



On approval of the Rules for carrying out activities by natural monopoly entities

Unofficial translation

Order No. 180/HK of the acting Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan as of July 29, 2019. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 30, 2019, No. 19118.

Unofficial translation

In accordance with subparagraph 6) of Article 8 of the Law of the Republic of Kazakhstan “On Natural Monopolies” as of December 27, 2018, **I hereby ORDER:**

1. To approve the appended Rules for carrying out activities by natural monopoly entities.
2. In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Telecommunications Committee of the Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan 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 it in Kazakh and Russian to the Republican State Enterprise with the Right of Economic Management “Institute of Legislation and Legal Information of the Republic of Kazakhstan” 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 Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan after its official publication;
 - 4) within ten working days of the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, 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 Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan.
3. The control over the execution of this order shall be assigned to the supervising vice-minister of digital development, innovations and aerospace industry of the Republic of Kazakhstan.
4. This order shall take effect ten calendar days after its first official publication.

*Acting Minister of Digital Development,
Innovations and Aerospace Industry of
the Republic Kazakhstan*

M.Nurguzhin

"AGREED"

Ministry of National Economy of
the Republic of Kazakhstan

Rules for carrying out activities by natural monopoly entities Chapter 1. General provisions

1. These Rules for carrying out activities by natural monopoly entities (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 6) of Article 8 of the Law of the Republic of Kazakhstan "On Natural Monopolies" (hereinafter referred to as the Law) and shall determine the procedure for carrying out activities by natural monopoly entities.

Footnote. Paragraph 1 as amended by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

2. These Rules establish:

1) the procedure for entering in and removing from the State Register of natural monopoly entities;

2) the procedure for holding public hearings;

3) the procedure for granting consent to a natural monopoly entity for making individual transactions, and also for accepting a natural monopoly entity's notification about carrying out an activity not related to regulated services, in accordance with the Law of the Republic of Kazakhstan "On Permits and Notifications;

4) the procedure for natural monopoly entities' procurements;

5) the procedure for ensuring equal access to regulated services;

6) the procedure for reporting on the execution of approved tariff estimates on the implementation of approved investment programs, on compliance with the quality and reliability indicators of regulated services and the achievement of performance indicators of natural monopoly entities to consumers and other interested parties;

7) the procedure for posting information on free and available facilities, capacities, sites of a natural monopoly entity, as well as public utility flow diagrams in the spheres of natural monopolies, except for information relating to state secrets and other law-protected secrets in accordance with the laws of the Republic of Kazakhstan;

8) the procedure for approving performance indicators of natural monopoly entities;

9) the procedure for exercising state control in the spheres of natural monopolies;

10) the procedure for informing consumers and (or) the authorized body on a tariff, its change;

11) the procedure for the approval of indicators of quality and reliability of regulated services;

12) the procedure for conducting public monitoring and (or) technical appraisal of the implementation of the approved investment program, compliance with quality and reliability indicators of regulated services and achievement of performance indicators of natural monopoly entities;

13) the forms:

of applications for granting consent for transactions with property used to provide a regulated service if the book value of property recorded in the balance sheet as at the beginning of the current year exceeds 0.05 percent of the book value of its assets in accordance with the balance sheet as at the beginning of the current calendar year, and for the reorganization or liquidation of a natural monopoly entity;

of reports of a natural monopoly entity to consumers and other interested parties:

on the execution of the approved tariff estimates;

on the implementation of the approved investment program;

on compliance with quality and reliability indicators of regulated services;

on the achievement of performance indicators of natural monopoly entities.

3. The following basic concepts and terms are used in these Rules:

1) potential supplier - an individual carrying out entrepreneurial activity, a legal entity, a temporary association of legal entities (consortium) applying for the conclusion of a procurement contract with a natural monopoly entity;

2) bidding (tender) - a procurement method that provides for competition among potential suppliers and is aimed at identifying the most favorable terms of a procurement contract;

3) bidding (tender) commission - a collegial body set up by a natural monopoly entity to carry out the procurement procedure using the bidding (tender) method provided for by these Rules;

4) bidding (tender) documentation - a package of documents provided by a natural monopoly entity to a potential supplier or posted by it on an electronic trading platform for the preparation of a bid proposal (tender application) containing the tender conditions and procedure;

5) the target value of an indicator - digital value of an indicator approved by the authorized body, which a natural monopoly entity shall achieve by the end of the tariff validity period using the incentive method of tariff regulation;

6) property of a natural monopoly entity, transactions for which require prior approval of the authorized body - real estate and movable property owned by a natural monopoly entity, which is used to provide a regulated service if the book value of property recorded in the balance sheet as at the beginning of the current year exceeds 0.05 percent of the book value of its assets in accordance with the balance sheet as at the beginning of the current year;

7) expert (expert organization) - an individual or legal entity with special knowledge of or experience in an activity subject to appraisal, the one providing technical appraisal services;

8) procurement - the purchase of goods, works and services by a natural monopoly entity;

9) the State Register of Natural Monopoly Entities (hereinafter referred to as the Register) – the name list of natural monopoly entities consisting of republican and local sections, indicating the specific types of regulated services (goods, works) provided, in accordance with the List of regulated services (goods, works) of natural monopoly entities approved by Order № 176-HK of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan as of July 26, 2019 (registered in the State Registration Register of Regulatory Legal Acts under № 19098) (hereinafter referred to as the List of regulated services);

10) natural monopoly entity - an individual entrepreneur or legal entity that provides regulated services to consumers;

11) technical appraisal - analysis of the technical condition (technical characteristics) of the assets involved, the efficiency of the production process, the assessment of the implementation of investment programs, the level of involvement and the soundness of distribution of fixed assets by the types of regulated services provided;

12) technical expert - an individual or legal entity providing technical appraisal services;

13) authorized body - a state body in charge of the spheres of natural monopolies, in the field of telecommunications;

14) department of an authorized body - a department of a state body that regulates and controls the activities of natural monopoly entities providing regulated services in the field of telecommunications;

15) electronic trading platform – a website providing infrastructure to electronic commerce participants, including their entering into agreements on the provision of works and services using information and communication technologies.

Other definitions and terms used in these Rules are applied in accordance with the current legislation of the Republic of Kazakhstan.

Chapter 2. Procedure for entering in and removing from the State Register of natural monopoly entities

Clause 1. Formation of the State Register of natural monopoly entities

4. The State Register of natural monopoly entities (hereinafter referred to as the Register) is formed electronically in accordance with Appendix 1 to these Rules.

5. The republican section of the Register is formed and maintained by the department of the authorized body.

6. These Rules do not apply to individual entrepreneurs and legal entities carrying out activities in accordance with paragraph 4 of Article 3 of the Law.

Clause 2. Entering in and removing from the Register

7. An individual entrepreneur or legal entity providing regulated services shall apply to the authorized body for entering in the Register in accordance with the form in Appendix 2 to these Rules attaching documents specified in paragraph 8 of these Rules within 15 (fifteen) calendar days of the first day of providing regulated services to consumers.

8. To be entered in the Register, the applicant shall submit to the authorized body the following documents:

1) an application for entering in the Register signed by the chief executive officer of a legal entity (individual entrepreneur);

2) a notarized copy of the license for the right to engage in entrepreneurial activity, which is subject to compulsory licensing in accordance with the Law on permits and notifications and (or) a license from the “E-licensing” web portal - www.elicense.kz;

3) a list of utilities and facilities required to provide regulated services to consumers in natural monopoly conditions, which are either on the applicant’s balance sheet or leased, or in trust management, as well as a map diagrams (these documents shall be signed by the chief executive officer or a person acting for him/her);

4) calculations of the planned volumes of provision of regulated services to consumers in the sphere of natural monopolies;

5) documents containing information on the implementation of activities not related to regulated services and (or) referred to the natural monopoly sphere;

6) the enterprise’s balance sheet for a previous period (year, quarter);

7) a report on the results of financial and economic activities with a breakdown by income from and expenses for core and non-core activities for the period of provision of regulated services, for a previous period, which are signed by the head, chief accountant in cases stipulated by law and sealed (except for legal entities that are private entrepreneurs).

The application and documents provided for in this paragraph shall be submitted by the applicant in paper-based form.

The authorized body considers an application for entering in the Register within 30 (thirty) calendar days, provided that the documents specified in this paragraph of the Rules are submitted. The timing for consideration of an application shall be calculated from the day of documents’ submission.

9. In case of a change in the form and content of any of the documents specified in subparagraphs 3) - 5) of paragraph 8 of these Rules, a natural monopoly entity shall submit copies of these documents within 15 (fifteen) calendar days of the said changes or additions.

10. In accordance with paragraph 7 of Article 11 of the Law, a natural monopoly entity, within 15 (fifteen) calendar days of termination of the provision of the regulated service, shall submit to the authorized body an application for removing from the Register, in accordance with the form in Appendix 3 to these Rules, and documents confirming the termination of the provision of the regulated service related to the sphere of natural monopoly. In this case, the application is signed by the chief executive officer or a person acting for him/her.

The authorized body considers the application for removing from the Register within 30 (thirty) calendar days, given the submission of supporting documents on the natural monopoly entity's cessation of the implementation of the activity related to the natural monopoly sphere. The timing for consideration of an application shall be calculated from the day of submission of the application and documents attached thereto.

11. Grounds for removing a natural monopoly entity from the Register are as follows:

- reorganization of a natural monopoly entity, which entailed the cessation of its activity related to the natural monopoly sphere;

- liquidation of a natural monopoly entity;

- court decision on the bankruptcy of a natural monopoly entity;

- decision on the transfer of fixed assets used in activities related to the natural monopoly sphere from the balance of a natural monopoly entity to the balance of another entity, including the transfer of such fixed assets into trust management;

- decision on the seizure of fixed assets of a natural monopoly entity in accordance with a court decision;

- decision on the alienation of property on the balance sheet of a natural monopoly entity, engineering networks and structures necessary to carry out activities related to the natural monopoly sphere;

- termination of a contract for the lease of fixed assets used in activities related to the natural monopoly sphere;

- documents confirming the termination of its activities related to the natural monopoly sphere.

12. If a regulated service is removed from the list of regulated services, the authorized body shall independently remove an entity from the Register.

13. A decision to enter (remove) a natural monopoly entity in (from) the Register is documented in an order of the head of the department of the authorized body or a person acting for him/her.

14. Within 5 (five) calendar days of the decision to enter (remove) a natural monopoly entity in (from) the Register, the authorized body shall notify this natural monopoly entity thereof, but no later than 30 (thirty) calendar days of receipt of the application and documents attached thereto.

15. Grounds for returning the documents:

- on entering a natural monopoly entity in the Register are as follows:

- 1) establishment of unreliability of the submitted documents and (or) data (information) therein;

- 2) non-compliance of the applicant and (or) submitted materials, objects, data and information with the requirements established by regulatory legal acts of the Republic of Kazakhstan;

3) with respect to the applicant, there is a final and binding court decision (sentence) prohibiting the activity or certain types of activities;

4) with respect to the applicant, there is a final and binding court decision depriving the applicant of a special right related to the implementation of the relevant activity;

on removing a natural monopoly entity from the Register are as follows:

1) establishment of unreliability of the submitted documents and (or) data (information) therein;

2) non-compliance of the applicant and (or) submitted materials, objects, data and information with the requirements established by regulatory legal acts of the Republic of Kazakhstan;

16. A complaint about actions (inaction) of the authorized body and (or) its officials regarding the entry in and (or) removal from the Register is submitted to a higher state body (official) or court.

Chapter 3. Procedure for holding public hearings Clause 1. General provisions

17. The purpose of public hearings is to ensure transparency, awareness, balancing the interests of consumers and natural monopoly entities, and transparency of the procedure for setting tariffs (prices, charge rates).

18. The authorized body holds public hearings when approving the tariff in cases and within the time limits established by paragraph 13 of Article 15 of the Law.

The natural monopoly entity's reporting to consumers and other interested parties in the form of a public hearing is held in the manner specified by these Rules and within the time limits established by paragraph 6 of Article 25 of the Law.

Clause 2. Procedure for holding public hearings

19. 30 (thirty) calendar days prior to public hearings to discuss a draft tariff, the authorized body places a public hearing announcement on its website and publishes it in a print periodical.

When setting a tariff using the indexation method, the natural monopoly entity places information on the date and place of public hearings 30 (thirty) calendar days before their holding on its website or in print periodicals distributed in the territory of the corresponding administrative-territorial unit.

Public hearings are held at least 30 (thirty) calendar days before the approval of the tariff.

Public hearings shall be held at least 10 (ten) calendar days before the approval of the tariff:

1) if the tariff is approved in a simplified manner;

2) in case of changes in the approved investment program in connection with the implementation of state programs of the Republic of Kazakhstan;

3) in case of non-compliance with the quality and reliability indicators of regulated services;

4) in case of failure to achieve performance indicators of natural monopoly entities.

20. The announcement of the upcoming public hearing shall contain the following information:

1) the name of a natural monopoly entity and regulated services for which the application was submitted;

2) the date, place and time of the hearing;

3) contact numbers of the authorized body and the natural monopoly entity for getting information.

21. The department of the authorized body, 10 calendar days before the public hearing, publishes, on its website, an analytical report on the natural monopoly entity's compliance with quality and reliability indicators of regulated services and achievement of performance indicators with regard to its activities.

22. Participants in public hearings express their points of view, opinions on an issue under discussion, ask speakers questions, use auxiliary materials (posters, schedules) in their speech

23. Public hearings on the discussion of the draft tariff are held with the invitation of members of the Parliament of the Republic of Kazakhstan, deputies of maslikhats, representatives of local governments, state bodies, the natural monopoly entity, the media, public associations, independent experts, consumers and other interested parties.

24. After the announcement of the date of the public hearing is published, the natural monopoly entity before the public hearing, at the request of participants in the public hearing, provides:

draft tariffs and tariff estimates;

information on the reasons for changing the tariff for regulated services with economically sound calculations.

25. Hearings shall be held in a room determined by the authorized body, with unhindered access, or hearings are held online.

Footnote. Paragraph 25 as amended by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/ HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

26. For holding public hearings, the head of the authorized body, by his/her order, appoints from among his/her employees the chairperson of the public hearings (hereinafter referred to as the Chairperson) and the secretary of the public hearings for keeping minutes.

27. In the course of public hearings on the discussion of the draft tariff, it is necessary to keep minutes and take shorthand notes of discussions.

28. The Chairperson sets the time limit for each public hearing.

29. The Chairperson opens hearings at the appointed time, announces their goal and agenda. The Chairperson familiarizes the participants with the hearings schedule.

30. In his/her speech, the natural monopoly entity gives a detailed explanation and justification of the proposed draft tariff and attaches supporting photos, video materials (if any).

31. The Chairperson asks questions to speakers at public hearings, sets out his/her position on the issues under consideration, interrupts the speech of a hearing participant violating the hearing rules, and also speeches not relevant to the topic of public hearings.

32. The Chairperson summarizes the hearing and closes the public hearing.

33. On its website, the authorized body posts the results of public hearings on the discussion of the draft tariff, including shorthand notes of discussions, minutes of meetings with decisions taken on the issues under consideration within 10 (ten) calendar days of their holding.

Chapter 4. Procedure for granting consent to a natural monopoly entity for making individual transactions and also for accepting a natural monopoly entity's notification about carrying out an activity not related to regulated services, in accordance with the Law of the Republic of Kazakhstan "On Permits and Notifications"

34. The authorized body grants consent for making such transactions as:

1) transactions with property used to provide regulated services if the book value of property recorded in the balance sheet as at the beginning of the current year exceeds 0.05 percent of the book value of its assets in accordance with the balance sheet as at the beginning of the current year;

2) reorganization or liquidation.

35. The authorized body shall place a register of consents granted to a natural monopoly entity for making individual transactions on its website.

36. In order to obtain the consent of the authorized body for making transactions with property used to provide regulated services if the book value of property recorded in the balance sheet as at the beginning of the current calendar year exceeds 0.05 percent of the book value of its assets in accordance with the balance sheet as at the beginning of the current calendar year, the natural monopoly entity submits:

1) a Form 1 application in accordance with Appendix 4 to these Rules;

2) a confirming balance sheet statement as at the beginning of the current calendar year signed by the head of the natural monopoly entity, indicating the name, type, kind, inventory number, initial and residual value of the property being alienated, broken down by the alienated objects.

37. In order to obtain the consent of the authorized body for reorganization or liquidation, a natural monopoly entity submits:

1) a Form 2 application in accordance with Appendix 4 to these Rules;

2) a copy of the deed of transfer – in case of merger, incorporation, restructuring;

- 3) a copy of the separation balance sheet – in case of separation, spin-off;
- 4) a copy of the liquidation balance sheet – in case of liquidation.

38. In order to perform certain actions provided for in paragraph 36 of these Rules, the natural monopoly entity shall submit to the authorized body an application for consent to such actions in accordance with Forms 1 and 2 in Appendix 4 to these Rules, and submit documents in accordance with paragraphs 3 and 4 of Article 13 of the Law.

39. The natural monopoly entity shall submit documents attached to the application as per checklist.

40. The submitted financial documents are signed by the chief executive officer and chief accountant, in cases provided for by laws, or by persons acting for them, given supporting documents.

41. It is necessary to obtain the consent of the authorized body before making transactions with property used to provide regulated services if the book value of property recorded in the balance sheet as at the beginning of the current year exceeds 0.05 percent of the book value of its assets in accordance with the balance sheet as at the beginning current year.

42. When submitting an application, the natural monopoly entity may independently, in addition to the documents submitted, send information to the authorized body which, in the opinion of the natural monopoly entity, is important for the application's consideration.

43. The authorized body considers an application for transactions with property used to provide regulated services if the book value of property recorded in the balance sheet as at the beginning of the current year exceeds 0.05 percent of the book value of its assets in accordance with the balance sheet as at the beginning of the current year and informs the natural monopoly entity about its decision in writing within 10 (ten) working days of the application's receipt.

The authorized body shall consider the application for reorganization or liquidation within 5 (five) working days of its receipt.

44. The authorized body refuses to satisfy the application if:

- 1) this will lead to a tariff increase;
- 2) this will lead to a violation of contracts with consumers;
- 3) this will lead to a violation of the rights and legitimate interests of consumers;
- 4) this will lead to a violation of an inextricably linked technological system for the provision of a regulated service or a decrease in the quality of a regulated service;
- 5) the submitted documents contain false information (data).

45. A refusal to satisfy an application may be appealed by a natural monopoly entity to a higher authority or court.

46. A natural monopoly entity shall submit documents constituting a trade secret with the "trade secret" obligatory mark.

47. The alienation of property used in the technological cycle in the production and (or) provision of regulated services is carried out by the natural monopoly entity at tenders, except

for cases of transfer of property into state ownership after obtaining the corresponding consent of the authorized body.

48. The natural monopoly entity, within 10 (ten) working days of carrying out an activity not related to regulated services, shall notify the authorized body thereof.

Chapter 5. Procedure for natural monopoly entities' procurements Clause 1. General provisions

49. This chapter is developed in accordance with subparagraph 4) of paragraph 23 of Article 15 of the Law and establishes the procedure for natural monopoly entities' procurements of goods, works and services, expenses for which are taken into account when approving tariffs using the cost method of tariff regulation.

In this chapter, an own website shall be understood to mean a website belonging to the natural monopoly entity or its affiliate on the basis of ownership or other legal basis.

50. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

51. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

52. A natural monopoly entity makes procurements in compliance with such principles as:

- 1) openness and transparency of procurements;
- 2) ensuring equal opportunities to participate in procurements for all potential suppliers;
- 3) fair competition of potential suppliers.

53. To participate in procurement, a potential supplier shall meet such requirements as:

- 1) having professional qualifications;
- 2) having financial, material and labor resources to fulfill obligations under the procurement contract;
- 3) being solvent at the time of the procurement, and also its financial and economic activity shall not be suspended in accordance with the legislation of the Republic of Kazakhstan and be subject to liquidation.

54. The procurement process includes:

- 1) formation of the list of goods, works and services procured by the natural monopoly entity, expenses for which are taken into account when approving the tariff using the cost method of tariff regulation (hereinafter referred to as the List) for a calendar year;
- 2) selection of a supplier, conclusion of a contract with it;
- 3) execution of the contract.

Procurement is allowed before a calendar year starts, provided that the contract with the supplier is effective from the beginning of the next calendar year.

55. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be

enforced upon expiry of ten calendar days after the date of its first official publication).

57. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

58. Consumers of regulated services are allowed to participate in the natural monopoly entity's procurements of goods, works, and services as observers.

59. The consumer of regulated services of the natural monopoly entity can file complaints about unlawful actions of the natural monopoly entity, the bidding commission, the secretary of the bidding commission (secretariat), experts with the authorized body.

60. The natural monopoly entity is allowed to procure as a single organizer for its affiliates.

Clause 2. Procurement by tender

61. A natural monopoly entity shall procure goods, works and services by tender, except for cases provided for in these Rules.

62. The procedure for procurement by tender, as provided for in this Clause, does not apply to procurement through commodity exchanges and electronic trading platforms.

63. Prior to the publication of a tender announcement in accordance with the form in Appendix 5 to these Rules, the natural monopoly entity approves the tender documentation, and also the composition of the tender commission, the secretary of the tender commission and, if necessary, appoints experts.

The tender commission is effective from the moment the natural monopoly entity approves the order on the approval of the tender commission and ceases to operate on the day the contract is concluded.

The number of members of the tender commission shall be odd and at least 3 (three) people.

The tender commission consists of the chairperson, deputy chairperson and members of the tender commission. When the chairperson is absent, his/her functions are performed by a person acting for him/her.

If any member of the tender commission is not present at a meeting of the tender commission for work-related or other reasons, the minutes of the meeting of the tender commission shall indicate the reason for his/her absence and a reference to a document confirming this fact.

A natural monopoly entity is allowed to set up a permanent tender commission for the entire financial year.

64. The secretary of the tender commission performs the following functions:

1) publishes a tender announcement by posting information on its website and if no own website, by submitting it to the authorized body for posting on its website within 10 (ten) calendar days before the deadline for tender applications;

2) notifies tenderers of each tender stage, including tender results, by posting information on its website, and if no own website, by submitting it to the authorized body for posting on its website;

3) maintains a register of potential suppliers who received tender documentation and a register of tender applications;

4) carries out other functions provided for by these Rules.

The requirements of subparagraphs 1) and 2) of this paragraph do not apply to procurements of goods, works, services, data about which constitute state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets and (or) contain classified official information determined by the Government of the Republic of Kazakhstan.

The secretary of the tender commission is not its member and does not participate in the adoption of decisions by the tender commission.

65. In the case of procurement of goods, works, services, data about which constitute state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets and (or) contain classified official information determined by the Government of the Republic of Kazakhstan, a natural monopoly entity, within 3 (three) working days of approval of the tender documentation, but not less than 10 (ten) calendar days before the deadline for potential suppliers to submit tender applications:

1) sends a procurement notice executed in accordance with Appendix 6 to these Rules to the address of potential suppliers included in the list of potential suppliers;

2) in response to the notice, at the request of a potential supplier, sends a copy of tender documentation;

3) ensures the chronological registration of submission of approved tender documentation indicating the location, mailing address, as well as other information about the person who received the tender documentation.

In case of repeat procurements by tender, the natural monopoly entity, within 3 (three) working days of approval of the tender documentation, but no less than 5 (five) calendar days before the deadline for submitting tender applications, fulfills the requirements provided for in subparagraphs 1), 2) and 3) of this paragraph.

Data in the natural monopoly entity's notice shall comply with the data specified in the tender documentation.

The list of potential suppliers specified in subparagraph 1) of this paragraph shall be approved by the natural monopoly entity.

66. A meeting of the tender commission is held if at least two-thirds of the tender commission members are present.

The tender commission takes a decision by show of hands and it is considered adopted if voted for by the majority of the tender commission members attending the meeting. In the event of a tie, the decision voted for by the chairman shall be considered as adopted.

A member of the tender commission can express a dissenting opinion, which is set out in writing and attached to the protocol of opening or tender results.

67. The register of potential suppliers who received tender documentation indicates the name and time of the tender; the surname, name, patronymic (if any), individual identification number (hereinafter referred to as IIN) of the authorized representative of the potential supplier who received the tender documentation, details of the document certifying the credentials of the representative of the potential supplier; the name, business identification number (hereinafter referred to as BIN), location of the potential supplier; date of delivery of tender documentation; the representative's signature confirming the receipt of tender documentation if the register is paper-based, if tender documentation is sent by mail - the date of sending it by e-mail, and if the register is maintained electronically - the date of issue.

The register of received tender applications indicate the tender name and timing, the surname, name, patronymic (if any) of the authorized representative of the potential supplier (the person who submitted tender envelopes), details of the document certifying the credentials of the representative of the potential supplier, the name/surname, name, patronymic (if any), BIN/IIN of the potential supplier; the date and time of registration of the tender envelope; information on changes in and/or additions to the tender application made by a potential supplier.

The register of potential suppliers who received tender documentation and the register of tender applications shall be sewn, numbered; its last sheet shall be signed by the chief executive officer of the natural monopoly entity.

A tender envelope received after the established deadline, and also the one executed in violation of the requirements of this Procedure, may not be entered in the register of tender applications and opened and shall be returned to the potential supplier.

The register of tender applications of a natural monopoly entity indicates potential suppliers who were denied the registration of their tender applications, stating the reasons for such a refusal.

68. Experts give an opinion on the conformity of the goods (works, services) proposed by potential suppliers with the requirements of the tender documentation. An expert opinion is drawn up in writing and attached to the minutes of the meeting of the tender commission.

69. The natural monopoly entity provides all potential suppliers with tender documentation containing the following information:

- 1) a list of documents submitted by a potential supplier to confirm its compliance with the requirements specified in paragraph 53 of these Rules;

- 2) technical specification with a description of the technical, quality and operational characteristics of the goods, works, services, timing and (or) volumes of the supply of goods, the performance of works, the provision of services, the provision of quality assurance, guarantees for servicing goods, expenses for operating goods, terms of delivery of goods, performance of works, provision of services.

When procuring works requiring design estimates, tender documentation shall contain design estimates, approved in the established manner, instead of technical specification. In this case, the deadlines for the performance of such procured works shall comply with the deadlines for the performance of works specified in the design estimates, approved in the established manner;

- 3) the quantity (volume) of procured goods, works and services;
- 4) the place and conditions of delivery of procured goods, works and services;
- 5) the required timing for delivery of procured goods, works and services;
- 6) terms of payment;
- 7) the requirements for professional qualifications (work experience);
- 8) financial, material and labor resources required to fulfill obligations under the contract;
- 9) requirements to be solvent at the time of the procurement, and also requirements that its financial and economic activity shall not be suspended in accordance with the legislation of the Republic of Kazakhstan and be subject to liquidation.
- 10) description of the method for evaluating and comparing tender applications;
- 11) requirements for the content of the tender price quote, also indicating, in addition to the price of procured goods, works, services, expenses for their transportation and insurance, payment of customs duties, taxes and fees, as well as other expenses stipulated by the terms of delivery of goods, performance of works, provision of services, less the VAT amount;
- 12) language requirements for the preparation and submission of a tender application, a procurement contract in accordance with the legislation of the Republic of Kazakhstan on languages;
- 13) information on the period of validity of the tender application of the potential supplier ;
- 14) the conditions, size, form, timing of tender security;
- 15) an indication of the right of the potential supplier to modify or withdraw its tender application and re-submit it before the deadline for submitting the tender application and the right of the potential supplier to appeal against illegal actions of the natural monopoly entity, the tender commission, the secretary of the tender commission and experts;
- 16) the place and deadline for submitting tender applications and the period of their validity;
- 17) the ways for potential suppliers to request clarification on the content of tender documentation, and also a message about the natural monopoly entity's intention to hold a meeting with suppliers in this stage, which shall be held in an open form and be minuted;
- 18) the place, date and time of opening tender envelopes (the time of opening tender envelopes shall not exceed 2 (two) hours of the deadline for submitting tender applications);
- 19) the procedures for opening tender envelopes and considering tender applications;
- 20) information on the officials of the natural monopoly entity authorized to represent it at the tender;

21) a draft contract with final terms, except for the price, which will be concluded with the supplier based on the tender results. Moreover, the contract can be changed if the supplier offers more favorable contractual terms than those in the draft contract.

Footnote. Paragraph 69 as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 07.12.2023 № 612/ HK (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

70. The technical specification gives full description and the required functional, technical, quality and operational characteristics of the procured goods (works, services), including necessary specifications, plans, drawings, sketches, indicating the national or non-governmental standards of the Republic of Kazakhstan, if any.

In this case, the technical specification shall not contradict the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation. If necessary, regulatory and technical documentation is indicated in technical specification.

When procuring works requiring design estimates, the tender documentation shall contain design estimates, approved in the established manner, instead of the technical specification.

When procuring works on the development of a feasibility study and the development of design estimates (standard design estimates), the terms of reference for their development shall indicate the requirement to use materials and equipment complying with applicable national and non-governmental standards of the Republic of Kazakhstan (if any) in the calculation and design.

The technical specification for goods and services shall describe functional, technical, quality and operational characteristics as divided into appropriate sections containing the limits of functionality, parameters of technical characteristics, the purpose of goods and operating conditions of goods, services.

If necessary, the technical specification indicates related services necessary for the delivery of goods (installation, commissioning, training, inspection and testing of goods, etc.) to the customer and where they shall be provided, goods' production year, warranty period.

71. When holding a tender for the procurement of homogeneous goods, works and services, the natural monopoly entity divides goods, works and services into lots in the tender documentation according to their homogeneous types and place of their delivery (performance, provision), except for the purchase of works and services requiring a complex of interconnected works, services.

If there are at least 5 (five) places of delivery of goods, provision of services, it is allowed to indicate several places of delivery of goods, provision of services in the lot.

In this case, the successful tenderer is determined for each lot of goods, works and services.

72. A potential supplier can request clarification of tender documentation from a natural monopoly entity, but no later than 5 (five) calendar days before the deadline for submitting

tender applications. The natural monopoly entity, within 3 (three) working days of the request's receipt, replies to it and sends this explanation to all potential suppliers who received tender documentation.

73. The natural monopoly entity, within 5 (five) working days before the deadline for submitting tender applications, shall on its own initiative or in response to requests from potential suppliers, amend the tender documentation or cancel the tender before summing it up because of the adjustment of tariff estimates and (or) investment program and (or) removal from the List by decision of the chief executive officer of the natural monopoly entity or a person acting for him/her.

Information on changes in the tender documentation or tender cancellation is communicated to all potential suppliers who received tender documentation. In this case, the natural monopoly entity extends the deadline for submitting tender applications for at least 5 (five) calendar days so that potential suppliers can take these changes into account in their tender applications.

The requirements of this paragraph do not apply to changes in information on officials of the natural monopoly entity authorized to represent it at the tender, which is a result of the dismissal or new positions of the tender commission members.

74. A potential supplier willing to participate in a tender shall submit a tender application in a sealed envelope to the natural monopoly entity in accordance with the tender documentation before the deadline for submitting the tender application. The tender application of a potential supplier, who is not entered in the register of persons who received a copy of the tender documentation on the tender in question, is not accepted.

75. The tender application remains valid for the time period specified therein in accordance with the tender documentation.

The validity period of the tender application submitted by a potential supplier to participate in the tender is at least 35 (thirty five) calendar days of opening tender applications for participation in the tender.

A tender application with a shorter validity period than that specified in the tender documentation is denied.

76. Tender application of a potential supplier, which is a legal entity that have expressed a desire to participate in the tender, shall contain:

1) an application for participation in a tender in the form 1 according to Annex 7 to there Rules;

2) documents certifying the compliance with requirements for a potential supplier:

licenses, permits (notifications) in paper form or in the form of an electronic document, received in accordance with the legislation of the Republic of Kazakhstan on permits and notifications, information about which is confirmed in the information systems of government bodies. If there is no information in the information systems of government bodies, the potential supplier provides a notarized copy of the relevant permit (notification), license;

copies of patents, statements, certificates, diplomas and (or) documents received in accordance with the legislation of the Republic of Kazakhstan on permits and notifications, information about which is confirmed in the information systems of government bodies, confirming the right of a potential supplier to produce, process, supply and sell purchased goods , works and services;

a copy of the charter (memorandum of association) of a legal entity, certified by the signature of the director or his replacement;

balance sheet for the last financial year with appendices, signed by the first manager or his deputy, as well as the chief accountant (accountant);

original or notarized copy of the audit report for the last financial year of legal entities for which a mandatory audit is established in accordance with paragraph 2 of Article 5 of the Law of the Republic of Kazakhstan “On Auditing Activities”;

a copy of the memorandum of associations or an extract from the register of shareholders, issued no earlier than thirty calendar days preceding the date of opening of the envelopes;

information on the absence (presence) of the taxpayer’s tax debt, debt on compulsory pension contributions, compulsory professional pension contributions and social contributions in the Republic of Kazakhstan, issued no earlier than three months before the opening of the envelopes with tender applications;

a notarized copy of the certificate of registration for value added tax, or a paper copy of an electronic document, if the potential supplier is a payer of value added tax (hereinafter referred to as the VAT);

a certificate from the bank or bank branch, signed and sealed, where the potential supplier is served, confirming that there is no overdue debt for all types of obligations of the potential supplier, lasting more than three months preceding the date of issue of the certificate, to the bank or bank branch in accordance with the Standard Chart of Accounts in second-tier banks, mortgage organizations, joint-stock company "Development Bank of Kazakhstan" and branches of non-resident banks of the Republic of Kazakhstan, approved by the resolution of the Board of the National Bank of the Republic of Kazakhstan dated January 31, 2011 № 3 (registered in the Register of State Registration of Regulatory Legal Acts under № 6793) (hereinafter referred to as the resolution of the Board of the National Bank) (if the potential supplier is a client of several second-tier banks or branches, as well as a foreign bank, this certificate shall be submitted from each of such banks). In this case, a certificate issued no earlier than one month preceding the date of opening of envelopes with tender applications shall be provided. The certificate shall be signed by the first manager of the bank or a person replacing him, with a copy of the document granting the right to sign these certificates attached;

a potential supplier who is not a resident of the Republic of Kazakhstan and not registered as a taxpayer of the Republic of Kazakhstan shall submit an original or a notarized copy of the relevant document from the state revenue authorities of the Republic of Kazakhstan,

confirming that this potential supplier is not a resident of the Republic of Kazakhstan and is not registered with the tax authorities;

3) the price offered by the potential supplier, presented in the form in accordance with Appendix 8 to these Rules, which contains all the actual costs of the potential supplier, constituting the final price of the goods, works and services supplied, including the cost of related services;

4) technical specification describing the technical, quality and operational characteristics of goods, works, services, terms and (or) volumes of supply of goods, performance of work, provision of services, provision of quality guarantees, to servicing the goods, to the costs of operating the goods, terms of delivery of goods, performance works, provision of services.

When purchasing work that requires design and estimate documentation, the potential supplier shall submit a letter of agreement with the terms of the design and estimate documentation approved in the prescribed manner;

5) a document confirming the submission of tender security;

6) information on previously completed contracts for similar purchases of goods (works, services) over the past three years.

7) information on the qualifications of the potential supplier's employees, if such requirements are established by the technical specification;

8) maximum volumes of work and services that can be transferred by a potential supplier to subcontractors (co-contractors) to perform work or provide services that are the subject of performed procurement.

Footnote. Paragraph 76 as amended by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 23.01.2023 № 22/ HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

77. Tender application, submitted by a potential supplier who is an individual entrepreneur who has expressed a desire to participate in the tender, shall contain:

1) application for participation in the tender in Form 2 in accordance with Appendix 7 to these Rules and an extract from the register of business entities;

2) documents confirming compliance with the requirements for a potential supplier:

notarized copies of licenses and (or) patents, certificates, and other documents confirming the right of a potential supplier to produce, process, supply and sell purchased goods, works and services;

a notarized copy of a document granting the right to carry out entrepreneurial activities without forming a legal entity, issued by the relevant government body;

a certificate from the bank or bank branch, signed and stamped, where the potential supplier is served, confirming that there is no overdue debt for all types of obligations of the potential supplier, lasting more than three months prior to the date of issue of the certificate, to the bank or bank branch in accordance with the resolution of the Board of the National

Bank (if the potential supplier is a client of several second-tier banks or branches, as well as a foreign bank, this certificate is submitted from each of such banks). In this case, a certificate issued no earlier than one month preceding the date of opening of envelopes with tender applications is provided. The certificate is signed by the first manager of the bank or a person replacing him, with a copy of the document granting the right to sign these certificates attached;

information on the absence (presence) of the taxpayer's tax debt, debt on mandatory pension contributions, mandatory professional pension contributions and social contributions in the Republic of Kazakhstan, issued no earlier than three months before the opening of the envelopes with tender applications;

3) the price offered by the potential supplier, presented in the form in accordance with Appendix 7 to these Rules, and containing all the actual costs of the potential supplier, constituting the final price of the goods, works and services supplied;

4) technical specification describing the technical, quality and operational characteristics of goods, works, services, terms and (or) volumes of supply of goods, performance of work, provision of services, provision of quality guarantees, to servicing the goods, to the costs of operating the goods, terms of delivery of goods, performance works, provision of services.

When purchasing work that requires design and estimate documentation, the potential supplier must submit a letter of agreement with the terms of the design and estimate documentation approved in the prescribed manner;

5) a document confirming the submission of tender security;

6) maximum volumes of work and services that can be transferred by a potential supplier to subcontractors (co-contractors) to perform work or provide services that are the subject of performed procurement;

7) information on previously completed contracts for similar purchases of goods, works and services over the past three years.

8) information on the qualifications of employees of a potential supplier, if such requirements are established by the technical specification.

Footnote. Paragraph 77 as amended by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 23.01.2023 № 22/ HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

78. A potential supplier is not allowed to transfer in general more than two-thirds of the volume of works (services) to subcontractors (co-contractors) for subcontracting (co-contracting).

79. A potential supplier is given the opportunity to amend or withdraw its tender application before the deadline for submitting the tender application, at the same time reserving the right to recover the guarantee security of its tender application.

The potential supplier shall notify of withdrawal of or changes in the tender application in writing before the deadline for submitting tender applications.

80. A tender application submitted by a potential supplier shall be sewn, with numbered sheets and its last sheet shall bear the supplier's signature. In case of electronic tender, a potential supplier shall submit a tender application in line with the requirements of the legislation on electronic documents.

81. A potential supplier shall submit the required number of copies of the tender application, which is indicated in the tender documentation, marking them as "Original" and "Copy". In case of discrepancies between them, the original shall prevail.

The tender application may not have any insertions between lines, erasures, or adscript, unless the potential supplier needs to correct grammatical or arithmetic errors without affecting the substance of the submitted tender application.

