



Pursuant to the Article 36, paragraph 1, sub-paragraph 1.4 and in accordance with the Article 73 of the Law no. 03/L-209 on the Central Bank of the Republic of Kosovo, the Executive Board of Central Bank of the Republic of Kosovo, in the meeting held on 16 December 2016, approved the following:

## Rules of Procurement in the Central Bank of the Republic of Kosovo

### CHAPTER I

#### GENERAL RULES

##### **Article 1** **Definitions**

For the purposes of this Rule, the following terms shall apply:

- (a) "Central Bank" shall mean the Central Bank of the Republic of Kosovo;
- (b) "Procurement" shall mean purchasing, lease or otherwise contracting of goods, services or works for the Central Bank;
- (c) "Contract" shall mean a contract concluded in writing between the Central Bank and one or more bidders, which has as an object the execution of works, supply with products and provision of services;
- (d) "Work contract" shall mean a contract that has as its object the execution of works or design as well as realization of works. "A work" shall mean the outcome of construction or technology works that, taken as a whole, is sufficient to fulfil an economic or technical function;
- (e) "Supply contract" shall mean a contract that has as its object the purchase, lease, rental or hire, with or without option to buy, of products. A contract that has as its object the supply of products, and also as the case may be, covers the maintenance and installation operations shall be considered as a "supply contract";
- (f) "Service contract" shall mean a contract other than a supply or works contract that has as its object the provision of services. A contract that has as its object both products and services shall be considered as a "service contract" if the estimated value of services at stake exceeds that of the products covered by the contract. A contract that has as its object the services including activities related to works which are incidental to the principal object of the contract shall be considered to be a service contract;

(g) "Framework contract" shall mean an agreement in writing between the Central Bank and one or more suppliers, the purpose of which is to set forth the terms, governing the contracts to be awarded during a specific period of time, in particular in relation to price and estimated quantity, as appropriate;

(h) "Authorizing Officer" shall mean a person authorized by the Central Bank Governor, as having the authority for initiating a procurement activity;

(i) "Bidder" shall mean a natural or legal person or a public entity or group of person and/or bodies, submitting their bids in the market, respectively proposing the execution of works, products or service. A bidder filing an application to participate in a restricted or negotiated procedure or in competitive dialogue shall be considered as an "applicant". An applicant who submitted a tender shall be considered as a "tenderer";

(j) "Open procedure" shall mean a procurement procedure in which any interested bidder may submit a tender;

(k) "Restricted procedure" shall mean a procurement procedure in which any bidder may apply for participation and only the applicants invited by the Central Bank may submit a tender;

(l) "Negotiated procedure" shall mean a procurement procedure in which the Central Bank considers bidders at its own choice and negotiates the terms and conditions of the contracts with one or more of them;

(m) "Direct or sole source procurement" shall mean a procurement procedure in which the Central Bank, without aiming at a non-compliance with other procedures, enters into relationship and request a bid from only one bidder;

(n) "Competitive dialogue" shall mean a procurement procedure in which any bidder may apply for participation, whereby the Central Bank conducts a dialogue with applicants accepted in such procedure, with purpose of developing one or more viable alternatives that are able to satisfy its requirements;

(o) "Dynamic procurement system" shall mean a procurement procedure through a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, satisfy the requirements of the Central Bank. The system is limited in duration and is open throughout its validity to any bidder which satisfies the selection criteria and has submitted an indicative tender that complies with the specification;

(p) "Electronic auction" shall mean a repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or new values concerning certain elements of tenders, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods;

(q) "Invitation to tender" shall mean an invitation inviting the bidders to submit a tender, specifying the procedure, requirements of the Central Bank and contracting criteria and conditions;

(r) "International tender" shall mean a tender to be developed according to the procedures set forth under this Rule and employed when goods, services and works due to be procured have not be provided from domestic resources and there has been insufficient competition in the country.

(s) "Evaluation Procurement Committee" shall mean a committee designated for consideration, evaluation and comparison of bids and procurement process under this Rule.

(t) "Written" or "In written" shall mean any expression consisting of words or figures that can be read, reproduced and subsequently communicated. It may include information transmitted or stored by electronic means;

(u) "Days" shall mean calendar days;

(v) "Communication language" shall mean the official languages in the Republic of Kosovo (Albanian/Serbian) and the English language in international tendering procedures.

## **Article 2**

### **Scope**

2.1 The Central Bank shall tender the supply, service and works contracts on its own interest in accordance with rules established under this Rule.

2.2 This Rule shall apply to all procurements of goods, services and works in the Central Bank.

## **Article 3**

### **Exemptions**

3.1 This Rule shall not apply for contracts for:

(a) Procurement of banknotes and coins;

(b) Issuance, sale, purchase or transfer of securities or financial instruments and financial services related to these transactions;

(c) Foreign accounts and transactions operation; and

(d) Employment contracts between the Central Bank and its staff concluded in compliance with the Central Bank Employment Policy.

3.2 These Rules shall not apply to contracts, regardless of their value, which the Central Bank may provide in cases when the following cases are their object:

(a) hotel and restaurant services;

- (b) legal services;
- (c) services of security and investigation issues;
- (d) schooling and vocational education services for the staff;
- (e) services for recreational, cultural and sport activities;
- (f) renting and purchasing immovable properties;
- (g) postal services.

**Article 4**  
**General Principles**

Any procurement procedures shall be applied in compliance with the general principles of transparency and publicity, equal access and equal treatment as well the non-discrimination and fair competition principles.

CHAPTER II

PROCUREMENT PROCEDURES

**Article 5**  
**Procurement Procedures in the Central Bank**

5.1 The Central Bank shall, in the course of execution of procurement activities, use one of the procedures set forth under this Rule.

5.2 The Central Bank shall principally apply the open procurement procedure.

**Article 6**  
**Open procedure**

6.1 This procedure shall start with the publication of a contract notice. The publication shall be published on the Central Bank webpage and in one of the national newspapers of general circulation. Following the publication of the contract notice, all interested parties may request the tender dossier and submit the bid. The Central Bank shall serve the tender dossier within the shortest possible deadline (3 days) from the receipt of a request, given that the request is made in due time before the expiration of the deadline for submission of tenders. The time limit for submission of a request for tender dossier by the interested parties shall be specified in the contract notice. Applicants shall submit their tenders within the deadlines set out by the Central Bank and shall include all documents required by the Central Bank.

6.2 The Central Bank shall conclude a contract with the tenderer that satisfies best the tender award criteria established under the contract notice/invitation to tender.

