

On approval of the Rules of forming the list of unscrupulous suppliers (potential suppliers) of services, catering goods for students in state secondary education institutions, out-of-school organizations of additional education and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education

Unofficial translation

Order of the Minister of Education and Science of the Republic of Kazakhstan of October 31, 2018 No. 599. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 22, 2018 No. 17766.

Unofficial translation

Footnote. The heading as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

Pursuant to subparagraph 5) of Article 5 of the Law of the Republic of Kazakhstan "On Education", **I hereby ORDER:**

Footnote. Preamble - as amended by the order of the Minister of Education of the Republic of Kazakhstan dated 31.07.2023 № 235 (shall be enforced ten calendar days after the date of its first official publication).

1. Approve the attached Rules of forming the list of unscrupulous suppliers (potential suppliers) of services, catering goods for students in state secondary education institutions, out-of-school organizations of additional education, and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education.

Footnote. Paragraph 1 as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

2. To invalidate Order № 414 of the Minister of Education and Science of the Republic of Kazakhstan as of June 30, 2016 “On approval of the Rules for compiling the list of unreliable suppliers of catering services, goods for catering to students brought up and enrolled in preschool educational, secondary education institutions, institutions for orphaned children and children without parental care” (registered in the Register of State Registration of Regulatory Legal Acts under № 14079, published in the “Adilet” Information and Legal System of Regulatory Legal Acts of the Republic of Kazakhstan on August 18, 2016).

3. In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Committee on the Protection of Children's Rights of the Ministry of Education and Science of the Republic of Kazakhstan (Y.Y.Yersainov) shall:

1) ensure state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days of the state registration of this order, send its Kazakh and Russian hard and soft copies to the Republican State Enterprise with the Right of Economic Management "Republican Center of Legal Information" for its official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the website of the Ministry of Education and Science of the Republic of Kazakhstan after its official publication;

4) within ten working days of the state registration, submit information on the implementation of measures, provided for in subparagraphs 1), 2) and 3) of this paragraph, to the Legal Department of the Ministry of Education and Science of the Republic of Kazakhstan.

4. Control over execution of this order shall be entrusted to the vice-minister of Education and Science of the Republic of Kazakhstan, B.A.Assylova.

5. This order shall take effect ten calendar days after the day of its first official publication

*Minister of Education and
Science of the Republic of Kazakhstan*

Y. Sagadiyev

Approved by
Order № 599 of the
Minister of Education and
Science of the
Republic of Kazakhstan
as of October 31, 2018

Rules of forming the list of unscrupulous suppliers (potential suppliers) of services, catering goods for students in state secondary education institutions, out-of-school organizations of additional education and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education

Footnote. The heading as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules of forming the list of unscrupulous suppliers (potential suppliers) of services, catering goods for students in state organizations of secondary education, out-of-school organizations of additional education, as well as goods related to the provision of nutrition for children raised and studying in state preschool organizations, educational organizations for orphans and children without parental custody, organizations of technical and vocational, post-secondary education (hereinafter referred to as the Rules) have been developed pursuant to subparagraph 5) of Article 5 of the Law of the Republic of Kazakhstan "On Education", and establish the procedure of forming the list of unscrupulous suppliers (potential suppliers) of services, goods for organizing catering of students in state organizations of secondary education, out-of-school organizations of additional education, as well as goods related to the provision of nutrition for children raised and studying in state preschool organizations, educational organizations for orphans and children without parental custody, organizations of technical and vocational, post-secondary education (hereinafter - the List).

Footnote. Paragraph 1 - as amended by the order of the Minister of Education of the Republic of Kazakhstan dated 31.07.2023 № 235 (shall be enforced ten calendar days after the date of its first official publication).

2. The following basic concepts are used in the Rules:

1) The authorized body in the field of education is the Ministry of Education of the Republic of Kazakhstan;

2) supplier - an individual engaged in entrepreneurial activity, a legal entity (except for state-run institutions, unless otherwise established by laws of the Republic of Kazakhstan), a temporary association of legal entities (consortium);

3) customers (awarding authorities) - state bodies, state-run institutions, as well as state-owned enterprises, legal entities, fifty and more percent of whose voting shares (participatory interests in the authorized capital) belong to the state, and legal entities affiliated with them, except for national management holdings, national holdings, national management companies, national companies and legal entities affiliated with them, the National Bank of the Republic of Kazakhstan, its departments, institutions included in the organizational structure of the National Bank of the Republic of Kazakhstan, and legal entities, fifty and more percent of whose voting shares (participatory interests in the authorized capital) belong to the National Bank of the Republic of Kazakhstan or are in its trust management, and legal entities affiliated with them.