82. A potential supplier seals the original and each copy of the tender application in different envelopes, marking them as "Original" and "Copy". The name and address of the potential supplier shall be indicated on these envelopes. After that, the envelopes are sealed in an outer envelope.

83. The inside and outer envelopes:

1) are sent to the natural monopoly entity at the address indicated in the tender documentation;

2) contain the words "Tender for the procurement of _____"
(the tender name)

"Do not open until _____"

(date and time of opening envelopes indicated in the tender documentation)

The potential supplier shall execute an amendment to the tender application, seal and submit as is common for the tender application.

84. When submitting a tender application, a potential supplier simultaneously secures it in the amount of 1 (one) percent of the value of procured goods, works and services proposed in his/her/its tender application in the form, manner and on the conditions provided for in the tender documentation.

85. The tender security can be in the form of:

1) a pledge of money deposited by a potential supplier to the bank account of a natural monopoly entity specified in the tender documentation;

2) a bank guarantee in accordance with the form attached to the tender documentation.

86. The validity period of the tender security may not be less than the validity period of the tender application.

87. The natural monopoly entity returns the tender security within 5 (five) working days of occurrence of such cases as:

1) posting the opening protocol in case of this potential supplier's withdrawal of his/her/its application for participation in the tender before the deadline for submitting applications for participation in the tender;

2) signing the protocol of results of procurement by tender. The specified case does not apply to a tenderer recognized as successful;

3) signing the procurement contract by the potential supplier and his/her/its securing the procurement contract, and also the amount of the advance payment (if any).

88. The tender security is not returned to a potential supplier who submitted a tender application and provided its security if:

1) a potential supplier recognized as a successful tenderer declined the conclusion of a procurement contract; or

2) a successful tenderer, having concluded a procurement contract, failed to fulfill or improperly fulfilled, also untimely fulfilled, the requirements established by the tender documentation for securing and (or) time frames for providing security for the procurement contract, and also for the amount of the advance payment (if any).

89. Tender envelopes are opened by the tender commission on the day, at the time and in the place indicated in the tender documentation.

It is allowed for potential suppliers or their representatives to be present at the opening of tender applications and use video and audio equipment.

90. When opening tender envelopes, the tender commission announces the names and addresses of potential suppliers participating in the tender, their price quotes, information on the availability or absence of documents constituting the tender application to attending persons and registers this information in the protocol of opening tender envelopes.

A copy of this protocol is submitted to potential suppliers or their authorized representatives, who were present at the meeting of the tender commission for opening envelopes with applications for participation in the tender, within two working days of the tender commission's meeting, and to those who were absent - upon their written request, within 2 (two) working days of the request's receipt.

The protocol of opening the envelopes with applications for participation in the tender is signed and its every sheet is initialed by all members of the tender commission present at the meeting, its chairperson, and also the secretary of the tender commission.

The time between the deadline for accepting tender applications and the opening of tender envelopes may not exceed 2 (two) hours.

91. When evaluating and comparing tenders, the tender commission may make written requests:

1) to potential suppliers for the explanation of their tender applications;

2) in order to clarify the information contained in the applications for participation in the tender, the necessary information from relevant individuals or legal entities, state bodies.

It is not allowed to request, propose or permit to bring a tender application not meeting the requirements of the tender documentation in compliance therewith.

92. The tender commission denies a tender application and does not allow a potential supplier to participate in the tender for such reasons as:

1) the potential supplier failed to secure the tender application in accordance with the form, in the amount and on the conditions provided for in the tender documentation;

2) this tender application does not meet the requirements of the tender documentation;

3) there are no permits (notifications) received (sent) in accordance with the legislation of the Republic of Kazakhstan on permits and notifications, information about which is confirmed in the information systems of state bodies. In the absence of information in the information systems of state bodies, the potential supplier submits a notarized copy of the relevant permit (notification) received (sent) in accordance with the legislation of the Republic of Kazakhstan on permits and notifications;

4) failure to submit copies of patents, statements, certificates, other documents confirming the right of a potential supplier to manufacture, process, supply and sell procured goods, perform works, or render services or submit them in the form of an electronic document;

5) the potential supplier's failure to comply with requirements for having experience in the market of procured goods, works, services, which are provided for in the tender documentation;

6) the potential supplier's failure to comply with requirements for possessing sufficient material and labor resources to fulfill contractual obligations, which are specified in the tender documentation;

7) the potential supplier is subject to bankruptcy or liquidation proceedings;

8) the potential supplier's transfer of more than two-thirds of the volume of works (services) in general to subcontractors (co-contractors) for subcontracting (co-contracting) in the case of submission of information on subcontractors;

9) there is information on tax debts and arrears of compulsory pension contributions and social contributions in the amount of 1 (one) tenge or more in the relevant document issued by the state revenue authority of the Republic of Kazakhstan;

10) the presence, in electronic copy of a signed and sealed statement of a bank or bank branch, of debts for at least one type of the potential supplier's obligations overdue longer than 3 (three) months preceding the date of the statement's issuance;

11) failure to submit a technical specification, except for the case when the tender documentation, instead of the technical specification, contains design estimates technically appraised in accordance with the legislation of the Republic of Kazakhstan;

12) the potential supplier's submission of a technical specification not meeting the requirements of the tender documentation, except for cases of non-compliance with the

technical specification when the potential supplier proposes better conditions for the delivery of goods, performance of works, provision of services, and also better characteristics of the procured goods, works, services;

13) establishment of a fact of submission of false information;

14) the potential supplier is an affiliate of another potential supplier, who has submitted an application for participation in this tender (lot), or a natural monopoly entity;

15) the potential supplier's tender price quote exceeds the amount allocated for the procurement of goods, works and services that are items of the tender (lot);

16) there is a final and binding court decision confirming the fact of his/her/its non-fulfillment or improper fulfillment of obligations to the natural monopoly entity, within 2 (two) years of the day the court decision became final and binding;

17) the potential supplier's price quote is recognized as dumping in accordance with paragraph 93 of these Rules.

93. A price quote shall be deemed as dumping if:

1) with regard to goods or works, it is more than 30 (thirty) percent lower than the amount provided for the procurement in the List ex. VAT;

2) with regard to services, it is more than 40 (forty) percent lower than the amount provided for the procurement in the List ex. VAT.

94. A tender application denied by the tender commission shall not be accepted for the evaluation and comparison of tenders.

95. The tender commission shall recognize the tender (lot) as failed if:

1) no applications for participation in the tender were submitted;

2) less than 2 (two) applications for participation in the tender were submitted;

3) no potential suppliers are allowed to participate in the tender;

4) one potential supplier is allowed to participate in the tender.

96. If the tender is declared failed, the natural monopoly entity shall take one of the following decisions:

1) to re-hold the tender;

2) to change the tender documentation and re-hold the tender;

3) to procure using the single source method.

The actions specified in this paragraph shall be documented by orders of the chief executive officer of the natural monopoly entity or a person acting for him/her.

If it is necessary to re-hold the tender, the secretary publishes an announcement on its website and if no own website, submits the announcement to the authorized body for posting it on its website at least 5 (five) calendar days before the deadline for accepting tender applications.

The requirements of item six of this paragraph shall not apply to the procurements of goods, works, services, data about which constitute state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets and (or) contain classified official

information determined by the Government of the Republic of Kazakhstan. In this case, the procurement announcement is made in the form of a notification and sent to potential suppliers entered in the List at least 5 (five) calendar days before the deadline for accepting tender applications.

97. Pursuant to failed procurements by tender, the natural monopoly entity procures from single source if:

1) no applications for participation in the tender were submitted. In this case, the potential supplier invited to participate in procurement from single source is determined by the natural monopoly entity;

2) less than 2 (two) applications for participation in the tender were submitted. In this case, an invitation to participate in procurement from single source is sent to the potential supplier who submitted the application for participation in the tender on the conditions provided for by its application, and the price of the concluded procurement contract shall not exceed its tender price quote;

3) no potential supplier is allowed to participate in the tender. In this case, an invitation to participate in procurement from single source is sent to the potential supplier who submitted the application for participation in the tender with the lowest price;

4) only one potential supplier is allowed to participate in the tender. In this case, an invitation to participate in procurement from single source is sent to a potential supplier admitted to participate in the tender on the conditions provided for by its application, and the price of the concluded procurement contract shall not exceed its tender price quote.

98. The tender commission evaluates and compares tenders it has not denied and determines the successful tender application on the basis of the lowest price.

99. The tender commission sums up the tender within 20 (twenty) calendar days of opening tender envelopes.

100. Within 5 (five) working days of summing up the tender, the natural monopoly entity sends a written notification to the successful tenderer and notifies all potential suppliers, who participated in the tender, by publishing the tender results on its website, where the tender announcement was posted, indicating the tender name, and if the tender is recognized as successful – the successful tenderer indicating his/her/its name and unit price of goods, works and services proposed by him/her/it. If the natural monopoly entity has no own website, the results are published on the website of the authorized body.

The requirements of this paragraph do not apply to procurements of goods, works, services, data about which constitute state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets and (or) contain classified official information determined by the Government of the Republic of Kazakhstan. In this case, the natural monopoly entity shall, within 5 (five) working days of the summing up the tender, send a copy of the results protocol to the successful tenderer and all potential suppliers, who participated in it.

101. A two-stage tender is used when:

- 1) it is difficult to define detailed specifications of the procured goods, works and services, and also to specify their technical characteristics and quality indicators;
- 2) it is necessary to conduct scientific studies, experiments, research or development;
- 3) it is necessary to familiarize with possible ways of satisfying needs and choose the best of them;
- 4) innovative and high-tech products, works, services are purchased.

102. The procurement procedure through a two-stage tender includes the following sequential activities:

1) in the first stage, the following activities are carried out:

the natural monopoly entity makes a decision to procure goods, works, services through a two-stage tender, approves the composition of the tender commission, expert commission (expert), appoints the secretary of the tender commission, approves tender documentation;

an announcement of procurement through a two-stage tender is published, or invitations are sent to potential suppliers;

tender documentation is submitted to potential suppliers;

the secretary of the tender commission accepts and registers potential suppliers' applications for participation in the first stage of the two-stage tender. Applications for participation in the first stage of the two-stage tender are submitted without price quotes;

the tender commission holds a meeting to open envelopes with potential suppliers' applications for participation in the first stage of the two-stage tender, draws up a protocol for opening envelopes with potential suppliers' applications;

initial tender applications are considered, which have no prices and are submitted by potential suppliers in accordance with the tender documentation;

potential suppliers' qualification data are considered;

issues related to technical, quality or other characteristics of goods, works and services, contractual terms, their delivery (performance, provision) are discussed with potential suppliers meeting qualification requirements;

the tender commission considers potential suppliers' applications for participation in the first stage of the two-stage tender, the tender commission selects potential suppliers on the basis of proposed technical characteristics and specifications of procured goods, works, services, ways of satisfying the needs of a natural monopoly entity, compiles a list of participants in the second stage of the tender, draws up a protocol on the results of the first stage of the two-stage tender, informs potential suppliers, who participated in the first stage, on its results;

2) in the second stage, the following activities are carried out:

if necessary, tender documentation is amended, including clarification of the technical specification (terms of reference);

participants in the second stage of the tender are sent specified tender documentation and (or) technical specifications (terms of reference) and invitations to submit price quotes and, if necessary, updated technical specifications;

tender applications are evaluated and compared with account of price quotes and evaluation criteria;

the tender is summed up. The tender commission sums up the two-stage tender within 10 (ten) calendar days of opening envelopes with final tender applications;

participants in the second stage of the tender are informed on its results, a protocol on the results of open two-stage tender is published;

a procurement contract is concluded with the successful tenderer.

103. When procuring by tender, including a two-stage tender, the tender commission draws up a protocol on the tender results, which contains the following information:

- 1) names and brief descriptions of the procured goods, works and services;
- 2) names and locations of potential suppliers who submitted tender applications;
- 3) qualification data of potential suppliers who submitted tender applications;
- 4) price and other basic conditions of each tender application;
- 5) statement of evaluation and comparison of tender applications;
- 6) if tender applications are denied - grounds for their denial;
- 7) name and location of a successful tenderer for each lot and conditions for determining a winner;
- 8) on the potential supplier that is a second placed tenderer;
- 9) if no winner is determined as a result of the tender, the grounds for such a decision by the tender commission;
- 10) a generalized statement of requests for clarification of tender documentation, answers to them, as well as a generalized statement of changes in and additions to tender documentation;
- 11) the timing for signing a procurement contract (but no more than 10 (ten) working days of the successful tenderer's notification);
- 12) information on the involvement of experts;
- 13) if the tender is recognized as successful - the amount for the procurement of these goods, works, services allocated by the natural monopoly entity and provided for by the List.

104. A tenderer is provided with a copy of the tender results protocol at his/her/its request.

105. A potential supplier can appeal to the authorized body against illegal actions of the natural monopoly entity, the tender commission, the secretary of the tender commission and experts.

106. If violations that affected tender results in a current/past tender are found, the natural monopoly entity, until the contract is concluded:

- 1) cancels the procurement (lot) prior to summing up the tender;
- 2) cancels or revises tender results after summing up the tender.

Within 2 (two) working days of approval of the decision to cancel the procurement (lot) or their results, the natural monopoly entity shall notify the persons who participated in the procurement thereof and publish it on its website or the website of the authorized body.

Clause 3. Procurement through electronic trading platforms

107. A natural monopoly entity procures goods, works and services through electronic trading platforms in electronic form by holding an open tender (hereinafter referred to as the tender) or by quote request.

108. Procurement through electronic trading platforms by tender is carried out in eight stages:

- 1) establishment of a tender commission;
- 2) preparation and approval of tender documentation;
- 3) placement of the tender announcement and tender documentation on the electronic trading platform;
- 4) collection of tender applications;
- 5) securing a tender application;
- 6) opening of tender applications, the tender commission's consideration of tender applications for compliance with the tender conditions and drawing up a protocol considering tender applications;
- 7) determination of the successful tenderer and drawing up the results protocol;
- 8) conclusion of a contract (s) for the procurement of goods, works and services with the successful tenderer.

109. The natural monopoly entity places information on electronic trading platforms planned for procurements through electronic trading platform, indicating its address in the website, on its website, and if no own website, submits it to the authorized body for posting it on its website.

110. The natural monopoly entity approves the composition of the tender commission, the secretary of the tender commission and, if necessary, appoints experts to determine the conformity of goods, works and services with the technical and quality characteristics required by the tender documentation, including specifications, plans, drawings, sketches.

All decisions specified in this paragraph are taken by order of the chief executive officer of the natural monopoly entity or a person acting for him/her.

The tender commission shall be effective from the moment the natural monopoly entity approves the order on the establishment of the tender commission and ceases to operate on the day the contract is concluded.

The number of members of the tender commission shall be odd and at least 3 (three) people.

The tender commission consists of the chairperson, deputy chairperson and members of the tender commission. When the chairperson is absent, his/her functions are performed by a person acting for him/her.

If any member of the tender commission is not present at a meeting of the tender commission for work-related or other reasons, the minutes of the meeting of the tender commission shall indicate the reason for his/her absence and a reference to a document confirming this fact.

A natural monopoly entity is allowed to set up a permanent tender commission with for the entire financial year.

111. The secretary of the tender commission performs the following functions:

1) publishes a tender announcement by posting information on its website and if no own website, by submitting it to the authorized body for posting on its website within 10 (ten) calendar days before the deadline for tender applications;

2) notifies tenderers of each tender stage, including tender results, by posting information on its website, and if no own website, by submitting it to the authorized body for posting on its website;

3) maintains a register of potential suppliers who received tender documentation and a register of tender applications;

4) carries out other functions provided for by these Rules.

The requirements of subparagraphs 1) and 2) of this paragraph do not apply to procurements of goods, works, services, data about which constitute state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets and (or) contain classified official information determined by the Government of the Republic of Kazakhstan.

The secretary of the tender commission is not its member and does not participate in the adoption of decisions by the tender commission.

112. The natural monopoly entity provides all potential suppliers with tender documentation containing the following information:

1) a list of documents submitted by a potential supplier to confirm its compliance with the requirements specified in paragraph 53 of these Rules;

2) technical specification with a description of the technical, quality and operational characteristics of the goods, works, services, timing and (or) volumes of the supply of goods, the performance of works, the provision of services, the provision of quality assurance, guarantees for servicing goods, expenses for operating goods, terms of delivery of goods, performance of works, provision of services.

3) when procuring works requiring design estimates, tender documentation shall contain design estimates, approved in the established manner, instead of technical specification. In

this case, the deadlines for the performance of such procured works shall comply with the deadlines for the performance of works specified in the design estimates, approved in the established manner;

- 4) the quantity (volume) of procured goods, works and services;
- 5) the place and conditions of delivery of procured goods, works and services;
- 6) the required timing for delivery of procured goods, works and services;
- 7) terms of payment;
- 8) the requirements for professional qualifications;
- 9) financial, material and labor resources required to fulfill obligations under the contract;
- 10) requirements to be solvent at the time of the procurement, and also requirements that its financial and economic activity shall not be suspended in accordance with the legislation of the Republic of Kazakhstan and be subject to liquidation.
- 11) description of the method for evaluating and comparing tender applications;
- 12) requirements for the content of the tender price quote, also indicating, in addition to the price of procured goods, works, services, expenses for their transportation and insurance, payment of customs duties, taxes and fees, as well as other expenses stipulated by the terms of delivery of goods, performance of works, provision of services, less the VAT amount;
- 13) language requirements for the preparation and submission of a tender application, a procurement contract in accordance with the legislation of the Republic of Kazakhstan on languages;
- 14) information on the period of validity of the tender application of the potential supplier ;
- 15) the conditions, size, form, timing of tender security;
- 16) an indication of the right of the potential supplier to modify or withdraw its tender application and re-submit it before the deadline for submitting the tender application and the right of the potential supplier to appeal against illegal actions of the natural monopoly entity, the tender commission, the secretary of the tender commission and experts;
- 17) the place and deadline for submitting tender applications and the period of their validity;
- 18) the ways for potential suppliers to request clarification on the content of tender documentation, and also a message about the natural monopoly entity's intention to hold a meeting with suppliers in this stage, which shall be held in an open form and be minuted;
- 19) the place, date and time of opening tender envelopes (the time of opening tender envelopes shall not exceed 2 (two) hours of the deadline for submitting tender applications);
- 20) the procedures for opening tender envelopes and considering tender applications;
- 21) information on the officials of the natural monopoly entity authorized to represent it at the tender;

22) a draft contract with final terms, except for the price, which will be concluded with the supplier based on the tender results. Moreover, the contract can be changed if the supplier offers more favorable contractual terms than those in the draft contract.

Footnote. Paragraph 112 as amended by the order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated 07.12.2023 № 612/ HK (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

113. The tender announcement is placed at least 10 (ten) calendar days before the deadline for submitting tender applications.

114. The tender announcement placed in the open part of the electronic trading platform shall indicate the following information:

1) the item of the tender (names and numbers of lots if the tender item includes several lots);

2) the name and location of the natural monopoly entity;

3) description, unit of measurement, quantity of goods procured, volume of works performed and services rendered by each lot, as well as electronic copy of technical specification by each lot;

4) the timing of the delivery of goods, performance of works or rendering of services by each lot; place of delivery of goods, rendering of services, performance of works by each lot;

5) electronic copy of the tender documentation;

6) the time of the start and end of submitting tender applications on the electronic trading platform, as well as the date and time of opening tender applications;

7) the amount allocated for the procurement of goods, works and services by each lot, ex. VAT;

8) the timing required for concluding a contract for the procurement of goods, works and services by each lot of the date of tender results;

9) a requirement for a potential supplier to include, in addition to the price of procured goods, work and services, other expenses provided for by the tender documentation, ex. VAT, in the tender price quote;

10) validity period of the tender application.