**Article 7**  
**Restricted procedure**

7.1 The Central Bank shall apply the restricted procedure if:

(a) Requirements of the Central Bank can be defined to such details that the tenders could be compared to each other and the contract could be awarded without further negotiations with the bidders; and

(b) It is necessary to limit the number of tenders for administrative reasons or because of the nature of procurement.

7.2 After publication of the contract notice, the interested parties may submit a request for participation in the restricted procedure within a deadline specified in the contract notice and shall provide the documents required by the Central Bank.

7.3 The Central Bank shall verify the applicants' eligibility and shall examine whether the applications satisfy the selection criteria set out under the contract notice. The Central Bank shall invite at least three eligible applicants, who satisfy the selection criteria for submission of the tender, given that there is a sufficient number of available applicants satisfying the selection criteria. The invitation to tender shall be served in writing and simultaneously to all applicants invited to submit their tender.

7.4 Invited tenderers/bidders shall submit their tenders within a deadline set out by the Central Bank and shall include all documents required by the Central Bank.

7.5 The Central Bank shall conclude a contract with the tenderer who satisfies best the contract award criteria set out in the invitation to tender.

**Article 8**  
**Negotiated procedure**

8.1 The Central Bank shall apply the negotiated procedure only in the following exceptional circumstances:

(a) If the nature of works, supplies and services or risks related to them do not provide for prior assessment of the general prices;

(b) If the nature of services or works is of such kind that specifications cannot be established with a sufficient preciseness to allow the contract award through selection of the best tenderers according to the rules determining the open or restricted procedures.

8.2 The Central Bank may also employ the negotiated procedure when no eligible tenders are received in response to an open or restricted procedure (or to a competitive dialogue), as long as the original contract conditions have not substantially changed. The Central Bank may not publish a new contract notice if the negotiated process exclusively includes all

tenderers who applied in the previous procedure, who satisfied the selection criteria and have submitted their tenders in accordance with the formal tender requirements. If no tenders have been provided or no tenders satisfying the formal tender requirements have been submitted thereof, the Central Bank may also initiate the negotiated procedure without a notice pursuant to Article 38.

8.3 Following the publication of the contract notice, the interested bidders may submit their request for participation to negotiated procedure. Such requests shall be submitted within the deadline specified in the contract notice.

8.4 The Central Bank shall verify the tenderers' eligibility and shall examine whether the applications satisfy the selection criteria set out under the contract notice. The Central Bank shall invite at least three eligible applicants, who satisfy the selection criteria for submission of the tender, given that there is a sufficient number of available applicants satisfying the selection criteria. The invitation to tender shall be served in writing and simultaneously to all applicants invited to submit their tender.

8.5 After the evaluation of tenders, the Central Bank shall negotiate with the tenderers in order to bring their tender in compliance with its requirements.

8.6 7.6 The Central Bank may initiate negotiations:

(a) With the highest ranking tenderers. If negotiations with the highest ranking tenderers fail, the Central bank may enter into negotiations with the next ranking tenderers; or

(b) Simultaneously, with all tenderers who have submitted a tender and who essentially satisfy the technical and functional requirements of the Central Bank. In this case, the number of tenderers accepted for negotiations may be reduced in consequent stages, applying the contract award criteria set out in the contract notice or in the invitation to tender.

8.7 Prior to the commencement of negotiations, the Central Bank shall inform all tenderers as to how the negotiations are to be conducted. During the negotiations, the Central Bank shall ensure an equal treatment to all tenderers invited for negotiations.

8.8 The Central Bank may invite tenderers to submit their revised tender.

8.9 The Central Bank shall award the contract to the tenderer who satisfies best the contract award criteria set out in the contract notice or in the invitation to tender.

## **Article 9**

### **Price Quotation Procedure**

9.1 This procedure shall apply when the estimated amount does not exceed the threshold set forth under Article 16 paragraph 3 (a) relating to supplies and services and Article 16 paragraph 3 (b) relating to works contract.

9.2 The number of bidders to be invited for quotation shall be sufficient to ensure an effective competition in the contract and shall not be less than 2 (two).

9.3 Invitations to quotation shall be served simultaneously to all potential bidders. The tender dossier shall be enclosed to the invitation. The minimum time period for submission of price quotations shall be 5 calendar days from the day the invitations were served.

9.4 Bidders that have not been invited to quotation may request an invitation from the Central Bank, which shall serve the invitation to respective operators. Such requests shall not affect the date set for submission of quotations.

9.5 Bidders that have not been invited to quotation by the Central Bank, but which received a copy of invitation or information on procedure from someone else, shall be entitled to submit the price quotation. The price quotation submitted by such economic operator shall be equally treated.

## **Article 10**

### **Minimal Value Purchase Procedure**

10.1 The Central Bank may employ the minimal value purchase procedure for purchasing goods, services and/or works. The Procurement Officer may contact bidders, by receiving at least two (2) eligible bids for goods, services and works in question.

10.2 The Central Bank shall select the lowest price offering bidder, who shall implement the procurement activity.

10.3 For the purpose of this Article, a minimal value shall be considered a value the amount of which shall not exceed euro 5,000.

10.4 For small or minimal purchases whose value is foreseen to be less than euro 500.00, the Central Bank may not apply a procurement procedure. In any case, such purchases will be conducted directly, considering always the criterion of money value and ensuring the quality of supply, service or work in the interest of Central Bank.

## **Article 11**

### **Direct procurement**

11.1 Direct procurement shall apply to:

(a) when due to the lack of competition for technical reasons, the goods, services or works shall be provided by only one operator or when a contractor has an exclusive right to goods, services or works;

(b) for delivery of goods and/or services from the previous contractor, which shall be done either as a replacement or addendum to existing goods and/or services and when changing

such contractor would force the Central Bank to procure goods and/or services, which would otherwise not satisfy the suitability requirements with current goods or services. This shall apply to the value not larger than 30 percent of the original contract price and when the need for such addendum emerges during the time of fulfilment of the contract, up to 3 months after its termination;

(c) when the supplementary construction services, which are not provided for in the original contract, due to unpredictable circumstances, have become necessary and separation of the supplementary construction services would be difficult for technical and economical reasons. This shall apply to the value not larger than 30 percent of the original contract price and when the need for such addendum emerges during the time of fulfilment of the contract, up to 3 months after its termination;

