



On approval of the Rules for procurement of services for the storage and transportation of medicines and medical products, services for the accounting and sale of medicines and medical products by a single distributor within the guaranteed volume of free medical care and (or) in the system of compulsory social health insurance and recognition of certain decisions of the Government of the Republic of Kazakhstan as invalid

Invalidated Unofficial translation

Resolution No. 47 of the Government of the Republic of Kazakhstan dated February 9, 2021. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 08/29/2023 No. 731

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 08/29/2023 No. 731 (effective after ten calendar days after the date of its first official publication).

Footnote. The title - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 18.07.2022 N 499 (shall enter into force from 01.07.2022).

In accordance with subparagraph 4) of Article 6 of the Code of the Republic of Kazakhstan "On health of the people and the healthcare system," the Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

Footnote. Preamble - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 18.07.2022 N 499 (shall enter into force from 01.07.2022).

1. Approve the attached Rules for the purchase of services for the storage and transportation of medicines and medical devices, services for the registration and sale of medicines and medical devices by a unified distributor within the framework of a guaranteed amount of free medical care, additional amount of medical care for individuals held in pre-trial detention centers and penitentiary institutions (penitentiary) system, at the expense of budgetary funds and (or) in the system of compulsory social health insurance.

Footnote. Paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 18.07.2022 N 499 ((shall enter into force from 01.07.2022).

2. To recognize certain decisions of the Government of the Republic of Kazakhstan as invalid according to the Annex to this resolution.

3. This resolution shall come into force upon expiry of ten calendar days after the date of its first official publication.

*Prime-Minister
of the Republic of Kazakhstan*

A. Mamin

Approved by
the Resolution No. 47 of the Government
of the Republic of Kazakhstan
dated February 9, 2021

Rules

for the purchase of services for the storage and transportation of medicines and medical devices, services for the registration and sale of medicines and medical devices by a unified distributor within the framework of a guaranteed amount of free medical care, additional amount of medical care for individuals held in pre-trial detention centers and institutions of the penal (penitentiary) system, at the expense of budget funds and (or) in the system of compulsory social health insurance

Footnote. The title is in the wording of the Decree of the Government of the Republic of Kazakhstan dated 18.07.2022 No. 499 (shall enter into force from 01.07.2022).

Chapter 1. General provisions

1. These Rules for the purchase of services for the storage and transportation of medicines and medical devices, services for the registration and sale of medicines and medical devices by a unified distributor within the framework of a guaranteed amount of free medical care, additional amount of medical care for persons held in pre-trial detention centers and penitentiary institutions (penitentiary) system, at the expense of budgetary funds and (or) in the system of compulsory social health insurance (hereinafter referred to as the Rules) have been developed in accordance with Article 6 (4) of the Code of the Republic of Kazakhstan "On health of the people and the healthcare system" (hereinafter referred to as the Code) and shall determine the procedure for organizing and conducting the purchase of storage and transportation services, services for the registration and sale of medicines, medical devices within the framework of a guaranteed amount of free medical care (hereinafter referred to as the GAFMC), an additional amount of medical care for individuals held in pre-trial detention centers and penitentiary institutions (penitentiary) system, at the expense of budgetary funds and (or) in the system of compulsory social health insurance (hereinafter - compulsory health insurance).

Footnote. Paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 18.07.2022 No. 499 (shall enter into force from 01.07.2022).

2. The following concepts shall be used in these Rules:

1) auction - comparison of prices of potential suppliers who shall be competitors for one lot, in order to determine the winner of the purchase at the lowest price automatically by the procurement web portal;

2) potential supplier - an individual carrying out business activities, or a legal entity applying for the conclusion of a long-term agreement and (or) an agreement on the storage and transportation of medicines and medical devices in accordance with these Rules;

3) affiliate of a potential supplier - an individual or legal entity that shall have the right to determine decisions and (or) influence decisions made by this potential supplier, including by virtue of a transaction made in writing, as well as an individual or legal entity in respect of which this potential supplier shall have such right;

4) price proposal - a commercial proposal in a form approved by an authorized body, submitted by a potential supplier, including the prices of one pallet meter per month in terms of the temperature regime of storage, transportation by truck per kilometer, depending on the category of carrying capacity of vehicles, 1 normal hour of loading and unloading operations, insurance of goods;

5) competitive lot - a lot in which two or more potential suppliers participate;

6) non-competitive lot - a lot in which only one potential supplier participates;

7) distribution center - a pharmacy warehouse on the territory of the cities of Astana, Almaty, Aktobe or Shymkent or their agglomerations, used for acceptance, storage, distribution, transportation of goods in the service regions and at the same time performing the function of an operational warehouse on the territory of the administrative-territorial unit where it is located;

8) a unified distributor - a legal entity operating within the framework of the GAFMC and (or) in the Compulsory Medical Insurance System in accordance with Article 247 of the Code;

9) affiliate of a unified distributor – an individual (with the exception of state bodies regulating its activities within the framework of the granted powers) who directly and (or) indirectly determines decisions and (or) influences decisions made by a unified distributor, including by virtue of the agreement, as well as any person in respect of whom a unified distributor shall have such a right;

10) web portal - an information system providing a unified point of access to electronic services for the purchase of services for the storage and transportation, accounting and sale of medicines and medical devices in accordance with these Rules;

11) a unified operator in the field of procurement of medicines and medical devices , services from healthcare entities (hereinafter referred to as a unified operator) - a legal entity determined by an authorized body in agreement with an authorized body in the field of public procurement;

12) service for registration and sale of medicines, medical devices - a service provided by the supplier related to the provision of the population with medicines, medical devices, ensuring their registration, sale to the population;

13) service for storage and transportation of medicines, medical devices - a service provided to a unified distributor by a supplier in accordance with the terms of a agreement or long-term agreement;

14) long-term agreement for the storage and transportation of medicines and medical devices (hereinafter referred to as the long-term agreement) - a civil law agreement for the provision of services concluded by a unified distributor with a subject in the field of circulation of medicines and medical devices - a resident of the Republic of Kazakhstan who meets the requirements of Good Distribution Practice (GDP);

15) the authorized body in the field of health (hereinafter referred to as the authorized body) - the central executive body conducting management and inter-sectoral coordination in the field of health protection of citizens of the Republic of Kazakhstan, medical and pharmaceutical science, medical and pharmaceutical education, sanitary and epidemiological well-being of the population, circulation of medicines and medical devices, quality of medical services (assistance);

16) bid - proposal of a potential supplier for participation in the purchase of services in accordance with these Rules;