115. A tender supplication is an expression of consent of a potential supplier applying for participation in the tender to supply goods or perform work or provide a service in accordance with the terms of the tender documentation.

116. The potential supplier's tender application is placed in an electronic trading platform and signed by an electronic digital signature.

117. A document containing information, which cannot be identified with alphabetic, digital and other symbols, is considered not submitted by a potential supplier and shall be denied as the one not meeting the requirements of the tender documentation.

118. If a potential supplier has originals or notarized copies of documents in paper form, it is necessary to submit their electronic copies.

119. Potential suppliers' tender applications are not placed on the electronic trading platform if submitted after the deadline for submitting tender applications specified in the tender announcement.

120. A tender application of a potential supplier, willing to participate in the tender, contains:

1) a Form 1 application for participation in the tender in accordance with Appendix 6 to these Rules;

2) electronic copies of documents confirming compliance with the requirements for a potential supplier or these documents in the form of an electronic document:

licenses, permits (notifications) in the form of an electronic document obtained in accordance with the legislation of the Republic of Kazakhstan on permits and notifications, information about which is confirmed in the information systems of state bodies. In case of no information in the information systems of state bodies, the potential supplier submits a notarized copy of the relevant permit (notification), license;

copies of a patent, statement, certificates, diplomas and (or) documents, obtained in accordance with the legislation of the Republic of Kazakhstan on permits and notifications, information about which is confirmed in the information systems of state bodies, confirming the right of a potential supplier to manufacture, process, supply and sell procured goods, works and services;

electronic copy of the charter (foundation agreement) of a legal entity or the latter in the form of an electronic document;

electronic copy of the balance sheet for a previous financial year with annexes thereto signed by the chief executive officer or a person acting for him/her, and also by the chief accountant (accountant) or this balance sheet in the form of an electronic document;

electronic copy of the audit report for a previous financial year of legal entities subject to mandatory audit in accordance with paragraph 2 of Article 5 of the Law of the Republic of Kazakhstan "On Auditing Activities" as of November 20, 1998 or this report in the form of an electronic document

electronic copy of a certificate of state registration (re-registration) of a legal entity or this certificate in the form of an electronic document;

electronic copy of foundation agreements or an extract from the register of shareholders issued no earlier than 30 (thirty) calendar days before the date of opening envelopes or these documents in the form of an electronic document;

a copy of the electronic document or a copy of the information on the absence (presence) of taxpayer's tax debts, arrears of compulsory pension contributions, compulsory professional pension contributions and social contributions in the Republic of Kazakhstan, issued no earlier than 3 (three) months prior to the opening of tender envelopes;

if a potential supplier is a VAT payer, an electronic copy of the certificate of VAT registration or this certificate in the form of an electronic document, or a paper-based copy of the electronic document;

signed and sealed statements of a bank or a bank branch servicing a potential supplier on the absence of debts overdue longer than 3 (three) months for all types of the potential supplier's obligations to the bank or bank branch preceding the date of the statement's issuance in accordance with the Resolution of the Management Board of the National Bank (if the potential supplier is a client of several second-tier banks or branches, as well as a foreign bank, this statement shall be issued by each of these banks). It is necessary that the statement is issued no earlier than 1 (one) month prior to the date of opening tender envelopes. If the statement is not signed by the chief executive officer of the bank, it shall be submitted together with the copy of a document expressly providing this person with the right to sign these statements;

if the potential supplier is not a resident of the Republic of Kazakhstan and is not registered as a taxpayer of the Republic of Kazakhstan, it is necessary for him/her/it to submit an electronic copy of a relevant document from a state revenue authority of the Republic of Kazakhstan, or this document in the form of an electronic document, confirming the potential supplier's not being a resident of the Republic of Kazakhstan and not having tax registration;

3) the price quote of a potential supplier, presented in accordance with the form in Appendix 7 to these Rules, which contains all actual costs of the potential supplier constituting the ultimate price of supplied goods, works and services, including the cost of related services;

4) technical specification with a description of the technical, quality and operational characteristics of the goods, works, services, the timing and (or) volume of the supply of goods, the performance of works, the provision of services, the provision of quality assurance, guarantees for servicing goods, expenses for operating goods, terms of delivery of goods, performance of works, provision of services.

When procuring works requiring design estimates, a potential supplier submits a letter of agreement with the terms of the design estimates, approved in the established manner;

5) a document confirming the tender security;

6) information on previously executed contracts for similar procurements of goods, works and services for the previous 3 (three) years.

7) information on qualification compliance of the potential supplier's employees if such requirements are established by the technical specification.

8) maximum volumes of works and services that can be transferred by a potential supplier to subcontractors (co-contractors) for the performance of works or the provision of services that are the procurement item;

121. When submitting a tender application, a potential supplier simultaneously secures it in the amount of 1 (one) percent of the value of procured goods, works and services proposed

in his/her/its tender application in the form, manner and on the conditions provided for in the tender documentation.

122. The tender security can be in the form of:

- 1) a pledge of money deposited by a potential supplier to the bank account of a natural monopoly entity specified in the tender documentation;
- 2) a bank guarantee in the form attached to the tender documentation.

123. The validity period of the tender security may not be less than the validity period of the tender application.

124. The natural monopoly entity returns the tender security within 5 (five) working days of occurrence of such cases as:

- 1) posting the opening protocol in case of this potential supplier's withdrawal of his/her/its application for participation in the tender before the deadline for submitting applications for participation in the tender;
- 2) signing the protocol of results of procurement by tender. The specified case does not apply to a tenderer recognized as successful;
- 3) signing the procurement contract by the potential supplier and his/her/its securing the procurement contract, and also the amount of the advance payment (if any).

125. The tender security is not returned to the potential supplier who submitted a tender application and provided its security if:

- 1) a potential supplier recognized as a successful tenderer declined the conclusion of a procurement contract; or
- 2) a successful tenderer, having concluded a procurement contract, failed to fulfill or improperly fulfilled, also untimely fulfilled, the requirements established by the tender documentation for securing and (or) time frames for providing security for the procurement contract, and also for the amount of the advance payment (if any).

126. The submitted tender price quotes are denied if the tender price quote of a potential supplier exceeds the amount allocated for the procurement of goods, works and services that are the item of the tender (lot).

127. Potential suppliers' tender applications are opened on the electronic trading platform at the time specified in the tender documentation.

128. The tender commission considers tender applications and takes separate decisions to admit potential suppliers to the tender by each lot within 10 (ten) calendar days of the deadline for submitting tender applications, which is specified in the tender announcement.

129. The tender commission denies a tender application and does not allow a potential supplier to participate in the tender for such reasons as:

- 1) the potential supplier failed to secure the tender application in accordance with the form, in the amount and on the conditions provided for in the tender documentation;
- 2) the tender application contains information with a file opening error;

- 3) the tender application includes documents submitted or executed in violation of the provisions of paragraphs 117, 118 of these Rules;
- 4) this tender application does not meet the requirements of the tender documentation;
- 5) there are no permits (notifications) received (sent) in accordance with the legislation of the Republic of Kazakhstan on permits and notifications, information about which is confirmed in the information systems of state bodies. In the absence of information in the information systems of state bodies, the potential supplier submits a notarized copy of the relevant permit (notification) received (sent) in accordance with the legislation of the Republic of Kazakhstan on permits and notifications;
- 6) failure to submit electronic copies of patents, statements, certificates, other documents confirming the right of a potential supplier to manufacture, process, supply and sell procured goods, perform works, or render services or submit them in the form of an electronic document;
- 7) the potential supplier's failure to comply with requirements for having experience in the market of procured goods, works, services, which are provided for in the tender documentation;
- 8) the potential supplier's failure to comply with requirements for possessing sufficient material and labor resources to fulfill contractual obligations, which are specified in the tender documentation;
- 9) the potential supplier is subject to bankruptcy or liquidation proceedings;
- 10) the potential supplier's transfer of more than two-thirds of the volume of works (services) in general to subcontractors (co-contractors) for subcontracting (co-contracting) in the case of submission of information on subcontractors;
- 11) there is information on tax debts and arrears of compulsory pension contributions and social contributions in the amount of 1 (one) tenge or more in the relevant document issued by the state revenue authority of the Republic of Kazakhstan;
- 12) the presence, in electronic copy of a signed and sealed statement of a bank or bank branch, of debts for at least one type of the potential supplier's obligations overdue longer than 3 (three) months preceding the date of the statement's issuance;
- 13) failure to submit a technical specification, except for the case when the tender documentation, instead of the technical specification, contains design estimates technically appraised in accordance with the legislation of the Republic of Kazakhstan;
- 14) the potential supplier's submission of a technical specification not meeting the requirements of the tender documentation, except for cases of non-compliance with the technical specification when the potential supplier proposes better conditions for the delivery of goods, performance of works, provision of services, and also better characteristics of the procured goods, works, services;
- 15) establishment of a fact of submission of false information;

16) the potential supplier is an affiliate of another potential supplier, who has submitted an application for participation in this tender (lot), or a natural monopoly entity;

17) the potential supplier's tender price quote exceeds the amount allocated for the procurement of goods, works and services that are items of the tender (lot);

18) there is a final and binding court decision confirming the fact of his/her/its non-fulfillment or improper fulfillment of obligations to the natural monopoly entity, within 2 (two) years of the day the court decision became final and binding;;

19) the potential supplier's price quote is recognized as dumping in accordance with paragraph 90 of these Rules.

130. The protocol for the consideration of tender applications is formed in the electronic trading platform, signed by the electronic digital signature of the natural monopoly entity and placed in the open part of the electronic trading platform by the person of the natural monopoly entity authorized to generate and post information.

131. After signing and posting the protocol for consideration of tender applications on the electronic trading platform, the latter automatically opens the tender price quotes of the tender's potential suppliers, whose tender applications were allowed to participate in the tender, and also the evaluation and comparison of tender price quotes.

132. In the electronic trading platform, tender price quotes that were not denied are evaluated and compared, and the successful tenderer (by lots) is determined on the basis of the lowest tender price quote.

133. When determining a successful tenderer, given equal tender price quotes proposed by potential suppliers, preference is given to the potential supplier who submitted the tender documentation earlier than other potential suppliers.

134. The tender commission shall recognize the tender (lot) as failed if:

- 1) no applications for participation in the tender were submitted;
- 2) less than 2 (two) applications for participation in the tender were submitted;
- 3) no potential suppliers are allowed to participate in the tender;
- 4) one potential supplier is allowed to participate in the tender.

135. If the tender is declared failed, the natural monopoly entity shall take one of the following decisions:

- 1) to re-hold the tender;
- 2) to change the tender documentation and re-hold the tender;

136. A decision following the results of the evaluation and comparison of tender price quotes shall be formed on the day of opening tender price quotes and published on the electronic trading platform and on its website, or the website of the authorized body in the form of a protocol on the tender results on the procurement of goods, works and services, signed by electronic digital signature of a natural monopoly entity.

137. When procuring by tender, including a two-stage tender, the tender commission draws up a protocol on the tender results, which contains the following information:

- 1) names and brief descriptions of the procured goods, works and services;
- 2) names and locations of potential suppliers who submitted tender applications;
- 3) qualification data of potential suppliers who submitted tender applications;
- 4) price and other basic conditions of each tender application;
- 5) statement of evaluation and comparison of tender applications;
- 6) if tender applications are denied - grounds for their denial;
- 7) name and location of a successful tenderer for each lot and conditions for determining a winner;

- 8) on the potential supplier that is a second placed tenderer;

- 9) if no winner is determined as a result of the tender, the grounds for such a decision by the tender commission;

- 10) a generalized statement of requests for clarification of tender documentation, answers to them, as well as a generalized statement of changes in and additions to tender documentation;

- 11) the timing for signing a procurement contract (but no more than 10 (ten) working days of the successful tenderer's notification);

- 12) information on the involvement of experts;

- 13) if the tender is recognized as successful - the amount for the procurement of these goods, works, services allocated by the natural monopoly entity and provided for by the List.

138. A natural monopoly entity, within 3 (three) working days of summing up the tender, shall send a notification to the successful tenderer through the electronic trading platform.

139. Procurement through electronic trading platforms by quote requests is carried out for goods, works and services of potential suppliers they really have, the detailed specification of which does not matter to the customer, the decisive role belongs to the price.

140. At least 5 (five) working days before the deadline for submitting price quotes, the natural monopoly entity shall place on the electronic trading platform and on its website, and in the absence of its own website, on the website of the authorized body, an announcement on procurement by quote requests with the following information:

- 1) on the planned procurement by quote requests - the name, brief description, as well as the required volume, payment terms, timing, place and conditions of delivery of goods, performance of works, rendering of services (if necessary, technical specification is attached), the timing for concluding a procurement contract with a potential supplier recognized as successful tenderer;

- 2) on the start and end dates for the submission of price quotes by potential suppliers;

- 3) a draft procurement contract;

- 4) information on the amounts allocated for each lot for the procurement of goods, works, services, ex. VAT, which are the item of procurement by quote requests.

141. A price quote is submitted through an electronic trading platform before the deadline for accepting price quotes indicated in the procurement announcement by quote request. Each

potential supplier submits only one price quote, signed by the head of the potential supplier or with the potential supplier's digital signature, which shall contain the following information and documents:

- 1) name (surname, name, patronymic (if any), legal address of the potential supplier;
- 2) name, characteristics and quantity of goods supplied, the name and volume of works performed, services rendered;
- 3) place and time of delivery of goods, performance of works, rendering of services;
- 4) price per unit and the total price of goods, works, services, ex. VAT, including expenses associated with the delivery of goods, performance of works, provision of services;
- 5) electronic copy of the license (if the procurement conditions provide for activities subject to mandatory licensing);
- 6) electronic copy of the technical specification signed by the head of the potential supplier (if technical specification and the requirement for the potential supplier to provide the technical specification were in the procurement announcement by quote request).

142. The electronic trading platform compares price quotes and determines the potential supplier who offered the lowest price quote.

If the lowest price quote is submitted by several potential suppliers, a successful tenderer is the potential supplier whose price quote was received earlier than other potential suppliers' quotes.

143. The price quote of a potential supplier shall be denied if:

- 1) it exceeds the amount allocated for the procurement;
- 2) a potential supplier submitted more than one price quote, but failed to withdraw earlier sent price quotes before the deadline for submitting price quotes.

144. Procurements by quote request are declared failed if:

- 1) less than 2 (two) price quotes were submitted;
- 2) less than 2 (two) price quotes remain after denying price quotes because they exceeded the amount allocated for the procurement and because a potential supplier submitted more than 1 (one) price quote.

145. If procurement by quote request is declared failed, the natural monopoly entity shall take one of the following decisions:

- 1) to re-hold procurement by quote request;
- 2) to change the procurement conditions and re-hold procurement by quote request;

The decision provided for by this paragraph of the Rules is adopted by the natural monopoly entity within 10 (ten) working days of the day following the day of approval of the procurement results.

Procurements provided for by this paragraph of the Rules are announced by the natural monopoly entity within 5 (five) working days of the day following the day of the decision.

146. The results of procurements by quote request are documented as a protocol formed on an electronic trading platform. The procurement results must be summed up within 1 (one)

working day of the deadline for submitting price quotes by potential suppliers. The protocol of the results of the procurement by quote request includes the following information:

- 1) full name of the natural monopoly entity;
- 2) name of goods, works, services procured by quote request;
- 3) full name of potential suppliers who submitted price quotes before the deadline for submitting price quotes, their declared prices for goods, works, services;
- 4) on denied price quotes with justification of the reasons for their denial;
- 5) on the winner of the procurement by quote request;
- 6) on the potential supplier that is a second placed tenderer;
- 7) on the amount of and timing for concluding a procurement contract in the event that procurements by quote request are recognized successful.

147. Within 5 (five) working days of summing up the procurement by quote request, a natural monopoly entity shall send a notification to the winner of the procurement through the electronic trading platform.

Clause 4. Procurement by quote request

148. Procurements by quote request are carried out in accordance with paragraph 4 of Article 23 of the Law for homogeneous goods, works, services, if the annual volumes of such homogeneous goods, works, services, in value terms, do not exceed four thousand times the monthly calculation index established for the corresponding financial year by the law on the republican budget. In this case, the decisive role belongs to the price.

149. In order to apply the method of selecting a supplier by quote request, it is not allowed to split into parts the annual volume of procurements of homogeneous types of goods during the financial year.

150. A natural monopoly entity shall request written price quotes for procured goods (works, services) from at least 2 (two) potential suppliers not affiliated with the natural monopoly entity and (or) with each other, together with a technical specification describing technical, quality and operational characteristics of the goods, works, services, terms and (or) volumes of the supply of goods, the performance of works, the provision of services, the provision of quality assurance, guarantees for servicing goods, expenses for operating goods, terms of delivery of goods, performance of works, provision of services and considers all price quotes received before the established deadline.

151. The potential supplier's submission of a price quote is a form of expression of his/her/its consent to supply goods, perform works, provide services in compliance with the conditions specified in the request of the natural monopoly entity.

152. Each potential supplier submits only one price quote to be executed in writing.

153. Procurements by quote request are declared invalid if:

- 1) less than 2 (two) price quotes were submitted;

2) less than 2 (two) price quotes remain after denying price quotes because they exceeded the amount allocated for the procurement and because a potential supplier submitted more than 1 (one) price quote.

154. The natural monopoly entity maintains a register of quote requests of potential suppliers and a register of received price quotes of potential suppliers, the latter indicates the method of procurement, name (surname, name, patronymic (if any) and mailing address of the potential supplier, its IIN, BIN, date and time of registration of the price quote.

The indicated registers are sewn, numbered, the last sheet is signed by the chief executive officer or a person acting for him/her, if the natural monopoly entities have electronic document management systems, the registers specified in this paragraph may be maintained electronically. Corrections in the electronic document are not allowed.

155. Information on the potential supplier shall be entered in the appropriate register of received price quotes. The specified information is entered together with price quotes into the register in chronological order as it is provided by potential suppliers.

156. The results of the procurement of goods, works, services by quote request are approved within 2 (two) working days of the last day of submitting price quotes.

157. Authorized representatives of potential suppliers and representatives of the authorized body have the right to be present at the opening of envelopes. Audio and video recording of the envelope opening is allowed.

Authorized representatives of potential suppliers and representatives of the authorized body have the right to familiarize themselves, against signature, with price quotes of other potential suppliers.

The natural monopoly entity provides all interested persons and representatives of the authorized body with unhindered access to the procedure for opening envelopes.

158. The natural monopoly entity compares price quotes and identifies the potential supplier with the lowest price quote.

If the lowest price quote is submitted by several potential suppliers, the winner is the potential supplier whose price quote was received earlier than other potential suppliers' quotes.

159. A natural monopoly entity concludes a procurement contract with a potential supplier who submitted the lowest price quote, which was not denied.

160. The price quote of a potential supplier shall be denied if:

- 1) it exceeds the amount allocated for procurement;
- 2) a potential supplier submitted more than one price quote, but failed to withdraw earlier submitted price quote (s) before the deadline for submitting price quotes.