(d) for new construction services, relative to the repetition of similar construction services, which are in accordance with the basic project, given that the original contract for this project was concluded based on the open or restricted procedure. This shall apply to the value not larger than 30 percent of the original contract price and when the need for such addendum emerges during the time of fulfilment of the contract, up to 3 months after its termination;

(e) for continuation of *consultancy* services for which the original contract was satisfactorily fulfilled and the continuation of such services may bring economic advantages and effectiveness;

(f) for purchases or services, which have been concluded in personal capacity of the applicant-individual (for example paintings, sculptures, programming, consultancy, translations, etc.);

(g) for continuation of projecting services related to the other previously performed services, which, if awarded to a new subject, would violate the copy right;

(h) in case of the purchase of goods and services with extraordinary favourable conditions that emerge at a short period of time. This provision shall apply in cases of unusual sales from the legal and natural persons who usually are not suppliers. This provision shall not apply to ordinary procurements from regular bidders;

(i) for urgent needs for goods, works or services, which has been caused from circumstances beyond the control of the Central Bank and when the time available for satisfying the urgent need is insufficient for normal conduct of other procurement procedures, as provided for under this Rule;

(j) for goods and/or services, which for technical reasons or for credibility reasons have to be purchased or performed by the previous contractor;

(l) for purchase of goods and/or services provided by exclusive producers, which are required to be purchased directly from such producers for the benefit of technical effectiveness and economic advantages;

(m) when such procedure, in derogation from previous cases, is approved in writing by the Central Bank Governor or his/her authorized person;

(n) for continuation of the third parties' services to the Central Bank, for which the previous contract was satisfactorily fulfilled and as long as the continuation of provision of such services from the same contractor guarantees the life of the Central Bank employee and/or of the institution itself. The decision of the Authorizing Procurement Officers to use the direct procurement procedure under this item is based, in any case, on a written report produced by the employee authorized to manage/implement the contract, if the contract was satisfactorily fulfilled;

## **Article 12**

### **Framework Agreement**

12.1 The Central Bank may use the framework agreements in cases when it regularly concludes contracts for similar supplies, services or works without being able to define the exact time of delivery and/or detailed requirements.

12.2 With purpose of concluding a contract that represents a framework agreement, the Central Bank shall stick to procedures prescribed above for all stages until the framework agreement is granted.

12.3 Where the Central Bank decided to conclude a framework agreement with several suppliers, it shall award at least two contracts given that a sufficient number of suppliers satisfy the selection and award criteria. The contract notification shall specify the scope and the number of contracts to be awarded. Contracts based on framework agreement shall be awarded in accordance with procedures set forth under this Article. 12.4 Where a framework agreement is concluded with a single supplier, the contract based on such agreement shall be given within the terms and conditions established under the framework agreement. As long as it is deemed necessary, the Central Bank shall request in writing the supplier to fill in its original tender. These additional bids shall not bring about substantial changes in the terms and conditions established under the framework agreement.

12.5 Where the Central Bank concludes a framework agreement with several suppliers, the contracts may be awarded either:

(a) through application of criteria established under the framework agreement without a competition; or

(b) if such criteria are not defined, the Central Bank may reopen a competition for suppliers with which a framework agreement is in place.

12.6 In the latter case, the Central Bank shall award the contract in accordance with the following procedures:

(a) the Central Bank shall invite in writing the suppliers to submit a tender within the deadline specified under the request for bids. The request for bids shall also specify the criteria based on which the contracts shall be awarded; and

(b) the suppliers shall have to submit their tenders in writing within the deadline set out by the Central Bank; and

(c) the Central Bank shall award the contract to the tenderer who submitted the best tender based on the award criteria established under the request for bids.

### **Article 13** **Dynamic Procurement/Purchasing System**

13.1 The Central Bank may procure goods, services and works for common use through a dynamic purchasing system. Unless otherwise specified in this Article, the procedure shall follow the open procedure rules.

13.2 For the purposes of establishing a dynamic purchasing system, the Central Bank shall:

(a) publish the contract notice indicating the use of the dynamic purchasing system and it shall contain a reference to the internet address where the tender conditions could be found; and

(b) provide by means of electronic devices, from the publication of the notice until the termination of the system, unrestricted, direct and full access to tender conditions and in any additional documents; and

(c) mention the tender conditions, among the others, selection and award criteria, nature of purchase provided for under that system, and all information related to the purchasing system, electronic devices used thereof and agreements on technical connections and specifications.

13.3 The system shall be open throughout its duration to any suppliers, satisfying the selection criteria and who have submitted an indicative tender in compliance with the tender terms. Tenderers may correct their indicative tenders at any time, given that they will keep complying with the tender conditions.

13.4 After the receipt of the indicative tenders, the Central Bank shall verify within a reasonable time the tenderers' eligibility and satisfaction of the selection criteria. It also shall check whether the indicative tenders satisfy the tender conditions. The Central Bank shall inform the tenderers as soon as possible of their acceptance in the dynamic purchasing system or of their rejection.

13.5 Any specific contract the value of which is above the thresholds set out in Article 16 shall be subject to a special invitation to tender. Prior to issuing such invitation, the Central Bank shall public a simplified contract notice in the national newspaper with a general circulation, inviting all interested tenderers to submit an indicative tender within a deadline

that cannot be shorter than 15 days from the day when the simplified notice is served. The Central Bank cannot proceed with tendering unless all indicative tenders received by that deadline are duly evaluated.

13.6 After the completion of evaluation, the Central Bank shall invite all tenderers accepted in the system to submit a tender within a reasonable time. The Central Bank shall award the contract to the tenderer, who submitted the best tender based on the award criteria established under the contract notice on the establishment of a dynamic purchase system. These criteria may, as appropriate, be formulated in more details in the invitation to tender.

13.7 If the value of a specific contract is under the thresholds of Article 16, the Central Bank may invite five or three tenderers accepted in the system in accordance with the procedure set forth in Article 38.

13.8 A dynamic purchasing system cannot last longer than four years, except in well justified cases.

#### **Article 14** **Electronic Auctions**

14.1 In addition to the procurement procedures mentioned above, the Central Bank may apply the tendering procedures through an electronic auction, given that the specifications are precisely established.

14.2 The electronic auction shall be based:

- (a) either only on prices when the contract is awarded to the lowest price; or
- (b) prices and/or new values of characteristics of tenders mentioned in the specification when the contract is awarded to the most economically advantageous tenderer.