17) service region - administrative-territorial units, combined into the following groups:

North Kazakhstan, Kostanay, Akmola, Karaganda, Pavlodar regions and the Ylytau region with a distribution center in Astana;

Almaty, East Kazakhstan regions, Abai and Zhetisu regions with a distribution center in the city of Almaty;

Turkestan, Kyzylorda, Zhambyl regions with a distribution center in the city of Shymkent;

Atyrau, Aktobe, West Kazakhstan, Mangistau regions with a distribution center in the city of Aktobe;

18) operational warehouse - a pharmacy warehouse on the territory of the regional center or its agglomeration, used for the acceptance, storage and transportation of goods in the territory of the region where it is located;

19) supplier - an individual carrying out business activities, or a legal entity that has entered into a long-term agreement or agreement with a unified distributor in accordance with these Rules;

20) palletomesto - a unit of account for the services of storing one pallet, where pallet is a transport container with a rigid platform and a place sufficient to create an

enlarged cargo unit, used as a basis for collecting, storing, reloading and transporting goods of 800 mm by 1200 mm;

21) storage and transportation service price - the cost of the service established based on the results of the purchase of the service in the manner determined by these Rules, paid by the mark-up of a unified distributor.

22) purchase - purchase by a unified distributor of services for storage and transportation, as well as accounting and sale of medicines, medical devices within the framework of the GAFMC, additional amount of medical care for persons held in pre-trial detention centers and institutions of the penal (penitentiary) system, at the expense of budgetary funds and (or) in the compulsory medical insurance system in the procedure and methods established by these Rules;

23) goods - medicines, medical devices;

24) preliminary cost of the service for storage and transportation of goods - the amount allocated for the purchase of the service for the corresponding fiscal year, which is formed by a unified distributor taking into account the amount of demand and the weighted average value of the price offer in the context of the service region;

25) agreement - a civil agreement for the provision of services concluded by a unified distributor with the supplier in the form approved by the authorized body;

26) electronic document - a document in which information shall be presented in electronic digital form and certified by electronic digital signature;

27) electronic digital signature - a set of electronic digital symbols created by means of electronic digital signature and confirming the reliability of an electronic document, its ownership and invariability of content.

Footnote. Paragraph 2 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

3. Procurement of services shall be carried out in accordance with the principles of:

1) optimal and efficient spending of money used for the purchase;

2) providing potential suppliers with equal opportunities to participate in the procurement procedure;

3) fair competition among potential suppliers;

4) publicity and transparency of the procurement process;

5) uninterrupted provision of the population of the Republic of Kazakhstan with safe, effective and high-quality medicines, medical products.

4. The single distributor shall perform the procurement of services using one of the following methods:

1) tender (re-tender, in the cases provided for in these Rules);

2) from single source.

5. When procuring services for storage and transportation of goods, the single distributor shall determine for one lot:

1) administrative-territorial unit (region) when procuring services for the storage and transportation of goods through the operational warehouse;

2) service region when procuring services for the storage and transportation of goods through a distribution center.

6. The distribution center shall provide services for the storage and transportation of goods in the service region, as well as perform the function of an operational warehouse at the location in the administrative-territorial unit (region, city of republican significance, capital).

In the event that the procurement of services for the storage and transportation of goods through operational warehouses is declared invalid, the distribution center shall provide a service for the storage and transportation of goods in such administrative-territorial units (regions) of the service region or the entire service region.

7. When procuring services for accounting and selling goods, the single distributor shall determine an administrative-territorial unit (region, city of republican significance and the capital) for one lot.

8. Involvement of co-executors (subcontractors) only when procuring services for storage and transportation shall not be allowed.

Potential supplier, which provides for the involvement of subcontractors (co-executors) to participate in the procurement of services for accounting and sale of goods, shall submit to a single distributor documents confirming the compliance of the involved subcontractors (co-executors) with the qualification requirements established by these Rules.

Chapter 2. Qualification requirements for a potential supplier

9. Potential service suppliers shall be subject to the following qualification requirements:

1) legal capacity (for legal entities), civil capacity (for individuals engaged in entrepreneurial activities);

2) legal capacity to carry out the relevant pharmaceutical activities for the provision of the procured service;

3) no tax arrears, arrears on mandatory pension contributions, mandatory professional pension contributions, social contributions and deductions and (or) mandatory social health insurance contributions, taking into account the total overpayment;

4) not be subject to bankruptcy, liquidation or activity is not suspended in accordance with the legislative acts of the Republic of Kazakhstan;

5) no restrictions, provided for in clause 11 of these Rules.

10. It shall not be allowed for a single distributor to present qualification requirements to a potential supplier that are not provided for by these Rules.

11. Participation of employees, as well as affiliated persons of a single distributor as potential suppliers, shall not be allowed in the procurement of services regulated by these Rules.

It shall not be allowed for a potential supplier and its affiliate to act as a participant in the tender for one of its lots.

Potential supplier shall not participate in the procurement, if:

1) close relatives, spouse (wife) or relatives of the first managers of a potential supplier and (or) an authorized representative of a potential supplier have the right to make a decision on the choice of a supplier or are an employee of a single distributor in the ongoing procurement;

2) the activity of the potential supplier and (or) the subcontractor (co-executor) involved by it is suspended in accordance 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.

Chapter 3. Tender procedure

12. The announcement of the tender shall be published in the Kazakh and Russian languages on the web portal within 3 (three) working days from the date of the decision by the single distributor at least 10 (ten) working days before the day of bids opening, and in the event of a re-tender - not less than 5 (five) working days.

13. The competition on the web portal shall be a set of the following sequential stages:

1) placement by the secretary of the competition commission of the announcement of the purchase of the service by the competition method;

2) submission of applications by potential suppliers in accordance with these Rules through a web portal and warranty support for a competition;

3) automatic opening by the web portal of competitive applications, publication of the autopsy protocol;

4) consideration by the competition commission of competitive applications and voting for their compliance with the conditions of the announcement and the requirements of these Rules;

5) publication of the preliminary admission protocol by the secretary of the competition commission;

6) submission of amendments to applications by potential suppliers;

7) consideration by the competition commission of additions to competitive applications and voting for their compliance with the conditions of the announcement and the requirements of these Rules;

8) publication of the admission protocol by the secretary of the competition commission;

9) auction on competitive lots;

10) automatic publication of the totals protocol by the web portal;

11) conclusion of a long-term agreement on the web portal by a unified distributor and winners of the competition using electronic digital signatures.

