



Rules of Procurement Procedure¹

¹ Adopted by Decision 13/8 on March 27th 2008 and amended thereafter by Decisions 2/11 and 4/18

RULES OF PROCUREMENT PROCEDURES

(Consolidated text)

PURPOSE, DEFINITIONS AND EXEMPTIONS

Article 1

Purpose of these Rules

- (1) The purpose of these Rules is to establish the procurement system of the Sava Commission, the rights, obligations and responsibility of participants in the procurement process, with the objectives of ensuring that:
 - a) funds are used in the most cost-effective manner with respect to the purpose and the object of the procurement,
 - b) contracting authority conducts its procurement and awards its contract according to the procedures set forth in these Rules, and that
 - c) in doing so, they shall take all necessary steps to ensure that fair and active competition among the potential suppliers can take place, by exercising equality of treatment, non-discrimination and transparency.
- (2) These Rules apply to procurement of goods, services and works, performed by the Sava Commission.
- (3) Grounds for procurements are the budget, decisions and conclusions of the Sava Commission.

Article 2

Definitions

For the purpose of these Rules, the following definitions apply:

1. Contract is an agreement between the Sava Commission and one or more persons or entities, with specific terms and an undertaking to provide goods, works and services in return for a financial consideration.
2. Contracting authority is the Secretariat of the Sava Commission (hereinafter: Secretariat) acting for and on behalf of the Sava Commission.
3. „Candidate” is an entity which expresses interest under a restricted procedure or under a negotiated procedure to take part in a pre-qualification process.
4. The terms „supplier”, „service provider” and „contractor” refer to any economic entity who may be a natural person or legal person or any group of such persons which offers goods, services or works on the market, respectively. Unless otherwise indicated, „supplier” shall refer to „supplier”, „service provider” or „contractor”.
5. Procurement procedure is the overall process of putting a contract out for tender, starting with the publication of a procurement notice or sending the invitations to bidders and ending with the award of the tendered contract.
6. „Open procedure” means the procedure whereby any interested supplier may submit a bid.
7. „Restricted procedure” means the procedure in which any supplier wishing to become a candidate may request to participate and whereby only those qualified candidates invited by the Secretariat may submit a bid.
8. „Negotiated procedure” means the procedure whereby the Secretariat negotiates the contract terms and conditions with one or several invited suppliers. It may be conducted with or without prior publication of a procurement notice only under the conditions set out in these Rules.
9. „Competitive request-for-quotations” is a procedure in which the Secretariat addresses a request for quotations for the supply of goods, services or works to such a number, but not less than 3 (three), of suppliers, service providers or contractors for the purpose of awarding the contract concerned.

10. „Pre-qualification” means the procedure whereby the Secretariat selects, on the basis of the selection criteria laid down in the tender documents, candidates qualified to be invited to submit a bid in a restricted or a negotiated procedure.
11. „Tender documents” means documents specifying an object of the procurement, the contract conditions and the award procedure, that are published or presented by the Sava Commission to the economic operators; these documents may include a procurement notice, an invitation to bid, instructions to bidders, technical specifications, draft contract and other relevant documents and explanations.
12. „Bidder” is any natural or legal person or consortium thereof submitting a bid with a view to concluding a contract.
13. „Complete bid” is a bid received on time, formally complete, admissible, properly prepared and appropriate. A bid which is incomplete either in those elements that have no impact on its classification according to the selection criteria, or in insubstantial sense, may be considered complete.
14. “Best ranked evaluated bid” means the bid ranked the first according to the criteria laid down in the tender document.

Article 3

Procurements Exempted from these Rules

- (1) All purchases with the value less than or equal to 1500 EUR (one thousand and five hundred) are exempted from the application of these Rules.
- (2) Procurements awarded pursuant to an agreement under which the particular procedure of an international lending or donor organization applies may be exempted from these Rules.

CONTRACT AWARD PROCEDURES

Article 4

Decision on launching the Procurement Procedure

- (1) All procurement procedures shall be launched by written decision of the Secretary.
- (2) Decisions shall contain at least the basis for the procurement, type of award procedure and the name of the official in charge for conducting of procurement procedure.