14.3 If the Central Bank decides to apply an electronic auction, it shall state this fact in the contract notice. Furthermore, the invitation to tender shall include, among the others, the following details:

- (a) the characteristics, the values of which shall be object of the electronic auction, given that these characteristics are measurable and may be expressed in figures or percentages;
- (b) any limits of values which may be presented, and which result from specifications related to the object of the contract;
- (c) information which shall be made available to tenderers during the electronic auctions and, as appropriate, when it will be at their disposal;
- (d) relevant information related to the electronic auction process.
- (e) conditions according to which the tenderers will be able to bid and in particular, the minimum changes, which shall be required when they bid, as appropriate;
- (f) relevant information related to electronic devices used and the link arrangements and technical specifications.

14.4 The electronic auction shall be initiated only after the presentation of an initial evaluation of tenders. All tenderers who have submitted eligible tenders shall be

simultaneously invited by electronic devices to submit their new prices and/or new values; the invitation shall contain all relevant information in relation to individual link to electronic devices used thereof and shall indicate the date and time of the commencement of the electronic auction. The electronic auction can be conducted in several consequent stages. The electronic auction shall not start earlier than two business days after the service of invitations.

14.5 Where the contract is to be awarded based on the most economically advantageous tender, the invitation shall be accompanied by the result of a full evaluation of the relevant tenderer. The invitation shall also state the mathematical formula to be used in an electronic auction to make the reclassification based on the new prices and/or new values presented thereof. Such formula shall incorporate the measurement of all criteria set for determination of the most economically advantageous tender, as indicated in the contract notice; or in tender documents; however, any limits shall previously decrease to a specific value for such purpose. When variants are authorized, another formula shall be given for any variants.

14.6 At any stages of the electronic auction, the Central Bank shall communicate sufficient information to all tenderers to enable them the determination of their relevant classifications at any time. Also, it may communicate to them the other information related to other prices or values presented thereof. It may also notify at any times of the number of participants in such auction stage. Nevertheless, the Central Bank shall not disclose the identity of tenderers at any stages of electronic auction.

14.7 The Central Bank shall close the electronic auction after the expiry of the deadline mentioned in the invitation to participation in auction. The deadline may be expressed as a specific date and time or as a time period that has to elapse after submission of the last bid with new prices or values. The Central Bank shall specify in invitation the schedule for any auctions conducted in stages.

14.8 After the completion of electronic auction, the Central Bank shall award the contract based on the electronic auction results.

### CHAPTER III

#### COMMON PROCEDURES TO ALL PROCUREMENT PROCEDURES

##### **Article 15**

##### **Calculation of Estimated Value of the Contract**

15.1 Calculation of the value of a contract shall be based on the total amount including all applicable fees and taxes. The calculation shall include the related costs, in particular the costs related to alternative items, renewals of contract, payments of premium, rate, interest and travel and accommodation costs, prices or payments for applicants or tenderers.

15.2 The evaluation shall be valid at the time when the Central Bank decides on the appropriate procurement procedure.

15.3 No procurement can be separated with purpose of avoiding the application of procedures established under this Rule.

15.4 Calculation of estimated value of works contracts shall take for granted the general costs related to execution of works including the value of necessary supplies for execution of such works, which shall be made available to contractors by the Central Banks. Costs related to works design and planning shall be also calculated as a part of estimated value of works contracts.

15.5 As to contracts for continuous supply of goods and services, the value taken for granted for calculation of estimated value of the contract, as appropriate, shall be the following:

(a) in case of definite term contracts: the overall value for the entire deadline;

(b) in case of indefinite term contracts: the monthly value multiplied by 48.

15.6 In case of subsequent contracts for supplies, services and works of the same type, the calculation of estimated value of the contract shall be based on the current value of subsequent contracts awarded during 12 previous months. The calculation shall be adjusted, if it is possible, taking into account changes in quantity or value which are expected to occur during 12 months following the original contract.

15.7 If a contract is divided into several parts, or if several contracts to be awarded are so closely related and have as their objective the same duties, then it shall be considered the overall value of all parts or individual contracts.

15.8 The value of a framework agreement shall be calculated based on the overall maximum estimated value of all contracts envisaged during the overall framework agreement period.

## **Article 16**

### **Classification of Contracts by Value**

16.1 Contracts the overall estimated value of which is equal to or exceeds the amounts of the threshold set forth in paragraph 16.3 shall be tendered in accordance with procedures established under Chapter II of this Rule.

16.2 Contract the overall estimated value of which is under the amounts of the threshold set forth in paragraph 16.3 shall be tendered in accordance with procedures provided for under Articles 9 and 10 of this Rule.

16.3 The amounts of threshold to be applied shall be the following:

(a) for supply and services contracts the threshold shall be euro 15,000,

(b) for works contracts the threshold shall be euro 30,000.

16.4 Classification of contracts by value shall be:

“The following shall be considered as a contract with minimum value:

Euro 500-5000

“As contracts with small value shall be considered:

(a) contracts for supply and services euro 5000-15,000,

(b) work contracts euro 5000-30,000.

“Medium value contracts” shall be considered:

(a) supply and services contracts euro 15,000-125,000,

(b) work contracts euro 30,000-500,000.

“Large value contract” shall be considered:

(a) supply and services contracts above euro 125,000,

(b) work contracts the threshold above euro 500,000.

### **Article 17 Request for Procurement**

17.1 Any procurement procedures shall start with filing a request with the Procurement Division. The request shall include:

a) clear and full requirements related to the object of procurement requested to be realized, expressed also in quantity basis and accompanied by relevant argumentation from the requesting department;

b) the request and/or technical and functional specifications prudently drafted based on the needs;

c) the necessary fund planned in the respective calendar year budget for the object of procurement;

d) the request shall be filed as signed by the Authorizing Officer.

### **Article 18 Procurement Announcement**

18.1 In case of application of a procedure provided for under Article 6 of this Rule, the Central Bank shall publish a contract notice on the same date, both in its official webpage and in a national newspaper of general circulation in the country. Whenever deemed necessary, the Central Bank may publish such announcements in other relevant media. In case of discrepancy between the two different versions, the version published in the official webpage shall be authentic and shall prevail against the other version.

18.2 The Central Bank shall also publish a “preliminary notice” including information on the overall estimated value of contracts by the category of service or groups of products, and

essential characteristics of works contracts that it intends to award throughout a budget year.

