

REGULATIONS ON THE ORGANIZATION AND IMPLEMENTATION OF PROCUREMENT OF GOODS, WORKS AND SERVICES OF OSH STATE UNIVERSITY

SECTION 1. GENERAL PROVISIONS

1.1.

These Regulations on the procurement of goods, works and services (hereinafter referred to as the “Procurement Regulations”) have been developed on the basis of the Decree of the President of the Kyrgyz Republic *“On Measures to Enhance the Potential and Competitiveness of Higher Professional Education Institutions of the Kyrgyz Republic”*, which grants a special status providing for broad organizational, financial and academic autonomy.

1.2.

The following terms and definitions used in these Procurement Regulations shall have the meanings set forth below:

- **Affiliated person** – a person meeting one or more of the following criteria, with the exception of state and municipal institutions where the procuring organization is a participant or founder, and whose activities do not contradict competition legislation:
 - a person exerting influence on decision-making in public procurement procedures;
 - a head or employee of a procuring organization or agent, as well as their close relatives or close persons;
 - a participant (founder) of a supplier who holds a political state position, political municipal position or special state position, as well as their close relatives or close persons owning a share in the authorized capital of the supplier.
- **Register of bad-faith suppliers** – a register of suppliers and their managers included therein for failure to perform or improper performance of contractual obligations, as well as for violations of the rules of participation in public procurement procedures.
- **Performance security** – a method of securing the supplier’s fulfillment of contractual obligations to Osh State University under a contract, in the form prescribed by these Regulations.
- **Bid security** – a method of securing obligations under a competitive bid, in the form prescribed by these Regulations.
- **Monitoring** – market research, the results of which are used to ensure the efficiency and cost-effectiveness of procurement.

- **Lot** – an indivisible procurement item acting as an independent procurement subject, the evaluation of which shall be carried out independently of other lots.
- **Protocol** – a documentary record reflecting the relevant stage of the procurement process.
- **OshSU website** – an information system created by Osh State University for procurement purposes in order to ensure a transparent, accessible and accountable procurement process, with information retained for at least five years.

1.3.

These Procurement Regulations govern relations related to the procurement carried out by the Customer (the University):

1. using grants transferred free of charge and on a non-repayable basis by individuals and legal entities, including foreign individuals and foreign legal entities, as well as international organizations; subsidies (grants) provided on a competitive basis from the respective budgets of the budgetary system of the Kyrgyz Republic, unless otherwise stipulated by the conditions determined by the grantors;
2. when Osh State University acts as a contractor under a contract concluded with Osh State University, in cases where, during the execution of such contract, other persons are engaged on a contractual basis to supply goods, perform works or render services necessary for the fulfillment of obligations stipulated by the contract;
3. using funds received by Osh State University from other income-generating activities carried out with individuals and legal entities, including within the framework of the main types of activities предусмотренные by its founding documents.

1.4.

These Procurement Regulations shall not apply in the following cases:

1. procurement in the field of military-technical cooperation;
2. procurement of goods, works and services in accordance with an international treaty of the Kyrgyz Republic, if such treaty provides for a different procedure for determining suppliers (contractors, service providers);
3. payment of fees, duties, payments and membership fees, including those related to dispute resolution in courts, as well as paid state and municipal services;
4. making contributions to the authorized capital of legal entities;
5. acquisition of shares (equity interests) in the authorized capital of legal entities, including repurchase of own shares;
6. acquisition of electrical and thermal energy and natural gas on domestic and interstate markets, as well as utility services;
7. acquisition of services provided by individuals or legal entities that are not business entities, including services of private notaries, private attorneys, brokers, examination of goods, issuance of certificates of origin of goods, etc.;
8. reimbursement of travel and related expenses, representation expenses;

9. provision of support to students participating in olympiads and competitions;
10. acquisition of temporary ownership and/or use rights to property (lease);
11. banking services.

1.5.

When procuring goods, works and services, Osh State University shall be guided by the following principles:

1. openness and transparency of procurement information;
2. targeted and economically efficient use of funds for the acquisition of goods, works and services.

1.6.

Amendments and additions to these Procurement Regulations shall be introduced by an order of the Rector of Osh State University in accordance with the procedure established by him.

These Procurement Regulations and any amendments thereto shall be subject to mandatory publication on the Osh State University website no later than fifteen (15) days from the date of approval. Publication of the amended Regulations shall be carried out together with the publication of a document containing a list of the amendments made.

