

WAYS TO IMPROVE THE PUBLIC PROCUREMENT SYSTEM OF THE REPUBLIC OF KAZAKHSTAN

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Public procurement of the Republic of Kazakhstan is a system by which state organizations search for suppliers of goods, services and works. In a similar way, a variety of tasks can be solved, from the acquisition of a chancellery to the construction of a new airport in one of the cities [1].

Thus, the public procurement system of Kazakhstan represents the relations of its main participants (customers and suppliers) related to the acquisition of goods, works and services (hereinafter - GWS) necessary to ensure the functioning, as well as the performance of state functions or statutory

Public procurement of the Republic of Kazakhstan is carried out through the public procurement portal of the Republic of Kazakhstan (www.goszakup.gov.kz) - the information system of the state body, which provides a single point of access to electronic services of public procurement. The public procurement portal of Kazakhstan is a single point of access to public procurement. Kazakhstan sees state procurement as a democratic resource for the development of the economy for all participants. Access to the public procurement website is obtained by potential suppliers who have entered into the relevant agreement and paid [2].

The Ministry of Finance is going to improve the public procurement system and for this has developed a bill "On Amending and Supplementing Some Legislative Acts on Public Procurement." The main task of the amendments is to reduce the share of purchases from one source.

According to the statistical bulletin of the Ministry of Finance, in the central state bodies and regional akimats, the share of public procurement conducted by the method from one source and public procurement from one source by direct conclusion of an agreement in 2015 was 24.3%, and in 2018 - almost 62%.

The grounds for procurement from one source are spelled out in article 39 of the Law on Public Procurement. They can be conditionally divided into two groups. In one case, the grounds are related to the fact that the first public procurement by means of a competition or request for price proposals was declared invalid.

Public procurement from the second group is carried out by direct conclusion of an agreement. The second group has its own list of grounds (about 50), as set out in article 39, paragraph 3. Among them, for example, the purchase of services in the fields of natural monopolies or the purchase of services of international rating agencies. For some reasons, a limit has been set for such purchases - for example, you can purchase homogeneous goods from one source if their annual volume in monetary terms is no more than 100 MCI (about 291.7 thousand tenge in 2021) and no more than 500 MCI (about 1.5 million) - in the case of work and services.

The amendments, which are currently under consideration in the Majilis, propose a reduction in the grounds for single-source procurement. For example, a clause on the purchase by state agencies of goods from the state material reserve, which are issued from the reserve for its renewal, will be excluded. Previously, government contracting authorities were obliged to purchase such goods as a matter of priority.

Several other grounds will be removed from the law on public procurement. From the list should disappear "acquisition of services on trust management of property from a person defined by the legislation of the Republic of Kazakhstan." They will also exclude the basis for the purchase of homogeneous goods and services with their small annual volume in monetary terms. These volumes will be provided by a new mechanism - the "electronic store."

The limits for purchases in the "electronic store" are up to 100 MCI for goods and up to 500 MCI for works and services, that is, the same ones that will be excluded from the grounds. This usually involves the procurement of small quantities, such as stationery.

The purchase of goods through the "electronic store" will pass through the public procurement web portal, which is integrated with online stores operating on the Kazakh market. Now there are pilot tests of the project.

It is assumed that this method will allow you to buy goods and services on a competitive basis during the working day. The "electronic store" gives the customer the choice of the goods he needs, while the supplier of the goods is determined on the basis of the lowest price. But in the absence of access to the Internet or if it is impossible to deliver goods, state-owned agencies will be able, as before, to use the purchase from one source. Details of the mechanism of work of the "electronic store" will be written in the Rules for public procurement.

The Ministry of Finance is also going to form a Register of customers and potential suppliers - it will limit the number of potential suppliers who can offer certain goods and services to customers. Participants in the register will have the right to conclude contracts for procurement from one source according to the grounds from paragraph 3 of article 39 of the law on public procurement.

In the justification for this amendment, the authors of the bill write that customers unreasonably conclude contracts within the framework of this paragraph, and such "facts are massive." For example, government agencies, under the guise of acquiring services from subjects of natural monopolies, buy building materials, communications and Internet services.

In addition, the authors of the bill propose the introduction of a new method of procurement - a competition using a "rating-point system." In the justification for the corresponding amendment, they write that the sphere of public procurement is "the most susceptible to corruption risks" and an effective way to reduce them will be to reduce the influence of the human factor.

To do this, it is proposed to automate the procedures for selecting a supplier through the integration of the electronic public procurement system with the information systems of government agencies. The latter contain large amounts of data in all areas of activity of citizens and business.

As a result, the Web-based purchasing portal will automatically assign ratings to potential vendors. With a "good" reputation, for example, if there is appropriate experience in the subject of the competition, the supplier will be awarded positive points. And with a "bad" reputation - for example, if there are delays or penalties under previous public procurement agreements - negative. In other words, the web portal will automatically determine the winner of the competition through a combination of price and quality criteria. The public procurement system works in a similar way, for example, in South Korea.

Business Ombudsman Rustam Zhursunov agrees with this approach. He notes that to improve the public procurement system, the authorized body and customers could conduct feedback analysis. As a result, action will be taken in a timely manner to address emerging issues, and bidders will be determined not only on the basis of price and some other criteria, but also on the basis of additional factors, such as the good faith and timely performance of their obligations under previous contracts.

Also, to simplify procedures and increase their effectiveness, the Ministry of Finance proposes to introduce an "electronic depository in the field of public procurement." This is an electronic database that will contain information and documents confirming the experience of potential suppliers.

The need for this norm is explained as follows: today 80% of public procurement is construction and the provision of services, where the main criterion for determining the winner is work

experience. The authors of the bill write in the justification that the big problem is precisely the provision by potential suppliers of false information in documents confirming such experience, as well as illegal decisions of state bodies on their calculation. This "creates significant opportunities for abuse and corruption risks."

The bill provides for the introduction of a new way of conducting public procurement - a "framework agreement." This is an agreement between the customer and one or more potential suppliers, which will be signed following the results of the competition.

The authors of the bill call one of the main problems in the public procurement system the duration of the procedures. This entails a lack of budget funds and the untimely implementation of budget investment projects. Now, on average, the competition takes 1.5-2 months, and the use of framework agreements will reduce this time to 3-5 working days.

The framework agreements will not be widely used and will be used only for frequently purchased goods, works and services, for example, to pay for electricity, stationery and gasoline.

The procurement process will consist of two stages. At the first, a competition with qualification requirements will be held, following which a framework agreement will be concluded with the suppliers that passed it. In the second phase, customers will submit bids to these potential suppliers for the purchase of goods or services provided for in the agreement. The contract will be received by the one who offers a lower price.

After the adoption of the bill, amendments to the Rules for the implementation of public procurement will be required to regulate the work of new tools [3].

References

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