

public procurement - draft laws published in February 2017

Draft law for amending Law no. 98/2016 on public procurement was registered to the Senate for debate under no. B25 on 2 February 2017 and is aimed at introducing a new paragraph in article 10 of Law no. 98/2016.

The legislative proposal envisages art. 10 para. (1) of Law 98/2016 establishing that if the contracting authority has in its structure separate business units, the estimated value of the procurement is calculated by taking into account the estimated total for all business units taken separately. Notwithstanding this regulation, the proposal wants to introduce that in the case of land improvement highlighted in the centralized inventory of goods from public / private state domain and administered by the Ministry of Agriculture and Rural Development - Agency for Land Improvement, the contracting authority has the right to award public contracts/framework agreements for maintenance and repair, whose estimated value of is calculated independently for each improvement, while respecting the value cap referred to in art. 7 of Law 98/2016.

The grounds for the legislative proposal took into account the fact that the National Land Improvement Agency is unable to intervene urgently in compliance with the law on contracting public works of maintenance and repair, to ensure the functioning of land improvement, given that the functioning of land improvement is independent and specific to each geographic area and during operation there may be unforeseen circumstances which lead to decommissioning of facilities.

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

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