SECTION 2. PROCEDURE FOR PROCUREMENT AND PROCUREMENT PLANNING

2.1.

Procurement at Osh State University shall be carried out using the methods established by these Procurement Regulations:

1. without inclusion in the procurement plan in cases provided for in Clause 2.2 of these Procurement Regulations;
2. with inclusion in the procurement plan in the manner described in Clause 2.3 of these Procurement Regulations.

2.2.

The procurement plan of Osh State University formed in accordance with these Procurement Regulations (hereinafter – the “OshSU Procurement Plan”) shall not include information on the procurement of the following types of goods, works and services:

1. procurement of goods, works and services for the prevention of emergency situations only under a high-alert regime, liquidation of consequences of emergency situations, state of emergency, localization and elimination of consequences of force majeure circumstances and accidents requiring immediate restoration, as well as implementation of activities within the framework of

- international emergency assistance or dispatch of humanitarian aid to foreign countries, or performance of works related to mobilization preparedness;
2. cases requiring urgent medical intervention;
3. procurement of goods, works and services necessary to ensure the activities, security and protection of the President of the Kyrgyz Republic, the Speaker of the Jogorku Kenesh of the Kyrgyz Republic, the Chairman of the Cabinet of Ministers, the Chairman of the Supreme Court of the Kyrgyz Republic, and the Chairman of the Constitutional Court of the Kyrgyz Republic, including support for events held with the participation of the specified persons, as well as procurement related to ensuring visits of heads of foreign states, heads of foreign governments, heads of international organizations, parliamentary delegations, governmental delegations and delegations of foreign states (household, hotel and transport services, operation of computer equipment, protocol attributes, sanitary and epidemiological safety, provision of safe catering);
4. procurement of laboratory consumables to support the activities of educational and/or scientific laboratories, the cost of which does not exceed 200,000 (two hundred thousand) Kyrgyz soms;
5. procurement of catering services, simultaneous interpretation services, rental of premises, and technical equipment for organizing exhibitions, trainings, seminars, conferences, meetings, forums, symposiums and trainings by the Customer;
6. procurement of goods, works and services constituting state secrets, provided that such information is contained in the procurement notice, procurement documentation or draft contract.

2.3.

Procurement not specified in Clause 2.2 of these Procurement Regulations shall be carried out on the basis of an approved procurement plan prepared in accordance with the procedure established by these Procurement Regulations and published on the Osh State University website.

2.4.

The Osh State University procurement plan shall be prepared on the basis of procurement requests submitted by faculties, colleges and other structural subdivisions of Osh State University and shall be approved by the Rector and the Board of Trustees of Osh State University.

2.5.

Procurement requests shall be submitted to the Procurement Department and the Planning and Finance Department of Osh State University prior to the approval of the procurement plan for the following year.

2.6.

The formation of the Osh State University Procurement Plan under these Regulations and its publication on the Osh State University website shall be carried out in accordance with the procedure established at Osh State University for procurement planning, taking into account the specific features set forth in these Regulations.

2.7.

Osh State University shall have the right to introduce amendments and/or additions to the procurement plan at any time during the financial year.

2.8.

The Osh State University Procurement Plan under these Regulations shall be the main planning document in the field of procurement and shall be approved by the Rector of Osh State University for a period of not less than one year.

Procurement plans for innovative products, high-technology products, medicinal products and capital construction shall be formed for a period of three years, taking into account the relevant specific features.

2.9.

Adjustment (introduction of amendments and additions) of the Osh State University Procurement Plan under these Regulations may be carried out, including in the following cases:

1. changes in the volume, objectives and needs of procurement which could not be foreseen at the time of approval of the consolidated plan (including use of savings generated, emergence of new sources of financing);
2. changes in the volume and sources of financing;
3. cancellation of a planned procurement;
4. submission of new procurement requests approved by the Rector and the Board of Trustees of Osh State University, in coordination with the Planning and Finance Department.

2.10.

Following the inclusion of new procurement requests in the procurement plan, a competitive procurement procedure shall be conducted.

SECTION 3. COMMISSION FOR THE SELECTION OF SUPPLIERS, CONTRACTORS AND SERVICE PROVIDERS

3.1.

When carrying out direct procurement (procurement from a single supplier, contractor or service provider), a commission for the selection of suppliers, contractors and service providers shall not be established.

3.2.

When carrying out procurement procedures other than those specified in Clause 3.1 of these Regulations, prior to the announcement of a tender, a commission consisting of at least three (3) employees of Osh State University shall be established by an order of the Rector.

