.

16) acquisition of services on author's supervision of development of design documentation of capital construction objects, author's supervision of construction, reconstruction and capital repair of capital construction objects by respective authors;

17) acquisition of rental services of premises, buildings, structures from the person from whom the initial acquisition of rental services was made, as well as services related to their operation, except for the initial acquisition of rental services necessary to ensure the statutory activities of the Customer;

18) acquisition of services of the operator for acceptance of payments and provision of postal services, as well as related services, for delivery of goods sold through the electronic platform of the Customer;

19) acquisition of homogeneous goods, works, services, if the annual volume of such homogeneous goods, works, services in value terms does not exceed one hundred times the amount of the monthly calculation indicator established for the relevant financial year by the law on the republican budget;

20) purchase of bibliographic support services on the complex of ISBN services.

15.12. At realisation of purchases through a single-source method by directly concluding a contract, the customer, based on commercial proposals submitted at the initiative of potential suppliers and/or at the customer's request, selects a supplier while adhering to the procurement principle outlined in subparagraph 5) of paragraph 3.2 of these Regulations, and enters into a corresponding procurement contract with them, unless otherwise provided by the norms of civil legislation of the Republic of Kazakhstan.

Commercial proposals of potential suppliers may be submitted via the EPP or on paper/electronic media in the form of price lists with a description of the characteristics of the goods to be supplied (work to be performed, services to be rendered) and other supporting documents.

15.13. When conducting procurement by a single-source method, the Customer may request additional information and details from the potential supplier for the conclusion of a procurement contract.

Section 16. Special procedure for the procurement of residential property owned by an individual who is not engaged in entrepreneurial activities

16.1. The customer has the right to procure residential property owned by an individual who is not engaged in entrepreneurial activities using a special procedure.

16.2. The procurement of residential property owned by an individual who is not engaged in entrepreneurial activities, using a special procedure, is carried out in accordance with these Regulations and involves the following sequential actions:

1) making a decision to procure residential property owned by an individual who is not engaged in entrepreneurial activities using a special procedure, approving the composition of the committee, appointing the committee's secretary, and approving the announcement and technical specifications;

2) publishing the announcement of the procurement of residential property owned by an individual who is not engaged in entrepreneurial activities using a special procedure on the NIS AEO's Internet resource and registering applications from potential suppliers to participate in the procurement in sealed envelopes;

3) consideration by the committee of applications from potential suppliers to assess their compliance with the requirements of the announcement and technical specifications;

4) summing up the results of the procurement of residential property owned by an individual who is not engaged in entrepreneurial activities using a special procedure, preparing, signing, and posting the protocol of results on the NIS AEO's Internet resource;

5) conclusion of the contract.

16.3. The announcement of the procurement of residential property owned by an individual who is not engaged in entrepreneurial activities using a special procedure is posted by the supervisor on the NIS AEO's Internet resource and contains the following information:

1) the name of the locality (city, district within the city, town, village) where the acquired residential property should be located;

2) on the amount of funds allocated for the purchase of residential property;

3) a description of the required characteristics of the purchased residential property and the timeframe for its acquisition;

4) on the start and end date for submission by potential suppliers of applications for participation in procurement.

16.4. Within no later than 15 (fifteen) calendar days from the date of publication on the NIS AEO's Internet resource of the announcement regarding the procurement of residential property and the technical specifications, potential suppliers shall submit an application to participate in the procurement in a sealed envelope, which must include the following documents:

1) notarised copies of the individual's identity card;

2) copies of documents of title to the dwelling;

- 3) the quotation signed by the potential supplier;
- 4) a written guarantee from the potential supplier that there are no encumbrances and/or third party claims on the proposed dwelling;
- 5) a notarised statement of the spouse's consent to sale, in cases stipulated by the legislation of the Republic of Kazakhstan.

16.5. Registration of applications of potential suppliers for participation in procurement in sealed envelopes is carried out in accordance with NIS AEO's internal documents, which establish the procedure for handling documents in NIS AEO, its branches and organisations. Envelopes are opened by the Committee at a certain time in the presence (except for the case of non-appearance) of the arriving potential suppliers and/or their authorised representatives.

16.6. Opening and consideration of applications of potential suppliers for participation in procurement shall be conducted by the Committee on the day of opening in the presence (except for the case of non-appearance) of arrived potential suppliers and/or their authorised representatives.

16.7. Applications of potential suppliers that do not meet the requirements of the announcement, technical specification and do not contain the documents specified in paragraph 16.4 of these Regulations shall be rejected.

16.8. During the application consideration, admitted potential suppliers may reduce their quotations.

The committee then compares quotations of admitted potential suppliers and determines the winner who submitted the lowest quotation.

16.9. If no applications for participation in procurement of dwellings are submitted within the established period of time, or after their rejection, on the grounds provided for in these Regulations, no application of a potential supplier for participation in procurement of dwellings is admitted, such procurement shall be recognised as failed, and a decision shall be taken to re-run the procurement of dwellings.