161. If procurements by quote request are declared failed, the natural monopoly entity shall take one of the following decisions:

- 1) to re-hold procurements by quote request;
- 2) to change the procurement conditions and re-hold procurement by quote request;

3) to procure using the single source method.

The decision provided for by this paragraph of the Rules is adopted by the natural monopoly entity within 10 (ten) working days of the day following the day of approval of the procurement results.

Procurements provided for by this paragraph of the Rules are announced by the natural monopoly entity within 5 (five) working days of the day of the decision.

162. With regard to failed procurements by quote request, the natural monopoly entity carries out procurements using the single source method in the cases as follows:

1) no price quotes were submitted. In this case, the potential supplier, who is invited to participate in the single source procurement, is determined by the natural monopoly entity;

2) submission of less than 2 (two) price quotes. In this case, an invitation to participate in the single source procurement is sent to the potential supplier who submitted a price quote on the terms specified in his/her/its request, and the price of the concluded procurement contract shall not exceed its price quote;

3) if no potential supplier is allowed to participate in the procurement by quote request. In this case, an invitation to participate in procurement using the single source method is sent to the potential supplier who submitted the lowest price quote, and the price of the concluded procurement contract shall not exceed its price quote;

4) if only one potential supplier is allowed to participate in the procurement by quote request. In this case, an invitation to participate in procurement using the single source method is sent to a potential supplier admitted to participate in the procurement by quote request on the terms specified in his/her/its price quote, and the price of the concluded procurement contract shall not exceed its price quote.

163. The results of procurements by quote request are documented as a protocol to be approved by the chief executive officer of the natural monopoly entity or a person acting for him/her. The procurement must be summed up within 3 (three) working days of the deadline for submitting price quotes by potential suppliers. The protocol of the results of procurement by quote request includes the following information:

1) full name of the natural monopoly entity and its mailing address;

2) name of the procurements of goods, works, services by quote request;

3) full name (surname, name, patronymic (if any) of potential suppliers who submitted price quotes before the deadline for submitting price quotes, their declared prices for goods, works, services;

4) on denied price quotes with justification of the reasons for denial;

5) on the winner of the procurement by quote request;

6) on the potential supplier that is a second placed tenderer;

7) on the amount of and timing for concluding a procurement contract if procurements by quote request are recognized as successful.

164. Within 1 (one) working day of approval of the results of procurement by quote request, a natural monopoly entity shall publish information on the results on its website or the website of the authorized body.

Clause 5. Procurement from single source

165. Procurements from single source are carried out in accordance with paragraph 5 of Article 23 of the Law.

166. When procuring from single source in the cases provided for by subparagraph 1) of paragraph 5 of Article 23 of the Law, the natural monopoly entity shall send a potential supplier an invitation to participate in procurement, which shall contain the following information:

- 1) name and location of the natural monopoly entity;
- 2) technical specification with a description of the technical, quality and operational characteristics of the goods, works, services, timing and (or) volumes of the supply of goods, the performance of works, the provision of services, the provision of quality assurance, guarantees for servicing goods, expenses for operating goods, terms of delivery of goods, performance of works, provision of services.

When procuring works requiring design estimates, tender documentation shall contain design estimates, approved in the established manner, instead of technical specification. In this case, the deadlines for the performance of such procured works shall comply with the deadlines for the performance of works specified in the design estimates, approved in the established manner;

- 3) the quantity of goods, volumes of works performed, services rendered that are the item of procurement;
- 4) the place of delivery of goods, performance of works, provision of services;
- 5) the required timing for delivery of goods, performance of works, rendering of services, guarantee for the quality of proposed goods, works, services;
- 6) terms of payment and draft procurement contract;
- 7) conditions, form, amount and method of securing the execution of the procurement contract in cases provided for by these Rules;
- 8) information on the amounts allocated for the procurement of goods, works, services that are the item of procurement using the single source method;
- 9) list of documents submitted by a potential supplier to confirm his/her/its compliance with the requirements, except for single source procurements carried out as a result of the failed procurement by quote request;
- 10) place and timing for the potential supplier to provide documents confirming its compliance with the qualification requirements, except for single source procurements carried out as a result of the failed procurement by quote request, as well as the information provided for in paragraph 167 of these Rules.

In this case, the invitation sent shall conform to conditions of the procurement (tender, quote request) recognized as invalid.

167. A potential supplier willing to deliver goods, perform works and render services that are the item of the single source procurement, in due time, shall provide the natural monopoly entity with the following information:

1) technical specification with a description of the technical, quality and operational characteristics of the goods, works, services, timing and (or) volumes of the supply of goods, the performance of works, the provision of services, the provision of quality assurance, guarantees for servicing goods, expenses for operating goods, terms of delivery of goods, performance of works, provision of services, indicating persons whom the potential supplier intends to involve as subcontractors (co-contractors) of works or services;

When procuring works requiring design estimates, a potential supplier submits a letter of agreement with the terms of the design estimates, approved in the established manner;

2) documents confirming the compliance of the potential supplier and the persons, he/she/it intends to involve as subcontractors (co-contractors) of works or services, with the requirements specified in the natural monopoly entity's invitation, except when single source procurements carried out as a result of the failed procurement by quote request;

3) substantiation of the price of proposed goods, works, services.

168. When procuring from single source because of failed procurement by quote request, the participant in the tender, recognized as failed, invited by the natural monopoly entity to participate in the single source procurement, is not required to re-submit documents, confirming his/her/its compliance with requirements of the tender documentation, to the same natural monopoly entity.

169. A natural monopoly entity considers documents submitted by a potential supplier in terms of their compliance with the requirements specified in the invitation, except when single source procurements are carried out as a result of the failed procurement by quote request;

170. When procuring from single source, the natural monopoly entity requests from the potential supplier all the necessary justifications for the price of goods, works and services he/she/it proposes.

171. When procuring from single source, the natural monopoly entity draws up a protocol that contains:

1) rationale for using the procurement single source method;

2) brief description of procured goods, works and services;

3) name and location of the potential supplier with whom the procurement contract will be concluded and the price of this contract.

172. Procurement from single source shall be deemed failed if:

1) the potential supplier does not meet the requirements specified in the natural monopoly entity's invitation, except when single source procurements are carried out as a result of the failed procurement by quote request;

2) the potential supplier refused to participate in the single source procurement.

If single source procurements are recognized failed on the basis of this paragraph of the Rules, procurements are made using the methods provided for by the Law.

Clause 6. Procurement contract

173. Within 5 (five) working days of summing up the procurement, a natural monopoly entity sends the winner a draft contract in a paper-based or electronic form, in case of procurement through commodity exchanges or electronic trading platforms, through respective resources.

The procurement contract becomes effective as soon as signed by authorized representatives of the parties.

174. If a potential supplier recognized as a successful tenderer, within 5 (five) working days of receipt of a draft contract, failed to sign and submit it to a natural monopoly entity, the latter, within 5 (five) working days of expiration of the deadline for signing and submitting the draft contract, sends it to the potential supplier that is a second placed tenderer.

175. A potential supplier that is a second placed tenderer, within 5 (five) working days of the draft contract's receipt, signs and submits it to the natural monopoly entity.

176. If the potential supplier that is a second placed tenderer, within 5 (five) working days of the draft contract's receipt, failed to sign and submit it to the natural monopoly entity, the procurement shall be recognized as failed.

177. If the supplier failed to secure the contract in the manner prescribed therein, the natural monopoly entity shall send the draft contract to the potential supplier that is a second placed tenderer within 5 (five) working days of expiration of the deadline for securing the contract.

178. A potential supplier that is a second placed tenderer, within 5 (five) working days of the draft contract's receipt, shall sign and submit it to the natural monopoly entity.

179. If the potential supplier that is a second placed tenderer, within 5 (five) working days of the draft contract's receipt, failed to sign and submit it to the natural monopoly entity and (or) failed to secure the contract in the manner prescribed therein, the procurement shall be recognized as failed.

180. The procurement contract is signed by the natural monopoly entity and its every sheet is initialed by the representative of the natural monopoly entity authorized for this procurement.

181. The supplier, within 10 (ten) working days of the contract's conclusion, shall secure the contract, and also the amount of the advance payment received.

182. The security of the contract is 3% of the contract price and can be in the form of:

1) a pledge of money deposited by the supplier to the bank account of the natural monopoly entity specified in the contract;

2) a bank guarantee in the form attached to the bidding (tender) documentation.

183. If the contract provides for an advance payment, the supplier, in addition to securing the contract, shall secure the advance payment in the amount equal to the advance payment in the form of:

1) a pledge of money deposited by the supplier to the bank account of the natural monopoly entity specified in the contract;

2) a bank guarantee in the form attached to the bidding (tender) documentation.

184. The supplier can refuse the full advance payment or part of it. If the advance payment is partially refused, the supplier shall secure the advance payment in an amount equal to the part of the advance payment received.

185. In the course of fulfillment of contractual obligations, the natural monopoly entity, upon written notification of the supplier, reduces the amount of the security for the advance payment in proportion to the obligations under the procurement contract.

186. The supplier is not allowed to take actions giving rise to third parties' right to claim the deposited cash guarantee in whole or in part before contractual obligations are fully performed.

187. The natural monopoly entity shall return the security for the contract, and also the security for the advance payment (if any), to the supplier within 10 (ten) working days of the supplier's full and proper performance of his/her/its contractual obligations.

188. In the event of the supplier's improper fulfillment of his/her/its contractual obligations, the natural monopoly entity shall return the security for the contract, and also the security for the advance payment (if any), within (10) ten working days of crediting the forfeit to the income of the natural monopoly entity.

The payment of the forfeit (fine, penalty) does not exempt the parties from fulfilling their obligations under this Contract.

189. The natural monopoly entity may not return the security for the contract, and also the security for the advance payment (if any), in the event of termination of the contract due to the supplier's non-performance or improper performance of contractual obligations. The security for the contract, as well as the security for the advance payment (if any), is credited to the income of the natural monopoly entity.

190. The contract provides for a forfeit (fine, penalty) for non-performance or improper performance of contractual obligations.

191. The contract contains a clause of its termination in any stage without prejudice to any other sanctions for violating the terms of the Procurement Contract if one of the following facts is revealed:

1) the natural monopoly entity's assistance to the supplier, which is not provided for by these Rules;

2) a failure to secure the contract and (or) the amount of the advance payment (if any);

3) the natural monopoly entity may terminate the Procurement Contract by sending a written notification of a failure to fulfill obligations to the supplier if the latter cannot render services within the time frames stipulated by the Procurement Contract and (or) fulfill his/her/its obligations under the Contract.

If the supplier failed to secure the contract and (or) the amount of the advance payment (if any) in the manner prescribed therein, the natural monopoly entity, within 3 (three) working days, shall send a notification of the contract's termination.

192. The contract contains a clause of paying VAT in accordance with the requirements of the tax legislation of the Republic of Kazakhstan, the customs legislation of the Eurasian Economic Union and (or) the customs legislation of the Republic of Kazakhstan.

193. The minimum time period for the delivery of goods, the performance of works, the provision of services under the contract may not be less than the time required for the supply of goods, and also for their manufacture (production), delivery, performance of work, provision of service, but no less than 15 (fifteen) calendar days.

194. The contract is deemed to have been executed in case of full performance of contractual obligations by the natural monopoly entity and the supplier.

195. In case of non-performance or improper performance of obligations assumed by the supplier under the contract, the natural monopoly entity shall enforce the recovery of a forfeit (fine, penalty).

196. Provided that the quality and other conditions that were the basis for selecting the supplier remain the same, the concluded procurement contract can be modified:

1) by mutual agreement of the parties in terms of reducing the price of goods, work, services and the amount of the procurement contract, respectively;

2) in terms of increasing the amount of the procurement contract, in case of amendments to the design estimates appraised in accordance with the legislation of the Republic of Kazakhstan and a decision to additionally allocate money in the amount of such an amendment in the manner prescribed by the legislation of the Republic of Kazakhstan;

3) in terms of reducing or increasing the amount of the procurement contract due to decrease or increase in the need for the volume of procured goods, works, except for the works specified in subparagraph 2) of this paragraph, services, provided that the unit price of goods, works, services, specified in the contract for the procurement of these goods, works, services, remains unchanged. The concluded contract for the procurement of goods, works, services can so be modified within the existing procurement saving;

4) if in the course of execution of the contract for the procurement of goods, work, services, the supplier proposed, provided that the unit price of the goods, works, services remains unchanged, better quality and (or) technical characteristics or timing, and (or) delivery conditions of goods, work, services, which are the scope of the procurement contract concluded with him/her/it;

5) in terms of reducing or increasing the amount of the procurement contract for performance of works to be completed in the next (subsequent) financial year (s) caused by changes in the tax, customs and other legislation of the Republic of Kazakhstan;

6) in terms of changing the deadlines for the execution of the contract for the procurement of works or services in the event of a decrease in the estimated cost of the performance of works or the provision of services and appropriate amendments to the design estimates, which will subsequently be appraised as prescribed by the legislation of the Republic of Kazakhstan;

7) in terms of changing the timing for the execution of the contract for the procurement of works in the event of initiation of a criminal case, associated with the execution of the procurement contract, against an official of the natural monopoly entity and (or) the supplier;

8) in terms of changing the deadline for the execution of the contract for the procurement of goods, works and services if the occurrence of force majeure circumstances is recognized in court;

9) in terms of changing the deadline for the execution of the contract for the procurement of goods, works and services in the event of the natural monopoly entity's failure to accept the goods, work or service and confirmed readiness of the supplier to provide the goods, work or service.

197. It is not allowed to introduce amendments to the draft procurement contract or the concluded procurement contract that could affect the conditions, the procurement underway (conducted) and (or) the quote, which was the basis for selecting the supplier.

Clause 7. Execution of the procurement contract

198. When executing the contract, the name, quantity, quality, technical specification, cost, place and timing of the delivery of goods (performance of works, rendering of services) shall match the scope of the contract.

199. The sequence of executing the procurement contract for the supply of goods is as follows:

1) delivery of goods to the goods destination together with the original invoice drawn up in accordance with Order № 562 of the Minister of Finance of the Republic of Kazakhstan as of December 20, 2012 (registered with the Ministry of Justice of the Republic of Kazakhstan on January 14, 2013 under № 8265) (hereinafter referred to as the invoice);

2) issuance of a certificate of transfer of goods by the supplier and attachment of a copy of the invoice confirming the delivery of goods;

3) acceptance of goods by the natural monopoly entity;

4) issuance of an electronic invoice through the information system of electronic invoices, in accordance with paragraph 2 of Article 412 of the Code of the Republic of Kazakhstan "On Taxes and Other Obligatory Payments to the Budget" (Tax Code) as of December 25, 2017;

5) the natural monopoly entity's payment for the goods delivered.

200. The sequence of executing the procurement contract for the performance of works (rendering of services) is as follows:

- 1) issuance of a certificate of works performed (services rendered);
- 2) delivery and acceptance of works performed (services rendered);
- 3) preparation of an electronic invoice issued through the information system of electronic invoices in accordance with paragraph 2 of Article 412 of the Tax Code;
- 4) the natural monopoly entity's payment for works performed (services rendered).

201. The supplier sends to the natural monopoly entity the approved certificate of transfer of goods in accordance with the form in Appendix 8 to these Rules (hereinafter referred to as the certificate of transfer of goods), the certificate of works performed in accordance with the form in Appendix 9 to these Rules (hereinafter referred to as the certificate of works performed), the certificate of services rendered in accordance with the form in Appendix 10 to these Rules filling in information on the goods, works, services (hereinafter referred to as the certificate of services rendered).

202. The natural monopoly entity, within 10 (ten) working days of the supplier's receipt of the draft certificate of transfer of goods, certificate of works performed, certificate of services rendered, shall fill in the contract information in the certificate and sign it or shall refuse to accept goods, works, services giving reasoned justification.

Clause 8. Procurement restrictions

203. The natural monopoly entity shall retain procurement contracts, bidding (tender) documentation, procurement protocols, applications from potential suppliers and other materials on the procurement for at least 5 (five) years.

When natural monopoly entities procure through a commodity exchange or electronic trading platforms, they, in addition to storing data on commodity exchanges and electronic trading platforms (according to the legislation of the Republic of Kazakhstan), shall additionally, on their own, retain data on the procedure and results of procurements for at least 5 (five) years.

204. An employee of a natural monopoly entity is prohibited from fulfilling obligations related with procurement procedures if he/she/they is/are a close relative (parents (parent), children, adoptive parents, adopted children, full and half-siblings, grandfathers, grandmothers, grandchildren) or the spouse of an official or authorized representative of the potential supplier or is otherwise personally interested in tender results.

Chapter 6. Procedure for ensuring equal access to regulated services Clause 1. General provisions for ensuring equal access to regulated services

205. Ensuring equal access to regulated services of a natural monopoly entity is based on the following conditions:

1) equal access to regulated services for all consumers, given the observance of the requirements specified in these Rules;

2) implementation of a single tariff policy for all consumers of regulated services;

3) information transparency of the list of regulated services, tariffs for regulated services.

206. Consumers' access to a regulated service is ensured by:

1) placing the information provided for in Article 25 of the Law on the website of a natural monopoly entity, if it hasn't own website, by submitting it to the department of the authorized body for posting on its website;

2) issuing technical specifications for the connection to cable duct networks in accordance with the development plan for utilities in accordance with the approved detailed design plan (development plan) or for increase in the volume of regulated services;

3) the consumer's observance of technical conditions for connecting to a regulated service ;

4) connecting to a regulated service or increasing the volume of regulated services;

5) concluding contracts for the provision of a regulated service.

207. On the website of a natural monopoly entity, or if no own website, on that of the authorized body, it is necessary to quarterly post:

1) information on the reserve, free and available facilities, capacities, sites, carrying capacities of networks of a natural monopoly entity;

2) the layout of networks or other property used in the provision of regulated services, except for information relating to state secrets and another law-protected secret in accordance with the laws of the Republic of Kazakhstan.

This requirement does not apply to small-capacity natural monopoly entities and newly created natural monopoly entities.

208. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

209. Consumers' compliance with the conditions specified by these Rules is the basis for concluding an individual contract between the natural monopoly entity and the consumer for each type of regulated services provided under standard contracts approved in accordance with subparagraph 7) of Article 8 of the Law.

210. The natural monopoly entity that provides regulated services, at the consumer's request, gives information on the procedure for accessing the regulated service.

211. Regulated services are provided to all consumers who have entered into a contract with a natural monopoly entity.

Clause 2. Ensuring equal access to cable duct networks

212. Technical conditions for connecting consumers to cable duct networks are issued in case of:

1) connecting newly commissioned facilities to cable duct networks;

2) connecting not earlier connected facility to cable duct networks.

The application for issuing technical conditions for the connection to cable duct networks in accordance with the form in Appendix 11 to these Rules shall be submitted together with:

1) a copy of the identity document of the owner of the facility – with regard to individuals ; a copy of the certificate of an individual entrepreneur or a copy of the notification of commencement of self-employed activities, a copy of the state registration (re-registration) certificate or the state registration (re-registration) statement – with regard to legal entities;

2) if an application is submitted by a representative - documents confirming his/her authority.

Natural monopoly entities issue technical conditions at the request of the architecture and urban planning authorities:

1) within two working days - for technically simple objects;

2) within five working days – for technically complex objects.

Technical conditions are issued for the required duration of design and construction.

The consumer's compliance with the conditions established by these Rules is the basis for the natural monopoly entity (in the case of connection to electric and heat networks - the energy supplying organization) and the consumer to enter into an individual contract for each type of regulated services provided under standard contracts approved by the authorized body .

