On Public Procurement

Unofficial translation

Law of the Republic of Kazakhstan № 106-VIII LRK of July 1, 2024.

Unofficial translation

Chapter 1: GENERAL PROVISIONS

Article 1: Scope of application of this Law

This Law shall apply to relations associated with the procurement of goods, works, services needed to ensure the functioning, as well as the performance of state functions or statutory activities of the customer, except as follows:

1) services purchased from natural persons under labour agreements;

2) services purchased from natural persons who are not business entities under agreements for the reimbursable provision of services;

3) services related to travelling expenses;

4) state assignment;

5) making contributions (contributions), including to the authorized capital of legal entities, as well as the implementation of budget investments aimed at financing the investment costs of autonomous educational organizations;

6) goods, works, services acquired by national management holdings, national holdings, national management companies, national companies and legal entities affiliated with them, legal entities, fifty or more percent of voting shares (stakes in the authorized capital) of which belong to the state, social and entrepreneurial corporations, the National Bank of the Republic of Kazakhstan, its departments, organizations included in the structure of the National Bank of the Republic of Kazakhstan, and legal entities, fifty or more percent of voting shares (stakes in the authorized capital) of which belong to the National Bank of the Republic of Kazakhstan or are under its trust management, as well as the authorized body for regulation, control and supervision of the financial market and financial organizations;

7) military goods (products), dual-use (application) goods (products), military works and military services included in the state defence order, excluding cases envisaged by the Law of the Republic of Kazakhstan “On the Defence Industry and the State Defence Order”;

8) goods, works, services purchased by an organisation specialising in enhancing the quality of loan portfolios of second-tier banks to engage in activities stipulated by paragraph 2 of Article 5-1 of the Law of the Republic of Kazakhstan “On Banks and Banking Activities in the Republic of Kazakhstan”;

9) goods, works, and services procured as part of the implementation of investment projects financed by international organisations of which the Republic of Kazakhstan is a member. Goods, work and services acquired as part of investment projects financed in full or in part by other foreign banks shall be purchased as per the rules of these banks, provided that the following conditions are met as a whole:

a foreign bank has a long-term foreign currency credit rating of at least 'A-' by Standard & Poor's or a rating of the same level by one of the other rating agencies;

more than fifty per cent of financing is provided by foreign banks;

an investment project is implemented by state-owned enterprises, legal entities, fifty or more per cent of voting shares (participatory interest in the authorised capital) of which are owned by the state, and legal persons affiliated with them;

implementation of the investment project does not require a state guarantee and does not entail encumbrance of the borrower's property;

10) goods, works, services purchased by research institutes and organisations of higher and (or) postgraduate education, needed to perform scientific research and scientific works, implemented at the expense of budgetary funds in the order established by the competent authority in the field of science in coordination with the competent authority in the field of public procurement;

11) payment of current, accumulative, targeted contributions and current contributions for the maintenance of parking spaces, storage rooms in accordance with the Law of the Republic of Kazakhstan "On Housing Relations".

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 30.12.2024 № 149-VIII (shall be enforced from 31.12.2024); dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication); dated 15.07.2025 № 207-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 2: Purpose and objective of this Law

1. The purpose of this Law is to secure the attainment of the strategic goals of public administration, objectives and functions of the state in line with the state policy in the sphere of public procurement.

2. The objective of this Law is to establish a legal framework for the entities of public procurement for efficient management of public finances and budget through the principles of public procurement envisaged by this Law.

Article 3: Basic concepts used in this Law

The following basic concepts are used herein:

1) unreliable information means false data contained in an application for participation in a tender, auction and supporting documents of a potential supplier and (or) an engaged sub-contractor (co-executor) on qualification requirements and (or) documents influencing a

tender price offer, as well as those made by corrections that distort the actual content and do not correspond to the facts and supporting documents of a potential supplier in the application filed;

2) auction documentation is a documentation filed with a potential supplier for preparation of an application for participation in an auction, that contains requirements to the application for participation in an auction, conditions and procedure for public procurement by auction method;

3) a potential supplier is a natural person engaged in entrepreneurial activity, a legal entity (excluding public institutions, unless otherwise established by the laws of the Republic of Kazakhstan), a temporary association of legal entities (consortium), claiming to conclude a contract on public procurement, as well as a natural person who is not an entity of entrepreneurial activity, in cases envisaged by this Law;

4) an affiliated person of a potential supplier is any natural person or a legal person entitled to decide and (or) influence decisions made by this potential supplier, including by virtue of a transaction made in writing, as well as any natural person or a legal person in respect of whom this potential supplier has such a right;

5) starting price is a price offered by a potential supplier prior to the auction, enclosed to the application for participation in the auction, which may not be lower than the allocated amount of the subject of the auction by more than five per cent;

6) homogeneous goods, works, services are goods, works, services that, while not identical, have similar characteristics and consist of similar components that enable them to fulfil the same functions;

7) a unified procurement platform (hereinafter – the web portal) is an information system of the competent authority in the field of public procurement providing a single point of access to electronic services of public procurement and procurement made under the Law of the Republic of Kazakhstan “On Procurement of Certain Entities of the Quasi-Public Sector”;

8) works are activities that have a tangible result, as well as other activities classified as works under the laws of the Republic of Kazakhstan;

9) a conciliation commission is a permanent collegial body established by the customer for consideration of appeals of potential suppliers included in the register of unfair participants of public procurement due to evasion from conclusion of the contract on public procurement;

10) a competitive price quotation is a price offered by a potential supplier for participation in public procurement by competitive bidding, enclosed to the application for participation in the tender;

11) a tender documentation is a documentation presented to a potential supplier for preparation of an application for participation in a tender, containing requirements to the application for participation in a tender, conditions and procedure for public procurement by means of a tender;

12) services are activities intended to meet the needs of the customer which do not have a tangible result;

13) residents of the Republic of Kazakhstan are the nationals of the Republic of Kazakhstan including those who are temporarily abroad or in public service abroad, excluding nationals who have a document for the right of permanent residence in a foreign state, issued under the laws of that state;

foreigners and stateless persons who have a document for the right of permanent residence in the territory of the Republic of Kazakhstan;

legal persons established in compliance with the legislation of the Republic of Kazakhstan , with their seat in the territory of the Republic of Kazakhstan, as well as their branches and representative offices with their seat in the Republic of Kazakhstan and abroad;

diplomatic, trade and other official representations of the Republic of Kazakhstan located outside the Republic of Kazakhstan;

14) Public procurement - the acquisition by procuring entities of goods, works, and services fully or partially at the expense of budgetary funds, allocations from the Special State Fund in accordance with the legislation of the Republic of Kazakhstan, and/or from their own revenues;

15) a single organiser of public procurement (hereinafter - a single organiser) is a legal person designated by the Government of the Republic of Kazakhstan, akimat of a region, a city of national importance and the capital or akimat of a district (a city of regional importance), responsible for implementing the procedures for organising and conducting centralised public procurement;

16) public monitoring of public procurement is a process of systematic collection, generalisation and analysis implemented through a web portal and based on the data contained therein on the planning, conduct, execution and control of public procurement affecting the rights and legitimate interests of an unlimited number of persons by entities of public control in line with the Law of the Republic of Kazakhstan “On Public Control”;

17) an organiser of public procurement (hereinafter - the organiser) is a legal person or a structural unit acting on behalf of the legal person that created it, responsible for organising and conducting public procurement pursuant to this Law;

18) a single operator in the sphere of public procurement (hereinafter - a single operator) is a legal person appointed by the competent authority in the sphere of public procurement, the sole owner of shares (participatory interest in the authorised capital) of which is the state;

19) a competent authority in the field of public procurement (hereinafter referred to as the competent authority) is the central executive body in charge of public procurement;

20) entities of public procurement mean a potential supplier, supplier, customer, organiser , single organiser, single operator, competent authority, expert, expert commission;

21) a public procurement agreement (hereinafter referred to as the agreement) is a civil law agreement executed via the web portal between the customer and the supplier, certified

by means of electronic digital signatures, excluding cases envisaged by the rules of public procurement approved by the competent authority;

22) a prescriptive order is a binding administrative act of the competent authority directed to the facilities under control to eliminate revealed infringements of the legislation of the Republic of Kazakhstan on public procurement and (or) causes and conditions contributing to them, as well as to take liability measures envisaged by the laws of the Republic of Kazakhstan against the persons who committed these infringements;

23) sustainable public procurement is an acquisition of goods, works, services by customers in order to ensure optimal and efficient spending of money used for public procurement throughout its life cycle, as well as to attain social, economic and environmental aspects of development;

24) a supplier is a natural person engaged in entrepreneurial activity, a legal person (excluding state institutions, unless otherwise established by the laws of the Republic of Kazakhstan), a temporary association of legal persons (consortium) acting as a party to the agreement concluded with the customer, as well as a natural person who is not a business entity in cases specified by this Law;

25) an expert commission is a collegial body established by a single organiser, organiser or customer with the engagement of experts to participate in the development of technical specification and (or) technical specification of goods, works, services to be procured and (or) preparation of an expert opinion on the conformity of proposals of potential suppliers with the technical specification of goods, works, services to be procured;

26) an expert is a natural person possessing special and (or) technical knowledge, experience and qualifications in the field of public procurement, confirmed by relevant documents (diplomas, certificates, certificates and other documents), involved by the customer, organiser, single organiser to participate in the development of technical assignment and (or) technical specification of goods, works, services to be procured and (or) preparation of an expert opinion on the consistency of the proposals of potential suppliers with the technical specifications of the goods, works, services to be procured;

27) customers – state bodies, state institutions, as well as state enterprises, legal entities, fifty or more percent of voting shares (shares in the authorized capital) of which belong to the state, and legal entities affiliated with them, except for state enterprises as property complexes , legal entities, fifty or more percent of voting shares (shares in the authorized capital) of which belong to the state, and legal entities affiliated with them;

28) goods are items (things), including semi-finished products or raw materials in solid, liquid or gaseous state, electric and thermal energy, intellectual property rights, as well as rights in rem, with which purchase and sale transactions can be made under the laws of the Republic of Kazakhstan;