3.3.

The commission shall carry out procedures for the review and evaluation of procurement participants' bids, ensuring maximum economic efficiency and effectiveness of procurement, transparency of the supplier selection procedure, and compliance with the requirements of these Regulations.

3.4.

The results of the commission's work shall be documented in a commission protocol, which shall be signed by all members of the commission. In case of disagreement with the conclusion, commission members shall record their dissenting opinion in writing.

3.5.

The procurement commission for the selection of suppliers (contractors, service providers) shall also make decisions necessary for supplier selection during procurement procedures in accordance with these Regulations, including:

1. development of procurement documentation, including qualification and technical requirements of the tender;
2. admission or refusal of admission to participation in the procurement procedure in accordance with the requirements of the procurement documentation;
3. selection of the winner of the procurement procedure;
4. recognition of the procurement procedure as unsuccessful.

3.6.

When carrying out procurement procedures, the tender commission and the responsible head of the structural subdivision (applicant, recipient or initiator of procurement) of Osh State University shall bear personal responsibility for violations of their assigned duties in accordance with the legislation of the Kyrgyz Republic.

SECTION 4. PARTICIPANTS IN PROCUREMENT PROCEDURES AND REQUIREMENTS THERETO

4.1.

A participant in procurement procedures (supplier, contractor or service provider) may be any legal entity or several legal entities acting jointly as one procurement participant, regardless of organizational-legal form, form of ownership, place of location or origin of capital, as well as any individual entrepreneur or several individual entrepreneurs acting jointly as one procurement participant, provided that they meet the requirements established by the Customer in accordance with these Regulations and are legally entitled to enter into a contract based on the results of the procurement procedure.

4.2.

Depending on the subject matter of procurement, Osh State University shall establish the following qualification requirements:

1. compliance of the procurement participant with the requirements established in accordance with these Regulations for the supply of goods, performance of works or provision of services constituting the subject of procurement;
2. availability of experience in supplying goods, performing works or providing services similar in nature to the procured items, for an amount equal to the lot or procurement amount (if procurement is carried out under a single lot), indicating the relevant period; documentary evidence shall include copies of executed contracts and/or signed acceptance certificates for the specified amount and period;
3. absence of losses for the last financial year; documentary evidence shall include financial statements with all annexes for the last year or a unified tax declaration;
4. availability of material and technical resources (including equipment, machinery and materials, such as excavators, transport vehicles, construction machinery, etc.); documentary evidence shall include technical passports for vehicles or copies of lease contracts valid for the entire construction period;
5. availability of qualified personnel, with a list of required specialists and established requirements regarding their work experience; documentary evidence shall include copies of employment records, diplomas and certificates;
6. availability of a valid license issued by the authorized body of the Kyrgyz Republic or a license of the country of registration (for all types of activities subject to licensing under the contract); this requirement shall also apply to subcontractors or partners in a simple partnership;
7. provision of information on the availability of unfinished projects indicating their stage of completion; unfinished projects exceeding ten (10) percent shall be considered a risk of untimely performance of the contract;
8. availability of financial and material resources, as well as other capabilities (resources) necessary for the performance of contractual obligations;
9. absence of arrears in taxes and insurance contributions in the Kyrgyz Republic; for non-residents of the Kyrgyz Republic – information on arrears in accordance with the legislation of the country of residence.
10. absence of arrears in taxes and insurance contributions in the Kyrgyz Republic; for non-residents of the Kyrgyz Republic — information on arrears in accordance with the legislation of the country of residence.

4.3

A proposal submitted by a simple partnership (consortium) must meet the following requirements:

1. one of the partners must be designated as the leading partner, confirmed by powers of attorney from all partners, and authorized to assume obligations on behalf of all partners. In the event of a dispute under the contract, the procuring organization shall bring claims against the leading partner, not against the consortium as a whole;
2. the agreement between the partners of the simple partnership must be concluded in writing and must stipulate that all partners bear joint and several liability for

performance of the procurement contract, that the leading partner has the right to assume obligations and receive instructions on behalf of any partner or all partners collectively, and that all operations related to contract performance, including payments, are carried out exclusively with the leading partner;

3. the proposal must be submitted only on behalf of the leading partner designated by the partnership agreement.

If a consortium proposal does not meet the above requirements, it shall be rejected.

4.4

By decision of the commission, during procurement procedures the supplier may be required to provide bid security and performance security.