16.10. The procurement of residential property owned by an individual who is not engaged in entrepreneurial activities using a special procedure is considered completed if at least one application from a potential supplier to participate in the procurement of residential property has been received. In this case, this potential supplier is recognised by the committee as the winner.

16.11. The protocol on the results of procurement of residential property owned by an individual who is not a subject of entrepreneurial activity with the application of a special procedure shall be drawn up, signed by the committee and the secretary within 2 (two) working days from the date of consideration by the committee of applications of potential suppliers for participation in the procurement of residential property, and shall be posted by the supervisor on the NIS AEO website.

16.12. A contract for the purchase of a dwelling owned by an individual who is not a subject of entrepreneurial activity using a special procedure shall be concluded in accordance with the civil legislation of the Republic of Kazakhstan.

Section 17. Conclusion and execution of procurement contract

17.1. The procurement contract shall be concluded in accordance with the terms and conditions contained in the tender documentation, the procurement announcement, and the draft procurement contract.

Draft procurement contracts are prepared in accordance with the standard procurement contracts for goods, works, and services defined by an internal procurement document approved by NIS AEO's collegial executive body.

In case procurement contract was concluded with non-resident of the Republic of Kazakhstan, it is allowed to execute a procurement contract in the form proposed by him/her, taking into account the requirements of the legislation of the Republic of Kazakhstan.

The customer is authorised to conclude a contract for a period of more than one financial year.

A procurement contract of services for the audit of annual financial statements may be concluded for a period not exceeding three years.

17.2. The customer within five working days from the date of signing of the protocol on the results or the decision of the collegial executive body of the customer, or the order of the first head of the customer, sends to the potential supplier a draft procurement contract signed by the customer.

17.3. The procurement contract is concluded within the terms determined by the customer, but not later than 10 (ten) working days after the date of signing the protocol of the results or the decision of the collegial executive body of the customer, or the order of the first head of the customer.

If the potential supplier, recognised as the winner, has not submitted the signed procurement contract to the customer within the terms determined by the customer, or, having concluded the procurement contract, has not paid the security of the procurement contract performance, the customer has the right to conclude the procurement contract with the potential supplier, who won the second place according to the results of the procurement. In this case, the customer within two working days from the date of evasion of the winner from the conclusion of the procurement contract sends to the potential supplier, who took the second place according to the results of the procurement, a signed draft procurement contract, which must be signed by him within three working days from the date of submission.

If the potential supplier, which won the second place according to the results of the procurement, did not sign the procurement contract within the established term, the customer carries out repeated procurement.

The procurement contract shall provide for the right of the customer to unilaterally withdraw from the procurement contract in case of inexpediency of its further implementation.

17.4. The potential supplier shall, within ten working days from the date of conclusion of the procurement contract, deposit a security for the fulfilment of the procurement contract. A security for the performance of a procurement contract shall be deposited by the supplier as a guarantee that it will fulfil its obligations under the procurement contract concluded with it in a timely, complete and proper manner.

The requirement to provide security for the performance of the procurement contract does not apply to suppliers determined on the basis of the results of procurement by the method of request for quotations and single source method, carried out on the basis of paragraphs 15.2. and 15.11. of these Regulations.

In case of full and proper fulfilment by the supplier of its obligations under the procurement contract before the expiry of the term for payment of the security for performance of the procurement contract, the supplier shall be entitled not to pay the security for performance of the contract.

17.5. The amount of the procurement contract performance security shall be set in the tender documentation in the amount of 3 (three) per cent of the total amount of the procurement contract.

In case the procurement contract provides for payment of advance payment, the potential supplier shall, in addition to the contract performance security, make an advance payment security in the amount equal to the advance payment. In this case, the potential supplier has the right to refuse to pay the advance.

17.6. A potential supplier may choose one of the following types of security for the performance of a procurement contract:

- 1) a security deposit, which shall be paid into the customer's bank account;
- 2) bank guarantee.

17.7. The customer shall return the deposited security for fulfilment of the procurement contract to the supplier within 10 (ten) working days from the date of full and proper fulfilment of its obligations under the procurement contract.

17.8. The security for the performance of the procurement contract shall not be returned to the supplier in cases:

- 1) cancellation of the procurement contract due to non-performance or improper performance of contractual obligations by the supplier;
- 2) failure to fulfil or improper fulfilment of its obligations under the procurement contract and failure to pay penalties for failure to fulfil or improper fulfilment stipulated by the contract.

17.9. If a potential supplier, recognised as a winner according to the results of the procurement, within the terms determined by the customer, has not submitted to the customer a signed procurement contract or, having concluded a procurement contract, has not made a security for the performance of the procurement contract, such potential supplier is recognised as having evaded the conclusion of the procurement contract and is entered in the Unified Register of Unscrupulous potential suppliers (suppliers).