29) a database of prices for goods, works, services is an information subsystem, which is part of the web portal, containing data on the established minimum, average and maximum prices for goods, works, services based on the results of public procurement;

30) a reference book of goods, works, services (hereinafter referred to as the book) is a systematised list of codes of goods, works, services, established by the competent authority, which is used for the implementation of public procurement;

31) a turnkey construction agreement is an agreement the scope of which is comprehensive work on the construction of a facility and its commissioning, including design , survey, construction and installation (expansion, modernisation, technical upgrading, reconstruction, restoration, overhaul) and other work, as well as the supply of goods and rendering of services accompanying the above work, excluding comprehensive non-departmental expert examination of projects and technical supervision services;

32) national treatment is the treatment providing the admission of goods, works, services of foreign origin and potential suppliers offering such goods, works, services, to participate in public procurement on equal terms with goods, works, services of Kazakh origin and potential suppliers offering such goods, works, services, if the requirement to provide such treatment is established by international treaties ratified by the Republic of Kazakhstan;

33) a format-logical control is a range of software restrictions set up on the web portal intended to ensure that users of the web portal adhere to the legislation of the Republic of Kazakhstan on public procurement;

34) an e-wallet is a personal account of a potential supplier or provider used by a single operator to record transactions of the potential supplier or provider when depositing money to the single operator's account associated with:

securing applications for participation in public procurement;

collateral for the fulfilment of the contract;

securing an advance payment (if the contract foresees an advance payment);

payment of anti-dumping sum;

35) an electronic shop is a sub-system of the web portal ensuring aggregation of data placed on electronic trading platforms that meet the requirements specified by the single operator in coordination with the competent authority;

36) an electronic catalogue of goods is an information sub-system of the web portal designed to form a unified description of goods in the course of public procurements.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025); № 188-VII of 19.05.2025 (shall come into effect upon expiration of ten calendar days after the day of its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 4: Legislation of the Republic of Kazakhstan on public procurement

1. The legislation of the Republic of Kazakhstan on public procurement is based on the Constitution of the Republic of Kazakhstan and consists of the norms of the Civil Code of the Republic of Kazakhstan, this Law and other normative legal acts of the Republic of Kazakhstan.

2. International treaties ratified by the Republic of Kazakhstan shall have priority over this Law. The procedure and conditions for the operation on the territory of the Republic of Kazakhstan of international treaties to which the Republic of Kazakhstan is a party shall be established by the legislation of the Republic of Kazakhstan.

Article 5: Principles of public procurement

1. Public procurement shall be based on the principles of:

1) optimal and efficient expenditure of money used for public procurement, including by ensuring the ratio of price and quality of purchased goods, works, services;

2) granting equal possibilities for potential suppliers to participate in public procurement, apart from cases stipulated by this Law;

3) fair competition among potential suppliers;

4) openness and transparency of the public procurement process;

5) providing support to Kazakhstani commodity producers, producers of works and services to the extent that this does not contradict international treaties ratified by the Republic of Kazakhstan;

6) responsibility of entities involved in public procurement;

7) prevention of corruption offences, conflict of interests;

8) development of sustainable public procurement.

2. In the process of applying the analogy of a statute or analogy of law, it shall be prohibited to establish new obligations or restrict the rights of entities involved in public procurement.

3. Regulatory legal acts of the Republic of Kazakhstan adopted hereunder shall be consistent with the principles of public procurement envisaged in paragraph 1 of this article.

Footnote. Article 5 as amended by Law of the Republic of Kazakhstan № 188-VII of 19.05.2025 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 6: Public procurement process

1. The public procurement process shall involve:

1) planning of public procurement;

2) selecting a supplier and concluding a contract with it;

3) execution of the contract.

2. On the basis of the relevant budget (development plan), allocations from the Special State Fund in accordance with the legislation of the Republic of Kazakhstan, or an individual financing plan, the procuring entity shall develop and approve an annual public procurement plan in the manner and form established by the rules for conducting public procurement.

Based on a favourable proposal of the relevant budget commission, the customer may develop and approve a preliminary annual public procurement plan prior to the approval (refinement) of the relevant budget.

Customers being state enterprises, legal persons, more than fifty per cent of voting shares (stakes in the charter capital) of which belong to the state, may develop and approve a preliminary annual public procurement plan prior to the adoption of a development plan or an individual financing plan.

In these cases, the preliminary annual public procurement plan shall be developed and approved separately, both at the stages prior to approval and at the stages prior to refinement of the relevant budget (development plan) or individual financing plan.

The preliminary annual public procurement plan shall be in force until the adoption (refinement) of the annual public procurement plan.

Data on public procurement envisaged by the preliminary annual plan of public procurement, shall be transferred to the annual plan of public procurement.

The annual plan of public procurement shall be adopted (specified) by the customer within ten working days from the date of approval (specification) of the relevant budget (development plan) or individual financing plan.

Information on public procurement carried out in accordance with subparagraphs 3), 6), 21), 22), 23) and 24) of paragraph 3 of Article 16 of this Law shall not be included in the annual public procurement plan (preliminary annual public procurement plan).

3. When preparing the annual public procurement plan (preliminary annual public procurement plan), the customer must divide goods, works, services into lots by their homogeneous types and place of their delivery (performance, rendering).

4. It is not allowed to approve (clarify) the annual plan of public procurement in the amount that does not correspond to the budget (development plan), allocated money from the Special State Fund in accordance with the legislation of the Republic of Kazakhstan or individual financing plan, in the aggregate on the specifics of the economic classification (items of expenditure), which require the conclusion of contracts.

5. Within five working days from the date of approval of the annual plan of public procurement (preliminary annual plan of public procurement), the customer must place it on the web portal, excluding information constituting state secrets in compliance with the legislation of the Republic of Kazakhstan on state secrets and (or) containing official information of limited dissemination established by the Government of the Republic of Kazakhstan.

6. Customers may make amendments and (or) additions to the annual public procurement plan no more than twice a month, unless otherwise prescribed by the public procurement rules .

7. Within five working days from the date of the decision to make amendments and (or) additions to the annual plan of public procurement (preliminary annual plan of public

procurement), the customer shall place the amendments and (or) additions made on the web portal, excluding information constituting state secrets pursuant to the legislation of the Republic of Kazakhstan on state secrets and (or) containing official information of limited distribution, as established by the Government of the Republic of Kazakhstan.

8. It is not allowed to purchase goods, works, services not provided for by the approved (revised) annual plan of public procurement (preliminary annual plan of public procurement), except for the purchase of goods, works, services in accordance with subparagraphs 3), 6), 21), 22), 23) and 24) of paragraph 3 of Article 16 of this Law.

9. When implementing public procurement by competitive tender or auction, the single operator shall ensure confidentiality of competitive price bids (starting prices) of potential suppliers until the results of public procurement are summarised, with due regard to the requirements of paragraph 5 of Article 15 hereof.

10. Prior to summarising the results of public procurement, the customer may refuse to make public procurement in cases of:

1) reduction of expenditures for the purchase of goods, works, services envisaged by the adopted (revised) annual plan of public procurement (preliminary annual plan of public procurement), which occurred during the specification (adjustment) of the relevant budget, draft budget in compliance with the legislation of the Republic of Kazakhstan;

2) introduction of amendments and additions to the strategic plan of the public authority, budget (development plan) or individual financing plan of the customer excluding the need to purchase goods, works, services envisaged by the approved (revised) annual plan of public procurement (preliminary annual plan of public procurement), pursuant to the legislation of the Republic of Kazakhstan.

In the case provided for by subparagraph 2) of part one of this paragraph, redistribution of the budget (money according to the development plan), allocated money from the Special State Fund in accordance with the legislation of the Republic of Kazakhstan or money according to an individual financing plan to another customer, as well as making amendments and additions to the annual public procurement plan (preliminary annual public procurement plan) aimed at the acquisition of such goods, works, services in the current year is not allowed .

11. Within five working days from the date of taking the decision referred to in paragraph 10 of this article, the customer or the organiser must notify the persons participating in the public procurement in progress of the decision taken.

12. The process of public procurement, the procedure for identifying the organiser, single organiser, persons in charge of public procurement, as well as other conditions shall be implemented in the order established by this Law and the rules for public procurement.

13. Centralised public procurement shall be executed by single organisers based on the list (lists) of goods, works, services, approved by the competent authority under the procedure determined by the rules for public procurement.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 10.02.2025 № 164-VIII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025).

Article 7. Restrictions on participation in public procurement

1. A potential supplier may not take part in ongoing public procurement if:

1) close relatives, spouse or in-laws of managers, founders, major shareholders of this potential supplier and (or) authorised representative of this potential supplier, as well as the founder, major shareholder and persons affiliated with them have the right to make a decision on selection of a supplier or are a representative of the customer or organiser in public procurement in progress;

2) a potential supplier and (or) its employee render and (or) rendered to the customer or organiser expert, consulting and (or) other works, services on preparation of public procurement, participated as a customer, general designer or sub-designer in the development of feasibility study and (or) design (design-budget) documentation for the construction of the facility, where the scope of public procurement is construction and installation works, engineering services for the implementation of technical supervision of the construction and installation works, excluding participation of the feasibility study developer in public procurement for the development of design (design-budget) documentation.

This requirement shall not apply to work under turnkey construction agreements, as well as projects implemented in line with international construction standards;

3) the head, founder or major shareholder of a potential supplier applying for participation in public procurement and persons affiliated with them are involved in the management, establishment, participation in the authorised capital of legal entities listed in the register of unfair participants in public procurement;

4) the head of a potential supplier applying for participation in public procurement is involved in the management, establishment, participation in the authorised capital of legal entities affiliated with the customer;

5) the head, founder or major shareholder of a potential supplier applying for participation in public procurement is a natural person engaged in entrepreneurial activity, included in the register of unfair participants in public procurement;

6) a potential supplier who is a natural person engaged in entrepreneurial activity applying for participation in public procurement, is a manager, founder or major shareholder of a potential supplier, which is included in the register of unfair participants in public procurement;

7) the potential supplier is included in the register of unfair participants in public procurement;

8) a potential supplier and (or) its manager(s), founder(s) or major shareholder have previously perpetrated a corruption offence;

9) a potential supplier and (or) a sub-contractor (co-executor) engaged by it, their manager , founder or major shareholder, as well as persons affiliated with them have unfulfilled obligations under enforcement documents and are included in the unified register of debtors by the public authority implementing state policy and state regulation of activities in the field of enforcement of executive documents.