Footnote. Paragraph 13 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

14. The announcement of the competition shall contain:

1) name and address of a unified distributor;

2) bank details of a unified distributor;

3) name of the competition;

4) name of the lot service with indication of the conditions: place and term of the service, name and volume of goods related to the provision of the service for each lot;

5) the planned number of pallets with a special temperature regime and without a special temperature regime, the forecast distance in kilometers for transporting goods, the forecast number of normal hours for loading and unloading operations on the lot, the list and addresses of healthcare entities when purchasing storage and transportation services;

6) date and time of the end of acceptance of applications;

7) draft long-term agreement;

8) preliminary cost of the service for storage and transportation of goods allocated for the purchase of services for each lot.

Footnote. Paragraph 14 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication)..

15. For the tender, the single distributor shall approve the composition of the commission and determine the secretary of the commission, who is not a member of the commission. The total number of members of the tender commission shall be an odd number, but not less than five people.

16. The composition of the commission shall include the employees of the single distributor, an employee or employees of the authorized body in the field of healthcare (on agreement) and representatives of the National Chamber of Entrepreneurs of the Republic of Kazakhstan "Atameken" (on agreement).

17. The commission shall act from the date of entry into force of the decision on approval of its composition until the publication of the protocol of admission.

18. The secretary of the commission shall define a worker of the unified distributor who shall provide:

- 1) publication on the web portal of the announcement of the competition;
- 2) the formation of draft protocols of preliminary admission, admission for familiarization based on the results of the voting of the commission, and, at the request of one of the members of the commission, the resumption of voting on the web portal;
- 3) publication on the web portal of protocols of preliminary admission, admission;
- 4) posting on the web portal an electronic copy of the submitted document confirming the absence of a member of the commission (if any);
- 5) cancellation on the web portal of the competition as a whole or on one of the lots when deciding on its cancellation or invalidation with the placement of its copy;
- 6) informing about the results of the competition for the conclusion of a long-term agreement.

Footnote. Paragraph 18 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 4. Content, presentation and withdrawal of bid

19. The potential supplier shall register on the web portal and submit an application in a form approved by the competent authority by attaching the necessary documents to the application or filling them in according to the forms provided on the web portal.

Footnote. Paragraph 19 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

20. The competition application of the potential supplier for participation in the competition shall contain (in electronic copies):

- 1) an extract about the participants or shareholders who have influence on the adoption by the executive body, the board of directors, the supervisory board of a potential supplier of decisions, their IIN or BIN in the form provided for on the web portal;
- 2) information on the absence (presence) of tax debt of the taxpayer, debt on mandatory pension contributions, mandatory professional pension contributions, social contributions and contributions and (or) contributions to compulsory social health insurance received from information systems of state bodies in accordance with the legislation of the Republic of Kazakhstan on informatization;
- 3) permission for pharmaceutical activities: for the wholesale or retail sale of medicines and (or) notification of the commencement or termination of activities for

the wholesale or retail sale of medical devices, and in the case of the provision of services related to the storage, transportation and (or) the sale of narcotic drugs and precursors in the field of health care, permission for activities related to the circulation of narcotic drugs, psychotropic substances and precursors in the field of health care, in the territory of the administrative-territorial unit where the service of the distribution center is to be provided;

4) if a co-agreementor is involved, an agreement with the co-agreementor on the provision of part of the service for the entire period of service provision and documents confirming the co-agreementor's compliance with the requirements of these Rules and announcements;

5) quotation in a form approved by the authorized body and posted on the web portal. In this case, the quotation of a potential supplier by subcategories shall be drawn up proportionally and does not exceed by categories and (or) by the whole lot of the announcement;

6) warranty security of the application.

Footnote. Paragraph 20 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

21. The competition application for the provision of services for the storage and transportation of medicines and medical devices additionally shall contain the following on the lot (in electronic copies):

1) certificate of registered rights to the pharmacy warehouse from the web portal "electronic government," issued less than one calendar month before the date of opening the application;

2) technical document to the pharmacy warehouse;

3) Good Distribution Practice (GDP) certificate;

4) a document confirming the availability of vehicles of different categories of carrying capacity, with the possibility of observing the controlled temperature regime. Categories of carrying capacity of vehicles: category 1 - up to 1.5 tons inclusive, category 2 - up to 5 tons inclusive, category 3 - up to 10 tons inclusive, category 4 - more than 10 tons.

Footnote. Paragraph 21 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

22. The web portal automatically prevents a potential supplier from:

1) offering a price higher than the price of the lot in the announcement;

2) withdrawing a bid after it has been opened;

3) submitting a bid after the expiration of the period stipulated by the announcement.

23. A tender bid shall be considered to be submitted at the moment the web portal sends a notification to a potential supplier, which is changed or withdrawn at the discretion of the potential supplier until it is opened.

24. When the commission presents comments to the bid of the potential supplier, the potential supplier adds the missing documents to its bid within 3 (three) working days from the date of publication of the preliminary admission protocol, in case of a repeated tender - within 2 (two) working days or does not add and its bid is rejected.

25. Opening of additions to the bid shall be carried out at 10:00 a.m. on the working day of the single distributor, the next day after the deadline for submitting additions to competitive bids.

Chapter 5. Bid collateral

26. Bid collateral shall be paid for each lot separately and amounts to at least 1 (one) percent of the lot amount in the announcement when purchasing accounting and sales services and 3 (three) percent when purchasing storage and transportation services.

27. The potential supplier shall submit a bid collateral for participation in tender in one of the following forms:

1) a cash deposit to the bank account of the single distributor with a copy of the payment order attached to the bid indicating the number of the corresponding lot in the purpose of payment;

2) electronic bank guarantee in the form provided on the web portal, issued by the bank directly on the web portal using electronic digital signatures of authorized persons of the bank;

3) a bank guarantee in the form provided on the web portal, on paper, submitted to the secretary of the tender commission for registration in the bank guarantee journal after bids opening and before the formation of the admission protocol. At the same time, an electronic copy of the bank guarantee is attached to the bid by a potential supplier on the web portal.

28. Bid collateral shall not be made during the state of emergency.

29. The validity period of the competition application, as well as its warranty support, shall be at least 45 (forty-five) calendar days. The warranty of the potential supplier's request shall expire at the time of its rejection according to the protocol of admission or results or the timely submission by the winner of the purchase of measures to ensure the fulfillment of obligations under the concluded long-term agreement.

Footnote. Paragraph 29 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

30. Warranty shall be returned in the following cases:

- 1) rejection of a potential supplier's request;
- 2) timely submission by the winner of the measures to ensure the fulfillment of obligations under the long-term agreement concluded according to the results of the competition;
- 3) cancellation of the competition or purchase of an individual lot;
- 4) recognition of the competition or purchase of an individual lot as invalid;
- 5) introduction, but non-participation of the person in the competition;
- 6) declaration of a state of emergency.

