

public procurement - legal changes published in December 2020

Order of the National Agency for Public Procurement no. 2376/2020 on the content, how to complete and how to use the standard documents "Instructions for tenderers/ candidates" and "Tender book" when awarding the framework agreement/ public/ sectoral procurement contract for protection masks for sanitary use type II, II R, FFP2, FFP3 was published in the Official Gazette, Part I, no. 1222 of December 14, 2020, entering into force on the same day.

The Order approved the content, the way of filling in and the way of using the standard documents for the procurement procedure of the masks for sanitary use of TYPE II, II R, FFP2, FFP3.

Annex 1 of the Order establishes the appropriate qualification and selection criteria and the evaluation factors recommended for use in the procedure for procurement of protective masks for sanitary use. The Annex also contains details on how the economic operators should structure the information to be submitted in order to meet the qualification/ selection requirements in the simplified notice/ participation notice, respectively procedural details such as: details of the guarantees required, preparation and the structuring of the technical and financial proposal, the procedural deadlines to be met and the remedies that can be used.

Annex 2 of the Order contains functional and performance requirements in accordance with European and national standards for 4 types of protective masks for sanitary use, of which 3 are included in the category of medical devices, and two intended for the protection of the person, as well as rules and conditions to be followed by the potential tenderers for the preparation of a technical proposal corresponding to the needs of the contracting authority or entity.

The provisions of the Order apply to the award procedures initiated after the date of its publication.

Order of the National Agency for Public Procurement no. 2389/300/2020 on the revision of the discount rate to be used for the award of public procurement contracts in 2021 was published in the Official Gazette, Part I no. 1321 of December 31, 2020, entering into force on the same day.

The Order revised the discount rate that will be used for the award of public procurement contracts in 2021.

Thus, for the discount rate that will be used in 2021 in the process of awarding public procurement contracts, respectively framework agreements financed exclusively from the state budget, a level of this indicator of **5.5%** is set.

In relation with the public procurement contracts financed from non-reimbursable European funds, for which the award procedure starts in 2021, and the award criterion is "the lowest cost", the discount rate remains the one recommended by the European Commission in the *"Guide to Cost-Benefit Analysis of Investment Projects Economic appraisal tool for Cohesion Policy 2014-2020"*, respectively **4%**.