This requirement shall not apply to potential suppliers and suppliers specified in cases envisaged by sub-paragraphs 1), 25) and 26) of paragraph 3 of Article 16 hereof;

10) activity of the potential supplier and (or) sub-contractor (co-executor) engaged by it is suspended in line with the legislation of the Republic of Kazakhstan or the legislation of the state of the potential supplier - non-resident of the Republic of Kazakhstan;

11) a potential supplier and (or) a sub-contractor (co-executor) engaged by it, and (or) their manager, founders (shareholders) are included in the list of organisations and persons associated with the financing of proliferation of weapons of mass destruction, and (or) the list of organisations and persons associated with the financing of terrorism and extremism, under the procedure established by the legislation of the Republic of Kazakhstan;

12) a potential supplier and (or) its founders (shareholders), and (or) affiliates of their founders (shareholders) are legal entities whose place of registration is a state or territory included in the list of states with preferential taxation (offshore zones) approved by the public authority responsible for ensuring the receipt of taxes and other obligatory payments to the budget;

13) a potential supplier is subject to an enforceable court judgement for overdue and unfulfilled contractual obligations under previously concluded agreements.

2. Restrictions envisaged by sub-paragraphs 3), 4), 5), 6) and 7) of paragraph 1 of this article shall also apply to potential suppliers who are on the register of unscrupulous procurement participants prescribed by the legislation of the Republic of Kazakhstan on procurement of certain quasi-public sector entities, and (or) the list of unreliable potential suppliers of the National Welfare Fund.

3. A potential supplier and an affiliated person of a potential supplier may not compete in one lot in public procurement by means of a tender, auction or request for quotation.

A potential supplier recognised as the winner of a tender for public procurement of construction and installation works and its affiliated person may not compete in public procurement of engineering services at the same construction project.

A potential supplier recognised as the winner of a tender for public procurement of engineering services and its affiliate may not engage in public procurement of construction and installation works on the same construction project.

4. Applications of potential suppliers being state-owned enterprises, state institutions, legal persons, fifty and more per cent or more of voting shares (participatory interest in the

authorised capital) of which belong to the state, shall be automatically rejected by the web portal if there are at least two applications from potential suppliers being private business entities.

5. A customer, in whose interests public procurement is performed, may not participate in such procurement as a potential supplier.

6. Breaches of the requirements of this article may be established by the customer, organiser, single organiser, competent authority or competent authority for internal state audit , as well as entities of public control under the Law of the Republic of Kazakhstan “On Public Control” at any stage of public procurement.

7. Not later than five working days from the date of establishment of the fact of breach of requirements of this article, a competent authority or a competent authority on internal state audit shall notify in writing about it:

1) the customer, if such fact is established after the conclusion of the contract;

2) the organiser, single organiser, if such fact is established prior to the conclusion of the contract.

At the same time, copies of documents confirming this fact must accompany the notification.

8. Insurance agents and insurance brokers shall not have the right to participate in public procurements for the provision of services related to the conclusion of an insurance contract, except for cases provided for by the Law of the Republic of Kazakhstan “On Insurance Activities”.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025).

Article 8. Registers generated in the sphere of public procurement

1. A competent authority shall form and maintain the following registers in the sphere of public procurement (hereinafter - registers):

potential suppliers;

customers;

contracts;

unfair participants of public procurement;

complaints;

experience of potential suppliers.

Registers shall be formed and maintained in the order established by the competent authority.

2. The register of customers shall be a list of legal persons obliged to purchase goods, works, services, needed for them to ensure functioning, as well as fulfilment of state functions or statutory activities under this Law and civil legislation of the Republic of Kazakhstan.

3. The register of contracts shall be a list of contracts executed by customers in the relevant financial year and shall contain details of the subject matter, quantitative and cost indicators of the contract and the results of fulfilment of contractual obligations by the parties.

Data on contracts concluded as a result of public procurement stipulated in sub-paragraphs 6), 12), 21), 22) and 24) of paragraph 3 of Article 16 and Article 26 hereof shall not be included in the register of contracts.

4. The register of unfair participants in public procurement shall be a list of:

1) potential suppliers or suppliers who presented unreliable information;

2) potential suppliers, identified as winners, who have evaded the conclusion of the contract;

3) suppliers who failed to fulfil their obligations under the contracts concluded with them;

4) suppliers that improperly fulfilled their obligations under the contracts concluded with them.

In the event referred to in sub-paragraph 1) of part one of this paragraph, not later that thirty calendar days from the day when they became aware of the fact of violation by a potential supplier or supplier of the legislation of the Republic of Kazakhstan on public procurement, an organiser, a single organiser, a customer must file a lawsuit in court to recognise such a potential supplier or supplier as an unfair participant in public procurement.

In the event indicated in sub-paragraph 3) of part one of this paragraph, the customer shall file a lawsuit in court not later than thirty calendar days from the date of termination of the contract or expiry of the contract to recognise such supplier as an unfair participant in public procurement.

In the instance mentioned in sub-paragraph 4) of part one of this paragraph, not later than thirty calendar days from the day when it became aware of the fact that the supplier has breached the legislation of the Republic of Kazakhstan on public procurement and (or) the terms of the contract, the customer shall file a lawsuit in court to recognise such supplier as an unfair participant in public procurement, unless the cases which together satisfy the following conditions:

1) payment of forfeit (fine, penalty) by the supplier;

2) fulfilment of contractual obligations;

3) absence of damage caused to the customer.

5. The register of unfair participants of public procurement, foreseen by sub-paragraphs 1) , 3) and 4) of part one of paragraph 4 of this article, shall be established based on court decisions that have entered into legal force.

The register of unfair participants of public procurement envisaged by sub-paragraph 2) of part one of paragraph 4 of this article shall be generated by the competent authority on the grounds of the decision of the customer on recognition of potential suppliers as unfair participants of public procurement.

If a potential supplier or supplier is recognised as an unfair participant in public procurement based on a court decision that has entered into legal force, the customer shall apply to the competent authority not later than three working days after receipt of such court decision via the web portal for inclusion of the potential supplier or supplier in the register of unfair participants in public procurement in the order established by the competent authority.

6. In the case envisaged by part two of paragraph 5 of this article, a potential supplier may apply to the conciliation commission in the order specified by the competent authority with a petition to exclude it from the register of unfair participants in public procurement not later than ten working days from the day when it became aware of inclusion in such register.

The conciliation commission shall examine the appeal of a potential supplier, who evaded the conclusion of the contract, and shall adopt a decision on exclusion or refusal to exclude such potential supplier from the register of unfair participants of public procurement.

In case of decision on exclusion of a potential supplier from the register of unfair participants of public procurement the customer shall apply to the competent authority.

The competent authority shall decide on exclusion of a potential supplier from the register of unfair participants of public procurement in view of the decision of the conciliation commission.

Representatives of the National Chamber of Entrepreneurs of the Republic of Kazakhstan shall be included in the composition of the conciliation commission on a mandatory basis.

The standard provision and procedure of work of the conciliation commission shall be adopted by the competent authority.

7. Potential suppliers and (or) suppliers listed in the register of unfair participants in public procurement on the grounds prescribed by sub-paragraphs 1), 3) and 4) of part one of paragraph 4 of this article shall be prohibited from participating in public procurement for a period of twenty-four months from the date of entry into legal force of the court decision on recognising them as unfair participants in public procurement.

Potential suppliers listed in the register of unfair participants of public procurement on the grounds envisaged by sub-paragraph 2) of part one of paragraph 4 of this article shall be prohibited to take part in public procurement within twenty-four months from the date of taking a decision by the competent authority to recognise them as unfair participants of public procurement.

Details contained in the register of unfair participants of public procurement shall be excluded from the mentioned register not later than one working day from the date of expiry of the term established by parts one and two of this paragraph.

8. The grounds for exclusion from the register of unfair participants in public procurement of information on an unfair participant in public procurement shall be:

1) expiry of the terms established by parts one and two of paragraph 7 of this Article;

2) existence of a judicial act entered into legal force on cancellation of the decision to recognise a participant in public procurement as an unfair participant;

3) a decision of the competent authority adopted based on the results of the conciliation commission's consideration of a potential supplier's application to exclude it from the register of unfair participants in public procurement.

9. A decision to enter a potential supplier or supplier in the register of unfair participants of public procurement may be appealed by it under the laws of the Republic of Kazakhstan.

10. Details kept in the registers, with the exception of data constituting state secrets under the legislation of the Republic of Kazakhstan on state secrets and (or) containing official information of restricted distribution specified by the Government of the Republic of Kazakhstan, shall be placed on the web portal and shall be publicly available without charging a fee.

11. The register of unfair participants in public procurement shall not cover potential suppliers and suppliers specified in cases envisaged by sub-paragraphs 1), 25) and 26) of paragraph 3 of Article 16 hereof.

12. The register of complaints shall be a list of complaints of potential suppliers and suppliers lodged via the web-portal and shall contain information on decisions taken on the results of consideration of complaints.

13. Registers of potential suppliers, as well as the experience of potential suppliers, shall be electronic databases comprising data on potential suppliers obtained from state and non-state information systems and formed on the web portal in line with public procurement rules.

Article 9. Application of the national treatment in public procurement

1. When making public procurements, national treatment shall be applied to goods originating from foreign states, works, services, respectively performed, rendered by potential non-resident suppliers in cases and on conditions envisaged by international treaties ratified by the Republic of Kazakhstan.

2. In order to protect the foundations of the constitutional order, ensure the defence of the country and the security of the state, protect the domestic market, develop the national economy, and support Kazakhstani producers, the Government of the Republic of Kazakhstan shall have the right to establish exemptions from the national treatment for a period not exceeding two years.