The natural monopoly entity that provides regulated services, at the consumer's request, gives information on the procedure for accessing the regulated service.

212-1. To ensure access to a regulated service, a natural monopoly entity, which is also a consumer of these services, uses no more than 75% of the total volume of cable ducting within twelve months from the date of actual start of operation.

Footnote. The Rules were added with paragraph 212-1 in accordance with the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 23.01.2023 № 22/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

212-2. The natural monopoly entity shall ensure the effective use of idle assets for more than three months, through the timely removal of unused cables from the cable duct, except for force majeure circumstances.

Footnote. The Rules were added with paragraph 212-2 in accordance with the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 23.01.2023 № 22/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Clause 3. Consideration of applications for ensuring equal access to regulated services and making decisions thereon

213. In the event of a disagreement over the provision of equal access to regulated services to the consumer, the latter shall apply to the authorized body.

The application shall contain information on the applicant and the natural monopoly entity in respect of which the application is submitted, description of the violation of the requirements of these Rules, and also the applicant's demand.

The procedure and deadline for considering applications is established in accordance with the legislation of the Republic of Kazakhstan.

214. A natural monopoly entity or service consumers are given the opportunity to appeal the decision of the authorized body in whole or in part in the manner established by the legislation of the Republic of Kazakhstan.

Clause 4. Providing information on rendered regulated services

215. Information on the rendered services for property rent (lease) or the use of cable ducts, technical and technological capabilities for the provision of regulated services is posted in the form of texts, tables and graphs at the place of applications' acceptance.

Information on the rendered services, their cost, the access procedure is provided by the natural monopoly entity at the request (in writing) of the service consumer.

It is not allowed to impose conditions for access to regulated services or commit other actions leading to the discrimination of consumers of these services.

216. When using the information provided by the natural monopoly entity, the authorized body ensures confidentiality of state, official, commercial secrets, other legal interests of the natural monopoly entity and service consumers.

217. At the request of the authorized body, the natural monopoly entity shall provide it with information on the declared and actual volumes of the services rendered, in the manner prescribed by applicable law.

Chapter 7. Procedure for reporting on the execution of approved tariff estimates, on the implementation of approved investment programs, on compliance with the quality and reliability indicators of regulated services and the achievement of performance indicators of natural monopoly entities to consumers and other interested parties

218. On or before August 1 of a current calendar year and on May 1 of the next calendar year, a natural monopoly entity shall present half-year and annual reports on the execution of approved tariff estimates, on the implementation of approved investment programs, on compliance with the quality and reliability indicators of regulated services and the achievement of performance indicators of natural monopoly entities to consumers and other interested parties.

219. The report to consumers and other interested parties contains indicators in accordance with Appendix 12 to these Rules and is held in the form of a public hearing.

220. Before the deadlines specified in paragraph 218 of the Rules, a natural monopoly entity, in the mass media distributed in the territory of the corresponding administrative-territorial unit, shall publish reports to consumers and other interested parties on the execution of approved tariff estimates, on the implementation of approved investment programs, on compliance with the quality and reliability indicators of regulated services and the achievement of performance indicators of natural monopoly entities with substantiations, including financial statements.

221. The natural monopoly entity, included in the republican and local sections of the Register, shall publish the announcement of the upcoming report in a periodical printed at least once a week and distributed throughout the Republic of Kazakhstan, at least 15 (fifteen) working days before its presentation, which includes the following information:

- 1) the name and location of the natural monopoly entity;
- 2) the date and place of the report;
- 3) the type of regulated services provided.

222. One month before the report, the natural monopoly entity informs the authorized body thereof.

223. After the announcement of the upcoming report is published, the natural monopoly entity, 5 (five) working days before the report, shall post it on its website, and if no own website, submit the information, provided for in paragraph 229 of these Rules, to the authorized body.

224. The natural monopoly entity shall choose a venue for presenting the report.

225. The natural monopoly entity ensures access to the place of the report for everyone. If the report is presented in buildings with access and another special control, the natural monopoly entity's announcement shall indicate the preliminary formation of a list of audience members, the deadline for which expires 24 hours before the reporting. If the report is presented on a working day following a day off, it shall take place in the afternoon and the list of audience members shall be completed until 12:00 p.m. of the working day of the report's presentation.

226. The requirements provided for in this Chapter do not apply to small-capacity natural monopoly entities and newly created natural monopoly entities.

227. To hold the reporting meeting, it is necessary to appoint, from among the heads of the natural monopoly entity, the chairperson of the public report hearing (hereinafter referred to as the Chairperson) and the secretary of the public hearing, who keeps the minutes of the public report hearing.

228. The Chairperson, at the appointed time, opens the hearing, announces its purpose and agenda.

A public hearing includes the speech of a natural monopoly entity in accordance with the speech structure.

229. The speech structure of a natural monopoly entity shall contain information on:

- 1) the implementation of the approved investment program in accordance with the form in Appendix 13 to these Rules;
- 2) the item-by-item execution of the approved tariff estimates in accordance with the form in Appendix 14 to these Rules;
- 3) the compliance with quality and reliability indicators of regulated services in accordance with the form in Appendix 15 to these Rules;
- 4) the achievement of performance indicators of the natural monopoly entity in accordance with the form in Appendix 16 to these Rules for entities whose tariffs are approved using the incentive method of tariff regulation;
- 5) the basic financial and economic indicators of the activity of the natural monopoly entity;
- 6) the volumes of regulated services provided;
- 7) the work with consumers of regulated services;
- 8) the business outlook (development plans), including possible changes in tariffs for regulated services.

In its speech, the natural monopoly entity gives a detailed explanation of the quality of the provision of regulated services to consumers. The chief executive officer of the natural monopoly entity or a person responsible for the performance of his/her duties shall report on behalf of the entity to consumers and other interested parties.

230. Participants in a public report hearing can express their opinion orally or in writing on an issue under discussion, ask speakers questions, use auxiliary materials (posters, schedules, etc.) in their speech.

231. A written opinion of a participant in a public report hearing shall be treated as the application of an individual or legal entity to an official and be entered into the minutes of the public report hearing, and also further considered by the natural monopoly entity and appropriate measures shall be taken.

232. During a public hearing, the Chairperson shall make a warning to a disorderly person

233. The Chairperson summarizes and closes the public hearing.

234. In the course of a public report hearing, the minutes shall be kept. The minutes contain the information specified in paragraph 229 of these Rules, as well as information on the time of start and end of the hearing, the names and initials of the speakers and a summary of the essence of the speeches. The minutes sheets are numbered and filed in a separate folder

235. A copy of the minutes of the public hearing shall be submitted to the authorized body within 5 (five) working days of its holding.

236. The minutes and public materials are compiled into files and retained in accordance with the Rules for documenting, managing documents and using electronic document

management systems in state bodies and non-governmental organizations, approved by Resolution № 703 of the Government of the Republic of Kazakhstan as of October 31, 2018.

237. Within 5 (five) working days of the report to consumers and other interested parties, a natural monopoly entity shall place it in the media and on its website, or send it to the authorized body for the placement on its website.

The authorized body places the report on its website within 5 (five) working days of its receipt.

Chapter 8. Procedure for placing information on free and available facilities, capacities, sites of a natural monopoly entity, except for information relating to state secrets and other law-protected secrets, in accordance with the laws of the Republic of Kazakhstan

238. Quarterly, a natural monopoly entity places updated information on free and available facilities, capacities, sites, except for information relating to state secrets and other protected secrets, in accordance with the laws of the Republic of Kazakhstan, on its website, or if no own website, submits this information to the authorized body for placing it on its website.

239. Quarterly, a natural monopoly entity posts on its website or, if no own website, submits to the authorized body for placing on its website:

information on the reserve, free and available facilities, capacities, sites of the natural monopoly entity;

information on the progress of implementation of the approved investment program (the location of facilities, the execution stage attaching photos, videos, execution dates and the cost of measures of investment programs), except for information relating to state secrets and other law-protected secrets in accordance with the laws of the Republic of Kazakhstan.

Chapter 9. Procedure for the approval of performance indicators of natural monopoly entities

Clause 1. General provisions

240. This Chapter is developed in accordance with subparagraph 9) of paragraph 23 of Article 15 of the Law and establishes the procedure for approving performance indicators of natural monopoly entities, which are taken into account when approving tariffs using the incentive method of tariff regulation.

241. The basic principles for the formation of performance indicators of natural monopoly entities are as follows:

- 1) achievement of the balance of interests of consumers and natural monopoly entities;
- 2) ensuring an objective approach to the formation of performance indicators of natural monopoly entities and transparency of access to the results of formation of performance indicators of natural monopoly entities.

Clause 2. Formation of performance indicators of natural monopoly entities

242. The stages of formation of performance indicators of a natural monopoly entity are as follows:

- 1) formation of a list of performance indicators of a natural monopoly entity;
- 2) development of indicators for a natural monopoly entity that provides regulated services;
- 3) approval of performance indicators of a natural monopoly entity.

243. The data of a natural monopoly entity providing regulated services are used to form performance indicators of the natural monopoly entity.

244. When approving a tariff using the incentive method of tariff regulation, the natural monopoly entity develops and submits a draft list of performance indicators. Simultaneously with the draft list of performance indicators of the natural monopoly entity, data on actual values of proposed indicators over the previous years are provided, as well as planned values of proposed performance indicators of the natural monopoly entity.

Performance indicators of natural monopoly entities are considered by the authorized body within 90 (ninety) working days of their submission.

Draft performance indicators of the natural monopoly entity are formed in accordance with the form in Appendix 17 to these Rules.

245. The authorized body approves performance indicators of a natural monopoly entity separately for each regulated service.

246. The head of the authorized body, by his/her order, sets up a working group to determine and approve performance indicators of the natural monopoly entity (hereinafter referred to as the Working Group) consisting of at least 5 (five) people.

The Working Group includes: representatives of the authorized body and other state bodies, the National Chamber of Entrepreneurs of the Republic of Kazakhstan, public associations, associations of private business entities, natural monopoly entities, consumers, experts and other interested parties.

Clause 3. Formation of a list of performance indicators of natural monopoly entities

247. The list of indicators is formed by the natural monopoly entity based on their importance for efficient operation of the natural monopoly entity providing regulated services .

248. Target indicators are set for the entire duration of the tariff and presented with a breakdown by year.

The natural monopoly entity sends information, which in its opinion is important for determining the average annual planned and actual values of the proposed indicators, to the authorized body.

249. The authorized body submits a draft list of performance indicators of the natural monopoly entity received therefrom to the Working Group for discussion.

When discussing the draft list of performance indicators of the natural monopoly entity, the Working Group can make changes, additions, and also exclude target indicators.

250. The Working Group forms an updated draft list of performance indicators, and submits it to the leadership of the authorized body.

There can be no more than 5 (five) indicators in this draft list.

Clause 4. Development of performance indicators of natural monopoly entities

251. After approving the final list of indicators, the authorized body calculates their target values.

252. With regard to the target value of indicators for each natural monopoly entity, the authorized body calculates the arithmetic mean of average annual actual and planned values of the indicators.

Target values of performance indicators of a natural monopoly entity are developed with account of the industry specifics.

253. If a decrease or increase in the indicator values means the improvement in the service quality, the authorized body calculates target values for indicators based on indicator values presented by the natural monopoly entity and target indicators offered by consumers of regulated services as a result of a survey of consumers of the services provided by the natural monopoly entity.

254. If the natural monopoly entity does not present actual and/or planned values of the indicators, the authorized body treats them as equal to the arithmetic mean of the actual and planned values of these indicators, respectively.

If the natural monopoly entity has not announced an improvement in planned values, the authorized body independently sets target values for performance indicators.

255. The authorized body develops indicators separately for each natural monopoly entity that provides regulated services.

Clause 5. Approval of performance indicators of natural monopoly entities

256. After making the final draft list of performance indicators of the natural monopoly entity, the authorized body submits the draft performance indicators of the natural monopoly entity to the Working Group for consideration. Pursuant to consideration, the Working Group submits comments and recommendations to the leadership of the authorized body.

257. The head of the authorized body approves performance indicators of the natural monopoly entity with account of the comments and recommendations of the Working Group.

Clause 6. Formation of the evaluation of performance indicators of natural monopoly entities

258. The authorized body evaluates performance indicators of the natural monopoly entity by studying the report on the achievement of performance indicators of natural monopoly entities.

259. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

260. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

261. The achievement of performance indicators of a natural monopoly entity is determined in percentage terms as the ratio of target and achieved performance indicators of the natural monopoly entity.

262. Based on the results of monitoring the natural monopoly entity's implementation of its performance indicators, the authorized body draws up a draft analytical report according to the following structure:

1) introduction - the natural monopoly entity's names and performance indicators, the reporting period and the list of information and documents used are indicated herein;

2) calculation of the coefficient of compliance for each indicator - the actual indicators achieved by the natural monopoly entity for the reporting period, the values of which either match or do not match the value of these indicators for the reporting period, are determined;

3) adjustment of the coefficient of indicators' compliance (if any) – here, the indicators are identified, for which the authorized body adjusted the coefficient of compliance and attached substantiations, and the natural monopoly entity submitted reasons for a failure to comply with them;

4) calculation of the coefficient of the entity's compliance with performance indicators of the natural monopoly entity - the value of coefficient of the entity's compliance with its performance indicators is determined;

5) conclusions on the evaluation of the effectiveness of services provided by the natural monopoly entity.

263. The authorized body sends for the consideration of the Working Group a draft analytical report and attaches documents used in the process of monitoring the implementation of the entity's performance indicators of the natural monopoly entity. In case of suspension of the monitoring of the entity's compliance with performance indicators, the authorized body sends the draft analytical report to the Working Group for consideration and attaches all documents.

Pursuant to the consideration of the draft analytical report, the Working Group develops proposals and/or recommendations (if any), which are sent to the leadership of the authorized body.

264. The authorized body, by its order, approves analytical report on the natural monopoly entity's compliance with its indicators.

265. Within 10 (ten) calendar days of approval of the analytical report on the natural monopoly entity's compliance with its performance indicators, the authorized body posts it on its website.

Chapter 10. Procedure for exercising state control in the spheres of natural monopolies

266. State control is carried out in the manner prescribed by the Entrepreneurial Code of the Republic of Kazakhstan as of October 29, 2015.

Chapter 11. Procedure for informing consumers and (or) the authorized body on the tariff, its change

267. The natural monopoly entity informs consumers and (or) the authorized body on the tariff, its change by posting relevant information in the media distributed in the territory of the administrative-territorial unit in which the natural monopoly entity operates, on its website, or the website of the authorized body.

Clause 1. Deadlines for informing consumers and (or) the authorized body on the tariff, its change

268. The natural monopoly entities, specified in paragraph 1 of Article 20 of the Law, at least 5 (five) calendar days before the tariff becomes effective, inform consumers:

- 1) on the tariff approved in a simplified manner;
- 2) on the tariff approved after the expiration of the validity period of the tariff, approved in a simplified manner, together with information on the reasons to change the tariff, approved tariff estimates.

269. A natural monopoly entity, in the cases provided for in paragraph 1 of Article 22 of the Law, at least 5 (five) calendar days prior to the introduction of the tariff, informs consumers on the change in the tariff approved by the authorized body before the expiration of its validity period together with information indicating the reasons to change the tariff, approved tariff estimates.

270. The natural monopoly entity shall inform the consumer on the approval of the tariff at least 30 (thirty) calendar days before its entry into force.

Chapter 12. Procedure for approving quality and reliability indicators of regulated services

1. General provisions

271. This Chapter is developed in accordance with subparagraph 13) of paragraph 23 of Article 15 of the Law and establishes the procedure for approving the quality and reliability indicators of a regulated service, which are taken into account when approving tariffs using the incentive method of tariff regulation.

272. The basic principles for the formation of indicators of quality and reliability of regulated services are as follows:

- 1) achievement of the balance of interests of consumers and natural monopoly entities;
- 2) ensuring an objective approach to the formation of quality and reliability indicators of regulated services of natural monopoly entities and transparency of access to the results of formation of quality and reliability indicators of regulated services.

Clause 2. Formation of quality and reliability indicators of regulated services

273. The stages of formation of quality and reliability indicators of regulated services are as follows:

- 1) formation of draft quality and reliability indicators of regulated services;
- 2) development of target values of indicators for a natural monopoly entity that provides regulated services.

274. When approving a tariff using the incentive method of tariff regulation, the natural monopoly entity develops and provides draft quality and reliability indicators of regulated services. Simultaneously with the draft quality and reliability indicators of regulated services, it is necessary to submit actual data for previous years, as well as planned target values of quality and reliability indicators of regulated services.

Quality and reliability indicators of regulated services are considered by the authorized body within 90 (ninety) working days of their submission.

Draft quality and reliability indicators of regulated services are formed in the accordance with form in Appendix 18 to these Rules.

275. The authorized body approves quality and reliability indicators of regulated services separately for each regulated service.

276. When forming the quality and reliability indicators of regulated services, the following sources of information are used:

- 1) data of the natural monopoly entity;
- 2) results of consumer surveys;
- 3) monitoring data on natural monopoly entities' compliance with quality and reliability indicators of regulated services;
- 4) data of own studies;
- 5) information received from competent authorities;
- 6) information received from the state body in charge of state statistical activity.

277. The head of the authorized body, by his/her order, sets up a working group to determine and approve quality and reliability indicators of regulated services (hereinafter referred to as the Working Group) consisting of at least 5 (five) people.

The Working Group includes: representatives of the authorized body and other state bodies, the National Chamber of Entrepreneurs of the Republic of Kazakhstan, public

associations, associations of private business entities, natural monopoly entities, consumers, experts and other interested parties.

Clause 3. Formation of a list of quality and reliability indicators of regulated services

278. The indicators are formed by the natural monopoly entity based on the importance of services to consumers, measurement of customer satisfaction with the quality and reliability of regulated services and accessibility of services to consumers.

279. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

280. The authorized body submits draft quality and reliability indicators of regulated services received from a natural monopoly entity to the Working Group for discussion.

When discussing the draft quality and reliability indicators of regulated services, the Working Group can make changes, additions, and also exclude target indicators.

281. The Working Group forms an updated draft list of quality and reliability indicators of regulated services and submits it to the leadership of the authorized body.

There can be no more than 5 (five) indicators in this draft list.

282. The authorized body organizes a consumer survey of the draft list broken down by natural monopoly entities (hereinafter referred to as the consumer survey).

283. The consumer survey is conducted through questionnaires, or by posting a questionnaire on the website of the authorized body.

The survey form is given in Appendix 19 to these Rules. Consumers' participation in the survey is voluntary. If no consumer has taken part in the survey, the authorized body arranges the second survey by forwarding questionnaires to service consumers.

The authorized body involves entities and public associations in conducting consumer surveys.

284. The consumer survey is conducted to evaluate:

the importance of each indicator for a consumer of services provided by a relevant natural monopoly entity;

the degree of satisfaction of a consumer of services of a natural monopoly entity with the average annual actual value of each indicator for the year preceding the year of development of the quality and reliability indicator of regulated services.

If a service consumer is dissatisfied with the average annual actual value of the indicator for the year preceding the year of development of the quality and reliability indicator of regulated services, the consumer of the services provided by the relevant natural monopoly entity indicates his/her target value of this indicator in the questionnaire.