Article 5

Types of Procurement Procedures

A supplies, services or works contract shall be awarded by means of one of the following procedures under the conditions set out in these Rules:

- a) open procedure;
- b) restricted procedure;
- c) competitive request for quotations;
- d) negotiated procedure.

Article 6

Conditions for use of the Procurement Procedures

- (1) The Secretariat may award contracts by an open procedure for any procurement regulated by these Rules.
- (2) Restricted procedure may be used in the event of a large or complex procurement which requires a pre-qualification procedure.
- (3) In all cases where the contract value exceeds 50 000 (fifty thousand) EUR, the Secretariat shall apply open or restricted procedure.
- (4) Competitive request for quotations may be applied if the contract value is less than or equal to 50 000 (fifty thousand) EUR.

- (5) Negotiated procedure shall be applied in special cases and only if conditions set forth in Article 7 are met.

Article 7

Special conditions for use of a negotiated procedure

The Secretariat may award contracts by a negotiated procedure, as described hereinafter:

- a) in the event when only non compliant bids have been submitted in response to an open procedure, and the Secretariat has repeated the procedure on appropriately amended terms, provided that the contract conditions of the most lately conducted procedure are not substantially altered;
- b) in exceptionally peculiar cases of works or services contracts, when the nature of the works or services or the risks attaching thereto do not permit prior overall pricing;
- c) the Secretariat may award contracts by a negotiated procedure with one potential supplier only if one or more of the following conditions is met:
 - there is only one person or company that can provide the contractual services needed and any attempt to obtain offers would only result in one person or company being available to meet the need;
 - where the compatibility of equipment, accessories, replacement parts, or service is of the paramount consideration;
 - the services involve the repair, modification or calibration of equipment and they are to be performed by the manufacturer of the equipment or by the manufacturer's authorized dealer;
 - even though a product is available from various sources, it must – for specific reasons – be purchased from a specified vendor;
 - procurement of public utility services;
 - the work represents either an intellectual work or a natural continuation of previous work carried out by the economic operators;
 - when the rapid selection is essential;
 - when a requirement is reasonably available from a single supplier;
 - in case of annual maintenance of proprietary software.

Article 8

Procurement Notice

- (1) The Secretariat shall publish a procurement notice for the envisaged contract in all cases except in cases where the contract is awarded based on procedures set out in Articles 12 and 14 of these Rules.
- (2) In addition, the Secretariat may publish a procurement notice as envisaged in Paragraph (2) of Article 12.
- (3) The procurement notice shall give interested suppliers sufficient information to enable them to assess whether they wish to bid for the envisaged contract. The procurement notice shall contain short information in line with the relevant essential information of the tender documents mentioned in Article 16 of these Rules.
- (4) All procurement notices as well as related contract award notices and cancellation notices shall be published on the official web site of the Sava Commission.
- (5) In the case of contracts whose value exceeds 100 000 EUR, the procurement notice shall be in addition published in at least one recognized newspaper in each of the Sava countries.
- (6) In all cases where the contract value exceeds 50 000 (fifty thousand) EUR, the Secretariat shall publish a short notice (information) on launching the tendering procedure in at least one recognized newspaper in each Sava country.
- (7) In addition, in order to encourage the competitiveness the Secretariat may publish procurement notices, contract award notices and cancellation notices in

publications or on websites other than those specified in Paragraphs 4, 5 and 6 of this Article, but not prior to publication set forth in Paragraph 4 of this Article.

Article 9

Estimation of the contract value

- (1) The value of a public procurement contract shall be estimated by the Secretariat at the beginning of the procurement procedure according to the provisions of Paragraph 2 of this Article.
- (2) The value of a public procurement contract shall be the estimated total amount, net of applicable taxes.
- (3) The Secretariat must not split up the object of the contract with the intention of avoiding the application of the procurement procedures set forth in these Rules. The contract may be split up only if all parts of the contract so split will be subject to the same procurement procedure as chosen for the whole contract according to the provisions of these Rules.