## **Article 19**

### **Invitation to tender**

19.1 The invitation to tender shall contain at least:

- (a) procurement/reference number in the announcement published for contract;
- (b) formal tender requirements, in particular the deadline for receiving tenders, address where tenders have to be taken, the language or languages in which tenders have to be drafted, the form in which the tender has to be submitted and the period during which the tender has to remain valid; and
- (c) options related to additional works, services and supplies, as well as the number of renewals and extensions, if any;
- (d) a list of documents to be submitted by tenderers; and
- (e) relevant weight given to contract award criteria or as appropriate, the decreasing order according to the importance of such criteria, if they have not been given in the contract notice.

19.2 The invitation to tender shall include:

- (a) a copy of specifications under Article 25 of this Rule which define the requirements of the Central Bank or in case of negotiated procedure, a copy of the request to bid defining the needs of the Central Bank; and
- (b) a copy of the draft contract, general terms and conditions; and
- (c) any documents which are considered relevant by the Central Bank. If these documents become available by means of electronic devices, the invitation to tender shall specify how the tenderers may have access to them.

19.3 The conditions of the invitation to tender according to the paragraph 1 and 2 of this Article shall not apply to the procedures for price quotation and purchase with minimal value.

## **Article 20**

### **Procurement Numbering**

20.1 Each procurement activity shall be encoded by the Central Bank under a “procurement number” with purpose of a faster identification and for monitoring and statistical purposes, etc.

20.2 The Procurement number shall consist of the following:

- (i) Identification of the Central Bank;
- (ii) Identification of procurement year;
- (iii) Serial 3 digit number, restarting with 001 for each calendar year;
- (iv) Three-digit code relating to the type, value and procurement procedure, according to the following definition;

20.3 The procurement type code shall represent:

- 1 Supply
- 2 Services
- 3 Work

20.4 The procurement value code shall represent:

- 1. Large value
- 2. Medium value
- 3. Small value
- 4. Minimal value

20.5 The procurement procedure code shall represent:

- 1 Open procedure;
- 2 Restricted procedure;
- 3 Negotiated procedure;
- 4 Price quotation procedure;
- 5 Minimal value purchase procedure;
- 6 Direct procurement.

## **Article 21**

### **Communication with Applicants and Tenderers**

21.1 During the tendering procedures, the applicants and tenderers shall communicate only with contacting persons designated by the Central Bank. The Central Bank shall specify in the contract notice and/or in the invitation to tender the communication means to be used therein. The communication means shall be widely available and non-discriminatory.

21.2 Applicants/tenderers shall submit their bids/tenders in writing in accordance with requirements established under the contract notice/invitation to tender.

21.3 The Central Bank may apply the electronic tendering procedures. In such case, the contract notice shall specify in particular the formal requirements that have to be satisfied by the applicants/tenderers and it shall indicate how they can access the electronic platform. The Central Bank may prescribe that it will accept only electronic bids/tenders.

21.4 Applicants/tenderers may submit to the Central Bank their questions in writing in relation to the contract notice, the invitation to tender or supporting documents in accordance with conditions established in the contract notice or in the invitation to tender. The Central Bank shall answer to such questions within the reasonable periods of time and shall communicate its answers to all applicants/tenderers in an anonymous way, if they refer to them.

21.5 The Central Bank shall ensure that the information provided to the applicants and tenderers shall be treated and maintained in accordance with the principle of confidentiality.

## **Article 22**

### **Deadlines for the Receipt of Requests for Participation and the Receipt of Tenders**

22.1 When scheduling the deadlines for the receipt of tenders and requests for participation, the Central Bank shall particularly consider the complexity of the contract and the necessary time for drafting tenders, without prejudice to minimal deadlines set forth under this Article.

22.2 In case of open procedures, the minimal deadline for the receipt of tenders shall be 10 days from the date when the contract notice is submitted.

22.3 In case of restricted procedure, negotiated procedures:

(a) the minimal deadline for the receipt of requests for participation shall be shall be 10 days from the date when the contract notice is submitted; and

(b) the minimal deadline for the receipt tenders shall be 10 days from the date when the contract notice is submitted.

22.4 Deadline for the receipt of tenders may be curtailed to five days if the Central Bank provides a sufficient reasoning and receives a prior approval from the Authorizing Officer.

22.5 If in an open procedure, the invitation to tender, although duly requested, is not given within six days, or where tenders can be submitted only after the on-site visit or after the on-site inspection of documents supporting the invitation to tender, the deadlines for the receipt of tenders may be extended with purpose to give more time to all economic operators for preparation of tenders.

22.6 In case of restricted procedures and negotiated procedures, the Central Bank may apply an expedited procedure where the urgent need finds impractical the deadline set out under this Article. In such case, the following minimal deadlines shall apply:

(a) the deadline for the receipt of requests for participation which may not be shorter than 5 days from the date when the contract notice is submitted; and

(b) the deadline for the receipt of tenders which may not be shorter than 5 days from the date when the invitation to tender is received.

22.7 Prior to the expiration date, the Central Bank may extend the deadlines set out in the contract notice and the tender documents if it modifies the tender documents or in other reasonably justified cases.

### **Article 23**

#### **Requirements for Additional Documents and Clarifications**

After opening the requests for participation or tenders, the Central Bank may require the applicants and tenderers to present, within a certain time period, additional, clarifying or supplementing information or documentation, which totally lacks or seems to be deficient or erroneous. Such requirements shall be in full compliance with the principles of equal treatment and transparency, and especially should not lead to any preferential treatment, or give competitive advantages, or change the conditions of an application or tender.

### **Article 24**

#### **Correction of Tender Documents**

24.1 If the Central Bank finds, prior to expiration of the deadlines for submission of requests or tenders, any mistakes, any inaccuracies, any omission or any kind of errors in the contract notice or in the invitation to tender or supporting documents, it shall correct the mistake and shall appropriately notify all applicants or tenderers.

24.2 If the applicants or tenderers consider that the Central Bank requirements set out in the contract notice, the invitation to tender or supporting documents are incomplete, misleading or unlawful, they shall promptly notify in writing the Central Bank of their concerns. The applicants/tenderers shall notify of his concerns without undue delay after they had become aware of discrepancies or after they could have been aware of them. The Central Bank then may either correct or modify such requirements as necessary or it may reject the request giving the reasons thereof. Objections against the requirements of the Central Bank, which have not been communicated to the latter without undue delay, cannot be raised at a later stage.

### **Article 25**

#### **Technical Specifications**

25.1 The Central Bank shall develop in the tender dossier all technical specifications which

any tenders should be in compliance with. The Central Bank shall draft the technical specifications in such a way in order to be in compliance with the purpose of procurements, non-discriminatory and intended for ensuring the best access possible for all tenderers.