Footnote. Paragraph 30 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

31. In case of rejection of the bid of the potential supplier:

- 1) the web portal shall automatically send a refund notification to a potential supplier and a single distributor in the form provided by the web portal, and single distributor shall refund the money contribution by transferring money to the bank account of the potential supplier within 5 (five) working days;

- 2) The web portal shall automatically send the bank that issued the electronic bank guarantee and the potential supplier a notice of its termination in the form provided by the web portal;

- 3) the return of a bank guarantee on paper shall be made by a single distributor to a representative of the potential supplier on purpose on the basis of a power of attorney and an identity document.

32. The term for the return of the guarantee security due to the rejection of the application of the potential supplier shall be calculated from the day following the day of publication of the protocol of results, which provides for the decision to reject the application for the corresponding lot.

33. Warranty security of the application shall be withheld if, in violation of the terms stipulated by these Rules:

- 1) the winner refused or evaded the conclusion of a long-term agreement;
- 2) the winner shall not provide a measure of security for the fulfillment of obligations under the long-term agreement;
- 3) false information on the potential supplier's compliance with qualification requirements or service requirements shall be presented.

Footnote. Paragraph 33 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

34. The single distributor, in case of retention of the collateral of the bid in the form of:

1) monetary contribution – shall send to the winner through the web portal a notification of the deduction of money in the form provided by the web portal;

2) electronic bank guarantee – shall send through the web portal to the bank and to the winner of the tender (for information) the demand for its payment in the form, provided by the web portal;

3) bank guarantee in paper form – shall send to the bank and to the winner of the tender (for information) by registered mail a demand for payment.

The demand for payment of a bank guarantee shall be submitted to the bank within 20 (twenty) banking days from the date of occurrence of the grounds for its retention.

Chapter 6. Procedure for voting and bid consideration on the web portal

35. Before the announcement of the tender, members of the commission shall register on the web portal, where they consider bids, vote for the admission or rejection of the tender bid of the potential supplier.

36. When making decisions on the compliance of the tender bid of the potential supplier with the qualification requirements and requirements for the service, the commission members shall consider the documents on the page of the potential supplier in the web portal, in the bid, as well as information in other open sources of information: information systems of "electronic government", www.elicense.kz, "Supreme Court" www.office.sud.kz and other available sources.

37. The decision of the commission shall be made via open voting and shall be considered adopted if it has received the majority of votes from the total number of present members of the commission. In case of equality of votes, the decision for which the chairman of the commission voted shall be considered adopted.

38. In the absence of bids, the web portal shall automatically and simultaneously publish the bid opening protocols and results.

39. After the deadline for accepting bids, the web portal makes them available for consideration and automatically publishes the bid opening protocol indicating its number, publication time and status, which contains:

- 1) number and name of the tender;
- 2) name, BIN and legal address of the single distributor;
- 3) list of lots in the announcement;
- 4) names (surname, name, patronymic (if any) of potential suppliers, BIN (IIN), legal addresses, time and dates of submission of bids;
- 5) lots, for which the bids are not submitted;
- 6) lots and names of potential suppliers, submitted bids, indicating price offers.

40. Tender bids of potential suppliers on the web portal are open and available to competitors in the lot and shall be subject to consideration by the commission within seven working days, in case of a repeated tender - within five working days.

41. By the time of expiration of the term for consideration of competitive bids, at the initiative of the secretary of the commission, the web portal, based on the vote of the members of the commission, shall automatically generate a draft protocol for preliminary admission or admission, after reading which the commission signs it, or the secretary of the commission shall resume voting to correct the decisions made (if necessary) until those until all members of the commission, with the exception of those who did not vote, sign the protocol of voting.

42. The members of the commission, having familiarized themselves with the draft protocol for preliminary admission or admission, shall review their comments on the competitive bid of the potential supplier before its publication. In this case, the secretary of the tender commission shall resume voting.

43. A non-voting member of the commission (if possible) shall notify the secretary of the commission of the validity of such a reason in advance and submit to him a copy of the supporting document. If the reason for the non-voting of a member of the commission by the expiration of the decision-making period is unknown, the protocol of preliminary admission or admission shall be signed without it. The secretary shall post on the web portal a note on the uncertainty of such a reason.

44. All decisions of a member of the commission who did not sign the protocol, including those for individual lots for which he voted, shall not be taken into account by the web portal in the decision of the commission and shall be displayed in the protocol of preliminary admission or admission.

45. In the protocol of preliminary admission or admission, the web portal shall automatically display the voting results of each member of the commission for each with one of the possible statuses:

- 1) “did not voted”;
- 2) “admitted”;
- 3) “rejected” with justification of the reason according to the decision on the web portal.

If the committee member votes “rejected” in the preliminary admission protocol, then the potential supplier shall submit additions to the bid of these Rules within the time limits specified in Clause 24 of these Rules or shall not submit additions, and his application is rejected.

46. The potential supplier, whose tender bid is recognized by the commission as complying with the terms of the announcement and the requirements of these Rules, in the absence of competition on the lot, shall be declared the winner.

47. The procurement by means of a tender or its any lot shall be invalidated for one of the following reasons:

- 1) absence of submitted tender bids;
- 2) no potential supplier is admitted.

48. In case of disagreement with the decision of the tender commission, any member of this tender commission shall write a dissenting opinion, which is posted on the web portal in the form of an electronic copy of the document.

49. The secretary of the commission shall post on the web portal a protocol of preliminary admission or admission indicating its number, time of publication and status, which contains:

- 1) number and name of the tender;
- 2) name, BIN and legal address of the single distributor;
- 3) voting results of the commission by lots, indicating the decisions of each member of the commission on the admission or rejection of the bid as a whole or by lot ;
- 4) lots and names of potential suppliers whose bids were rejected by the commission due to non-compliance with the conditions of the announcement or the requirements of these Rules;
- 5) non-competitive lots and names of winners whose bids are recognized by the commission as meeting the conditions of the announcement and the requirements of these Rules, with a detailed indication of these price offers;
- 6) competitive lots and names of potential suppliers whose bids were admitted to the auction by the commission, indicating the starting prices of the auction;
- 7) a note on the presence or absence of false information on compliance with qualification requirements.

50. Additions to tender bids of potential suppliers shall be considered by the commission within 3 (three) working days. The admission protocol based on the results of consideration of additions to tender bids shall be published in accordance with the requirements of clause 49 of these Rules.

