**LAW**

**OF THE REPUBLIC OF ARMENIA**

**Adopted on 3 March 2021**

**ON MAKING SUPPLEMENTS TO THE LAW “ON PROCUREMENT”**

**Article 1.** Point 4 of part 1 of Article 5 of the Law “On procurement” HO-21-N of 16 December 2016 (hereinafter referred to as "the Law") after the words "financing thereof" shall be supplemented with a new sentence which reads as follows: "Moreover, the procedure shall also envisage regulations concerning the process of ensuring the possibility for performance of the public control and application thereof within the scope of implementation and management of the contract.".

**Article 2. The Law shall be supplemented with Article 5.1 which reads as follows:**

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| **“Article 5.1.** | **Public control within the scope of implementation and management of the contract** |

1. The below-mentioned persons shall be entitled to public control within the scope of implementation and management of the contract:

(1) in case of procurement not containing state secret, both the bidders having submitted bids for participation in the given procurement process and the non-governmental organisations having state registration in the Republic of Armenia and the persons carrying out media activities;

(2) in case of procurement containing state secret, the bidders having submitted bids for participation in the given procurement process.

2. The person (representative) may not participate in the process where the person with whom he/she is linked by kinship or in-law relationships (parent, spouse, child, brother, sister as well as parent-in-law, spouse's child, spouse's brother or spouse's sister), the organisation founded by them or by him/her or the organisation wherein those persons or he/she hold a share (unit) is a party to the contract. The person (representative) shall sign a statement on absence of conflict of interests, which shall be published by the contracting authority in the bulletin.

3. Within the framework of the process the person shall act on behalf of the unit of the contracting authority, performing the function of implementation and management of the contract, jointly with it, provided that the position submitted by the person is of advisory nature. The contracting authority shall obligatorily discuss the positions received, by making the party to the contract a participant in the process. The summary sheet for discussion shall be published in the bulletin. Where no position is submitted, a relevant note shall be made thereon in the document justifying the takeover of the outcome of implementation of the contract.

4. The public control within the scope of implementation and management of the contract shall be binding in case of contracts with the price exceeding the base unit of procurement.

5. The terms for participation in the process and the time limits for applying shall be established by the notice on the concluded contract considering that the time limit for applying may not be less than three calendar days.

6. Where the position submitted by the person within the scope of the same contract is not justified at least twice, the person shall be deprived of powers to perform public control within the scope of the given contract, whereon the contracting authority shall publish a statement in the bulletin.".

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| **Article 3.** | **Final part and transitional provisions** |

1. This Law shall enter into force on the day following its official promulgation.

2. The requirements of this Law shall not apply to procurement processes initiated and not completed prior to entry into force of this Law.

3. The decision of the Government stemming from this Law shall be adopted within three months after the entry into force of this Law.

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| **President of the Republic** | **A. Sargsyan** |
| 15 March 2021 Yerevan HO-79-N |  |

**Date of official promulgation: 16 March 2021.**