25.2 In general, there shall be no request or reference for technical specifications of the brand, name, patent, drawing or type, origin of producer or service provider. Notwithstanding this paragraph, the Central Bank may draft, in special cases, technical specifications or make such a special reference, if not possible to draft sufficiently precise and intelligible specification of the object of the relevant contract, in compliance with the paragraph 1 of this Article, provided that any such reference is accompanied with the words "or equivalent."

25.3 The Central Bank according to the concrete object of procurement, judging and grounding the importance, nature of work, technical or specific conditions being exceptionally particular to the required goods or existence of a strategy or policy adopted by the Central Bank, and grounded, as the case may be, on arguments given in the procurement request by the relevant department, may prescribe the brands of goods, either under the category "brand name" or as an individualized brand, receiving in any case the written approval by the Authorizing Officer. In the procurement of goods of individualized brand, the Commission aims at direct procuring with the producer or according to the notice of the latter, with his authorized representative.

25.4 Specialists outside the Central Bank may be engaged in drafting technical specifications in special cases, receiving an appropriate reward against their services.

25.5 Requesting unit is responsible to draft technical specification in compliance with the requirements of this Rule.

## **Article 26**

### **Bid security**

26.1 The Central Bank shall include in the tender document the bid security condition in form of a bank guarantee or guarantee issued by the insurance organizations licensed by the Central Bank. The value of such security shall be 3 to 5 percent of the contract value but not less than euro 1000. The bid security condition is mandatory if required by the Central Bank for open and restricted procedure. The Central Bank, depending on the concrete object of procurement, may also prescribe such condition for other procurement procedures.

26.2 The bid security shall be confiscated by the Central Bank, if:

- a) a bidder withdraws his bid within the bid validity period;
- b) a winning bidder waives entering into a contract or is not able to provide a security for fulfilment of contract liabilities, if such security is required;

- c) possess verified facts that the tenderer in question provided the Central Bank with erroneous or misleading information.

26.3 If nothing that can cause the confiscation of the bid security has happened, the Central Bank, upon the request, shall return the funds or documents filed in the form of bid security, in accordance with the terms of the tender.

## **Article 27**

### **Selection criteria**

27.1 The Central Bank shall specify in the contract notice the selection/evaluation criteria for applicants/tenderers to fulfil a contract. The selection criteria have to do with the economic, financial, technical or professional capacity of an applicant of tenderer.

27.2 The Central Bank may establish the minimum capacity levels under which it cannot select applicants or tenderers. Such minimum levels shall be specified in the notice contract and in the invitation to tender.

27.3 The Central Bank may request the applicants or tenderers to prove that they are authorized to fulfil a contract under the domestic laws, which is evidenced through their inclusion in commercial or professional registry or in the declaration or certificate under oath, membership of specific organization, clear authorization, etc.

27.4 The Central Bank shall specify in the contract notice or/and in the invitation to tender the documents that have to be submitted by applicants or tenderers as a proof of their financial, economic, technical and professional capacity. The required documents shall not go beyond the object of the contract and shall consider the legitimate interests of suppliers related in particular to protection of their business and technical confidentiality.

27.5 If for a specific cause the Central Bank deems reasonable, the applicant or tenderer is not able to provide the required documents, he may prove his own capacity by other means as deemed necessary by the Central Bank.

27.6 A bidder may, as appropriate and for a particular contract, rely on the capacities or other entities, regardless the legal nature of connections that he has with them. In such case, he has to prove before the Central Bank that he shall have at his availability the necessary recourses for fulfilling the contract. Under the same conditions, a temporary group of suppliers may rely on the capacities of the group participants.

## **Article 28**

### **Award Criteria**

28.1 The Central Bank shall specify in the contract notice and/or in the invitation to tender if the contract is to be awarded to a tenderer who submitted the most economically advantageous tender or to a tenderer giving the lowest price.

28.3 If a contract is awarded to a tenderer with most economically advantageous bid, the Central Bank shall, in the contract notice or in the invitation to tender, or in case of negotiated procedure in the application for participation, specify:

(a) qualitative criteria according to which tenders shall be evaluated, which have to be contingent to subject matter of the contract at stake and it cannot include, for example the quality, technical merits, esthetic and functional characteristics, environmental characteristics, current costs, cost efficiency, sale and technical assistance services, delivery date and delivery period or termination period; and

(b) relative weighting made to each selected criteria for determination of the most economically advantageous tender. Such weightings may be expressed considering the maximum necessary expansion rate. If, at the Central Bank's opinion, weighting is not possible for demonstration reasons, it shall introduce the criteria according to the decreasing importance order.

## **Article 29**

### **Evaluation – General issues**

29.1 The Central Bank shall evaluate all tenders according to the award criteria referred to in Article 28 of this Rule, after it had:

(a) verified the formal tender requests,

(b) verified the tenderers' eligibility as referred to in Article 31; and

(c) evaluated the satisfaction of the selection criteria referred to in Article 27.

29.2 The Central Bank shall award a contract to the tenderer who satisfies best the award criteria.

29.3 Bids and tenders shall not be opened before expiration of the date for their submission. Bids and tenders shall be opened in presence of at least two members to be designated by the Procurement Division and minutes shall be maintained thereof. Unless otherwise specified, applicants or tenderers may not take part in opening.

29.4 The evaluation process and the result shall be documented in an evaluation report.

## **Article 30**

### **Evaluation Committee**

30.1 The Evaluation Committee shall be appointed on an ad hoc basis by the Governor or his/her authorized person and shall be composed of at least three members (from different organizational units), upon the proposal of the Procurement Division. The Evaluation Committee will be assisted by an official of the Procurement Division.

30.2 The function of the Evaluation Committee shall be evaluation and comparison of timely received bids submitted by the tenderers/applicants. The bids shall be evaluated and compared in compliance with the procedures and criteria determined in the contract notice/tender dossier and the contract shall be awarded to the highest ranked tenderer.