51. In case of affiliation with a potential supplier, a member of the commission shall not make a decision on his application.

52. Preliminary admission or admission protocols shall be formed by the procurement web portal based on the voting results of the commission members, which are reflected in the protocols in the context of each of the potential supplier, lot and the requirement of these Rules for the application. Opening protocols and results shall be published automatically by the web portal, shall not be signed by members and the secretary of the commission.

53. Protocols shall be subject to publication on the web portal only during business hours of the single distributor, with the exception of the results protocol.

54. 2 (two) working days after the publication of the admission protocol among potential suppliers admitted by the commission to the auction, an auction shall be held to reduce the prices proposed in the bids.

55. Based on the results of the tender, the web portal shall automatically generate and publish a protocol of results indicating its number, publication time and status, which contains:

- 1) number and name of the tender;
- 2) name, BIN and legal address of the single distributor;
- 3) list of lots according to the announcement;
- 4) auction results indicating lots, names of auction participants, submission time and sizes of auction steps;
- 5) competitive lots and names of winners in the auction with indication of their price offers;
- 6) competitive lots and name potential suppliers that took second place in the auction, indicating these price offers;
- 7) lots and names of potential suppliers whose bids were rejected by the commission due to non-compliance with the conditions of the announcement or the requirements of these Rules;
- 8) non-competitive lots and names of winners whose bids are recognized by the commission as meeting the conditions of the announcement and the requirements of these Rules, with a detailed indication of these price offers.

56. In the event of technical malfunctions that do not allow the use of the web portal or generate protocols with errors, the single operator shall fix and immediately publish an announcement about this in the appropriate section of the web portal, which automatically sends appropriate notifications to all participants in the tender.

57. At the same time, the terms of the tender shall be shifted in proportion to the time required to eliminate technical malfunctions.

58. The single operator shall not delete protocols published with errors from the web portal and assigns them the "invalid" status. The newly formed protocol without errors shall be published by a single operator on the web portal with the status "valid".

59. In case of replacement of a protocol, the web portal shall automatically send appropriate notifications to the participants of the tender.

60. As a result of the competition, conclude a long-term agreement with the winner for each lot separately on the web portal within 5 (five) working days after the appeal period specified in paragraph 104 of these Rules, except for cases requiring negotiations in accordance with Chapter 10 of these Rules.

According to the results of the competition, if the purchase by the competition method or its lot shall be recognized as invalid, the unified distributor makes one of the following decisions:

- 1) on re-holding of the competition;
- 2) on changing the terms of the competition and holding a new competition in the event of a change in the terms of the service;

3) on the implementation of procurement by a method from one source.

Footnote. Paragraph 60 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 7. Grounds for rejection of a tender bid

61. The competition application of a potential supplier shall be rejected by the commission in full in compliance with Paragraph 24 of these Rules, in cases where:

1) does not comply with the requirement of subparagraph 1) of Paragraph 9 of these Rules;

2) no statement on the participants or shareholders who influence the adoption by the executive body, the board of directors, the supervisory board of a potential supplier of decisions, their IIN or BIN in the form provided for on the web portal;

3) information on the absence (presence) of tax debt of the taxpayer, debt on mandatory pension contributions, mandatory professional pension contributions, social contributions and contributions and (or) contributions to compulsory social health insurance received from information systems of state bodies in accordance with the legislation of the Republic of Kazakhstan on informatization shall not be provided.

4) no permission for pharmaceutical activities shall be provided: wholesale or retail sale of medicines and (or) notification of the beginning or termination of activities for the wholesale and (or) retail sale of medical devices, and (or) permission for activities related to the circulation of narcotic drugs, psychotropic substances and precursors in the field of healthcare, for distribution centers;

5) there shall be grounds provided for in Paragraph 11 of these Rules;

6) false information on compliance with qualification requirements or service requirements shall be presented;

7) potential supplier and/or co-agreementor shall not meet the qualification requirements;

8) does not comply with the terms of the announcement and the requirements of these Rules.

In order to clarify the compliance of potential suppliers with qualification requirements in terms of their non-involvement in the bankruptcy procedure or liquidation, the commission shall consider information posted on the Internet resource of the authorized body that monitors the conduct of bankruptcy or liquidation procedures.

Footnote. Paragraph 61 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

62. The application of the potential supplier shall be rejected for the lot in full in compliance with Paragraph 24 of these Rules, if the following is not submitted:

1) the quotation according to the form approved by the authorized body, or the quotation shall be filled out improperly;

2) the agreement with the co-executor (in case of its involvement) or the term of the agreement with the co-executor shall not cover the period of provision of the purchased service, or other documents confirming the co-executor's compliance with the requirements of these Rules and announcements;

3) warranty in accordance with the requirements of these Rules;

4) certificate of registered rights to the pharmacy warehouse from the web portal "electronic government," issued less than one calendar month before the date of opening the application;

5) technical document to the pharmacy warehouse;

6) documents confirming the compliance of pallet meters with the requirements of these Rules and announcements;

7) documents confirming the right of ownership and (or) the right to use vehicles in the categories specified in sub-clause 4) of Paragraph 21 of these Rules.

Footnote. Paragraph 62 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 8. Auction

63. Potential suppliers admitted by the commission according to the admission protocol take part in the auction.

64. The auction shall start in 2 (two) working days from the date of publication of the admission protocol at 10:00 a.m. on a working day and shall be held on the web portal remotely in real time. Web portal shall automatically and immediately send notifications about the beginning of the auction to auction participants, members and the secretary of the commission and reflects information about the beginning of the auction time for each lot on the web portal in the "Auction" section.

65. The auction shall be held by sequentially reducing the price of the lot by auction participants, starting from the starting price, using electronic digital signatures of authorized persons of potential suppliers.

66. The starting price of the auction shall be the price offer of the potential supplier from the application with the lowest price, and if the lowest price is the same for several competitors admitted to the auction, from the bid submitted earlier than the others.

67. A step of the auction is an opportunity for each competitor in the lot to reduce the starting or lowest price determined in the previous auction step once, within 30 (thirty) minutes from the start of time per step of the auction.

68. The time for a step of the auction in relation to the starting price of the auction begins at the moment the web portal sends a notice of the beginning of the auction and displays the beginning of the countdown for the lot in the "Auction" section on the web portal, and in relation to the lowest price determined in the previous step of the auction, - at the time of displaying of the beginning of the countdown for the lot in the "Auction" section on the web portal.

69. The web portal shows a countdown of the thirty-minute time remaining until the end of the auction step, in minutes and seconds.

