

## public procurement - legal changes published in March 2017

**Order of the National Agency for Public Procurement no. 55/2017** amending the Order of the National Agency for Public Procurement no. 264/2016 on establishing methodology for ex-ante selection of tender documentation related to procurement contracts / framework agreements covered by Art. 23 para. (2) of Annex to the Government Decision no. 395/2016 approving the Methodological Norms for applying the provisions on awarding public procurement contracts / framework agreements of Law. 98/2016 on public procurement contracts / framework agreements covered by art sector. 25 para. (2) of the Annex to the Government Decision no. 394/2016 approving the Methodological Norms for applying the provisions relating to award of sectoral / framework agreement of Law. 99/2016 on the sector procurement and developed for the interaction with verified authorities / entities was published in the Official Gazette of Romania, Part I, no. 183 of March 15, 2017 and entered into force on the day of its publication

The new normative act amends the Order of the National Agency for Public Procurement no. 264/2016 on establishing methodology for ex-ante selection of tender documentation related to procurement contracts / framework agreements for the public procurement contracts / framework agreements sector, relevant being the following:

- under the provision whereby *"selection of tender documentation is ensured technically at SEAP level and is made every working day"* the order inserts that the tender documentations mentioned in art. 1 (ex-ante assessment of award documentation, along with the contracting strategy) is grouped in intervals of ten, for each type of contract/framework agreement, namely supply contract/framework agreement or service contract/framework agreement or works contract/framework agreement, in the order they are entered into the system; the old regulation did not provide this distinction of grouping documentations by types of contract/framework agreement (supply, services or works);
- art. 4 of the Order is amended in the sense of introducing the provision that the evaluation of the award documentation is performed via the specific information available in SEAP. NAPP assesses the documentation submitted to SEAP in the order of their receipt in the specific computer application, taking into account the type of contract / framework agreement (supply, service or works). Also, the contracting authority shall take into account the time allowed for assessing NAPP tender documents when developing the timing of the award procedure for the sector procurement contract / framework agreement.

For additional details on this material, please do not hesitate to contact us.

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