4.5

The amount of bid security for participation in a procurement procedure shall be up to **5%** of the planned procurement value. Bid security may be provided by depositing funds into the Osh State University account specified in the procurement documentation.

4.6

The amount of performance security shall range from **2% to 10%** of the initial (maximum) contract price specified in the procurement documentation. Performance security may be provided by depositing funds into the Customer's account specified in the documentation.

4.7

Osh State University has the right to suspend procurement procedures at any time prior to the conclusion of a contract.

4.8

Osh State University has the right to make amendments to the procurement notice and procurement documentation, as well as to provide clarifications of such documentation.

SECTION 5. PROCUREMENT METHODS

5.1

The selection of a supplier for procurement by the Customer shall be carried out using one of the following procurement procedures:

1. two-envelope method;
2. request for quotations;

3. direct procurement (from a single supplier, contractor, or service provider).

The procurement method shall be determined by the decision of the commission (tender committee) in cases and subject to compliance with the conditions stipulated by this Regulation.

5.4

The two-envelope method shall be applied in cases where qualification data and technical characteristics of the procurement constitute the main criteria for effective contract performance, and evaluation is conducted based on established criteria.

5.5

The request for quotations shall be conducted if the subject of procurement is mass-produced goods, standard works, or services, provided that competition exists among suppliers, contractors, or service providers, and there is a need to minimize the time required to conduct the procurement procedure.

5.6

Direct procurement (procurement from a single supplier, contractor, or service provider) shall be carried out in cases and under conditions specified in Clause 5.19 of this Regulation.

5.7

All competitive procurement procedures stipulated by this Regulation shall be conducted in electronic form and, in certain cases, in paper form. Contract conclusion shall be carried out in hard-copy format.

TWO-ENVELOPE METHODS

5.8

When applying the two-envelope method, the opening of suppliers' proposals shall be conducted in two envelopes in accordance with this Regulation.

5.9

At the first stage, qualification and technical requirements of suppliers shall be evaluated; at the second stage, the Customer shall evaluate the financial proposal taking into account the technical specifications (cost estimates).

5.10

The final deadline for submission of proposals under the two-envelope method shall be no less than five (5) calendar days from the date of publication of the procurement announcement. The second envelope shall be opened after evaluation and publication of the results of the first envelope within one (1) working day.

5.11

If only one proposal meeting the procurement documentation requirements is submitted under the two-envelope method, or only one compliant proposal remains after rejection, such procurement shall be deemed valid.

REQUEST FOR QUOTATIONS

5.12

A request for quotations is a procurement procedure for mass-produced goods, standard works, or services where competition exists among suppliers, contractors, or service providers. The winner shall be the participant offering the lowest contract price, provided that its proposal complies with the requirements of the quotation request documentation.

5.13

The final deadline for submission of proposals under the request for quotations method shall be no less than three (3) working days from the date of publication of the procurement announcement.

5.14

Osh State University has the right to amend the quotation request documentation no later than one (1) working day prior to the deadline for submission of applications.

5.15

Applications shall remain valid for the period specified in the quotation request documentation.

5.16

If only one compliant application is submitted or remains after rejection, the procurement shall be deemed valid.

5.17

If no applications are submitted by the deadline, or if all submitted applications are rejected, the request for quotations shall be deemed unsuccessful.

DIRECT PROCUREMENT (PROCUREMENT FROM A SINGLE SUPPLIER)

5.18

In the case of direct procurement, the Customer shall conclude a contract with the supplier without conducting other procurement procedures stipulated by this Regulation.

5.19

Direct procurement shall be carried out in the following cases (including, but not limited to):

- procurement from manufacturers or suppliers holding exclusive or intellectual rights;
- procurement based on market analysis where goods exceed analogues in quality or compatibility;
- emergency situations, urgent medical intervention, force majeure, or accident recovery;
- urgent need for regularly consumed goods and services;
- procurement of educational, sports, medical, scientific, laboratory, library, accreditation, consulting, legal, financial, and information services;
- procurement related to state assignments, grants, international cooperation, research projects;
- failed procurement procedures;
- additional procurement up to 25% of the original contract value;
- other cases exhaustively listed in Clause 5.19 of this Regulation.

5.20

When applying direct procurement, the University shall conduct mandatory price monitoring based on market research, price analysis, manufacturers' data, advertising materials, price lists, and publicly available Internet sources, except for cases expressly exempted under this Regulation.

5.21

Direct procurement is a procurement procedure under which Osh State University signs a contract without publishing a procurement announcement on the University's website.