70. The number of steps for a lot in the auction is not limited.

71. Auction participants shall reduce the price within one step of the auction by at least half (0.5) percent of the starting price of the auction for each component of the price of services determined by the formula in accordance with clause 94 of these Rules, and the web portal shall not automatically allow auction participants to reduce price for the wrong amount. To reduce the price, the web portal shall provide for the choice of the size of the step of the auction in percent or tenge.

72. An auction participant who has not reduced the price in the first or next step of the auction, for which his competitor or competitors have reduced the price, shall be automatically excluded from further participation in the auction, and the web portal automatically does not allow him to reduce the price in subsequent steps of the auction.

73. The auction participant whose price offer is accepted as the starting price, if it is reduced by a competitor or competitors at the first step of the auction, shall take part in the first step of the auction and reduces the starting price. Otherwise, he shall be automatically excluded from further participation in the auction.

74. The web portal on procurement shall automatically compare the price offers of competitors by lot and shall determine the lowest price for each lot for the next step of the auction.

75. The time of the step of the auction shall end within 30 (thirty) minutes from the moment it starts, and if all participants in the auction for the lot have reduced the price - at the time of the submission of the price offer by the last competitor admitted to the auction for the lot.

76. The auction shall be considered completed when all competitors of the auction participant with the lowest price for the lot have been eliminated from participation in the auction.

77. The Web portal shall automatically determine the winner of the auction at the lowest price, and if the lowest price is the same for several auction participants, at the price of the auction participant who lowered it before competitors.

78. If during the first step of the auction none of the participants in the auction lowered the starting price, the winner of the auction shall be the potential supplier, whose price offer has been accepted as the starting price of the auction for the lot.

79. The winner of the auction shall be the winner of the tender.

80. The web portal shall automatically determine the potential supplier, which took the second place, only among the competitors of the winner who actually took part in the auction, at the lowest price following the price of the winner. If the price following the price of the winner is the same for several competitors in the lot, the potential supplier who have lowered the price before competitors shall be determined as taken the second place.

Chapter 9. Procedure for procurement from a single source

81. Unified-source procurements shall be performed by a unified distributor in the following cases:

1) recognition of the competition as invalid twice in a row. The invitation shall be sent to the supplier who rendered the service in the same administrative-territorial unit in the previous fiscal year;

2) termination with the supplier of the long-term agreement and/or agreement. The invitation shall be sent to the potential second-place supplier, in its absence - to any other competitor on the lot, if the latter meets the qualification and service requirements;

3) the need for a unified distributor to purchase services up to a sixty-day demand for the period until the unified distributor summarizes the results. The invitation shall be sent to the supplier with whom the outline agreement or agreement shall be entered into.

Footnote. Paragraph 81 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

82. Decision on holding the procurement from a single source shall be made by the single distributor within 10 (ten) working days:

1) from the day the tender was declared invalid on the grounds provided for by these Rules;

2) when the winner of the tender and the potential supplier, who took second place (if any), avoided signing the contract within the established time frame;

3) after the contract termination date.

83. Procurement from a single source provides for the following measures:

1) adoption by a single distributor of a decision to conduct a purchase from a single source with appropriate justification;

2) sending a potential supplier, registered on the web portal, an invitation to participate in the procurement from a single source and a draft contract;

3) posting a protocol on the results of the procurement from a single source on the web portal;

4) in accordance with the capabilities of the potential supplier, his introduction into the draft contract for the provision of services of changes in the price of the contract, but not higher than the price offered by him during the tender, if the purchase did not take place on the grounds provided for by these Rules;

5) refusal of one of the parties to conclude a contract in case of disagreement with its terms proposed by the other party, by sending a notification with appropriate justification;

6) upon agreement of the parties with the terms of the contract, its signing using electronic digital signatures.

84. The procurement procedure by one source method shall be completed by the parties within 5 (five) working days from the date of sending a notification of the procurement by one source method to the potential supplier and a draft agreement in the form approved by the authorized body. Otherwise, the purchase is recognized as invalid and after the expiration of time, the web portal assigns the purchase the status " did not take place," and the unified distributor re-purchases.

Footnote. Paragraph 84 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

85. The web portal shall automatically assign to the signed contract a number and shall indicate the time of its conclusion according to the time and date of signing by the second party.

Chapter 10.

Enter into a long-term agreement (supplementary agreement to the long-term agreement) or agreement, negotiate via a web portal, and enforce a long-term agreement (supplementary agreement to the long-term agreement) or agreement

Footnote. The title of Chapter 10 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Paragraph 1. Enter into and modify an outline agreement (extension to the outline agreement) or agreement via the web portal

Footnote. The title of paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

86. Within one (1) working day after the expiration of the period for appeal, the unified distributor shall send a request to the potential supplier, supplier through the web portal to submit information about the person signing the long-term agreement (additional agreement to the long-term agreement) or the agreement, and the supplier's details with the attachment of the draft long-term agreement (additional agreement to the long-term agreement) or the agreement taking into account the price established as a result of the purchase.

The long-term agreement shall be concluded for a period of three (3) years in the form approved by the authorized body. At the same time, for each fiscal year, an additional agreement shall be concluded to the long-term agreement in the form approved by the authorized body, indicating the name and volume of goods related to the provision of services, the preliminary cost of the service. The amendment shall be an integral part of the outline agreement.

Footnote. Paragraph 86 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

87. The prospective supplier or supplier shall, within two (2) working days from the date of receipt of the relevant request on the web portal, complete and confirm the information about the person signing the long-term agreement (additional agreement to the long-term agreement) or the agreement, and the supplier's details. In the absence of confirmation by the potential supplier or supplier of information about the individual signing the long-term agreement (additional agreement to the long-term agreement) or the agreement, and its details, the unified distributor signs the long-term agreement (additional agreement to the long-term agreement) or the agreement in accordance with the registration data of the potential supplier posted on the web portal.

A unified distributor shall, no later than two (2) working days from the expiration date of confirmation of information by a potential supplier or supplier in accordance with this Paragraph of the Rules, form a draft long-term agreement (additional agreement to the long-term agreement) or an agreement in a form approved by an authorized body, certified by an electronic digital signature, and send it to the potential supplier for signing.

Footnote. Paragraph 87 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

88. The draft long-term agreement (supplementary agreement to long-term) or shall be certified by the supplier, potential supplier by means of electronic digital signature within 3 (three) working days from the date of receipt.