3. The procedure for establishing exemptions from the national treatment shall be set by the Government of the Republic of Kazakhstan.

Footnote. Article 9 as amended by Law of the Republic of Kazakhstan № 188-VII of 19.05.2025 (shall be enacted upon expiry of ten calendar days after the day of its first official publication).

Chapter 2: IMPLEMENTATION OF STATE PROCUREMENTS

Article 10. Methods of public procurement

1. Public procurement shall be realised by one of the following methods:

1) competition;

2) auction;

3) request for quotations;

4) from a single source;

5) via an electronic shop.

2. The methods of public procurement envisaged by sub-paragraphs 1), 2), 3) and 5) of paragraph 1 of this article shall be recognised as competitive.

3. Public procurement by auction method shall be performed in real time on the web-portal, the conduct of which shall be ensured by a single operator.

The scope of the auction shall be the goods.

In this case, the auction shall be held for one lot after reviewing applications for participation in the auction of potential suppliers for their conformity with the qualification requirements and requirements of the auction documentation in the procedure established by the rules of public procurement.

4. Public procurement via request for quotations shall be held for homogeneous goods, works, services, if the annual volumes of such homogeneous goods, works, services in value terms do not exceed eight thousand times the amount of the monthly calculation indicator established for the relevant financial year by the law on the republican budget. In this case, the price shall be the decisive condition.

For the purpose of applying the method of request for quotations, it shall be prohibited to split the annual volume of public procurement of homogeneous goods, works and services within a financial year into parts, the size of one of which is less than the amount stipulated in part one of this paragraph.

5. Public procurement through the electronic shop shall be held for homogeneous goods, the annual volume of which does not exceed four thousand times the amount of the monthly calculation indicator established for the relevant financial year by the law on the republican budget.

For the purpose of applying the method via electronic shop, it shall be prohibited to split the annual volume of public procurement of homogeneous goods within a financial year into parts, the size of one of which is less than the size specified in part one of this paragraph.

6. The customer shall establish the method of public procurement in conformity with this Law, excluding the list of goods, works, services, for which the method of public procurement is established by the competent authority.

7. In deciding the method of public procurement, the competitive methods of public procurement envisaged in paragraph 1 of this article shall be a priority choice.

8. The procedure for public procurement by the methods referred to in paragraph 1 of this article, their grounds and types shall be established by this Law and the rules for public procurement.

9. The security of the application for participation in public procurement covered by sub-paragraphs 1), 2), 3) and 5) of paragraph 1 of this article shall be paid in the amount from one to three per cent of the amount allocated for the purchase of goods, works, services, in the procedure established by the rules for public procurement.

10. For participation in public procurement envisaged by sub-paragraphs 1), 2), 3) and 5) of paragraph 1 of this article, a potential supplier shall deposit a bid security in the procedure established by the rules of public procurement as a guarantee that it, in case it is selected as the winner, will conclude a contract and deposit a contract performance security, advance payment security (if any), anti-dumping amount (if any).

Article 11. Qualification requirements for potential suppliers

1. The following qualification requirements shall be imposed on potential suppliers and (or) engaged sub-contractors (co-executors):

1) to possess legal capacity (for legal persons) and civil capacity (for natural persons);

2) to be financially stable and not to have tax debts exceeding six times the amount of the monthly calculation indicator established for the relevant financial year by the law on the republican budget.

Financial stability of a potential supplier shall be automatically established by the web-portal based on details of income, taxes paid, fixed assets, labour remuneration fund in the procedure specified by the rules of public procurement.

For potential suppliers belonging to the category of taxpayers, fully or partially exempted from paying taxes by the laws of the Republic of Kazakhstan, the rules of public procurement may establish additional criteria of financial sustainability.

For the purposes of public procurement, the combination of financial stability indicators shall be prohibited, excluding indicators for fixed assets and labour remuneration fund.

In this case, such a merger shall be allowed on the condition that the main type of activity of the reorganised legal entities within three years (continuously) preceding the previous year corresponds to the first level (section) of the structure of the general classifier of types of economic activities;

3) not be subject to bankruptcy or liquidation proceedings;

4) to possess material, labour and financial resources sufficient to fulfil the obligations under the contract, as well as not to have overdue debts on payment of wages to employees.

In public procurement of works, services, the customer may require from a potential supplier to have material and labour resources sufficient for the performance of obligations under the contract, registered in the relevant administrative-territorial unit within the boundaries of the region, the city of national importance and the capital at the place of performance of works, provision of services;

5) to have work experience.

For the purposes of public procurement, work experience shall be counted only for contracts executed within the framework of public procurement and other contracts, information thereof contained in the information systems of public authorities.

The largest work experience of one of the reorganised legal entities shall be accounted for in case of reorganisation of legal entities (merger, consolidation).

2. The procedure for establishment of qualification requirements stipulated by paragraph 1 of this article, including to sub-contractors (co-executors) involved, shall be specified by the rules of public procurement.

3. It shall be prohibited to establish qualification requirements set forth in paragraph 1 of this article, which:

1) restrict and unreasonably complicate participation of potential suppliers in public procurement;

2) not directly arising out of the need to fulfil the obligations under the contract.

4. Conformity of the potential supplier and (or) the involved sub-contractor (co-executor) to the qualification requirements established by this article shall be proved by means of submission to the customer, organiser, single organiser of the relevant documents envisaged hereby and the rules of public procurement, or by means of information systems of public authorities under the legislation of the Republic of Kazakhstan on informatisation.

In the event of public procurement, for which it is required to have a permit, to send a notification on the commencement of activities under the Law of the Republic of Kazakhstan "On Permits and Notifications", the customer, organiser, single organiser must establish a requirement for potential suppliers and (or) sub-contractors (co-implementers) to have the relevant permit (notification).

In case of absence of data in information systems of public authorities, the potential supplier and (or) the involved sub-contractor (co-executor) shall present a notarised or electronic copy of the relevant permit (notification) received (sent) under the legislation of the Republic of Kazakhstan.

5. A potential supplier is a non-resident of the Republic of Kazakhstan in confirmation of its compliance with the qualification requirements established by this article shall furnish the same documents as residents of the Republic of Kazakhstan, or documents confirming similar information on qualification of a potential supplier – a non-resident of the Republic of Kazakhstan.

6. It shall be prohibited to establish qualification requirements not envisaged by paragraph 1 of this article, excluding cases when certain types of public procurement are implemented by means of a tender, as well as cases envisaged by Article 26 and paragraphs 6 and 7 of Article 27 hereof, in the order determined by the rules on public procurement.

7. A potential supplier and (or) an engaged sub-contractor (co-executor) shall be recognised as not conforming to the qualification requirements on one of the following grounds:

1) failure to file a document (documents), as well as lack of information in the information systems of public authorities to confirm conformity to the qualification requirements of a potential supplier and (or) a sub-contractor (co-executor) of works or services engaged by it;

2) establishing the fact of non-conformity with the qualification requirements based on the data contained in the documents filed by the potential supplier, as well as in the information systems of public authorities to certify its conformity, as well as non-conformity of the sub-contractor (co-executor) of works or services engaged by it with the qualification requirements;

3) finding that false information has been provided.

8. It shall be prohibited to recognise a potential supplier and (or) a sub-contractor (co-executor) of works or services engaged by it as not meeting the qualification requirements on the grounds not envisaged by paragraph 7 of this article.

Article 12. Tender documentation, auction documentation, and information placed in the course of public procurement through request for quotation

1. Along with qualification requirements envisaged by Article 11 hereof, potential suppliers shall be subject to the requirements of tender documentation, auction documentation .

2. Tender documentation, auction documentation, as well as information placed in the course of public procurement via the method of request for quotations shall be prepared by the organiser in the Kazakh and Russian languages in line with this Law and the rules of public procurement, considering the requirements of the legislation of the Republic of Kazakhstan on state secrets, official information of restricted dissemination as established by the Government of the Republic of Kazakhstan, and other secrets protected by law.

Tender documentation, auction documentation, as well as information placed in the course of public procurement by means of request for quotations must include a requirement to complete commissioning works, if it is required for putting the goods, works, services into operation.

3. Tender documentation, auction documentation, as well as information placed in the course of public procurement through request for quotations must provide technical specification requirements (brief description) with reference to national standards, and in case of their absence, interstate standards for the goods, works, services to be procured. If there are no national and interstate standards, the required functional, technical, quality and operational specifications of the goods, works and services to be procured shall be specified in view of the rationing of public procurements.

At the same time, the technical specification must require potential suppliers to furnish documents proving the conformance of the goods to be supplied with the requirements established by technical regulations, standards or other documents under the laws of the Republic of Kazakhstan.

4. It shall be prohibited to establish conditions of public procurement in tender documentation, auction documentation, which entail limitation of the number of potential suppliers, in cases not envisaged by this Law, including those related to:

1) establishment of any non-quantifiable and (or) non-administered requirements to potential suppliers.

Unmeasurable requirements shall refer to requirements that cannot be precisely estimated or measured using numerical or statistical methods.

Unadministered requirements shall mean requirements that cannot be verified and/or controlled;

2) content of references to trademarks, service marks, trade names, patents, utility models, industrial designs, name of the place of origin of goods and name of the manufacturer, as well as other specifications that determine the origin of the goods, work, services to be purchased to a separate potential supplier, excluding the following cases of public procurement for:

additional staffing, modernisation and retrofitting of the main (installed) equipment, as well as installed software (licensed software);

selection of the supplier of leasing services and, if the need arises, a detailed description of the leased item;

repair and (or) maintenance of the customer's existing goods;

purchase of technical auxiliary (compensatory) devices, cochlear implants, medicines and specialised therapeutic nutrition products if they are purchased for use in patients with medical indications (individual intolerance, for vital indications) as established by the results of medical consiliums and medical and genetic opinions.