CONDUCTING THE PROCUREMENT PROCEDURES

Article 10

Conducting the Open Procedure

- (1) In conducting the open procedure, the Secretariat shall:
 - a) prepare tender documents according to the provisions of Article 16 of these Rules;
 - b) publish a procurement notice as provided for in Articles 8 of these Rules, inviting any interested supplier to request the tender documents and to prepare and submit a bid fulfilling the requirements set forth in the tender documents;
 - c) provide the suppliers with tender documents according to the provisions of Article 17 of these Rules;
 - d) organize and carry out the public opening of bids received in due time as provided for in Article 20 of these Rules;
 - e) verify the bidders' qualifications according to the selection criteria fixed in the tender documents as provided for in Article 21 of these Rules;
 - f) evaluate and compare the bids submitted by the qualified bidders according to the contract award criteria fixed in the tender documents as provided for in Articles 22 and 23 of these Rules, and thereby award the contract to the bidder having submitted the best ranked evaluated bid;
 - g) inform the bidders about the decisions reached concerning the evaluation as provided for in Article 24 of these Rules;
 - h) offer the contract to the successful bidder according to the provisions of Article 25 of these Rules.
- (2) In the case when less than three complete bids are obtained, the procedure shall be repeated. In the repeated procedure, obtaining of three complete bids is not obligatory.

Article 11

Conducting the Restricted Procedure

- (1) In conducting the restricted procedure, the contracting authority shall:
 - a) prepare tender documents according to the provisions of Article 16 of these Rules. The tender documents may be prepared in two parts, corresponding to the pre-qualification phase and the tendering phase of the procedure;
 - b) publish a procurement notice as provided for in Article 8 of these Rules, inviting any interested candidate to request the pre-qualification documents

- (if any apart from the procurement notice) and to submit a request for pre-qualification by attaching the information and the documents required;
- c) provide the suppliers with the pre-qualification documents (if any, apart from the procurement notice) according to the provisions of Article 17 of these Rules;
 - d) select the candidates to be invited to submit their bids in the manner provided for in tender documents;
 - e) inform the candidates about the decisions reached concerning the pre-qualification as provided for in Article 24 of these Rules. Informing the selected candidates may take place at the same time as they are invited to submit their bids;
 - f) provide the selected candidates simultaneously with the tender documents according to the provisions of Article 17 of these Rules, inviting them to prepare and submit a bid fulfilling the requirements set out in the tender documents;
 - g) organise and carry out the public opening of bids received in due time as provided for in Article 20 of these Rules;
 - h) evaluate and compare the opened bids according to the contract award criteria fixed in the tender documents as provided for in Article 22 and 23 of these Rules, and thereby award the contract to the bidder having submitted the highest ranked evaluated bid;
 - i) inform the bidders about the decisions reached concerning the evaluation as provided for in Article 24 of these Rules;
 - j) offer the contract to the successful bidder according to the provisions of Article 25 of these Rules.
- (2) In the case when less than three qualified candidates are selected or less than three complete bids are obtained, the procedure shall be repeated. In the repeated procedure, selection of three qualified candidates or obtaining of three complete bids is not obligatory.

Article 12

Conducting the Competitive Request for Quotations

- (1) When applying a competitive request-for-quotations, the Secretariat shall address a request for quotations for the supply of goods, services or works to at least 3 (three) suppliers, service providers or contractors for the purpose of awarding the contract concerned in accordance with the provisions of Paragraphs 3 to 6 of this Article.
- (2) The Secretariat may, in addition, publish an appropriate notice on its official web site.
- (3) The request for quotations mentioned in Paragraph 1 of this Article shall include adequate and sufficient information for the suppliers to prepare their offers on a genuinely competitive basis and shall indicate the exact time limit, way and place for receipt of quotations. The award of the contract shall be based on the lowest price if not otherwise indicated in request for proposal.
- (4) Each of the suppliers, service providers or contractors may offer only one price and cannot change it. No negotiations of price shall be conducted.
- (5) The Secretariat shall evaluate the received quotations after the expiry of the time limit mentioned in Paragraph 4 of Article 18 on the basis of the criteria fixed as provided for in Paragraph 3 of this Article. If there are at least 3 (three) responsive quotations, the Secretariat shall award the contract to the supplier, service provider or contractor meeting the award criteria stated in the request for quotations.
- (6) Where there are less than 3 (three) responsive quotations, the Secretariat shall cancel the procedure and launch a repeated procedure. However, where the Secretariat opted for the additional publication provided for in Paragraph 2 of this

Article, there shall be no requirement to repeat the procedure if less than 3 (three) responsive quotations are obtained, and the Secretariat may proceed directly to award the contract to the supplier offering the quotation meeting the criteria stated in the request for quotations.