Footnote. Paragraph 88 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

89. If the prospective supplier or supplier has not signed a long-term agreement within the established time frame (supplementary agreement to the long-term agreement) or agreement, unified distributor within 2 (two) business days from the date of evasion of the potential supplier, supplier from the conclusion of the long-term agreement (an additional agreement to a long-term agreement) or a forms a new draft long-term agreement on the web portal (supplementary agreement to the long-term agreement) or the agreement and sends it to the potential second-place supplier (if any) . The draft long-term agreement (supplementary agreement to the long-term agreement) or the shall be certified by the potential second-place supplier by means of an electronic digital signature within three (3) working days from the date of submission to it of the draft long-term agreement (supplementary agreement to the long-term agreement) or the .

In case of evasion from the conclusion of an annual supplementary agreement to a long-term agreement, a unified distributor decides to hold a competition or make a purchase using the method of one source.

Footnote. Paragraph 89 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

90. If the potential second-place supplier has not signed the submitted draft long-term agreement within the established time, the unified distributor re-runs the competition.

Footnote. Paragraph 90 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

91. The procedure for entering into a long-term and negotiating with the potential second-place supplier takes place in the same order as with the winner of the competition.

Footnote. Paragraph 91 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

92. It is not allowed to make changes and (or) new conditions in a long-term or that change the content of a proposal that was the basis for choosing a supplier.

Footnote. Paragraph 92 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

93. Amendments to the concluded long-term (additional agreement to the long-term) or the, provided that the quality is unchanged, which were the basis for choosing the supplier, are allowed:

- 1) by agreement of the parties regarding the reduction of the price;
- 2) in terms of increasing the volume of the service provided with the invariability of the price set according to the formula according to paragraph 94 of these Rules;
- 3) in case of equivalent replacement of the pharmacy warehouse if it is impossible to use the previous one for reasons beyond the supplier's control or replacement with a better pharmacy warehouse.

Footnote. Paragraph 93 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

94. Payment under a long-term (an additional agreement to a long-term) or is made at the actual price for the service of storage and transportation of goods (X), calculated according to the following formula:

$$X = W + T + L, \text{ where}$$

$$W = W_j * (S1 + S2), \text{ where}$$

W - storage service;

W_j - the established cost of 1 palletomest depending on the region (j), S1 - the number of palletomests with a special temperature regime (cold + 2 - + 8 degrees Celsius, frost -15 - 20 degrees Celsius, cool + 8 - + 15 degrees Celsius); S2 - the number of pallet meters without a special temperature regime (+ 15 - + 25 degrees Celsius);

T - Transportation Service

$$T = C_{ij},$$

C_{ij} - the established cost of transportation by vehicle per 1 km, depending on the category of carrying capacity of the vehicle (i) and region (j), which is provided for by paragraph 21 of these Rules;

L - Handling

$$L = L_j * L_{ki},$$

L_j is the established cost of 1 normal-hour of loading and unloading operations depending on the region (j);

L_{ki} - the number of normal hours spent for unloading or loading a vehicle depending on the tonnage of the vehicle (i), according to the categories: category 1 - up to 1.5 tons inclusive - 0.5 hours, category 2 - up to 5 tons inclusive - 1 hours, category 3 - up to 10 tons inclusive - 1.5 hours, category 4 - more than 10 tons - 3 hours.

In this case, the normal hour is the unit of time for the work, the calculated unit for loading and unloading operations, which shall include: acceptance, unloading from the vehicle and recalculation of the goods, placing the goods for storage, if necessary -

sticking the packaging of the goods and enclosing the instructions for medical use in the package, packing (assembly) for shipping or moving the goods, palletizing (placement on a pallet and wrapping with packaging material), loading onto the vehicle, unloading at the delivery point, execution (signing) of shipping documents.

In case of providing emergency medical care, in order to prevent significant harm to health and (or) eliminate the threat to life at the written request of the health care organization and the application of a unified distributor, the actual price includes the costs incurred for air transportation services at the price of the air carrier.

Footnote. Paragraph 94 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Paragraph 2. Negotiations for reducing the price of the service through the web portal

95. The single distributor shall negotiate with the winner to reduce the price of the service through the web portal in cases where the final price of the tender was formed on a non-competitive lot.

96. An offer to reduce the price shall be sent to the winner through the web portal in the form provided by the web portal, with the appropriate justification within three working days from the date of publication of the protocol of results.

97. The winner refuses or agrees to the proposal to reduce the price of the long-term agreement, about which he sends information to the unified distributor through the web portal with the appropriate justification within 2 (two) business days. Negotiations are deemed to be completed upon receipt of notice from the winner of consent or refusal of the offer to reduce the price.

If the winner refuses the offer to reduce the price of the service, the unified distributor sends the draft long-term agreement through the web portal on the winner's quotation within 3 (three) working days from the date of completion of negotiations. The draft long-term agreement shall be certified by the winner by means of an electronic digital signature within three (3) business days from the date of receipt.

If you agree to reduce the price of the long-term agreement, the winner of the competition sends a quotation to the unified distributor through the web portal with the final price in the form provided for on the web portal. The web portal automatically generates a new draft outline agreement with a changed price and sends it to the parties for signing. The Parties shall sign an agreement, a long-term agreement by means of an electronic digital signature within 3 (three) working days from the date of their receipt.

Footnote. Paragraph 97 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Paragraph 3. Ensuring the fulfillment of obligations under a long-term agreement (additional agreement to a long-term agreement) or agreement

Footnote. The title of paragraph 3 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

98. Size of the supplier's compliance measure under the long-term (additional agreement to long-term agreement) or agreement in monetary terms shall be 3 (three) percent of the long-term price (supplementary agreement to long-term) or a entered into under a separate lot and is to be submitted to a unified distributor within 10 (ten) working days from the date of signing of the long-term agreement (additional agreement to the long-term agreement) or the agreement on the web portal by the parties.

Footnote. Paragraph 98 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

99. When concluding a long-term agreement (supplementary agreement to the long-term agreement) or a, the potential supplier chooses one of the following methods of securing the fulfillment of its obligations under the long-term agreement (supplementary agreement to the long-term agreement) or the as a security measure for the fulfillment of its obligations under the long-term agreement (supplementary agreement to the long-term agreement):

1) a guarantee cash contribution, which shall be made to the bank account of a unified distributor;

2) an electronic bank guarantee provided by the bank in the form provided for by the web portal.

Footnote. Paragraph 99 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

100. Security for the fulfillment of obligations under a long-term agreement (an additional agreement to a long-term agreement) or agreement is not made during the period of the state of emergency until the end of its validity period.