5. Information placed in the course of public procurement by means of request for quotations may not include references to trademarks, service marks, trade names, patents, utility models, industrial designs, appellation of origin of goods and the name of the manufacturer, as well as other specifications that determine the affiliation of the goods, work, services to be purchased to a separate potential supplier, with the exclusion of the following cases of public procurement for:

1) completion, modernisation and retrofitting of the main (installed) equipment, as well as the installed software (licensed software);

2) selection of the supplier of leasing services and, if there is a need, a detailed description of the leased item;

3) repair and (or) maintenance of the goods available to the customer;

4) purchase of technical auxiliary (compensatory) devices, cochlear implants, medicines and specialised therapeutic food products if they are procured for use for patients who have medical indications (individual intolerance, for vital indications) established based on the results of medical consiliums and medical and genetic opinions;

5) acquisition of homogeneous goods offered and available on the market, the cost of which does not exceed one thousand times the amount of the monthly calculation indicator established for the relevant financial year by the law on the republican budget.

6. The supplier shall be selected upon compliance with qualification requirements, requirements of tender documentation, auction documentation, criteria affecting the competitive price offer, rating of potential suppliers formed by the web-portal on the grounds of data and information of state and non-state information systems, price offered by a potential supplier in the course of public procurement by means of request for quotation method.

The procedure for establishing, as well as the grounds for recognising a potential supplier as meeting or not meeting the specified requirements shall be specified in the rules for public procurement.

7. For certain goods, works, services the competent authority may establish additional requirements to potential suppliers and suppliers based on the list of goods, works, services adopted by the competent authority.

8. Standard tender documentation, auction documentation shall be elaborated and approved by the authorised bodies of the relevant industry in coordination with the authorised body pursuant to the list of types of goods, works, services approved by the competent authority.

Article 13. Anti-dumping measures in public procurement

1. A dumping price shall be a price proposed by a potential supplier that is lower than the threshold value specified in the public procurement rules.

2. It shall be prohibited to offer dumping prices, excluding cases stipulated by the rules of public procurement, on the condition that the potential supplier shall deposit, in addition to the contract performance security, an amount equal to the reduced amount of the minimum admissible price not recognised as a dumping price.

Article 14. Consequences of provision by a potential supplier or a supplier of inaccurate information

1. Potential suppliers or suppliers who have presented unreliable information shall be entered into the register of unfair participants in public procurement under the procedure established by this Law.

2. The reliability of information presented by a potential supplier on qualification requirements and (or) documents affecting the competitive price bid may be established by the competent authority or state audit and financial control bodies, including based on information and documents submitted by the customer, organiser, single organiser, at any stage of public procurement.

3. Not later than five working days from the date of establishment of such fact, a competent authority or state audit and financial control bodies, which have established the fact of provision by a potential supplier, supplier of unreliable information on qualification

requirements and (or) documents affecting the competitive quotation, shall notify thereof in writing:

1) the customer, if such fact is established after summarising the results of public procurement;

2) the organiser, single organiser, if such fact is established prior to summing up the results of public procurement.

The written notification must be accompanied by copies of documents confirming this fact.

Article 15. Grounds and consequences of recognising public procurement as failed

1. Public procurement by tender, auction shall be recognised as failed on one of the following grounds:

1) absence of applications filed for participation in the tender, auction;

2) if no potential supplier is admitted to take part in the tender, auction;

3) if one potential supplier is admitted to participation in the tender, auction out of two or more applications of potential suppliers presented for participation in the tender, auction.

2. Public procurement by competitive tender, auction shall be recognised as held if one application is filed for participation in the tender, auction, corresponding to the qualification requirements and (or) requirements of the tender documentation, auction documentation. In this case, the price of the concluded contract shall not exceed the competitive quotation (starting price) of the potential supplier, specified (indicated) in the application for participation in the tender, auction.

3. If public procurement by competitive tender, auction is recognised as failed, the customer shall take one of the following decisions:

1) to re-run public procurement by competitive tender, auction method;

2) on amending tender documentation, auction documentation and on conducting public procurement by tender or auction method.

4. In case of recognition of repeated public procurement via tender, auction failed on the grounds envisaged by sub-paragraph 1) of paragraph 1 of this article, the customer may implement public procurement via a single-source procurement method. Herewith, a potential supplier, to whom an invitation to participate in public procurement by single-source method is sent, shall be selected by the customer and shall meet the qualification requirements, as well as the requirements of the tender documentation, auction documentation. The price of the concluded contract must not exceed the amount allocated for the implementation of this public procurement.

5. In the event of recognition of public procurement via tender, auction as failed on the grounds envisaged by sub-paragraphs 2) and 3) of paragraph 1 of this article, the implementation of public procurement via single-source method shall be prohibited. At the same time, competitive quotations (starting prices) of potential suppliers shall not be opened and shall not be requested in the course of public procurement under Article 26 hereof.

6. In public procurement by means of request for quotations, if within the period of submission of quotations only one quotation of a potential supplier is provided, such public procurement shall be automatically recognised as failed by the web portal and the organiser shall implement public procurement by means of a single source from this potential supplier. In this case, the price of the concluded contract shall not exceed the price quotation of the potential supplier.

7. Should no quotations of potential suppliers be presented within the deadline for submission of quotations, such public procurement shall be automatically recognised as failed by the web portal and the organiser shall repeat public procurement by means of request for quotations.

8. The quotation of a potential supplier shall be automatically rejected by the web portal in cases:

1) if it exceeds the amount allocated for the purchase of these goods, works, services;

2) envisaged by sub-paragraphs 1), 3), 4), 5), 6), 7) and 9) of paragraph 1 of Article 7 hereof;

3) absence or insufficiency of the amount of security of the application for participation in the request for quotations in the electronic wallet of the potential supplier.

9. Should less than two price offers of potential suppliers remain after automatic rejection of price offers by the web portal on the grounds envisaged in paragraph 8 of this article, then such public procurement shall be deemed failed and the organiser shall repeat public procurement by means of request for quotations.

10. In public procurement via e-shop, if the order is not confirmed by any of the potential suppliers within the time set out in the rules of public procurement, public procurement via e-shop shall be recognised as failed.

11. Should public procurement via e-shop be recognised as failed, the customer shall take one of the following decisions:

1) to re-run public procurement via e-shop;

2) to hold public procurement by other competitive methods specified in paragraph 1 of Article 10 hereof.

Article 16. Grounds for public procurement by single-source method

1. Public procurement by the single-source method shall be realised in the cases stipulated in paragraphs 2 and 3 of this article.

2. Public procurement by single-source method on failed public procurement shall be performed in cases, if:

1) public procurement by competitive tender or auction has been declared failed in cases stipulated herein.

This provision shall not apply to instances when public procurement by means of tender, auction has been recognised ineffective under the laws of the Republic of Kazakhstan;

2) public procurement by the method of request for quotations has been declared failed in cases envisaged herein, or the measures taken by the organiser, envisaged by paragraphs 7 and 9 of Article 15 hereof, have not led to the conclusion of the contract.

3. Public procurement by the single-source method via direct contracting shall be carried out when:

1) purchase of services related to natural monopolies, as well as energy supply services or purchase and sale of electricity from an energy supplying organization;

2) acquisition of goods and services that are intellectual property objects from a person who has exclusive rights in relation to the acquired goods and services.

Such acquisition shall be allowed if there is a conclusion of the antimonopoly authority that there are no private business entities producing similar goods and services;

3) acquisition of goods, works and services required for:

prevention, localisation and (or) elimination of crisis situations, consequences of emergency situations or emergency provisions;

localisation and (or) liquidation of especially dangerous, exotic animal diseases, quarantine objects, alien species detected for the first time or again on the territory of the Republic of Kazakhstan;

implementation of measures in quarantine zones and unfavourable points on especially dangerous animal diseases, foci of spreading of quarantine objects, emergency phytosanitary activities;

elimination of technological failures at electric power facilities, life support communication systems, railway, air, road, water transport facilities, treatment facilities, oil and gas pipelines, urgent medical intervention, as well as in case of breakdowns, failure of communications, mechanisms, units, spare parts and materials en route, requiring immediate repair;

4) purchase of goods, works, services at the expense of money allocated from the reserve of the Government of the Republic of Kazakhstan and (or) local executive body, when situations threatening political, economic and social stability, life and health of people arise;

5) purchase of services for storage of material values of the state material reserve;

6) acquisition for the implementation of operational and investigative activities in the case of operational accounting, intelligence, counterintelligence activities, pre-trial investigation in a criminal case, execution of an international request by the authorities empowered to implement them under the laws of the Republic of Kazakhstan, as well as state-owned enterprises and joint stock companies, one hundred per cent of voting shares of which are owned by the state, in respect of which the national security authorities of the Republic of Kazakhstan:

services of persons who have agreed to render confidential assistance to bodies engaged in operational and investigative and counterintelligence activities;

office premises, transport and other technical means, information systems, property, as well as services for their maintenance, servicing and technical support;

goods, works, services for the establishment and maintenance of conspiracy organisations and facilities;

services of officials, interpreters, experts and specialists possessing the required research and technical or other specialised knowledge.