30.3 The following principles shall establish the basis for the appointment and function of the Evaluation Committee:

- a. Members of the Committee shall meet the fit and proper requirements, they have to sign a written statement (Declaration under oath).
- b. All members of the Committee shall maintain the confidential business information.
- c. The Central Bank shall appoint, among the members of the Committee, the Chair of the Committee, who shall chair its activities and ensure that they are in compliance with this Rule.
- d. Decision on appointment of a Committee shall clearly state the duties to be executed by the Committee, which at no case shall limit the independence of the decision making process.
- e. The procedure for evaluating and comparing tenders shall be carried out by the Evaluation Committee within the shortest possible period and not longer than 15 days following the opening of bids. Only in exceptional and justified cases, in particular with the contracts of a complex nature, this period may be extended for additional 10 days. Tender evaluation process shall commence immediately following the completion of the tender opening process and not later than 96 hours following the completion of the tender opening process.
- f. The Committee shall function as of the day of the issuance of a decision on its establishment until all duties assigned in writing by the Central Bank have been fulfilled, or until a decision on termination of procurement procedures may be taken. In case one or more members of the Committee are not able to attend the Committee's meeting for objective reasons and circumstances, they shall be substituted at the same way as they were appointed.
- g. The Committee shall make its decision in meetings with the simple majority

of votes through an open voting.

- h. The Central Bank shall be entitled to invite, on its own or upon the Committee's initiative, external experts when technical or specialized knowledge is required for the subject of procurement and which otherwise cannot be retrieved within the Central Bank. Such experts shall accept in writing the protection of confidential business information.
- i. Upon completion of its duty, the Committee shall give to the Procurement Officer a recommendation along with a report on its activity and a statement with reasons supporting such recommendation.
- j. The final decision on contract award remains a responsibility of the Procurement Officer. The Procurement Officer may accept or reject the Committee's recommendation. Where the Committee's recommendation is rejected, the Procurement Officer shall explain the reasons in writing and shall inform the Governor or his/her authorized person. Such explanation shall be part of the registry of procurement activities.

### **Article 31** **Eligibility of Applicants/Tenderers**

31.1 All natural and legal persons who are resident or located in the Republic of Kosovo shall be entitled to participation in the tendering procedures of the Central Bank. The tendering procedures shall also be open according to equal criteria to all natural and legal persons who are not residents of the Republic of Kosovo or come from other countries. Suppliers from other countries may be accepted to participate at full discretion of the Central Bank.

31.2 Temporary partnership groups may participate in a tendering procedure according to the conditions established in the contract notification or in the invitation to tender. The Central Bank may request such group to adopt a specific legal form if a contract is to be awarded to them, if such form is deemed necessary for appropriate fulfilment of the contract.

31.3 The Central Bank shall disqualify applicants or tenderers from participation in a tendering procedure if they have been subject to any final judgment rendered for fraud, corruption money laundering, association in criminal organization or any other illegal activities that are detrimental to the financial interests of the country and of the Central Bank.

31.4 The Central Bank may disqualify applicants or tenderers from participation at any time, if they:

- (a) have bankrupted or are under liquidation, their affairs are administered by the courts, have entered into agreements with creditors, have ceased their business activity, are object

of a procedure related to such affairs, or are at the same situation as a consequence of the same procedure provided for under the legal framework of the country.

(b) have been convicted by a final judgment for acts that are relative to their professional misconduct;

(c) have been convicted for serious professional violation;

(d) have failed to fulfil their obligations related to the payment of social contribution, payment or payment of taxes in accordance with legal provisions of the country where they are incorporated or those of the country of contracting authority or those of the country where a contract is to be fulfilled.

(e) have been found by a court or (arbitration) to have committed serious breaches of the contract, such as the failure to comply with their contracting obligations after another tendering procedure;

(f) their management, employees or brokers are subject to conflict of interests;

(g) are guilty of abusing with provision of information required by the Central Bank;

(h) have contacted other applicants and tenderers with purpose of limitation of competition.

30.5 Applicants or tenderers shall have to prove that they are not involved in any of the above-mentioned situations and/or to submit the evidence specified in the contract notice or in the invitation to tender. If such circumstances arise during the procedure, the respective applicant/tenderer shall notify of this the Central Bank without delay.

## **Article 32** **Abnormally Low Tenders**

32.1. The Central Bank may reject a tender which is abnormally low in relation to goods, works and services rendered thereof.

32.2. Prior to rejecting such tenders, the Central Bank may require in writing details of the integral part of the tender which it deems relevant. Such details basically have to do with:

(a) the economy of production process, of provision of services or the construction method;  
or

(b) the technical solutions selected or any extraordinary favourable conditions available to tenderers; or

(c) the tenderers' originality; or

(d) the application of procedures that have to do with protection of labour relations and working conditions applicable at the area where the work, service or supply is being

performed. The Central Bank may verify such integral parts of elements taking into account the explanations and the evidence received thereof.

32.3. If a tenderer receives the state assistance, the Central Bank may reject the tender only based on such reason, unless the tenderer is able to prove, within a sufficient deadline set by the Central Bank, that the assistance was legally given to him and in accordance with the procedures and decisions specified in the legal acts and other rules on state assistance.

### **Article 33**

#### **Re-evaluation**

In case, until the announcement of the winner, the Governor or his/her authorized person or the Procurement Officer finds irregularities, deficiencies, shortcomings or violations of the procurement procedure, the procedure shall be suspended and the Evaluation Committee shall be required to conduct a re-evaluation.

### **Article 34**

#### **Notice of Decisions on Contract Award or Rejection**

34.1. As soon as it deems it appropriate, the Central Bank shall notify in writing all applicants or tenderers of its decision on the contract award or/and rejection.

34.2 The contract award notice shall be given at least 5 days prior to the signing of contract by the Central Bank; this requirement shall not apply to the small and minimal value contracts.

34.3 Applicants and tenderers may, within 5 days of the receipt of the contract award notice or of the rejection of the tender, request the Central Bank to give them the reason for the rejection of their request or tender.

34.4 The Central Bank may not give certain information if the release of such information would affect the legitimate business interests of other bidders, it would impede the law enforcement or it would be in contradiction with the public interests.

34.5 Any bidder who wants to know the reasons why his bid was not selected may request an explanation from the Procurement Division. Procurement Division shall ensure within 3 days a written explanation on why this bid was not selected.

34.6 In addition, the Central Bank may publish the award notice on its official webpage in relation to the procurement procedure outcome.

### **Article 35**

#### **Contract execution security**

35.1 The Central Bank may request from the tenderer awarded with a contract to deposit an execution security as a precondition for signing and entry into force of such a contract.

35.2 The Central Bank shall ensure that the amount of any execution security requested in paragraph 1 of this Article shall be equal to at least ten percent (10%) of the contract value.

35.3 If nothing that would cause the confiscation of the contract execution security happens, the Central Bank, upon request, shall return the funds or documents filed in the form of execution security, in compliance with the relevant tender conditions.

35.4 In addition to the contract execution security according to the paragraph 1 of this Article, the Central Bank may apply other conditions of contract security, depending on the contract object.

