

public procurement - legal changes published in January 2018

Order of the National Agency for Public Procurement no. 1170/1450/2017 regarding the level of the update rate for the year 2018 related to the purchase contracts was published in the Official Gazette of Romania, Part I, no. 24 of January 10, 2018, entering into force on the same date.

The Order provides that, in accordance with the methodology for calculating the rate to be used for the life cycle cost costs in public procurement/framework agreements award procedures which have the lowest cost criterion, approved by the Order of the President of NAPP no. 842/175/2016 approving the methodology for calculating the update rate to be used for the award of public procurement contracts, a level of this indicator of 4,5% is set for 2018.

The above-mentioned update rate is used in the award of public procurement contracts/framework agreements financed exclusively from the state budget.

In the case of public procurement contracts financed from European non-reimbursable funds for which the award procedure is initiated in 2018 and the award criterion is the "lowest cost", the provisions of Art. 5 of the Order of the President of NAPP and of the President of the National Prognosis Commission no. 842/175/2016 remain applicable.

Government Decision no. 1/2018 for the approval of general and specific conditions for certain categories of procurement contracts related to publicly funded investment objectives was published in the Official Gazette of Romania, Part I, no. 26 of January 11, 2018, entering into force on the same date.

The decision sets out the general and specific conditions, together with the framework agreement template, for public or sectoral works contracts which have as their sole object the execution of works and are related to publicly funded investment objectives, including from non-reimbursable and/or reimbursable funds, whose total estimated value, according to the legal provisions, is equal to or higher than the value threshold provided by art. 7 par. (1) lit. a) of Law no. 98/2016 on public procurement.

Also, the normative act approves the general and specific conditions, together with the framework agreement template, for the public or sectoral contracts for works which have as object both the design and the execution of works and which are related to the investment objectives financed by public funds, including non-reimbursable and/or reimbursable funds, the total value of which, according to the legal provisions, is equal to or higher than the value threshold provided by art. 7 par. (1) lit. a) of Law no. 98/2016.

This Decision does not apply to contracts under projects financed under the National Rural Development Program and approved before the date of its entry into force.