285. Based on the results of the consumer survey, the authorized body draws up final draft quality and reliability indicators of regulated services within 20 (twenty) calendar days of the consumer survey, which includes the most important quality and reliability indicators of

regulated services for service consumers, as well as indicators, which service consumers are least satisfied with.

286. If no consumers participated in the survey, the authorized body leaves the submitted draft unchanged. The total number of quality and reliability indicators of regulated services selected in the draft is from 3 (three) to 10 (ten) indicators.

287. The authorized body submits final draft indicators to the Working Group for consideration and attaches results of the consumer survey. Pursuant to consideration, the Working Group, within 30 (thirty) calendar days of introduction of the draft list of indicators, develops proposals and/or recommendations, if any, that are sent to the leadership of the authorized body.

Clause 4. Development of target values of indicators by entities

288. After approving the final draft list of indicators, the authorized body calculates target values.

289. In order to calculate the target value of indicators, the authorized body calculates the arithmetic mean of average annual actual and planned values of the indicators.

Target values of quality and reliability indicators of regulated services are developed with account of the industry specifics.

290. If a decrease or increase in the indicators' value means the improvement in the service quality, the authorized body calculates the estimated target value for indicators based on the value of indicators presented by the natural monopoly entity and target values of indicators from the final list offered by consumers of the natural monopoly entity as a result of a survey of consumers of the service provided by the natural monopoly entity.

291. If the natural monopoly entity does not present actual and/or planned values of the indicators, the authorized body treats them as equal to the arithmetic mean of the actual and planned values of these indicators, respectively.

If the natural monopoly entity has not announced an improvement in planned values, the authorized body independently sets target values for the service quality.

292. The authorized body develops target values separately for each natural monopoly entity that provides regulated services.

Clause 5. Approval of the quality and reliability indicator of regulated services

293. After making the final draft list of quality and reliability indicators of target values, the authorized body submits the draft quality and reliability indicators to the Working Group for consideration. Pursuant to consideration, the Working Group submits comments and recommendations to the leadership of the authorized body.

294. The head of the authorized body approves quality and reliability indicators of regulated services with account of the comments and recommendations of the Working Group

Clause 6. Formation of the evaluation of the quality and reliability of regulated services

295. The authorized body evaluates the quality of services provided by the natural monopoly entity by studying the report on the compliance with quality and reliability indicators of regulated services.

296. Annually, on or before May 1 of the year following the reporting year, a natural monopoly entity submits to the authorized body a report on the compliance with quality and reliability indicators of regulated services of the natural monopoly entity in accordance with the form in Appendix 18 to these Rules. An explanatory note with detailed information on the reasons for compliance or a failure to comply with the indicators together with supporting documents shall be attached to the report on the compliance with quality and reliability indicators of regulated services.

297. Excluded by the order of the Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated 21.02.2023 № 60/HK (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

298. To verify the reliability of information in the natural monopoly entity's report on the compliance with quality and reliability indicators of regulated services, the authorized body:

1) conducts a survey of consumers of services of the natural monopoly entity, also involving independent organizations;

2) requests the necessary information from:

competent authorities;

local executive bodies;

the state body in charge of state statistical activity;

3) natural monopoly entities and accredited associations of private business entities.

299. When evaluating the quality of services provided by a natural monopoly entity, the authorized body, within 30 (thirty) calendar days of receipt of the natural monopoly entity's report, shall:

1) calculate the coefficient of compliance of the actual value of each indicator achieved by the natural monopoly entity for the reporting period with the target value of this indicator;

2) calculate the coefficient of the natural monopoly entity's compliance with the quality and reliability indicator of regulated services;

3) evaluate the quality and reliability of regulated services provided by the natural monopoly entity.

300. If the authorized body verifies the reliability of information in the natural monopoly entity's report on compliance with the quality and reliability indicators of regulated services, in accordance with paragraph 315 of these Rules, the period for monitoring compliance with

the quality and reliability indicators of regulated services by the natural monopoly entity shall be suspended until the obtainment of the information.

301. With regard to each indicator, the actual value achieved by the natural monopoly entity during the reporting period, the authorized body adjusts the coefficient of compliance K_i with account of the reasons stated in the explanatory note of the natural monopoly entity (if any). The authorized body adjusts the coefficient K_i in accordance with the following criteria:

- 1) the authorized body assumes that the compliance coefficient $K_i = 1$ if, for a given indicator, the natural monopoly entity gives factors beyond its control as reasons for its failure to comply;

- 2) in all other cases, the coefficient K_i is not adjusted.

302. Factors beyond the control of a natural monopoly entity are as follows:

- 1) actions/inaction of consumers, third parties, confirmed by audio, video recordings, work completion and acceptance certificates;

- 2) emergency situations confirmed as prescribed by Article 48 of the Law of the Republic of Kazakhstan “On Civil Protection”.

303. The achievement of quality and reliability indicators of regulated services of a natural monopoly entity determined in percentage terms as the ratio between set and achieved quality and reliability indicators of regulated services.

304. Based on the results of monitoring the natural monopoly entity’s compliance with quality and reliability indicators of regulated services, the authorized body draws up a draft analytical report according to the following structure:

- 1) introduction - the natural monopoly entity’s names and quality and reliability indicator of regulated services, the reporting period and the list of used information and documents are indicated herein;

- 2) calculation of the coefficient of compliance for each indicator - the actual indicators achieved by the natural monopoly entity for the reporting period, the values of which either match or do not match the value of these indicators for the reporting period, are determined;

- 3) adjustment of the coefficient of indicators’ compliance (if any) – here, the indicators are identified, for which the authorized body adjusted the coefficient of compliance and attached substantiations, and the natural monopoly entity submitted reasons for a failure to comply with them;

- 4) calculation of the coefficient of the natural monopoly entity’s compliance with quality and reliability indicator of its regulated services - the value of coefficient of the natural monopoly entity’s compliance with its quality and reliability indicator of regulated services is determined;

- 5) conclusions on the evaluation of the quality of services provided by the natural monopoly entity.

305. The authorized body sends for the consideration of the Working Group a draft analytical report and attaches documents used in the process of monitoring the compliance with quality and reliability indicators of regulated services by the natural monopoly entity.

Pursuant to the consideration of the draft analytical report, the Working Group develops proposals and/or recommendations, if any, which are sent to the leadership of the authorized body.

306. The head of the authorized body, by his/her order, approves analytical report on the natural monopoly entity's compliance with quality and reliability indicators of regulated services.

307. Within 10 (ten) calendar days of approval of the analytical report on the natural monopoly entity's compliance with its quality and reliability indicators of regulated services, the authorized body posts it on its website.

Chapter 13. Procedure for conducting public monitoring and (or) technical appraisal of implementation of the approved investment program, compliance with quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities
Clause 1. General provisions

308. This Chapter establishes the procedure for authorized persons to conduct public monitoring and (or) technical appraisal of implementation of the approved investment program, compliance with the quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities:

public monitoring of implementation of the approved investment program, compliance with quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities (hereinafter referred to as public monitoring);

technical appraisal of implementation of the approved investment program, compliance with quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities (hereinafter referred to as technical appraisal).

309. The basic principles for authorized persons to conduct public monitoring and (or) technical expertise are as follows:

- 1) independence of authorized persons;
- 2) completeness, comprehensiveness, objectivity of studies, substantiation of the results;
- 3) competence and professionalism.

Clause 2. Procedure for conducting public monitoring

310. To organize and conduct public monitoring, the authorized body sets up a working group consisting of representatives of public associations and other interested parties.

311. The working group draws up an annual schedule of public monitoring, which specifies the time and place of its holding, and also a list of natural monopoly entities subject to public monitoring.

312. The authorized body posts the public monitoring schedule on its website and sends to the natural monopoly entities on the list.

313. 10 (ten) working days before the public monitoring, the working group draws up a list of authorized persons from among the representatives of maslikhats and other local authorities, public associations, non-governmental organizations, the media, consumers and sends it to a natural monopoly entity with the public monitoring schedule attached.

314. Representatives of the authorized body accompany the authorized persons and ensure the execution of the public monitoring act in accordance with paragraph 318 of these Rules.

315. To conduct public monitoring, the natural monopoly entity provides access to the objects of the approved investment program in compliance with the access control requirements and provides information on the implementation of the approved investment program.

316. Authorized persons monitor the progress of implementation of the approved investment program, compliance with the quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities.

317. Authorized persons:

1) visually inspect objects of the approved investment program and analyze information on the implementation of the approved investment program;

2) analyze information on the compliance with quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities, and also supporting documents.

318. The content of the public monitoring act is as follows:

1) introduction (list of measures, quality and reliability indicators of regulated services, performance indicators of natural monopoly entities, information on allocated budgetary and other financial resources);

2) comparative analysis of the provided information with account of amendments to the approved investment program and actual results of public monitoring;

3) synthesizing part (establishment of factors that influenced the implementation of the investment program, a failure to disburse budgetary and other financial resources, to comply with the quality and reliability indicators of regulated services, to achieve performance indicators by natural monopoly entities);

4) operative part (actual state and recommendations).

319. The public monitoring act is sent to the authorized body within 5 (five) working days of its completion, and it is mandatory for the natural monopoly entity to become familiarized therewith.

320. Within 3 (three) working days, the authorized body posts a press release on its website with photo and video materials (if any) on the results of public monitoring.

Clause 3. Procedure for conducting technical appraisal

321. Technical appraisal of the implementation of the approved investment program, the compliance with quality and reliability indicators of regulated services and the achievement of performance indicators by natural monopoly entities is/are carried out by an authorized person (expert, expert organizations) under an agreement with a natural monopoly entity.

322. The list of authorized persons (experts, expert organizations) is compiled by the authorized body.

323. For conducting technical appraisal, the natural monopoly entity provides access to the objects of the approved investment program in compliance with the access control requirements and provides information on the implementation of the approved investment program.

324. In the course of technical appraisal, authorized persons (experts, expert organizations) establish actual implementation of measures of the approved investment program, compliance with quality and reliability indicators of regulated services and achievement of performance indicators by natural monopoly entities.

325. Authorized persons (experts, expert organizations) are not allowed to:

submit an unsubstantiated expert opinion;

participate in technical appraisal in the event of a conflict of interest and other circumstances impeding objective technical appraisal.

326. Authorized persons (experts, expert organizations):

ensure the safety of submitted documents and the confidentiality of information received;

personally inspect the objects of the investment program, and also study the documentation on it without transferring their rights.

327. Authorized persons (experts, expert organizations) are not allowed to conduct a technical appraisal if:

1) they have or acquire property or liability rights to an object of the investment program;

2) they have a property interest in the object of the investment program;

3) they are affiliated with a natural monopoly entity;

4) they are a shareholder, founder, employee, owner, participant, creditor, borrower, close relative or owner of a natural monopoly entity;

5) this is fraught with a conflict of interest or creates a threat of such a conflict, except for obligations arising from concluded standard-form contracts.

328. Technical appraisal includes an analysis of the technical condition and assessment of the technical characteristics of fixed assets, including the degree of deterioration of equipment as at the date of the appraisal, the terms of its operation by classification groups adopted in accordance with the legislation of the Republic of Kazakhstan in this industry, and design and technological capacity of equipment.

In the course of technical appraisal:

1) the level of involvement of fixed assets is assessed as well as the level of relevant indicators (total installed capacity of the equipment, power factor, physical wear rate,

operating load factor and (or) other indicators with account of the specifics of the industry), the rationale for the coefficients of involvement of assets of a natural monopoly entity adopted in the profit rate calculation;

2) analysis of observance of regulatory requirements for safety and labor protection is carried out for compliance with labor safety requirements in the conditions established by the regulatory and technical documentation of the authorized state body for labor;

3) the appropriateness of distribution of assets involved by type of regulated services is assessed;

4) qualitative and quantitative indicators characterizing the conditions of production are assessed, as well as the production and labor process in terms of ensuring organizational, technical, sanitary-hygienic, biological and other norms, rules, procedures and criteria aimed at preserving the life and health of workers in the course of their labor activity.

329. The content of the technical appraisal opinion is as follows:

1) introduction (list of measures, quality and reliability indicators of regulated services, performance indicators of natural monopoly entities, information on allocated budgetary and other financial resources, availability of prospective and annual (monthly) schedules for all types of repairs of basic and auxiliary equipment, buildings and structures of the natural monopoly entity);

2) comparative analysis of the information provided with account of amendments to the approved investment program and actual results of the technical appraisal;

3) synthesizing part (substantiation of the volumes of maintenance and repair of fixed assets by type of regulated services with account of their actual condition and the requirements of instructions and regulatory technical documents approved by the competent authority, the conformity of the frequency of all types of repair established by the natural monopoly entity with the requirements of the instructions, rules and regulatory technical documentation, assessment of labor costs and staff size, determination of the compliance with regulatory requirements for labor safety and protection);

4) operative part (conclusions and recommendations on the need for current, medium and major repairs (increasing and not increasing the cost of fixed assets), replacement, reconstruction and modernization of fixed assets by types of regulated services, optimization of fixed assets, operational and other costs, related to the use of fixed assets, consumption of raw materials and materials).

330. The technical appraisal opinion is submitted to the natural monopoly entity within 5 (five) working days of its completion.

331. A natural monopoly entity shall attach a technical appraisal opinion to reports submitted to the authorized body in accordance with subparagraph 17) of paragraph 2 of Article 26 of the Law.

State Register of natural monopoly entities

(Name of the section of the State Register of natural monopoly entities, name of the region)

Item №	Name of the natural monopoly entity	Natural monopoly's sphere	Type of regulated services	Place of registration of the natural monopoly entity (legal address)	Place of rendering the service by the natural monopoly entity	Date and number of the order on entering into the State Register of natural monopoly entities	Date and number of the order on removal from the State Register of natural monopoly entities
1	2	3	4	5	6	7	8

Appendix 2
to the Rules for
carrying out activities by
natural monopoly entities
Form

(name of the authorized body)
from _____
(full surname, name, patronymic
(if any) of individual entrepreneur or name of legal entity)

(legal address, contact numbers)

APPLICATION

for entering into the State Register of natural monopoly entities
I hereby apply for entering in

(name of the State Register of natural monopoly entities)

(name of legal entity or surname, name, patronymic
(if any) of individual entrepreneur)

(type of regulated service in the sphere of natural monopolies)

(legal address)

(venue for rendering services in the sphere of natural monopolies)

(assets involved in the production of regulated services
(recorded on balance sheet or in lease, or trust management)

_____ " _____ " _____ 20 _____

Appendix 3
to the Rules for
carrying out activities by
natural monopoly entities
Form

(name of the authorized body)

from _____

(full surname, name, patronymic

(if any) of individual entrepreneur or name of legal entity)

(legal address, contact numbers)

APPLICATION

for removing from the State Register of natural monopoly entities

I hereby apply for removing from _____

(name of the Republican section of the State Register)

the State Register of natural monopoly entities

(name (surname, name, patronymic (if any) of the natural monopoly entity)

(type of regulated service in the sphere of natural monopolies)

(legal address)

(venue for the supply of services (goods, works) in the sphere of natural monopolies) _____

_____ " _____ " _____ 20 _____

(signature) (signed on)

Appendix 4
to the Rules for
carrying out activities
by natural monopoly entities
Form 1

To _____

(full name of the authorized body)

from _____

(full surname, name, patronymic

(if any) of individual entrepreneur or name of legal entity)

address, district, region, street,

house №, telephone)

The applicant's details

(index, city)

(Business identification number,

Individual identification number)

Application for the consent of the authorized body for

(subject of transaction)

1. Rationale:

Reasons	Goals	Objectives	Calculation of economic feasibility
---------	-------	------------	-------------------------------------

(reasons, goals and objectives of the transaction, indicating the calculation of economic feasibility)

2. Information on the property that is the subject of transaction

3. Information confirming that the transaction will not lead to an increase in the tariff for regulated services of a natural monopoly entity and degradation of its financial and economic activities

Name of indicators of tariff estimates	Unit of measurement	Provided in the approved tariff estimates	Draft tariff estimates with account of the transaction	Variance	
				thousand tenge	%

4. Information on property valuation

Name of the valuation organization conducting the property valuation	Information on the state license for property valuation (number and date of issue)	Date and number of the report on the valuation of property of the service recipient	Name of property (object) of the service recipient	Residual value of property (object) of the service recipient	Market value of property (object) of the service recipient	Opinion of the valuation organization conducting the valuation of the property

I agree to the use of information constituting a law-protected secret contained in information systems _____

"__" _____ 20__ (signature).

Form 2

To _____

(full name of the authorized body)

from _____

(full surname, name, patronymic

(if any) of individual entrepreneur or name of legal entity)

address _____

(index, city, district, region, street, house №, telephone)

The applicant's details

(Business identification number,

Individual identification number)

Application for the consent of the authorized body for

(name of the service)

Rationale for the need to reorganize (liquidate) the applicant

Information on the location of each newly emerging legal entity (in case of reorganization

)

—

—

—

Information on the applicant's ownership interest in other legal entities

—

—

I agree to the use of information constituting a law-protected secret contained in information systems _____

"__" _____ 20__ (signature).

Appendix 5
to the Rules for
carrying out activities by
natural monopoly entities
Form

Tender announcement

—

(full name of the customer)

announces a (repeat) tender for the procurement of the following goods, works and services: (brief description of the goods, works and services and their quantity (volume) without indicating the cost); (when purchasing five or more items of goods, works and services in one tender, the announcement of the tender contains a reference to the full list of procured goods, works and services in the tender documentation of the customer. If the customer has a website, the latter indicates the full list of procured goods, works and services on the website).

Goods, works, services are delivered (performed/rendered) at:

—

(indicate the place of delivery of goods, performance of works or rendering of services).

Required timing for the delivery (performance, rendering) _____

All potential suppliers meeting the requirements specified in the Rules for carrying out activities by natural monopoly entities approved by Order № _____ of the Minister of Digital

Development, Innovations and Aerospace Industry of the Republic of Kazakhstan as of _____
_____ are allowed to participate in the tender.

A package of tender documents shall be received before _____ (hours) _____ (min.) " ____ " _____
_____ (year) (indicate the time and date 24 hours before opening tender envelopes) incl.
at the address _____, room № ____ from ____ to ____ (hours).

The cost of a package of tender documentation is _____ tenge, which shall be
remitted to the account (indicate the appropriate account of the customer) or to the accounting
department of the Customer. Tender documentation is provided free of charge (if charging for
the provision of tender documentation is not required, the announcement shall indicate that
the tender documentation is provided free of charge) to small business entities and
organizations producing goods, works and services that are established by public associations
of disabled persons of the Republic of Kazakhstan.

Potential suppliers submit tender applications sealed in envelopes to _____

—
(name of the customer)

at the address: _____ room № _____.

Deadline for submitting tender applications is _____ (hours) _____ (min.) " ____ " _____
_____ (year).

The tender commission will open tender envelopes at _____
(hours) _____ (min.) " ____ " _____ (year) at the address: _____
room № _____

Potential suppliers and their representatives (given a power of attorney signed by the chief
executive officer and sealed) are present at the opening of tender envelopes.

Consumers of services of the natural monopoly entity are allowed to participate as
observers in the current _____

(name of the customer)

tender for the procurement of goods (works, services).

Additional information and inquiries are available by phone: _____

(city code and phone number).

