Pursuant to Article 22, paragraph (2) of the Law on Public Procurement (Official Gazette of Republic of Macedonia, No. 136/07), the Minister of Finance has adopted the following

R U L E B O O K

on the manner of utilization of the Electronic System for Public Procurement [*]

Article 1

This Rulebook shall stipulate the utilization manner of the Electronic System for Public Procurement

Article 2

The Electronic System for Public Procurement (hereinafter: ESPP) shall comprise of electronic equipment, devices and programs enabling distant communication and exchange of data and shall be accessed via the web page.

Article 3

Physical presence in the ESPP room shall be allowed for authorized personnel only, nominated by the responsible person of the institution in which the ESPP is located.

If an access to the ESPP room and data is required by a third person, an authorized person's company shall be demanded to accompany and supervise the third party.

The room in which the ESPP is installed shall be protected from environmental hazard by application of measures and controls reducing the risk of potential threats including theft, fire, explosions, smoke, water, dust, vibrations, chemical effects, disturbances in electricity supply and electromagnetic radiation.

Article 4

ESPP shall have firewalls for preventing external access and protecting internal data, configured thus all access and protocols unnecessary for the operation of ESPP shall be disabled.

ESPP shall have a malicious software protection system (antivirus program), regularly updated with latest definitions of malware.

ESPP shall run the malicious software protection system on each data download.

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[*] Published in the "Official Gazette of Republic of Macedonia" No. 154/07.

Article 5

ESPP shall encrypt received data and shall disable de-encryption of data up to the moment of opening of bids or applications for participation, whereas during electronic auctioning, ESPP shall disable disclosure of auction participants' identity.

Article 6

The back-up copy of data stored in the ESPP shall be kept in a room outside of the ESPP room and shall be physically and cryptographically conserved, obtaining modification prevention as well.

Backing up data shall be performed every day of the work week and every last day of the month, as well as during opening of bids or participation applications.

Due to proper backing up of data, a device and sufficient media for backups shall be provided for and a copy management plan shall be prepared.

Article 7

For implementation of procedures for allocation of public procurement contracts via ESPP, registration shall be required for the procuring entity as a result of which a user profile is set up and an automatic generation of local system administrator's user name and password is initiated.

For the purposes of registering in the ESPP, the procuring entity shall submit a Request to the Public Procurement Bureau.

Article 8

The Economic operator shall be registered in the ESPP by filling out a registration form which is in integral part of the ESPP software.

ESPP shall automatically process registration form data, shall generate a code and shall submit the code to the registered electronic mail of the economic operator.

Article 9

Every procurement entity registered in the ESPP can change the user name and code automatically generated by the ESPP, or provided for by the local system administrator.

The economic operator can change the user name individually created or the ESPP generated code.

Article 10

The procurement entity shall use ESPP for the following action:

- Publication of public procurement contract allocation;
- Providing for amendments and annexes to the biding documentation;
- Publication of contracts on issues by the economic operators in the public procurement contract allocation;
- Opening and evaluation of bids or participation applications in the public procurements contract allocation,
- Keeping Minutes for opening of bids and submitting a Report on conducted procedure;
- Posing questions and requests for clarification and annexing of documentation during evaluation of bids or participation applications;
- Preparation, adoption and publication of decisions on performed pre-qualification, allocation of the public procurement contract, signing of framework agreement or annulment of the public procurement contract allocation; and
- Creating a folder/dossier on public procurement contract allocation or framework agreement signing.

Article 11

The registered economic operator shall use the ESPP for the following action:

- Receiving the bidding documentation;
- Posing questions and receiving response on public procurement contract allocation;
- Submission of offer or participation application, as well as of requested documentation; and
- Responding to questions by the procuring entity during offer evaluation process.

Article 12

ESPP shall register the economic operator and the time of receipt of the bidding documentation.

In the course of receiving documents and messages sent by the economic operators to the procuring entity and vice verse, the ESPP shall confirm the receipt by automatic dispatch of an electronic notice stating the exact time.

The ESPP shall disable receipt of offers submitted upon expiry of the final submission dead line.

Article 13

In the course of the initial stage of the limited procedure, ESPP shall enable de-encrypting and opening of submitted application for participation only upon expiry of the submission deadline.

During public opening of bids in the open procedure and in the second stage of the limited procedure, as well as in the course of opening of bids in an electronic auction procedure, ESPP shall automatically de-encrypt and open the bids on the day and hour stated in the public advertisement and documentation.

During evaluation, ESPP shall automatically calculate the points for the set of criteria ranked upon previously announced and entered formula in the ESPP in accordance with the Methodology on criteria for public procurement contract allocation in points.

In the course of evaluation of criteria not ranked according to a formula, the allocated points on behalf of the Commission on Public Procurement shall be entered in the ESPP appropriate fields.

ESPP shall rank the bidders or candidates according to the total points score.

Article 14

ESPP can serve as medium of electronic auctioning as the last stage of the procedure previously conducted via ESPP or as the last stage of a procedure previously carried out on paper.

Article 15

The bidders, submitting acceptable offers on paper during previous stage which are not registered users of the ESPP shall be registered in ESPP, following which action the procurement entity via ESPP will define the day and hour of commencement and closing of auction, the number of rounds, starting point of negative bidding and minimal differences in price permitted during the negative bidding, informing all bidders which have submitted acceptable offers and are registered in the ESPP.

Article 16

The procuring entity via ESPP shall submit a list of bidders sending acceptable offers and shall send an invitation for electronic auction participation containing information of Article 15 of this Rulebook.

In ESPP, information of Article 15 of this Rulebook can be modified up to the point of start of the electronic auctioning, for which modification immediately informs the selected, eligible bidders.

Article 17

As the starting price, ESPP shall automatically set the lowest price of all offers previously evaluated and accepted for electronic auctioning.

In ESPP, the lowest given price in the previous round shall automatically apply as the starting price in the next round.

Article 18

In the starting round including the period of compiling of the starting ranking list of eligible bidders up to the moment of starting of the next round, ESPP can help in performing the following action:

- Another round for which the procurement entity shall define the day and time of commencement and completion of round in which the bidders can submit an unlimited number of new prices or\

- Multiple subsequent rounds in which the bidders can set a price in each round.

Article 19

If the option of Article 18, indent 1 of this Rulebook is selected, ESPP can perform the automatic time continuation for negative bidding of additional 15 minutes, only provided that in the last 3 minutes of the time envisaged for negative bidding a new price is set in which action ESPP shall enable this automatic continuation only once.

Article 20

If the option of Article 18, indent 2 of this Rulebook is elected, ESPP shall identify the accurate number of rounds as well as the date and time of commencement and completion of each round.

ESPP can change the date and hour of rounds not yet started, and meanwhile the auction participants are duly informed.

Article 21

If the subject of public procurement contract allocation is shared, in order to select the best offer for each subject share, ESPP shall define the date and time of commencement and completion of auction for each share of the procurement subject, or for each share a separate electronic auction shall be organized.

Article 22

If in the course of the rounds a new price is not set, ESPP shall automatically close down the auction.

Article 23

On the day of enforcement of this Rulebook, the Rulebook on Type and Manner of Utilization of Electronic System of Public Procurement ("Official Gazette of Republic of Macedonia" No. 36/06) shall cease to exist.

Article 24

This Rulebook shall enter into force on the eighth day following the day of its publication in the "Official Gazette of Republic of Macedonia" and its application shall start on the 1st January 2008.

No. 23-48780/1	MINISTER,
19 December 2007	Trajko Slaveski, PhD
Skopje	(in his own hand)