

The Law on Amendments to the Public Procurement Law ("Official Gazette of the Republic of Serbia", No. 92/2023)

The National Assembly of the Republic of Serbia, at the First session of the Second regular session on October 26, 2023, adopted the Law on Amendments to the Public Procurement Law, which came into force on November 4, 2023. The changes introduced aim to further improve the public procurement system, and the implementation of most innovations has been postponed until January 1, 2024. However, certain provisions, such as those related to the registration of economic entities on the Public Procurement Portal, have been in effect since November 4, 2023.

The amendments to the Public Procurement Law aim to increase efficiency, transparency, and market competition in public procurement procedures, with a particular emphasis on environmental protection and establishing an equal position for all interested economic entities.

The most important changes and supplements include:

Environmental Protection: Introduction of environmental protection principles (expanding the existing principles of economy and efficiency) as a mandatory component when determining technical specifications, criteria for the selection of economic entities, criteria for the award of contracts, or conditions for the execution of public procurement contracts. The Public Procurement Office will prescribe the types of goods, services, and works for which contracting authorities are obliged to apply environmental aspects in public procurement.

Composition of the Public Procurement Commission: The introduced changes ensure additional professionalism in the committees conducting public procurement. In this sense, individuals who have obtained a certificate for public procurement officials become mandatory members of public procurement committees in procedures with an estimated value exceeding 3,000,000 dinars.

Registration on the Public Procurement Portal: New rules for the registration of economic entities on the Public Procurement Portal are introduced. Economic entities registering for the first time or renewing their registration on the Public Procurement Portal must now electronically submit basic data, including a scanned, read, or photographed identification document.

Criteria for the Award of Contracts: In the case of the procurement of certain categories of services (development of computer programs, architectural services, engineering services, translation services, or advisory services), contracting authorities are obliged to establish the criterion of the economically most advantageous offer based on cost criteria and the relationship between price and quality.

Suspension of the Procedure: A deadline of 30 days from the expiration of the deadline for submitting bids is prescribed, during which the contracting authority must decide to suspend the public procurement procedure.

New Decision on the Award of Contract: The contracting authority is obliged to make a new decision on the award of the contract in case the selected bidder refuses to conclude the contract.

Communication by Electronic Means: Communication by electronic

means is expanded to cover other aspects of public procurement procedures. In addition to submitting requests for the protection of rights and publishing decisions of the Republic Commission for the Protection of Rights, this now also applies to other submissions in the procedure for the protection of rights.

Publication of Data on the Public Procurement Portal: A new obligation to publish data on all contracts concluded after the completion of the public procurement procedure, amendments to contracts (on all grounds), including data on contracts not subject to the provisions of this law, is introduced. This will contribute to greater transparency in public procurement procedures. The Public Procurement Office regulates the method of publication and types of data in more detail.

Supervision of Contract Execution: In addition to the provision that it "supervises the execution of contracts," the ministry responsible for finance will adopt a bylaw regulating the supervision of contract execution.

Offenses in the Field of Public Procurement: Amendments and deletion of certain offenses by contracting authorities, as well as the introduction of new ones. The statute of limitations for initiating and conducting misdemeanor proceedings occurs after three years from the date of the offense. The competence of state authorities to initiate misdemeanor proceedings is introduced, and these are all state authorities responsible for monitoring the legality of public spending.

Protection of Bidder's Rights: The obligation to submit requests for the protection of rights, appeals, and other submissions exclusively electronically is introduced to expedite the process. In this regard, the possibility of submitting requests for the protection of rights in written form, direct submission, or

registered mail to the contracting authority has been abolished.

The adopted changes are in line with relevant EU directives and aim to increase the quality of services and environmental protection in public procurement procedures, in order to enhance this crucial aspect of public resource management.

For any additional consultations or legal assistance, you can contact the Tasic & Partners team via email at office@tasiclaw.com or by phone at +381116302233.