It shall be allowed to purchase goods, works and services mentioned in this sub-paragraph beyond the framework of the operational accounting case to ensure the activities of regular non-secret employees of bodies exercising operational and investigative activities;

7) acquisition of goods, works, services needed for implementation of activities on prevention, suppression and counteraction to terrorism, extremism by the bodies empowered to fulfil it under the legislation of the Republic of Kazakhstan;

8) purchase of services of international rating agencies, financial services, including services on insurance of professional liability of a medical worker, excluding other types of insurance;

9) purchase of services of specialised libraries for blind and visually impaired citizens;

10) purchasing services for the production of state and departmental awards and documents thereto, the badge of a member of the Parliament of the Republic of Kazakhstan and a document thereto, state verification stamps, passports (including official and diplomatic ones), identity cards of nationals of the Republic of Kazakhstan, residence permit of a foreigner in the Republic of Kazakhstan, certificate of a stateless person, certificates of civil status registration, as well as the purchase from suppliers selected by the Government of the Republic of Kazakhstan of printed materials requiring a special degree of protection, as per the list approved by the Government of the Republic of Kazakhstan;

11) procurement of goods, works and services performed under international treaties of the Republic of Kazakhstan as per the list approved by the Government of the Republic of Kazakhstan;

12) acquisition of goods, works, services associated with the use of grant money allocated to the Government of the Republic of Kazakhstan on a gratuitous basis by states, state governments, international and state organisations, foreign non-governmental public organisations and foundations whose activities are charitable and international in nature, as well as money allocated for co-financing of these grants in cases where agreements on their provision envisage other procedures for acquisition of goods;

13) acquisition of services for training, retraining and professional development of employees abroad;

14) acquisition of services for treatment of nationals of the Republic of Kazakhstan abroad, as well as services for their transport and accompaniment;

15) acquisition of goods, works, services:

by foreign agencies of the Republic of Kazakhstan, separate units of customers acting on their behalf, to ensure their activities in the territory of a foreign country, as well as for the purposes of peacekeeping operations;

by an operator in the field of official development aid for the implementation of official development aid projects on the territory of a partner country;

16) purchase of goods and services associated with hospitality expenses;

17) acquiring services for the provision of information by international and/or foreign information organisations;

18) purchase of special social services envisaged by the guaranteed volume of special social services and services for evaluation and determination of the need for special social services;

19) acquisition of goods, works, services produced, performed, rendered by state enterprises of penitentiary (penitentiary) system institutions. The list and volumes of goods, works, services, as well as the list of state enterprises of penal (penitentiary) system institutions, from which such goods, works, services are being purchased, shall be approved by the central executive body of the Republic of Kazakhstan heading the unified system of internal affairs bodies, in coordination with the competent authority and the antimonopoly authority.

State enterprises of penal (penitentiary) institutions shall acquire raw materials, materials and component parts for the production of goods, works and services for the employment of convicts based on contracts concluded with legal entities.

State enterprises of penal (penitentiary) institutions may involve sub-contractors (co-executors) for the production of goods, performance of works and rendering of services under the contract concluded with the customer in the amount of not more than one third of the volume of works performed or services rendered for the purpose of employment by the sub-contractor (co-executor) of convicts and (or) those who have served their sentence or are registered with the probation service under the conditions specified in the rules for public procurement;

20) acquisition of goods, works, services by the public authority ensuring the activity of the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan from state enterprises with regard to which it exercises management under the legislation of the Republic of Kazakhstan on state property, on the main scope of activity of such state enterprises;

21) acquisition of goods, works, services needed to ensure the safety and security (including participation in ensuring security) of the President of the Republic of Kazakhstan, other protected persons and facilities intended for the stay of protected persons, as well as services for the development of a video archive and information services for the activities of the President of the Republic of Kazakhstan;

22) acquisition of goods, works, services needed to ensure the activities of the President of the Republic of Kazakhstan and other protected persons, maintenance, servicing and operation of state residences, motor vehicles and aircraft designed to serve the President of the Republic of Kazakhstan and other protected persons, as well as acquisition of goods, works, services needed to hold events with the participation of the President of the Republic of Kazakhstan and other protected persons under the legislation of the Republic of Kazakhstan;

23) acquisition of goods, works, services by state-owned enterprises, legal entities, fifty or more per cent of voting shares (participatory interests in the authorised capital) of which belong to the state, with regard to which the state body ensuring the activity of the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, or its departments exercise management under the legislation of the Republic of Kazakhstan on state property;

24) acquiring consulting and legal services to evaluate the prospects of proceedings, protect and represent the interests of the state or customers in arbitrations, foreign arbitrations , foreign state and judicial bodies, as well as in the process of pre-arbitration (judicial) dispute settlement;

25) purchase of goods, works, services from a person specified by the laws of the Republic of Kazakhstan;

26) acquisition by a public authority of goods, works, services in the presence of a conclusion of the antimonopoly authority on the absence of private business entities involved in the production of similar goods, works, services from joint-stock companies, limited liability partnerships, one hundred per cent of voting shares (shares of participation in the charter capital) of which are owned by the state, and state enterprises, in respect of which it exercises management under the laws of the Republic of Kazakhstan on state property, the relevant powers thereof, including those of a public authority are established by the laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan.

The requirement to have an antimonopoly authority's opinion on the absence of private business entities engaged in the production of similar goods, works and services shall not apply to the purchase of goods, works and services from entities supporting the activities of national security bodies and electoral commissions;

27) acquiring services for the training of cosmonauts and the organisation of cosmonaut space flights, as well as goods and services for the maintenance and repair of aviation equipment from specialised aviation manufacturers and enterprises;

28) acquisition of homogeneous goods if the annual volume of such homogeneous goods in value terms does not exceed one hundred times the monthly calculation index, works and services if the annual volume of such homogeneous works and services in value terms does not exceed five hundred times the monthly calculation index, and for the administrative offices of akims of cities of district importance, villages, settlements, rural districts - four

thousand times the monthly calculation index established for the relevant financial year by the law on the republican budget;

29) purchasing services associated with sending school, university and postgraduate students to participate in creative contests (competitions, Olympiads, festivals, games), exhibitions, conferences, forums, master classes, internships, and practical training assignments, including travel to and from the venue of these events, accommodation, transport services, and catering services;

30) purchasing goods that are cultural property, including museum objects and museum collections, as well as rare and valuable publications, manuscripts, archival documents, as well as copies that have historical, artistic or other cultural significance, intended to be added to the state museum, library, archive funds, film, photo and other similar funds;

31) purchase of materials for exhibitions, seminars, conferences, meetings, forums, symposiums, trainings, as well as payment for participation in these events, if there is a report of the antimonopoly authority that there is no other possibility of acquiring the relevant goods , works, services on a competitive basis;

32) acquisition of goods, works and services by a cultural organisation, a cultural education organisation, a TV and radio broadcasting operator for stage performances, public performance and presentation of works of art and cultural values;

33) placement of an order to visit a zoo, theatre, cinema, concert, circus, museum, exhibition and sporting event;

34) purchase of services on author's supervision over development of design documentation of capital construction facilities, author's supervision over construction, reconstruction and capital repair of capital construction facilities by respective authors, as well as works on correction of pre-design or design and estimate documentation from the person who developed this pre-design or design and estimate documentation;

35) if there is a need for public procurement of daily and (or) weekly needs for the period until the summing up of the results of public procurement and entry into force of the agreement in case such public procurement is performed by the list approved by the competent authority, in the amount not exceeding the volume of public procurement of such goods, works, services required to meet the needs of the customer for the period of public procurement, but not more than for two months.

This subparagraph shall be applicable in case of refusal of the supplier to extend the contract concluded in the previous year, if such public procurement is made within the first month of the year, or in case of creation (reorganisation) of the customer during the current financial year, but not more than for two months;

36) procurement of sports inventory and equipment (gear), sports outfit essential for participation and (or) preparation of sports national and national teams of the Republic of Kazakhstan, as well as for participation of sports national and national teams of the Republic of Kazakhstan in the Olympic, Paralympic, Deaflympic Games and other international sports

events pursuant to the calendar plan adopted by the competent authority responsible for physical culture and sports;

37) procurement for the needs of defence, national security and law enforcement of communication services, goods that are means of cryptographic protection of information classified as state secrets;

38) acquisition of services on lease of a building, structure, construction, premises having non-residential purpose specified by an act in pursuance of the legislation of the Republic of Kazakhstan, procurement of services on technical maintenance, security and maintenance of a leased building, structure, construction, premises having non-residential purpose, procurement of services on technical maintenance (including by public authorities located in buildings belonging to especially important state facilities), security and maintenance of one or more non-residential premises, security and maintenance of one or more non-residential premises transferred for gratuitous use and (or) operational management to the customer, if these services are rendered to another person or persons using non-residential premises located in the building in which non-residential premises transferred for gratuitous use and (or) operational management to the customer are located;

39) acquisition of invataxi services from public associations of persons with disabilities of the Republic of Kazakhstan.

The draft contract shall be sent to public associations of persons with disabilities of the Republic of Kazakhstan that have been verified in the information system of the public authority granting a single point of access to electronic services of public procurement for conformity:

to all terms and conditions envisaged by sub-paragraph 11) of the first part of Article 394 of the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code);

belonging to public associations of persons with disabilities of the Republic of Kazakhstan;

40) acquisition of goods, works, services needed to ensure the activities of special purpose units of public authorities associated with the detection and neutralisation of explosives and explosive devices, conducting anti-terrorist operations, as well as special operations for the release of hostages, detention and neutralisation of armed criminals, extremists, terrorists, members of organised criminal groups, persons who have committed grave and especially grave crimes;

41) purchasing goods, works, services intended for the development of critical facilities and projects of national importance under the budget legislation of the Republic of Kazakhstan from a person designated by the Government of the Republic of Kazakhstan by decision (instruction) of the President of the Republic of Kazakhstan;

42) purchase of goods from a legal entity that has concluded an investment agreement under Article 295-2 of the Entrepreneurial Code of the Republic of Kazakhstan;

43) procurement of goods that are the subject offtake contracts concluded under the laws of the Republic of Kazakhstan.

4. Public procurement by means of single-source method by direct contract conclusion shall be carried out in the order established by the rules of public procurement, including with regard to format-logical control.

5. The decision to implement public procurement by means of a single-source method via direct contracting shall be taken by the first head of the customer or a person acting as his/her duties, or by the chief of staff of the central public authority or other official exercising powers of the chief of staff.

6. Public procurement by means of single-source method via direct contracting shall be carried out observing the principles of public procurement envisaged in sub-paragraphs 1), 4), 6) and 7) of paragraph 1 of Article 5 hereof.

The person who has made a decision on realisation of public procurement by means of single-source method by direct contracting shall be personally responsible for observance of the above principles.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025).

Article 17. Conclusion and execution of the contract

1. The contract shall be concluded and executed pursuant hereto, the civil legislation of the Republic of Kazakhstan, and the rules of public procurement.

2. Draft contracts shall be drawn up in compliance with standard contracts approved by the competent authority.

For certain types of goods, works, services the competent authority may approve standard contracts.

In case of conclusion of a contract with a non-resident of the Republic of Kazakhstan, it shall be permitted to execute a contract in the form proposed by a non-resident of the Republic of Kazakhstan on paper, with due regard to the requirements of the legislation of the Republic of Kazakhstan.