### **Article 36**

#### **Duration and Extensions**

36.1. The validity period of a contract as a rule shall not exceed a two-year period except in well justified cases.

36.2. If a contract is concluded for a certain validity period, its validity period may be extended longer than its original validity period under the following conditions:

- (a) in the contract notice, or in case of the procedure under Article 8, in the request for bids, the possibility of extension is envisaged thereupon;
- (b) possible extensions are well justified; and
- (c) possible extension has been considered when the calculation of the contract value was done pursuant to Article 15 of this Rule.

36.3 Total extensions shall not exceed the validity period of the original contract.

### **Article 37**

#### **Additional Supplies, Services and Works**

37.1 The Central Bank may require additional supplies, services or works from a contractor that was awarded an original contract, given that:

- (a) in the tender documents issued for additional supplies, services or works this is provided for as an option; and
- (b) additional supplies, services or works have been taken into account when the contract value was calculated pursuant to Article 15 of this Rule.

37.2 Furthermore, the Central Bank may require from the original contractor additional supplies, services or works which become necessary for the purpose of fulfilment of the contract as a consequence of unpredictable circumstance, given that:

(a) additional supplies, services or works cannot be technically or economically separated from the original contract without serious difficulties; or

(b) supplies, service or works, although separated from the fulfilment of the original contract, are necessarily needed for its fulfilment. However, the common value of additional supplies, services or works as a rule shall not exceed 30% of the amount of original contract.

37.3 If the requirements set forth under paragraphs 1 and 2 of this Article are not satisfied, the contract for additional supplies, services or works may be awarded only pursuant to Articles 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Rule.

#### CHAPTER IV

##### PROCUREMENT UNDER THE LEVEL OF THRESHOLDS

###### **Article 38**

###### **Procedure without Notice Publication**

38.1 Contracts the overall estimated value of which is under the thresholds specified under Article 16.3 shall be awarded in accordance with the following procedure.

38.2 If the value of the contract exceeds or is equal to euro 7,000 for goods and services or euro 15,000 for works, the Central Bank shall invite at least five eligible bidders, if available, to submit their tenders. If the overall estimated value of a contract is under such thresholds but it is equal or over euro 5,000, the Central Bank shall invite at least three suppliers, if available, to submit their tenders. In both cases, the procedure shall be conducted pursuant to Article 9 of this Rule.

38.3 The Central Bank shall select the bidders to participate in the tendering procedure from the list of registered bidders or, where such list is not created, based on the appropriate market analysis. Selection of eligible bidders is up to the Central Bank's own selection. The list of registered bidders shall be open to any interested suppliers providing such types of supplies, services or works, which the list is created for. The Central Bank shall regularly publish through appropriate means the possibility to get registered in such lists.

38.4. Alternatively, the Central Bank may publish the contract notice on its internet page using appropriate media. In such case, the quotation invitation shall be served to all bidders who expressed their interests to participate within the specified deadline.

38.5. Received tenders shall be evaluated according to criteria established in the quotation invitation. The Central Bank shall award the contract to the tenderer who satisfies best the criteria set forth under the quotation invitation.

## CHAPTER V

### FINAL PROVISIONS

#### **Article 39** **Signing of Contracts**

All procurement contracts shall be signed by the Governor or by a person authorized by him/her.

#### **Article 40** **Cancellation of Procurement Procedures**

40.1 The Central Bank shall cancel a procurement procedure at any time preceding the signing of the contract, without giving a right to applicants or tenders to request any compensation.

40.2 The Central Bank decision on cancellation shall be in compliance with principles set forth under Article 4.

40.3 At all cases of cancellation, the Central Bank shall notify the applicants/bidders of such cancellation without being obliged to give the reasons for such cancellation.

#### **Article 41** **Appellate procedure**

41.1 In the course of procurement procedures under Chapter II, the applicants/bidders may object in writing the Central Bank decision on rejection of their bid or tender within 5 days from the receipt of the notification specified in Article 34. The appeal shall include all additional information and justified objections.

41.2 The appeal shall be considered by the Appeals Commission. If the Commission finds that the appeal is grounded, then remedial measures shall be taken, which depending on the case shall contain: restitution of the procedure to re-evaluation or cancellation of the procedure, otherwise the appeal shall be rejected. The Central Bank shall notify in writing the appellant of its decision within 20 days from the receipt of the appeal. The decision shall contain the reasons on which it is grounded.

41.3 Upon the receipt of an appeal, the Central Bank shall suspend the procurement procedure and after the consideration it shall notify in writing the appellant of its decision.

41.4 Consideration of all appeals shall be done by a Commission established on an ad hoc basis by the Governor or his/her authorized person based on the professional nature and technical specifications of the respective tender. Member of the Evaluation Committee shall not be appointed as member of the Commission for consideration of appeals.

41.5 Appeals shall be filed through the Procurement Unit, which after handling the appeal, shall forward to the Appeals Commission all case files including the reasoning related to the ground of the appeal.

41.6 The Procurement Division shall, within two days from the receipt of the appeal, notify the Governor of the establishment of the Commission to consider the appeal.

## **Article 42**

### **Internal list of exempted bidders**

42.1 Upon the proposal of the Procurement Division, the Commission established *ad hoc* by the Governor or his/her authorized person shall decide for exemption from Central Bank procurements for a period from 1 – 3 years of:

- (a) Bidders and candidates who about their qualification under requirements of Article 31 have provided false documents or information;
- (b) Bidders announced as winners, who have withdrawn from concluding the contract;
- (c) Contractors where contracts with them have been terminated due to failure to respect contractual conditions.

42.2 Procurement Division shall manage and administer the list of exempted bidders in compliance with the Articles of this Rule.

## **Article 43**

### **Jurisdiction**

A competent Court shall have an exclusive jurisdiction on any disputes between the Central Bank and the supplier that arises under to application of the procurement procedure. If the

appellate procedure is available under Article 41, the appellant shall wait for the Central Bank decision on the appeal before filing the case with the Court. Deadlines set thereof shall start to be counted from the receipt of the decision on appeal.

**Article 44**  
**Tender Dossier**

All forms and other additional documents of the tender dossier shall be drafted by the Procurement Division in accordance with the requirements deriving under this Rule and they shall be maintained by this Unit.

**Article 45**  
**Entry into force**

This Rule shall enter into force on 1 January 2017. Upon the entry into force of this Rule, the Rule of Procurement of 04 October 2013.

Bedri Hamza  
Chairman of the Executive Board