- (7) When applying a competitive request-for-quotations for which the estimated contract value is less than or equal to 5000 (five thousand) EUR the Secretariat may request the quotations by phone or by e-mail.

Article 13
Conducting the Negotiated Procedure
with prior publication of a procurement notice

- (1) When applying the negotiated procedure with publication of a procurement notice, the Secretariat shall:
 - a) prepare tender documents according to the provisions of Article 16 of these Rules. The tender documents may be prepared in two parts, corresponding to the pre-qualification phase and the tendering phase of the procedure;
 - b) publish a procurement notice as provided for in Article 8 of these Rules, inviting any interested candidate to request the pre-qualification documents and to submit a request for pre-qualification by attaching the information and the documents required;
 - c) provide the suppliers with the pre-qualification documents according to the provisions of Article 17 of these Rules;
 - d) carry through the pre-qualification procedure according to the criteria set out in the tender documents;
 - e) invite qualified candidates to submit initial bids and participate in negotiations on technical, economic, legal and other aspects of the contract;
 - f) based on the results of the negotiations held, invite the participants to submit their final bid and among those identify the successful bidder according to the evaluation criteria as set out in tender documents.
- (2) In the case when less than three qualified candidates are selected or less than three complete bids are obtained, the procedure shall be repeated. In the repeated procedure, selection of three qualified candidates or obtaining of three complete bids is not obligatory.

Article 14
Conducting the Negotiated Procedure
without prior publication of a procurement notice

- (1) When applying the negotiated procedure without publication of a procurement notice, the Secretariat shall:
 - a) where more than one candidate is invited to negotiate, verify if qualifications of the candidates meet the criteria specified in the invitation, negotiate the technical, economic, legal and other aspects of the contract and, based on the results of the negotiations held, invite the participants to submit their final bids and among those identify the successful bidder according to the award criteria as set out in tender documents;
 - b) when only one candidate is invited to negotiate, verify if the qualifications of the candidate meet the criteria specified in the invitation, and negotiate the technical, economic, legal and other aspects of the contract aiming at achieving the most economically advantageous bid for the Secretariat.
- (2) In cases of negotiated procedure with one potential supplier, the Secretariat shall, prior to initiating the contract award procedure, inform the Sava Commission of the subject of the procurement, reasons for applying such a procedure and supplier to participate in the negotiations, and justify the application of procedures in the case referred to in Article 7.

- (3) Any contract award in case of negotiated procedure with only one supplier shall be approved by the Sava Commission in advance if the contract value exceeds 10 000 EUR. Decision of the Sava Commission shall be adopted by a written procedure.

Article 15

Common Requirements in conducting Negotiated Procedure with or without publication of procurement notice

During the negotiated procedure, the Secretariat shall comply with the following requirements:

- a) negotiations shall be held with each candidate/bidder separately;
- b) no information obtained from the candidate/bidder and no information about the solutions proposed by the candidate/bidder may be revealed to the third parties without prior consent of that candidate/bidder;
- c) all candidates/bidders shall be subject to the same requirements and shall be provided with the same information; equality of treatment among all candidates/ bidders shall be ensured.

COMMON PROVISIONS ON TENDER DOCUMENTS

Article 16

Essential information and costs

- (1) The Secretariat shall prepare tender documents in a way to secure information about the contract conditions and award procedures sufficient for the bidders to prepare their bids on a genuinely competitive basis.
- (2) Tender documents shall include at least the following information:
 - a) sufficient data on the Secretariat including contact details;
 - b) description of the goods, works or services concerned;
 - c) bills of quantity, technical specifications, terms of reference;
 - d) required time limits for delivery or completion of the object of the purchase;
 - e) the award procedure chosen;
 - f) selection criteria establishing the minimum requirements for the qualifications of candidates or bidders, and required information for assessment thereof;
 - g) bid validity period;
 - h) bid security; performance security; and any other securities if required;
 - i) place, date and hour for receipt of request to participate;
 - j) place, date and hour for receipt of bids;
 - k) place, date and hour for opening of bids;
 - l) currencies of prices;
 - m) language requirements.
- (3) The Secretariat shall indicate in the tender documents whether or not it authorizes variants. Variants shall be allowed only where the criterion for the award of the contract is the most economically advantageous bid.
- (4) The Secretariat may amend the tender documents anytime during the procurement process. The bidders shall be notified of any such changes simultaneously. at least 5 (five) days before time limit for submission the requests or bids.