In case a potential supplier is recognised as having evaded the conclusion of a procurement contract based on the results of procurement by tender, the procurement supervisor shall withhold the security provided for the tender application.

17.10. Amendments to the draft procurement contract shall be permitted subject to the following interrelated conditions:

1) amendment of the draft procurement contract is initiated by one of the parties not later than 5 (five) working days from the date of signing of the protocol on the procurement results;

2) the amendment is allowed in terms of reducing the amount of the draft procurement contract, provided that the quality and other conditions that were the basis for the selection of the supplier remain unchanged;

3) the decision to make an amendment to reduce the amount of the contract has been made by mutual agreement of the parties.

The draft procurement contract may not be amended without complying with the conditions provided for in this paragraph.

17.11. Amendments to the concluded procurement contract, provided that the quality and other conditions that were the basis for the selection of the supplier remain unchanged, shall be allowed in the following cases:

1) by mutual agreement of the parties in terms of reduction of the price for goods, works, services and, accordingly, the amount of the procurement contract, if in the process of execution of the procurement contract the prices for similar purchased goods, works, services have changed downwards;

2) in terms of increasing the amount of the procurement contract of works, as well as, if necessary, in terms of corresponding changes in the terms of execution of the contract, if changes have been made to the design and estimate documentation that has passed state expertise and a decision on additional allocation of money for the amount of such changes has been made in accordance with the established procedure;

3) in the part of reduction or increase of the amount of the procurement contract related to reduction or justified increase of the need in the volume of purchased goods, works, except for works specified in subparagraph 2) of this paragraph, services, as well as, if necessary, in the part of corresponding change of the terms of execution of the contract, provided that the price per unit of goods, works, services specified in the concluded procurement contract remains unchanged. Such amendment of the concluded contract on procurement of goods, works, services is allowed within the limits of the amounts provided for the purchase of these goods, works, services in the Procurement Plan;

4) if the supplier in the process of fulfilment of the contract on procurement of goods concluded with him offered better quality and/or technical characteristics or terms and/or conditions of delivery of goods which are the subject of the contract on procurement of goods concluded with him, provided that the price per unit of goods remains unchanged;

5) in terms of reducing or increasing the amount of the procurement contract for works to be completed in the following year(s) due to changes in legislation in tax, customs and other spheres, as well as in terms of relevant changes in terms of contract execution in case of changes in financing by year, provided that the relevant changes are made to the design and estimate documentation that has passed state expert review;

6) in terms of reducing or increasing the amount of a long-term procurement contract for the supply of goods, the provision of services caused by changes in legislation in tax, customs and other spheres, as well as in terms of relevant changes in the terms of execution of the contract in case of

changes in financing by years. Such amendment shall be allowed after one year of the contract and not more than once a year.

7) changes in the terms and conditions of contracts for procurement of goods, works and services in terms of provision of prepayments against security on the basis of a decision of NIS AEO's collegial executive body.

8) in terms of changing the price of the procurement contract in accordance with the approved design and estimate documentation that has passed state expertise, in accordance with the legislation on architectural, town-planning and construction activities of the Republic of Kazakhstan, when carrying out complex works;

9) in the part of increasing the terms of execution of the procurement contract when performing construction works due to unfavourable climatic (weather) conditions preventing the performance of works that are the subject of the procurement contract, as well as due to the actions of the customer and/or actions of other suppliers of the customer at the construction site, creating obstacles to the timely execution of the procurement contract. Circumstances of increase in the terms of performance of the procurement contract provided for in this subparagraph shall be documented before conclusion of the relevant additional agreements to the procurement contract.

17.12. Amendments and additions to the procurement contract shall be executed in the form of an additional written agreement to the contract, which is an integral part of the contract.

17.13. It is not allowed to make changes to the draft or the concluded procurement contract, which may change the content of the terms and conditions of the conducted procurement and/or the proposal, which was the basis for the selection of the supplier.

17.14. Execution of the procurement contract is carried out in accordance with the civil legislation of the Republic of Kazakhstan, the Regulations and the internal document of the customer regulating drafting, conclusion, and execution of contracts.

Section 18. Liability for violation of Regulations

18.1. Heads of the customer/supervisor of procurement, committee, expert(s), persons organising and conducting procurement procedures, as well as other persons participating in the process of procurement of goods, works, services are personally liable for violation of the Regulations.

18.2. The procedure for holding employees liable for violation of the Regulations is determined in accordance with the legislation of the Republic of Kazakhstan and NIS AEO internal documents approved in accordance with the established procedure.

Section 19. Final provisions

19.1. Procurement procedures initiated (announced) prior to the enactment of these Regulations shall be carried out in accordance with the regulations on procurement in force on the date of the decision on procurement.

19.2. Potential suppliers have the right to appeal in the manner prescribed by law against actions (inaction) of the Supervisor of procurement, committee, expert(s), if their actions (inaction) violate the rights and legitimate interests of a potential supplier.

The decision of the contracting authority not to proceed with the procurement shall not be subject to appeal.