Footnote. Paragraph 2 - as amended by the order of the Minister of Education of the Republic of Kazakhstan dated 31.07.2023 № 235 (shall be enforced ten calendar days after the date of its first official publication); dated 11.03.2024 № 61 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 2. The procedure for the List compilation

3. The list of unscrupulous suppliers (potential suppliers) of services, catering goods for students in state secondary education institutions, out-of-school organizations of additional education, and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education shall be formed by the organizer of the tender (customer) on the basis of enforced court rulings.

Footnote. Paragraph 3 as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

4. The list shall be formed in Kazakh and Russian languages in electronic form in accordance with the appendix to these Rules and contain information on suppliers (potential suppliers):

- 1) that evaded conclusion of the contract after recognition as the winner of the tender;
- 2) that have not fulfilled or improperly fulfilled their obligations under the contract concluded with them;
- 3) that provided false information on qualifying requirements.

Footnote. Paragraph 4 as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

5. The tender organizer (customer) in the cases provided for in subparagraphs 1), 2), 3) of paragraph 4 of these Rules no later than thirty calendar days from the date of notification of the fact of violation by the supplier (potential supplier) of services, catering goods for students in state secondary education institutions, out-of-school organizations of additional education, and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education shall file a lawsuit in court to recognize such a supplier as an unscrupulous supplier.

Footnote. Paragraph 5 as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

6. The organizer of the tender (customer), within three working days from the date of receipt of a court decision that has entered into force on recognizing the supplier as an unscrupulous supplier, includes it in the List and sends it to the authorized body in the field of education (hereinafter - the authorized body) for posting on the Internet resource of the authorized body.

Footnote. Clause 6 is in the wording of order of the Minister of Education of the Republic of Kazakhstan dated 11.03.2024 № 61 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. The authorized body, within one working day of receipt of the List, places it on its website.

8. The authorized body shall include the supplier in the List for a period of 24 (twenty-four) months, the running of which begins on the day the court decision on recognizing him/her/it as unreliable supplier becomes final and binding.

9. The awarding authority removes the supplier from the List upon expiration of the period established by paragraph 8 of these Rules.

10. Given a final and binding court ruling revoking the decision on recognition as unreliable supplier, the List entry containing information on an unreliable supplier shall be deleted within one working day of receipt of the relevant court ruling by the awarding authority (customer).

11. When altering the List, the awarding authority (customer) provides information to the authorized body within three working days.

Appendix
to the Rules of forming the list
of unscrupulous suppliers (potential
suppliers)
of services, catering goods for students
in state secondary education institutions,
out-of-school organizations of additional
education,
and also goods related to provision of
nutrition
for children raised and educated in state
pre-school
educational institutions, educational
institutions
for orphans and children left without
parental care,
organizations of technical and vocational,
post-secondary education

The list of unscrupulous suppliers (potential suppliers) of services, catering goods for students in state secondary education institutions, out-of-school organizations of additional education, and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education

Footnote. Appendix as amended by order № 231 of the Minister of Education and Science of the Republic of Kazakhstan dated 24.05.2021 (shall be enforced ten calendar days after the date of its first official publication).

Information on unscrupulous supplier (potential supplier)			Data on conducted tenders		
				name of procured services, catering goods	

					for students in state secondary education institutions, out-of-school organizations of additional education, and also goods related to provision of nutrition for children raised and educated in state preschool educational institutions, educational institutions for orphans and children left without parental care, organizations of technical and vocational, post-secondary education	Grounds for entering the supplier (potential supplier) on the list of unscrupulous suppliers (potential suppliers), date of enforced court ruling
	Name of the supplier (potential supplier)	Location of the supplier (potential supplier)	Individual Identification Number / Business Identification Number	date of tender results announcement		