The Secretariat may prolong the time limits for submission of the requests or bids if the tender documents are substantially altered.
- (5) Standard documents for the procurements procedures set forth by these Rules may be prepared by the Secretariat.
- (6) The tender documents may be charged by the Secretariat. The price has to be equivalent to the costs of preparing the tender documentation.

Article 17

Provision of Tender Documents

- (1) The Secretariat may, as appropriate, provide the suppliers with tender documents:
 - a) upon supplier's request;
 - b) together with the invitation to bid;
 - c) by placing them on its website or using other electronic means.
- (2) The Secretariat must dispatch the tender documents to the suppliers within 3 (three) days after the receipt of the request for the provision of the documents.

TIME LIMITS

Article 18

Minimum Time Limits for Submission of Requests and Bids

- (1) The minimum time limits for the receipt of requests or bids fixed by the Secretariat shall be sufficiently long to give the interested parties reasonable time for preparing and submitting their bids. When fixing these time limits, the Secretariat shall take account of the complexity of the contract terms and the time required for drawing up requests and bids.
- (2) In the case of open procedure, the minimum time limits for the submission of bids shall be 28 (twenty eight) days after publishing procurement notice.
- (3) In the case of restricted or negotiating procedure, the minimum time limits for the submission of requests for pre-qualification shall be 14 (fourteen) days after publishing procurement notice and minimum 14 (fourteen) days for submission of final bids.
- (4) In the case of competitive request for quotations, except for cases regulated by Paragraph 7 of Article 12, the minimum time limits for the submission of bids shall be 8 (eight) days after request.

EVALUATION AND AWARD

Article 19

Evaluation Committee

- (1) Evaluation Committee shall be established for all procurements regulated by these Rules, except those regulated by Paragraph (7) of Article 12.
- (2) The Evaluation Committee shall be established by the Secretary's written decision.
- (3) The Evaluation Committee shall be composed of an odd number of voting members, at least three. The Secretary may appoint the technical administrator of the Committee as a non-voting member.
- (4) The Secretary shall, by abovementioned decision, appoint the Chairman one of the voting members of the Evaluation Committee.
- (5) The Evaluation Committee shall make its decision only in its meetings. The meetings of the Evaluation Committee shall be entered into minutes, which shall be included in the report on the procedure submitted to the Secretary along with the contract award proposal.
- (6) The decision on award of contract shall be made by the Secretary.

Article 20

Opening of Bids

- (1) Bids shall be opened publicly, in principle, immediately after the expiry of the time limit for submission of the bids as indicated in the tender documents.
- (2) Bids shall be opened at a meeting of the Evaluation Committee on the day and at the hour specified in the tender documents. All suppliers who submitted bids in time or their representatives shall have the right to be present during the bid opening procedure.
- (3) The procedure for the opening of envelopes shall be set out in the tender documents.
- (4) The outcomes of the opening procedure shall be recorded into the minutes of the meeting and signed by all present members of the Evaluation Committee.
- (5) The subsequent bid analysis, evaluation and comparison procedures shall be conducted *in camera* by the Evaluation Committee.

Article 21

Verifying Suppliers' Qualifications

Evaluation Committee shall verify suppliers' economic and financial standing, technical and/or professional ability based on the requirements set forth in the tender documents.

Article 22

Evaluation of Bids

- (1) The Evaluation Committee shall evaluate and compare the bids submitted by the qualified bidders applying the contract award criteria stipulated in the tender documents.
- (2) During the evaluation period, the Evaluation Committee may request the bidders to clarify their bids without bringing about any changes in the substance of the bids.

Article 23

Contract Award Criteria

- (1) Upon completion of the selection of the qualified candidates or bidders as provided for in Article 21 of these Rules, the criteria on which the Secretariat shall base the award of contracts shall be:
 - a) either the most economically advantageous bid for the Sava Commission, based on stipulated evaluation criteria set forth in the tender documents and identified according to the nature and scope of the subject matter of the contract in question, for example: quality, price, technical merit, functional and environmental characteristics, running costs, cost-effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion; or
 - b) the lowest price of a technically compliant bid.
- (2) The contract shall be awarded to the qualified bidder having submitted the best ranked compliant bid in accordance with item a) or b) of Paragraph 1 of this Article.