Security for fulfillment of obligations under a long-term agreement (an additional agreement to a long-term agreement) or an agreement shall be made within ten (10) working days from the end of the state of emergency in the amount established by Paragraph 98 of these Rules.

Footnote. Paragraph 100 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

101. Security for fulfillment of obligations under a long-term agreement (an additional agreement to a long-term agreement) or a shall be retained in the following cases:

- 1) supplier's refusal to provide the service;
- 2) termination of the long-term (additional agreement to the long-term) or the at the initiative of the supplier;
- 3) termination by a unified distributor of a long-term agreement (additional agreement to a long-term agreement) or an agreement unilaterally due to non-fulfillment or improper fulfillment of obligations by the supplier.

Footnote. Paragraph 101 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

102. A unified distributor in case of retention of the guarantee of obligations under a long-term agreement (an additional agreement to a long-term agreement) or a in the form of:

- 1) cash contribution - send a notification to the supplier through the web portal about the deduction of money in the form provided for by the web portal;
- 2) electronic bank guarantee - send to the bank and the supplier (for information) through the web portal a request for its payment in the form provided for by the web portal;

A request for payment of a bank guarantee shall be made to the bank within twenty (20) banking days from the date of termination or expiration of the.

Footnote. Paragraph 102 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 11. Appeal

Paragraph 1. Procedure for the appeal

103. The potential supplier shall appeal actions (inaction), decisions of the single distributor, commissions, single operator, if their actions (inaction), decisions violate the rights and legitimate interests of the potential supplier.

104. In the event of an appeal against actions (inaction), decisions of a unified distributor, commission, unified operator to the state audit and financial control body no later than five (5) working days from the date of placement of the protocol of the results, the deadline for concluding a long-term agreement (additional agreement to the long-term agreement) or the agreement is suspended until the end of the deadline for considering the complaint.

Appealing against actions (inaction), decisions of a unified distributor, commission, unified operator by persons who did not participate in the purchase shall not suspend

the term of concluding a long-term agreement (additional agreement to the long-term agreement) or agreement.

Footnote. Paragraph 104 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

105. In the event of an appeal against actions (inaction) of the single distributor, commission, single operator after the expiration of the period established by clause 104 of these Rules, the appeal shall be considered as part of an electronic state audit in accordance with the legislation of the Republic of Kazakhstan on state audit and financial control.

106. If necessary, a complaint of the potential supplier shall be filed via public information systems in accordance with the requirements of the legislation of the Republic of Kazakhstan on an electronic document and an electronic digital signature.

107. In case of appeal against actions (inaction), decisions of a unified distributor, commission, a unified operator to the state audit and financial control body before publication of the results protocol and (or) within the timeframe established by Paragraph 104 of these Rules, the complaint is considered within the limits of the stated requirements (arguments) within 10 (ten) working days from the date of expiration of the period established by Paragraph 104 of these Rules, within the framework of office control in accordance with the legislation of the Republic of Kazakhstan on state audit and financial control.

The State Audit and Financial Control Body shall, no later than one (1) working day from the date of receipt of the complaint, send a notification to the unified distributor about the suspension of the conclusion of a long-term agreement (additional agreement to the long-term agreement) or agreement.

Footnote. Paragraph 107 – in the wording of the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 No. 231 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

108. Based on the results of consideration of an appeal received within the time limits established by paragraph 104 of these Rules, the state audit and financial control body shall make a decision to invalidate decisions made in violation of these Rules, or to refuse to allow the appeal.

109. In case of disagreement with the decision of the state audit and financial control body, the potential supplier, at its discretion, shall appeal it to a higher body, in case of disagreement with the decision of a higher body, shall appeal against it in court in accordance with the legislation of the Republic of Kazakhstan.

Paragraph 2. Appellation procedure

110. An appeal against actions (inaction), decisions of the single distributor, commissions, a single operator to the state audit and financial control body shall contain:

- 1) name, location of the legal entity, actions (inaction) whose decisions are being appealed;
- 2) name, location of the complainant;
- 3) information about the tender in which violations of these Rules were committed;
- 4) the essence of the violation or threat of violation of the rights and freedoms of a citizen or the legitimate interests of a legal entity, the actions (inaction) appealed against, decisions of the single distributor, commissions, a single operator.

The appeal shall be accompanied by documents confirming the arguments of the person who filed the appeal.

111. The appeal shall be signed by the person submitting it or his representative.

The appeal submitted by the representative shall be accompanied by a power of attorney or other document certifying the authority of the representative.

112. The appeal shall be returned to the person who filed it without consideration within two working days from the date of receipt if:

- 1) the appeal does not meet the requirements set forth by clause 110 of these Rules;
- 2) the appeal was not signed or signed by a person who does not have the authority to sign it.

Annex
to the Resolution of the Government
of the Republic of Kazakhstan
dated February 9, 2021 No. 47

List of some invalidated decisions of the Government of the Republic of Kazakhstan

1. Resolution of the Government of the Republic of Kazakhstan dated July 8, 2015 No. 515 “On approval of the Rules for the procurement of services for the storage and transportation of medicines and medical devices within the guaranteed volume of free medical care by a single distributor and amendments and additions to some decisions of the Government of the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2015, No. 37-38, p. 265).

2. Clause 3 of amendments to some decisions of the Government of the Republic of Kazakhstan, approved by the Resolution of the Government of the Republic of Kazakhstan dated December 29, 2016 No. 908 "On Amendments to Certain Decisions of the Government of the Republic of Kazakhstan" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2016, No. 68, p. 464).

3. Subclause 2) of clause 1 of the Resolution of the Government of the Republic of Kazakhstan November 8, 2017 719 “On Amendments to the Resolutions of the Government of the Republic of Kazakhstan dated October 30, 2009 No. 1729 "On

approval of the Rules for organizing and conducting the procurement of medicines, preventive (immunobiological, diagnostic, disinfectant) drugs, medical devices and medical equipment, pharmaceutical services for the provision of a guaranteed volume of free medical care and medical care in the system of compulsory social health insurance" and dated July 8, 2015 515 "On approval of the Rules for the procurement of services for the storage and transportation of medicines and medical products by a single distributor within the guaranteed volume of free medical care and the system of compulsory social health insurance and amendments and additions to some decisions of the Government of the Republic of Kazakhstan" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2017, No. 55-56-57, p. 358).

4. Clause 5 of amendments to some decisions of the Government of the Republic of Kazakhstan, approved by the Resolution of the Government of the Republic of Kazakhstan dated June 6, 2019 No. 380 "On Amendments to Some Decisions of the Government of the Republic of Kazakhstan" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2019 г., No. 20, p. 173).