Contracts concluded in compliance with paragraph 3 of Article 16 hereof may be drawn up in another form with regard to the requirements of the legislation of the Republic of Kazakhstan.

3. The contract shall be concluded for a term of one financial year.

A contract for a period of more than one financial year shall be concluded if there is appropriate funding in the approved (revised) budget (development plan) for subsequent years .

4. The contract shall take effect after its signing by the customer and the supplier. If the contract is subject to registration, it shall come into force after its registration pursuant to the legislation of the Republic of Kazakhstan.

5. Should a potential supplier, recognised as the winner, fail to file a signed contract with the customer within the time limits established by the rules of public procurement or, having concluded the contract, fail to pay the contract performance security and (or) anti-dumping amount (if any), such potential supplier shall be deemed to have evaded the conclusion of the contract.

6. The contract must contain provisions on full payment for delivery of goods, performance of work or rendering of services within a period not exceeding thirty calendar days from the date of fulfilment of obligations under this contract.

Herewith, the minimum term for delivery of goods, performance of work, rendering of services under the contract shall not be less than the term for delivery of goods, including its manufacture (production), delivery, performance of work, rendering of services, but not less than fifteen calendar days.

7. A liability for non-fulfilment or improper fulfilment of obligations under the contract shall be stipulated in respect of the parties to the contract.

8. Limit volumes of works and services transferred by the supplier to sub-contractors (co-executors) for performance of works or rendering of services shall not exceed thirty per cent of the total volume of works performed or services rendered.

In this case, sub-contractors (co-executors) shall be prohibited to transfer to other sub-contractors (co-executors) the volume of work or services being the scope of public procurement in progress.

9. The contract shall be deemed to be fulfilled if the customer and the supplier fully fulfil their obligations under the contract.

In the event of non-fulfilment or improper fulfilment of the Supplier's contractual obligations, the Purchaser shall take measures:

1) on inclusion of such supplier in the register of unfair participants of public procurement as defined herein;

2) on recovery of penalties (fines, penalties) pursuant to the procedure established by the rules of public procurement.

10. The procedure for concluding a contract, including the payment of security for the performance of the contract (advance payment security, anti-dumping sum), their types shall be specified by the rules of public procurement.

Herewith, in cases specified by the rules of public procurement, the amount of security for contract performance shall be from three to five per cent of the total amount of the contract.

In the event that the contract envisages payment of advance payment, the supplier in addition to the security of contract performance shall make a security of advance payment in the amount equal to the advance payment.

Article 18. Grounds for amendments to the draft contract, the concluded contract, and cancellation of the contract

1. Amendments to the draft contract, assuming invariability of quality and other conditions that form the basis for the selection of the supplier, shall be permitted provided that the following interrelated conditions are met:

1) amendments to the draft contract are initiated by one of the parties not later than five working days from the date of signing the protocol on the results of public procurement by tender or auction;

2) the amendment is admitted in the part of reduction of the amount of the draft contract;

3) the decision to make amendments to reduce the amount of the draft contract is made by mutual consent of the parties;

4) amendment of the draft contract in terms of increasing the term of performance of the contract by five working days, sent to the potential supplier, who won the second place, in case the potential supplier, selected as the winner, evaded from concluding the contract.

It shall be prohibited to amend the draft contract unless the conditions stipulated by this clause are met.

2. Amendments to the concluded contract, assuming unchanged quality and other conditions that form the basis for selection of the supplier, shall be permitted:

1) by mutual agreement of the parties in terms of reducing the price for goods, works, services and, accordingly, the amount of the contract;

2) in terms of increasing the amount of the contract, if amendments have been made to the design and estimate documentation, subject to expert review under the laws of the Republic of Kazakhstan, and a decision has been made to allocate additional money for the amount of such amendment pursuant to the procedure established by the laws of the Republic of Kazakhstan;

3) in terms of reduction or increase in the amount of the contract associated with a reduction or increase in the need for the volume of goods, works, excluding works specified in sub-paragraph 2) of this paragraph, services to be purchased, provided that the price per unit of goods, works, services indicated in the concluded contract of these goods, works, services remains unchanged. Such amendment of the concluded contract shall be permitted within the limits of the existing savings on this public procurement, excluding transport services, communication services, as well as goods and services connected with the organisation of catering of the Armed Forces of the Republic of Kazakhstan, other troops and military formations;

4) in the event if in the process of fulfilment of the contract concluded with it/him/her, the supplier offers better quality and (or) technical specifications or terms and (or) conditions of delivery of goods, performance of work, rendering of services provided that the price per unit of goods, work, services remains unchanged;

5) in terms of reduction or increase in the amount of the contract for performance of works, rendering of services with the term of completion in the next (subsequent) financial

year (years), caused by changes in tax, customs and other legislation of the Republic of Kazakhstan;

6) in terms of reduction of the amount of the contract for performance of works, rendering of services with the term of completion in the next (subsequent) financial year (years);

7) in terms of amending the terms of fulfilment of obligations under contracts for the performance of work, provision of services in the event of changes in financing by year, provided that the amount of the concluded contract remains unchanged;

8) in terms of changing the term of fulfilment of obligations under a contract for the performance of work in the case of initiation of criminal proceedings associated with the performance of the contract against an official of the customer and (or) the supplier;

9) with regard to changing the term of fulfilment of the contract for the supply of goods in case the supplier is the manufacturer of the goods to be supplied. Such change of the concluded contract shall be permitted within the current financial year upon notification of the supplier for a period not exceeding ten working days;

10) with regard to change of terms of fulfilment of the contract due to introduction of the state of emergency or quarantine restrictions. Such change of the concluded contract shall be permitted within the current financial year upon notification of the supplier;

11) with regard to changes in details (bank accounts) of the recipient of money when the supplier enters into a contract of financing against assignment of a monetary claim (factoring) ;

12) for the purpose of ensuring uninterrupted activity of the customer in terms of prolongation of the contract of daily or weekly needs as per the list adopted by the competent authority for the period until summing up the results of public procurement by tender, auction and entry into force of the contract, but not more than for two months. Such change of the concluded contract shall be permitted in the amount not exceeding the volume of public procurement of such goods, works, services needed to fulfil the customer's needs within the period of public procurement, but not more than for two months;

13) with regard to changes in the source of financing, codes of budget classification of budget expenditures (specifics) in the scope of the contract (for public authorities, public institutions);

14) in terms of reduction of the contract amount due to withholding (collection) of penalties, fines, penalties;

15) in terms of change of details (bank accounts) of the customer and (or) supplier;

16) in terms of change of the contract amount due to changes in tariffs (prices) adopted by the public authority managing in the relevant areas of natural monopolies;

17) in terms of changes in the amount of the contract related to the supplier's registration or deregistration of the supplier for value added tax purposes;

18) regarding changes in the terms of fulfilment of obligations under contracts for the performance of work and services due to the supplier's inability to fulfil its obligations as a

result of force majeure, including due to the customer's prohibition to use the place of work performance or to conduct tests and (or) examinations not planned by the contract.

3. It shall be prohibited to make amendments to the draft contract or the concluded contract, which may change the content of the terms and conditions of the conducted public procurement, and (or) the proposal, which was the basis for the selection of the supplier, for other reasons, not envisaged by paragraphs 1 and 2 of this article.

4. The contract may be cancelled prior to its expiry:

1) by the customer unilaterally in case of refusal of the supplier to fulfil his/her/its obligations under the concluded contract;

2) unilaterally by the customer in case of non-fulfilment or improper fulfilment by the supplier of his/her/its obligations under the contract;

3) by the customer unilaterally in case of involvement by the supplier of sub-contractors of works (co-executors of services) not stated for participation in the tender, as well as in case of transfer of works (services) to the sub-contractor of works (co-executor of services) in the volume exceeding the volume established by paragraph 8 of Article 17 hereof;

4) in case of liquidation or bankruptcy of the customer or the supplier being a legal entity, excluding reorganisation, or death of the supplier being a natural person;

5) unilaterally by the customer in case of loss of legal capacity of the supplier required for fulfilment of his/her/its obligations under the contract, death of the supplier (recognition by the court as missing person or declaration of deceased);

6) by the customer unilaterally in case of revealing the infringement of restrictions envisaged by Article 7 hereof in relation to the procurement, on the basis of which the contract is concluded;

7) by the customer unilaterally in case of revealing the provision by the organiser, single organiser of support to the supplier in the implementation of public procurement, not envisaged hereunder;

8) by agreement of the parties in case of inexpediency of further performance of the contract with a detailed justification of the reasons for this inexpediency;

9) unilaterally by the customer if the supplier fails to pay the contract performance security (advance payment security, anti-dumping sum) within the terms prescribed by the rules of public procurement, unless the supplier fulfils its obligations prior to the expiry of the term for payment of the contract performance security;

10) by a judicial act that has entered into legal force, the execution of which requires the cancellation of the contract.

The grounds for cancellation of the contract specified in sub-paragraphs 1), 2) and 3) of part one of this paragraph shall be the right of the customer.

The contract may not be cancelled on grounds other than those specified in part one of this paragraph.

Article 19. Turnkey construction contract

1. A turnkey construction contract may be concluded for the construction of facilities, the list thereof being adopted by the maslikhats of oblasts, cities of national importance and the capital.

2. For the purpose of conclusion of a turnkey construction contract, the customer shall make public procurement through a competitive tender method.

3. The result of the work performed under a turnkey construction contract shall be a capital construction facility put into operation.

4 Other specifics of drafting and implementation of a turnkey construction contract shall be established by this Law, rules of public procurement and provisions of the contract.

Chapter 3. STATE REGULATION OF PUBLIC PROCUREMENTS

Article 20. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop the main directions of the state policy in the sphere of public procurement and organise their implementation;

2) fulfil other functions assigned to it by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 21. Competence of the competent authority

The competent authority shall:

1) develop and implement the state policy in the sphere of public procurement and organise its implementation;

2) elaborate and adopt normative legal acts in the field of public procurement;

3) exercise other powers envisaged by this Law, other laws of the Republic of Kazakhstan , acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 22. Powers of the single operator

The single operator shall:

1) develop, maintain and provide system and technical service of the web portal;

2) manage web portal development projects, as well as, in agreement with the competent authority, specify requirements and ensure interaction of the web portal with information systems;

3) on a paid basis, render services on the use (access) of the web portal to potential suppliers. The price for services on the use (access) by potential providers of the web portal shall be set by the single operator in coordination with the competent authority.