POST AWARD REQUIREMENTS

Article 24

Informing Bidders about Results

- (1) The Secretariat shall in writing simultaneously, but not later than within 7 (seven) days of the decision, inform candidates or bidders, having submitted requests for pre-qualification or bids in time, about the decisions reached concerning the pre-qualification, the evaluation of the bids, or cancellation of the procedure.

- (2) The information to candidates who submitted the request for pre-qualification, shall as a minimum state whether the addressed candidate is pre-qualified or not. If not, the reasons shall be given.
- (3) In the information to bidders whose bid is rejected, the reasons of the rejection shall be given.
- (4) The information to all bidders who submitted complete bids shall as a minimum include the name of the bidder awarded the contract and the reasons why that bid was selected.
- (5) In the event that the procedure is cancelled, the information to candidates or bidders shall state the reasons.

Article 25 Contracts

- (1) The Secretariat shall offer the contract to the qualified bidder having submitted the best ranked evaluated bid in accordance with the provisions of Article 23 of these Rules. No contract may be concluded within 7 (seven) days of the date on which bidders have been informed of the result pursuant to Article 24, Paragraph 1, of these Rules.
- (2) The Secretariat shall publish a contract award notice pursuant to Article 8 of these Rules on the result of the award procedure. Such notices shall be published as soon as possible, but not later than within 30 (thirty) days of the conclusion of the contract.
- (3) If the supplier, who has been given a proposal of contract award,
 - a) refuses the award in writing, or
 - b) fails to present security for the performance of the procurement contract, as prescribed in the tender documents, or
 - c) fails to sign the procurement contract, or
 - d) refuses to conclude the contract under the conditions laid down in the tender documents,the Secretariat shall propose the contract award to the supplier whose bid in the descending order of bids is next after that of the successful bidder who refused the contract award.

Article 26 Objections

- (1) Any supplier who has a legitimate interest in a specific public procurement contract and believes that the Secretariat, during the contract award procedure concerned, has breached one or more provisions of these Rules, shall have the right to raise an objection against the procedure in the manner and within time limits set forth in Paragraph 2 of this Article.
- (2) Objections shall be submitted in writing to the Secretariat within 7 (seven) days upon receipt of the contract award notice.
- (3) Upon receiving the complainant's written objection, the Secretariat shall inform the Chairman of the Sava Commission thereof and suspend the ongoing contract award procedure immediately until the objection is fully examined and a decision is taken before the expiry of the time limit stated in Paragraph 5 of this Article.
- (4) The Secretary must, if needed, extend the time limits of the contract award procedure for the period of suspension referred to in Paragraph 3 of this Article.
- (5) The Secretariat must examine the objection and take a justified decision within 7 (seven) days of the receipt of the objection, as well as informing the complainant of the taken decision and the justification thereof not later than on the next working day.
- (6) If the Secretariat rejects the objection or fail to examine the objection in time limits provided for under the Paragraph 5 of this Article, the complainant may file a written appeal to the Sava Commission within 7 (seven) days upon the receipt of

the rejection notice or upon the expiry of period specified for the Secretariat to take a justified decision.

- (7) The Sava Commission shall take a justified decision according to the urgent procedure, as soon as possible.
- (8) The decision of the Sava Commission is final and may not be appealed.

Article 27

Termination of Contract Award Procedure

- (1) When a contract award procedure has been launched by publication of a procurement notice, it may be terminated only for the following reasons:
 - a) a contract is concluded;
 - b) the award procedure is cancelled for one of the following reasons:
 - no bids are submitted within the specified final time limit,
 - none of the received bids are complete,
 - all complete bids contain prices which substantially exceed the contracting authority's budget,
 - the number of the received complete bids is less than 3 (three) and does not ensure a genuine competition on the contract concerned,
 - the number of qualified candidates is less than 3 (three) and does not ensure a genuine competition on the envisaged contract;
 - c) the award procedure is cancelled for other demonstrable reasons beyond the Secretariat's control and not predictable at the time of launching the award procedure.
- (2) Where a contract award procedure is cancelled without the award of a contract, a cancellation notice shall be published.