5.22

All contracts concluded through direct procurement shall be executed as follows:

1. responsible staff of the structural unit and material-technical department shall conduct price monitoring and determine the contract amount based on market analysis;
2. the responsible staff member shall monitor contract execution until full fulfillment of contractual obligations;
3. acceptance documents (acceptance acts, invoices, delivery notes) shall be signed by the responsible staff member of the structural unit.

5.23

Personal responsibility for direct procurement shall be borne by the person responsible for procurement and the head of the relevant structural unit of Osh State University.

SECTION 6. BID SECURITY

6.1

Bid security shall be provided by the supplier to guarantee that the bid will not be withdrawn or amended and that, in the event of winning, performance security will be provided and a contract concluded.

6.2

Bid security requirements shall apply equally to all suppliers.

6.3

The validity period of bid security shall be no less than ten (10) working days after the expiration of the bid validity period.

6.4

Bid security shall be returned within fifteen (15) working days in the following cases:

- expiration of bid validity;
- provision of performance security;
- withdrawal of the bid before the submission deadline;
- termination of procurement procedures;
- adoption of a procurement decision by the commission.

6.5

Bid security shall not be returned in the following cases:

- refusal to sign the contract;
- failure to provide performance security;
- withdrawal or modification of the bid after opening.

SECTION 7. PERFORMANCE SECURITY

7.1

When procuring goods, works, or services, Osh State University shall require performance security from the supplier.

7.2

Performance security shall be provided in monetary form and transferred to the Osh State University account.

7.3

Performance security shall be returned within ten (10) working days in the following cases:

- full performance of contractual obligations, including warranty obligations;
- contract termination due to force majeure.

SECTION 8. EVALUATION OF BIDS AND DETERMINATION OF THE WINNER

8.1

Only procedures and criteria stipulated in the procurement documentation shall be applied in bid evaluation.

8.2

During bid evaluation, Osh State University may request clarifications from suppliers. No negotiations or actions aimed at altering the substance of bids shall be permitted.

8.3

Qualification data of suppliers shall be evaluated in accordance with the qualification requirements set forth in the procurement documentation.

8.4

Minor deviations that do not materially affect bid substance may be accepted. Material deviations include:

- absence of required documents;
- non-compliance with procurement scope, volume, or timelines;
- insufficient warranty period.

8.5

A bid shall be rejected if:

- the supplier fails to meet procurement requirements;
- bid security is not provided;
- tax or insurance arrears exist;
- technical parameters do not comply;
- required samples are not submitted.

8.6

If bids with identical prices and compliant conditions are submitted, the winner shall be determined by the tender committee.

8.7

The tender committee may reject bids if supplier contact details are invalid or non-functional.

SECTION 9. OTHER CONDITIONS FOR CONTRACT CONCLUSION AND PERFORMANCE

9.1

Within one (1) working day after the expiration of the appeal period, Osh State University shall publish procurement results and notify the winning supplier.

9.2

Failure to submit a signed contract within three (3) calendar days shall be deemed refusal to conclude the contract.

9.3

Failure to provide performance security within the specified period shall also constitute refusal.

9.4

Suppliers refusing to conclude contracts shall be included in the University's register of bad-faith suppliers.

9.5

Osh State University may refuse contract conclusion if the supplier ceases to meet requirements or provides false information.

9.6

The contract may be concluded with the next-ranked supplier.

9.7

Contract terms shall not be amended except as provided by this Regulation.

9.8

Contract price may be reduced by agreement of the parties without changing scope or volume.

9.9

The Customer may increase the contract volume by up to 25% or decrease it by up to 70%, with proportional price adjustment.

9.10

Improved goods or services may be supplied upon agreement of the parties.

9.11

Contract deadlines may be amended due to circumstances beyond the control of the parties.

9.12

Contract termination shall be permitted by mutual agreement, court decision, or unilateral refusal in accordance with civil law.

SECTION 10. APPEAL PROCEDURE

10.1

Suppliers may appeal decisions of Osh State University via email if procurement rules are violated.

10.2

The following shall not be subject to appeal:

- requirements of procurement documentation;
- decisions under Clause 4.7 of this Regulation;
- direct procurement procedures.

10.3

The University commission shall review appeals within three (3) working days and send a reasoned decision to the supplier by email.

SECTION 11. DOCUMENT STORAGE

11.1

Osh State University shall retain all procurement documentation for three (3) years from the date of full performance of contractual obligations.

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