Appendix 6
to the Rules for
carrying out activities by
natural monopoly entities
Form 1

(To) _____

(name of the entity)

(From) _____

(name (surname, name,
patronymic (if any)
of a potential supplier)

Tender application (for legal entities)

Having considered the tender documentation for the tender

_____, the receipt of which is hereby certified,
(name of the tender)

— (name (surname, name, patronymic (if any) of a potential supplier) proposes to supply
goods (perform works, render services) for the following lots:

— _____
— _____
— _____

— (detailed description of goods, works and services by lots)
in accordance with the tender documentation for the total amount of

— (in figures and words)
This tender application consists of:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

— In the event that our tender application is acknowledged successful, we undertake to start
the delivery of material and financial resources (performance of works, rendering of services)
within _____ days (in words) and complete the delivery of all material and
financial resources (performance of works, rendering of services) specified in this tender

application within _____ days of the date (in words) of receipt of your notification of recognizing our tender application as successful.

We agree with your terms of payment stipulated in the tender documentation. We offer the following alternative payment terms

(alternative payment terms, if any, are specified)
or other conditions (to be specified: _____
_____)

at the same time we offer a price discount in the amount of

(indicate in monetary terms, in words).
This tender application is valid for _____ days (in words) of opening tender envelopes.

Until the conclusion of the procurement contract, this tender application, together with your notification of recognizing it as successful, will serve as a binding contract between us.

(signature, date) (position, surname, name, patronymic (if any))
Stamp here (if any)
Authorized to sign the tender application on behalf of and instruction of

(name surname, name, patronymic (if any) of a potential supplier)

Form 2

(To) _____

(name of the entity)

(From) _____

(surname, name, patronymic (if any) of a potential supplier)

Tender application

(for individual entrepreneurs)

Having considered the tender documentation for the tender _____, the receipt of which is hereby certified, (name of the tender) I offer to deliver material, financial resources (perform works, render services) for the following lots:

_____ in accordance with
the tender

(detailed description of goods, works and services by lots)
documentation for the total amount of

— (in figures and words).

This tender application consists of:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

In the event that my tender application is recognized as successful, I undertake to start the delivery of material, financial resources (performance of works, rendering of services) within _____ days (in words) and complete the delivery of all material and financial resources (performance of works, rendering of services) specified in this tender application within _____ days of the date (in words) of receipt of your notification of recognizing my tender application as successful.

I agree with your terms of payment stipulated in the tender documentation. I offer the following alternative payment terms

— (alternative payment terms, if any, are specified)

or other conditions (to be specified: _____) at the same time

I offer a price discount in the amount of _____ (indicate in monetary terms, in words).

This tender application is valid for _____ days (in words) of opening tender envelopes.

Until the conclusion of the procurement contract, this tender application, together with your notification of recognizing it as successful, will serve as a binding contract between us.

— (signature, date) surname, name, patronymic (if any)

Appendix 7 to the Rules for carrying out activities by natural monopoly entities Form

Table of prices of a potential supplier's tender application

— (name (surname, name, patronymic (if any) of a potential supplier)

(to be filled in for each lot separately) _____

Name of goods, works and services _____

1. Brief description

2. Country of origin (not required for procuring works)

3. Manufacturer (not required for procuring works and services)

4. Unit of measurement

5. Price _____ per unit in _____ on the terms ____ (destination)

6. Quantity (volume)

7. Total price = L5 x L6, in _____

8. Total price, in _____ on the terms _____ (destination), including all expenses of a potential supplier for transportation, insurance, payment of customs duties, VAT and other taxes, fees and charges, the cost of components, required spare parts and maintenance during the initial lifecycle per unit of measurement and other expenses.

A potential supplier may indicate other expenses, including: 8.1, 8.2.

9. The size of the discount, if any, is 9.1, 9.2. _____

Note: the potential supplier does not indicate the components of the total price indicated in Line 8, while the tender commission considers the price indicated in this line as the one fixed with account of all the potential supplier's costs and not subject to revision.

(signature) (position, surname, name, patronymic (if any)

Stamp here (if any)

Appendix 8
to the Rules for
carrying out activities by
natural monopoly entities

Certificate of transfer of goods

№ _____ " ____ " _____ 20____. Document number date of signing (the date and time of signing the certificate by the customer are fixed)

This certificate is drawn up to certify that _____ (Supplier),

(name of the Supplier)

under the contract (and supplementary contract)

— (name of the contract (supplementary contract), date and number)

as of " _____ " _____ 20 __ № _____ represented by the undersigned
 representatives
 of the Supplier, transferred, and _____ (_____
 Customer), represented by
 (name of the Customer)
 the undersigned representatives of the Customer accepted:

Information on the goods							
№	Place of goods' delivery	Name of the goods	Inventory (factory) number (if any)	Unit of measurement	Quantity	Price	Amount, tenge
	1	2	3	4	5	6	7
1							

The cost of the goods according to this certificate under the Contract is _____
 tenge, (in figures, in words) incl. VAT/ex. VAT,

Name of Supplier	IIN/BIN	IIC/BIC	Bank	Legal address	Supplier's representatives		Approved by	
					S.N.P., position	signature	S.N.P., position	signature
1	2	3	4	5	6	7	8	9

Information on the contract						
1	General information					
	Total value of the Contract	Advance payments' amount	Amount paid as of effective date of the Contract	Earlier documented amounts	Amount of forfeit (fine, penalty) for delay in delivery or improper fulfillment (partial non-fulfillment) of obligations	Number of days of delay
	1	2	3	4	5	6
2	Code of the Unified Budget Classification of Expenditures: Program/Subprogram/Specificity					
3	Actual expenses, including those incurred by the supplier under this certificate					
	Name of goods	Unit of measurement		Quantity	Price per unit, tenge	amount in tenge
	1	2		3	4	5
1						
...						
	Amount to be remitted to the Supplier					

Appendix: list of electronic copies of documents (attached by the supplier/customer, if any)

Name of the customer	IIN/BIN	IIC/BIC	Bank	Legal address	Customer's representatives		Approved by (head of the organization)
					Persons responsible for accepting goods	Persons responsible for correct execution (details, specifics)	

					S.N.P.	signature	S.N.P.	signature	S.N.P.	signature
1	2	3	4	5	6	7	8	9	10	11

S.N.P. – surname, name, patronymic (if any)

IIN - Individual Identification Number

BIN - Business Identification Number

IIC - Individual Identity Code

BIC - Bank Identification Code

Appendix 9 to the Rules for carrying out activities by natural monopoly entities

Certificate of works performed

№ _____ " ____ " _____ 20____ Document number date of signing (the date and time of signing the certificate by the customer are fixed)

This certificate is drawn up to certify that _____ (Contractor),
(name of the Contractor)
under the contract (and supplementary contract)

_____ (name of the contract (supplementary contract), date and number)

as of " ____ " _____ 20 ____ № ____, represented by the undersigned representatives
of the Contractor, performed, and _____

____ (Customer),

(name of the Customer)

represented by the undersigned representatives
of the Customer, accepted:

Information on the work performed							
№	Place of works' performance	Date/period of performance of works	Name	Unit of measurement	Quantity	Price per unit (tenge), incl. VAT/ex.VAT	Amount, in tenge
	1	2	3	4	5	6	7
1							
...							

The cost of the works performed according to this certificate under the Contract is _____
tenge, incl. VAT/ex. VAT, (in figures, in words)

Contractor's name	IIN/BIN	IIC/BIC	Bank	Legal address	Contractor's representatives		Approved by	
					S.N.P., position	signature	S.N.P., position	signature
1	2	3	4	5	6	7	8	9

Information on the contract								
General information								

№	Total value of the Contract	Advance payments' amount	Amount paid as of effective date of the Contract	Earlier documented amounts	Amount of forfeit (fine, penalty) for delay in performance of works or improper fulfillment (partial non- fulfillment) of obligations	Number of days of delay
1	2	3	4	5	6	
2	Code of the Unified Budget Classification of Expenditures: Program/Subprogram/Specificity					
3	Actual works performed under this certificate (name of works broken down by their subtypes in accordance with the technical specification, terms of reference, work schedule, if any)					
	Name	Date/period of works' performance	Unit of measurement	Quantity	price per unit (amount, in tenge),	amount, in tenge
	1	2	3	4	5	6
1						
...						
4	Amount to be remitted to the Contractor					

Appendix: list of electronic copies of documents (attached by the contractor/customer, if any)

Name of the customer	IIN/BIN	IIC/BIC	Bank	Legal address	Customer's representatives				Approved by (head of the organization)	
					Persons responsible for accepting goods		Persons responsible for correct execution (details, specifics)			
					S.N.P.	signature	S.N.P.	signature	S.N.P.	signature
1	2	3	4	5	6	7	8	9	10	11

S.N.P. – surname, name, patronymic (if any)

IIN - Individual Identification Number

BIN - Business Identification Number

IIC - Individual Identity Code

BIC - Bank Identification Code

Appendix 10
to the Rules for
carrying out activities by
natural monopoly entities

Certificate of services rendered

№__ " __ " _____ 20__ Document number date of signing (the date and time of signing the certificate by the customer are fixed)

This certificate is drawn up to certify that _____ (Supplier),
(name of the Supplier)
under the contract (and supplementary contract)

(name of the contract (supplementary contract), date and number)

as of " " 20 № represented by the undersigned representatives
of the Supplier, rendered, and _____ (Customer),

(name of the Customer)

represented by the undersigned representatives of the Customer accepted:

Information on the service rendered						
Item №	Place of rendering the service	Name of the service	Unit of measurement	Quantity	Price per unit (tenge), incl. VAT/ex. VAT	Amount, in tenge
	1	2	3	4	5	6
1						
...						

The cost of the service rendered according to this certificate under the Contract is _____
tenge, incl. VAT/ex. VAT, (in figures, in words)

Name of Supplier	IIN/BIN	IIC/BIC	Bank	Legal address	Supplier's representatives		Approved by	
					Surname, name, patronymic (if any) (hereinafter – S.N.P.), position	signature	S.N.P., position	signature
1	2	3	4	5	6	7	8	9

Information on the contract							
№	General information						
	Total value of the Contract	Advance payments' amount	Amount paid as of effective date of the Contract	Earlier documented amounts	Amount of forfeit (fine , penalty) for delay in rendering the services or improper performance (partial non-performance) of obligations	Number of days of delay	
	1	2	3	4	5	6	
2	Code of the Unified Budget Classification of Expenditures: Program/Subprogram/ Specificity						
3	Actual services rendered under this certificate (name of services broken down by their subtypes in accordance with the technical specification, terms of reference, service schedule, if any)						
№№	Name of the service	Date/ period of rendering the services	Unit of measurement	Quantity	Price per unit, tenge	Amount, in tenge	Information on the report on scientific research, marketing, consulting and other services (date, number, number of pages) (if any)
	1	2	3	4	5	6	7
1							

4	Amount to be remitted to the Supplier		
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Appendix: list of electronic copies of documents (attached by the supplier/customer, if any)

Name of the customer	IIN/BIN	IIC/BIC	Bank	Legal address	Customer's representatives				Approved by (head of the organization)	
					Persons responsible for accepting the service		Persons responsible for correct execution (details, specifics)			
					S.N.P.	signature	S.N.P.	signature	S.N.P.	signature
1	2	3	4	5	6	7	8	9	10	11

S.N.P. – surname, name, patronymic (if any)

IIN - Individual Identification Number

BIN - Business Identification Number

IIC - Individual Identity Code

BIC - Bank Identification Code

VAT – value added tax

Appendix 11
to the Rules for
carrying out activities by
natural monopoly entities
Form

Customer:

surname, name, patronymic
(if indicated in the identity document)
of an individual or legal entity
the customer's address, telephone, fax, e-mail address

(signature)

" _____ " _____ 20 _____

Application for issuing technical conditions for the connection to cable duct networks

Full name of the applicant, his/her/its location (legal address), bank details, individual identification number/business identification number

Addresses of the applicant's facilities between which it is planned to lay communication cables (indicating the type, brand and outer diameter of the cables) in the cable duct

The purpose of the planned cable laying and its further use: _____

Date and time (hours, minutes) of submitting the application _____

Please, find attached: _____

Appendix 12
to the Rules for
carrying out activities by
natural monopoly entities
Form

Annual report

on the activities of a natural monopoly entity on the provision of a regulated service to consumers and other interested parties general information on the natural monopoly entity.

1. implementation of investment programs and (or) investment projects, including those approved by the authorized body.

2. the main financial and economic indicators of the activity of the natural monopoly entity for the reporting period.

3. volumes of provided regulated services (goods, works) for the reporting period.

4. information on the work with consumers of regulated services (goods, works).

5. information on item-by-item execution of the tariff estimates for the reporting period by the approved authorized body.

6. business prospects (development plans), including possible changes in tariffs for regulated services.

The Report of the natural monopoly entity shall include substantiated information provided for in subparagraphs 2) - 6).

to the Rules for
carrying out activities by
natural monopoly entities
Form

Information
on implementation of the approved investment program
for _____ (year)
as of 20__ (year) (half-year of 20__ (year))

name of the entity, type of activity

Item №	Information on planned and actual volumes of provision of regulated services (goods, works)						Profit and loss statement*	Amount of investment program (project)			
	Name of regulated services (goods, works) and service area	Names of entities	Unit of measurement	Quantity in physical indicators		Period of providing services within the investment program (project)		Planned	Actual	variance	causes of variance
				planned	actual						
1	2	3	4	5	6	7	8	9	10	11	12
<p>the profit and loss statement is presented in accordance with Appendix 3 of Order № 404 of the Minister of Finance of the Republic of Kazakhstan as of June 28, 2017 “On approval of the list and forms of annual financial statements for publication by public interest entities (except for financial organizations)” (registered in the State Registration Register of Regulatory Legal Acts under № 15384); information is also filled on other indicators with account of the specifics of the industry (if provided for in the approved investment program (project));</p> <p>this information is submitted together with supporting documents on the implementation of the investment program (copies of relevant agreements, contracts, certificates of acceptance of works performed, a certificate of the cost of works performed and costs, invoices, state acceptance commissions’ commissioning certificates, internal invoices, internal orders of the regulated market entities on commissioning and recognition).</p>											

Table continued

Information on actual conditions and amounts of financing of the investment program (project), thousand tenge			Information on comparing actual performance indicators of the investment program (project) with indicators approved in the investment program (project) **			
Own funds				Improvement of performance indicators,%, by years of implementation, depending on	Wear reduction of (physical) fixed assets (assets),%, by years of implementation, depending on	Loss reduction,%, by years of implementation, depending on the approved investment program (project)
Depreciation						
						Accident reduction,%, by years of implementation, depending on the approved

	Profit	Borrowed funds	Budgetary funds	the approved investment program (project)		the approved investment program (project)				investment program (project)	
				as of the last year	as of the current year	as of the last year	as of the current year	planned	actual	as of the last year	as of the current year
13	14	15	16	17	18	19	20	21	22	23	24

the profit and loss statement is presented in accordance with Appendix 3 of Order № 404 of the Minister of Finance of the Republic of Kazakhstan as of June 28, 2017 “On approval of the list and forms of annual financial statements for publication by public interest entities (except for financial organizations)” (registered in the State Registration Register of Regulatory Legal Acts under № 15384);

information is also filled on other indicators with account of the specifics of the industry (if provided for in the approved investment program (project));

this information is submitted together with supporting documents on the implementation of the investment program (copies of relevant agreements, contracts, certificates of acceptance of works performed, a certificate of the cost of works performed and costs, invoices, state acceptance commissions’ commissioning certificates, internal invoices, internal orders of the regulated market entities on commissioning and recognition).

Explanation of the reasons for the variance of the achieved actual indicators from the indicators in the approved investment program (project)	Assessment of improving the quality and reliability of the provided regulated services (goods, works)
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25	26
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the profit and loss statement is presented in accordance with Appendix 3 of Order № 404 of the Minister of Finance of the Republic of Kazakhstan as of June 28, 2017 “On approval of the list and forms of annual financial statements for publication by public interest entities (except for financial organizations)” (registered in the State Registration Register of Regulatory Legal Acts under № 15384);

information is also filled on other indicators with account of the specifics of the industry (if provided for in the approved investment program (project));

this information is submitted together with supporting documents on the implementation of the investment program (copies of relevant agreements, contracts, certificates of acceptance of works performed, a certificate of the cost of works performed and costs, invoices, state acceptance commissions’ commissioning certificates, internal invoices, internal orders of the regulated market entities on commissioning and recognition).

Appendix 14
to the Rules for
carrying out activities by
natural monopoly entities
Form

Information on the execution of the approved tariff estimates
_____ for _____ (year)

as of 20__ (year) (half-year of 20__ (year))

Item №	Name of indicators of tariff estimates	Unit of measurement	Provided for in the approved tariff estimates	Actual indicators of tariff estimates	Variance, in %	Causes of variance

1	2	3	4	5	6	7
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Appendix 15
to the Rules for
carrying out activities by
natural monopoly entities
Form

Information on compliance with quality and reliability indicators of regulated services by natural monopoly entities as of 20__ (year) (half-year of 20__ (year))

__ name of entity, type of activity

regulated service

Item №	Quality and reliability indicator	As of the year (half-year) preceding the reporting period	Plan (for __ (year))	As of the current year (half-year)	Assessment of compliance with reliability and quality indicators	Reasons (justification) for failure to comply with reliability and quality indicators
1	2	3	4	5	6	7
1						
2						

Appendix 16
to the Rules for
carrying out activities by
natural monopoly entities
Form

Information on achievement of performance indicators by natural monopoly entities as of 20__ (year) (half-year of 20__ (year))

name of entity, type of activity

regulated service

Item №	Performance indicator	As of the year (half-year) preceding the reporting period	Plan (for __ (year))	As of the current year (half-year)	Assessment of achievement of performance indicators	Reasons (justification) for failure to achieve performance indicators
1	2	3	4	5	6	7
1						
2						

Appendix 17
to the Rules for
carrying out activities by
natural monopoly entities
Form

Performance indicators of natural monopoly entities

name of the natural monopoly entity, type of activity _____

(name of the regulated service)

Item №	Name of the indicator	Unit of measurement	Comments		
1	2	3	4	5	6
1					
2					

Appendix 18
to the Rules for
carrying out activities by
natural monopoly entities
Form

Quality and reliability indicators of the regulated service

(name of the service)

the validity period of the quality and reliability indicator of regulated services is 20 ____ - 20 ____ (years)

Item №	Name of an indicator of quality and reliability of regulated services	Unit of measurement	Factual data	Target values of an indicator, by years
1	2	3	4	5
1				
2				

Appendix 19
to the Rules for
carrying out activities by
natural monopoly entities

Questionnaire

Dear customer!

The Telecommunications Committee of the Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan is developing a draft indicator of service quality and reliability of regulated services _____

(name of the service for which the survey of the entities' consumers is conducted)

The purpose of the survey is to assess consumer preferences in terms of indicators of service quality and reliability of regulated services _____

(name of the service)

Please answer the following questions based on your service consumer experience.

Indicate the administrative-territorial unit in which you consume the service

—.

(name of the service)

Name of the entity whose service you use _____

_____, telephone number to contact you _____,

e-mail address _____.

Item №	Name of an indicator	Unit of measurement	Value of the indicator					Please indicate the importance of the indicator for you.					
			Annual average actual value	Annual average planned value *					Vitaly important	Very important	Relatively important	Not very important	Unimportant
				11	22	33	44	55					
1	2	3	4	5					6				

Table continued

Please indicate your satisfaction with the average annual actual value of the indicator.					If you are not satisfied or absolutely not satisfied, indicate your target indicator value
Fully satisfied	Partially satisfied	Relatively satisfied	Not satisfied	Absolutely not satisfied	
7					8