However, the price for services on the use (access) of the web portal shall ensure complete reimbursement of the costs incurred by the single operator for the exercise of the powers of the single operator;

4) render advisory assistance to the entities of public procurement on the functioning of the web-portal on a free-of-charge basis;

5) ensure information security of storage of electronic information resources of public procurement entities placed on the web portal;

6) maintain information content of the web-portal in line with the public procurement rules;

7) cooperate with authorised entities on the issues of integration of information systems of public authorities, state electronic information resources and ensuring information security;

8) ensure operational support of the process of depositing and returning the money of a potential supplier or supplier held in the electronic wallet in the procedure specified in the rules of public procurement, using the means of the web portal;

9) deliver electronic services via web-portal pursuant to the rules of using the web-portal in the manner established by the competent authority;

10) implement and maintain the database of prices for goods, works, services with the introduction of the directory;

11) for the purpose of ensuring the safety of money of potential suppliers and vendors, place money for transactions executed with the use of electronic wallet to its account opened with the central authorised body for budget execution, in the procedure established by the competent authority;

12) specify the procedure for formation of the electronic catalogue of goods.

Chapter 4. CONTROL AND MONITORING OF PUBLIC PROCUREMENT. APPEALING

Article 23. Control over observance of the legislation of the Republic of Kazakhstan on public procurement

1. Control over observance of the legislation of the Republic of Kazakhstan on public procurement shall be carried out by the competent authority under this Law and the Law of the Republic of Kazakhstan “On State Audit and Financial Control”.

2 The objects of control shall be:

1) a customer, an organiser, a single organiser, an expert commission, an expert;

2) a potential supplier, supplier, as well as persons engaged by them as sub-contractors for the performance of works or co-executors for the provision of services, within the scope of the subject matter of the public procurement being conducted;

3) the single operator.

3. Control shall be exercised by the competent authority upon occurrence of one of the following cases:

1) a written appeal or an appeal received via publicly available information systems and complying with the requirements of the legislation of the Republic of Kazakhstan on electronic document and electronic digital signature, a potential supplier, a tender or auction participant, a supplier or their authorised representative with a complaint about actions (inaction), decisions of the customer, organiser, single organiser, expert commission, expert, single operator;

2) upon receipt of resolutions of law enforcement authorities;

3) based on the results of analysing data obtained through the risk assessment and management system.

4. The competent authority shall take the following measures in case of revealing as a result of control measures, including desk control, violation by the facility under control of the legislation of the Republic of Kazakhstan on public procurement:

1) send to the facility subject to control a prescription, a notification on the elimination of violations identified as a result of desk control;

2) apply to the court with a claim to invalidate effective contracts concluded in violation of the legislation of the Republic of Kazakhstan on public procurement, apart from contracts under which the obligations have been duly performed.

5. In case of revealing as a result of control measures the fact of committing by the facility under control of an action (inaction) containing signs of a criminal offence, within five working days from the date of revealing such fact, the competent authority and bodies of state audit and financial control shall be obliged to transfer the information on committing the said action (inaction) and documents confirming such fact to law enforcement authorities.

6. Actions (inaction), as well as decisions of the competent authority and bodies of state audit and financial control may be appealed against in the order established by the laws of the Republic of Kazakhstan.

Article 24. Monitoring of public procurement

1. A competent authority shall monitor public procurement via the web portal and based on the information contained therein to collect, summarise, analyse, systematise, and evaluate information on the implementation of public procurement.

2. Entities under public control may organise public monitoring of public procurement in compliance with the Law of the Republic of Kazakhstan “On Public Control” via the web portal and on the basis of the information contained therein.

Article 25. Appealing against actions (inaction), decisions of the customer, organiser, single organiser, expert commission (expert)

1. A potential supplier may appeal via the web portal against actions (inaction), decisions of the customer, organiser, single organiser, expert commission (expert), if their actions (inaction), decisions infringe the rights and legitimate interests of the potential supplier, within three working days from the date of publication of the protocol on the results of public procurement by tender, auction method.

In the event of appealing against actions (inaction), decisions of the customer, organiser, single organiser, expert commission (expert), the term of the contract conclusion shall be suspended until the end of the period of consideration of the complaint.

2. Within three working days after the day of expiry of the term for filing a complaint specified in paragraph 1 of this article, the customer, the organiser, the single organiser shall make a decision to satisfy or refuse to satisfy the complaint.

3. The decision of the customer, the organiser, the single organiser, adopted as a result of consideration of the complaint, may be appealed to the court under the legislation of the Republic of Kazakhstan.

In this case, appealing against the decision of the customer, organiser, single organiser within the framework of administrative proceedings shall not suspend the public procurement procedures.

4. The procedure for filing and consideration of complaints shall be established by the rules on public procurement.

5. The requirements for filing and processing a complaint via the web portal shall not apply to public procurement with a special procedure.

6. The pre-trial dispute settlement procedure envisaged by this article shall be mandatory.

7. The results of public procurement, where the winner of public procurement is automatically selected by the web portal, shall not be subject to appeal in the manner prescribed by this article.

Chapter 5. SPECIAL AND FINAL PROVISIONS

Article 26. Special procedure for public procurement

1. Public procurement with application of a special procedure shall be carried out as prescribed herein, excluding the rules establishing qualification requirements, as well as regulating the procedures for public procurement envisaged by this Law.

2. State procurements with application of special procedure shall be carried out in cases of acquisition of:

1) goods, works, services for ensuring the needs of law and order and national security, information on which constitutes state secrets pursuant to the legislation of the Republic of Kazakhstan on state secrets and (or) contains official information of limited distribution, as specified by the Government of the Republic of Kazakhstan;

2) goods, works, services, information thereon constituting state secrets under the laws of the Republic of Kazakhstan on state secrets.

3. The procedure for implementation of public procurement with application of special procedure shall be established by the competent authority.

Article 27. Participation in public procurement of certain categories of potential suppliers

1. Participation in public procurement of certain categories of potential suppliers shall be established in cases envisaged by this Law.

2. In the process of public procurement of certain types of goods, works and services, the customer, organiser, single organiser shall procure:

1) goods, excluding goods meant for the needs of persons with disabilities pursuant to an individual programme of habilitation and rehabilitation of a person with a disability, from public associations of persons with disabilities of the Republic of Kazakhstan producing goods and (or) organisations established by public associations of persons with disabilities of

the Republic of Kazakhstan, in the amount of at least fifty per cent of the total amount of funds allocated for the purchase of these goods in the current year;

2) works and services of public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan, in the amount of one hundred per cent of the total amount of funds allocated for the purchase of these works and services in the current year.

3. The list of certain types of goods, works and services procured from public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan, producing goods and (or) supplying goods, performing works, rendering services, shall be decided by the central executive body in charge of management and inter-sectoral coordination in the sphere of social protection of the population, in coordination with the competent authority and the antimonopoly body.

Public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan, producing goods and (or) supplying goods, performing works, rendering services , shall be admitted to take part in public procurements specified in paragraph 2 of this article, after verification in the information system of the public authority granting a single point of access to electronic services of public procurements, for conformity to:

1) all terms and conditions prescribed by sub-paragraph 11) of paragraph one of Article 394 of the Code of the Republic of Kazakhstan ‘On Taxes and Other Obligatory Payments to the Budget’ (Tax Code);

2) belonging to public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations whose founders are public associations of persons with disabilities of the Republic of Kazakhstan.

In case of non-conformance to sub-paragraphs 1) and 2) of part two of this paragraph, public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan producing goods and (or) supplying goods, performing works, rendering services, shall be excluded from participation in public procurement envisaged by this article.

4. For the implementation of the provisions set forth in paragraph 2 of this article, the organiser shall carry out public procurement using the ways stipulated by this Law, which are allowed for public associations of persons with disabilities of the Republic of Kazakhstan producing goods and (or) supplying goods, performing works, rendering services and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan.

Public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of

Kazakhstan shall be prohibited from engaging sub-contractors to execute work and co-executors to render services that are the scope of public procurement.

In the course of public procurement under paragraph 2 of this article, the organiser shall specify in the text of the announcement that public procurement is being carried out exclusively among public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan that produce goods and (or) supply goods, perform work, render services.

Public associations of persons with disabilities of the Republic of Kazakhstan and (or) organisations established by public associations of persons with disabilities of the Republic of Kazakhstan, producing goods and (or) supplying goods, performing works, rendering services , shall not stand security for applications for participation in public procurement implemented under this article.

5. In case of recognition of public procurement failed on the grounds stipulated by Article 15 hereof, the customer shall decide to implement public procurement among other potential suppliers in the order established by this Law.

6. Public procurement of services envisaged by the state social order, housing owned by a natural person who is not an entity of entrepreneurial activity, shall be implemented under this Law, with regard to the specifics prescribed by the rules of public procurement.

7. Public procurement from small and medium-sized enterprises shall be carried out based on the list of goods, works, services in the order and volumes approved by the competent authority.

Article 28. Liability for infringement of the legislation of the Republic of Kazakhstan on public procurement

Infringement of the legislation of the Republic of Kazakhstan on public procurement shall entail liability established by the laws of the Republic of Kazakhstan.

Article 29. Procedure for enactment of this Law

1. This Law shall be enacted on January 1, 2025.

2. Excluded by the Law of the Republic of Kazakhstan dated 15.03.2025 № 172-VIII (вводится в действие с 01.01.2025).

3. The Law of the Republic of Kazakhstan of December 4, 2015 “On Public Procurement” shall be declared null and void.

Footnote. Article 29 as amended by the Laws of the Republic of Kazakhstan dated 15.03.2025 № 172-VIII (вводится в действие с 01.01.2025).

President of the Republic of Kazakhstan *K. TOKAYEV*

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of Justice of the Republic of Kazakhstan