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**Order No 3 of the Chairman of the State Procurement Agency  
February 10, 2011**

**On Approving the Conditions and Rules for State Procurement of Design (Project)  
Services through a Design Contest**

Pursuant to Article 10<sup>2</sup>(2) and Article 24(10) (c) of the Law of Georgia on State Procurement, I hereby order:

1. The enclosed Conditions and Rules for State Procurement of Design (Project) Services through a Design Contest shall be approved.
2. The Order shall become effective upon publication.

*T. Urjumelashvili*

**The Conditions and Rules for State Procurement of Design (Project) Services through a  
Design Contest**

**Article 1. General Provisions**

1. The Conditions and Rules for State Procurement of Design (Project) Services through a Design Contest (hereinafter – the Rules) have been developed on the basis of Article 10<sup>2</sup>(2) and Article 24(10) (c) of the Law of Georgia on State Procurement (hereinafter - the Law) and set forth legal basis, rules and conditions for conducting a design contest.
2. A procuring entity takes a decision with regard to conducting a design contest.

**Article 2. Definition of Terms**

1. For the purposes of these Rules the terms used thereof shall have the following meaning:
  - a) a design contest – for the purposes of these Rules, an alternative method of state procurement of

- design (project) services that is used at the decision of a procuring entity;
- b) design contest conditions – design contest notice, procurement object and the requirements towards an applicant determined by a procuring entity at its own discretion;
  - c) design contest notice – an announcement of a procuring entity on conducting a design contest;
  - d) an applicant – a person who, in accordance with these Rules, has paid the fee for participation in the design contest and has filed a proposal to a procuring entity;
  - e) proposal – a bid filed by an applicant to a procuring entity aimed at participation in the design contest;
  - f) design contest committee – a committee established at the decision of the head of a procuring entity with the purpose of conducting a design contest.

2. Other terms used in these Rules shall have the same meaning as in the Law.

### **Article 3. The Conflict of Interest.**

The provisions related to the conflict of interest envisaged under Article 8 of the Law shall be applicable to the review of design contest proposals and the selection of a supplier through a design contest.

### **Article 4. Conducting a design contest**

1. At the decision of a procuring entity state procurement of design (project) services can be conducted through a design contest.
2. When conducting a design contest transparency of procedures and fair and non-discriminatory approach towards applicants must be ensured.
3. The evaluation of proposals and the identification of a winning applicant is performed by a design contest committee in accordance with the criteria established under the design contest conditions, in compliance with the principles envisaged under Paragraph 2 of this Article.
4. The timeframes for the submission of proposals are prescribed under the design contest conditions.
5. The design contest conditions must contain necessary conditions of a Contract to be awarded with the supplier that are determined by a procuring entity.
6. A procuring entity shall not be authorized to modify design contest conditions after the receiving of the proposals has started.
7. A proposal that does not contain a relevant document proving the payment of the fee envisaged under Article 6 of these Rules shall not be considered.
8. In case an applicant submits a document issued in violation of the details envisaged under Article 6(2) of these Rules the proposal of such an entity will be subjected to disqualification.

## **Article 5. Publishing a design contest notice**

1. A procuring entity sends design contest notice and supporting documentation, (if applicable), to the State Procurement Agency (hereinafter – the SPA), for publishing on its official website ([www.procurement.gov.ge](http://www.procurement.gov.ge)).
2. An official request of publishing a design contest notice of a procuring entity and the supporting documentation thereof, (if applicable), are submitted in a scanned form ~~through~~ via the SPA e-mail: [contest@procurement.gov.ge](mailto:contest@procurement.gov.ge).
3. An official request for publishing a design contest notice must be signed by the head of a procuring entity or a duly authorized person thereof.
4. In case the design contest conditions are modified the modification shall be published in accordance with the rule set forth under Paragraph 1-3 of this Article.
5. A design contest notice and supporting documentation, (if applicable), and/or modification thereof is published by the SPA on its official website, within no later than the working day following the day of receipt thereof in accordance with Paragraph 2 of this Article. The SPA does not hold responsibility for the content of the submitted documentation and conformity thereof with the legislation.
6. Upon publishing of a design contest notice on the official website of the SPA it is assigned a unique code.

## **Article 6. Fee for the participation in a design contest**

1. An entity shall pay a fee for the submission of a proposal in the amount established under Article 19<sup>1</sup>(1) of the Law. The fee shall be paid to the SPA account indicated on the official website of the SPA ([www.procurement.gov.ge](http://www.procurement.gov.ge)).
2. The document certifying the payment of the fee shall contain the following information:
  - a) unique number of the document proving the payment and the date of payment;
  - b) name and identification code of the procuring entity;
  - c) name and identification code of an applicant;
  - d) unique number assigned to the notice as a result of publishing of the design contest notice on the official website of the SPA.

## **Article 7. Appealing against the design contest**

1. Prior to awarding a Contract on state procurement an applicant can appeal an action of a procuring entity or a design contest committee at the procuring entity or at the SPA Procurement Related Disputes Resolution Board, in case it deems that the rules set forth under the Law and relevant normative acts were breached in the process of conducting a design contest and/or that its rights were

infringed upon.

2. Considering the peculiarities of the design contest the review of a design contest related dispute is performed in accordance with the Chairman of the SPA Order No 11, November 30, 2010 On the Rules of Activity of the Procurement Related Disputes Resolution Board under the State Procurement Agency.