Article 28

Informing the Sava Commission on Awarded Contracts

The Secretary of the Secretariat shall inform the Sava Commission on awarded contracts on an ad hoc basis or upon request of the members of the Sava Commission.

TRANSITIONAL PROVISIONS AND ENTRY INTO FORCE

Article 29

Completion of Launched Procurement Procedures

All procurement procedures that have been launched before the entry into force of these Rules shall be completed according to the criteria in force on the day of launching any particular procedure.

Article 30

Entry into Force

These Rules shall enter into force on the day of adoption by the Sava Commission and shall be published on the official web site of the Sava Commission.

ANNEX I

Rules for temporary engagement of experts

PURPOSE AND GENERAL PROVISIONS

Article 1

Purpose of these Rules

- (3) The purpose of this Annex to the Rules of Procurement Procedures is to establish the simplified procedure that may be used in selection of experts under special service contract when:
 - a. the increased workload of the Secretariat requires temporary engagement of external expert;
 - b. is needed to perform tasks in the fields of work that have not covered yet by the employment of a staff member;
 - c. a special outside expertise is required, i.e. advisory services or assistance requiring expertise, special skills or knowledge not normally possessed by staff members and for which there is no continuing need in the Secretariat.
- (4) For the purpose of these Rules, “experts” are individuals who have a contractual arrangement with the Sava Commission to perform specific temporary assignments in the premises of the Sava Commission’ Secretariat, in principle, and whose conditions of engagement are governed by the terms of their special service contract only.
- (5) Grounds for temporary engagement of experts are the budget, decision and conclusions of the Sava Commission.

Article 2

Type of selection procedure

- (1) Procedure for temporary engagement of experts can be conducted by:
 - (a) Selection without a competitive process, or
 - (b) Selection with a competitive process.

Article 3

Selection without a competitive process

- (1) A competitive process for the selection of experts is not required for value less than or equal to 1500 EUR (one thousand and five hundred) for particular engagement.

SELECTION WITH A COMPETITIVE PROCESS

Article 4

Decision on launching the procedure

- (1) Selection procedure for temporary engagement of experts shall be launched by written decision of the Secretary, containing:
 - (a) basis for temporary engagement;
 - (b) requested services, education/experience/competences/skills or any other criteria important for selection of an expert;

- (c) duration of temporary engagement;
- (d) name of the official in charge for conducting of selection procedure.

Article 5

Conducting the procedure

- (1) Selection with a competitive process shall be conducted as follows:
 - (a) The Secretariat shall publish an appropriate notice on its official web site, or
 - (b) The Secretariat shall address a request to apply for temporary engagement to at least 3 (three) individual experts with/without publishing an appropriate notice on its official web site.
- (2) If the Secretariat opted not to publish a notice on its official web site provided for in paragraph 1(b) of this Article and where there are less than 3 (three) responsive applications, the procedure shall be cancelled and a repeated procedure shall be launched.
- (3) If the Secretariat opted for publication, there shall be no requirement to repeat the procedure if less than 3 (three) responsive applications are obtained.
- (4) The minimum time limits for the receipt of applications shall be 8 days.

Article 6

Evaluation and award of contract

- (7) Evaluation Committee shall be established by the Secretary's written decision and composed of an odd number of members with one of them acting as the Chairman.
- (8) The Evaluation Committee:
 - (a) shall open applications in camera after the expiry of the time limit for their submission and evaluate applications on the basis of the requested criteria;
 - (b) may invite applicants to an interview and/or written test to assess their ability to carry out the tasks of the assignment;
 - (c) shall submit the evaluation report to the Secretary, including the contract award proposal.
- (9) Final decision on award of contract shall be made by the Secretary.
- (10) Applicants will be informed of the decision on appointment within one week after completion of the selection procedure.
- (5) In case that the procedure is cancelled, the applicants shall be notified in the same manner as they are informed about and/or invited to take part in the procedure.

Article 8

Informing the Sava Commission on awarded contract

The Secretary shall inform the Sava Commission on awarded contracts on an ad hoc basis or upon request of the members of the Sava Commission.