

The norms for the application of the legal provisions on public procurement and of the legal provisions on utilities procurement have been approved

In the session of 2 June 2016, the Romanian Government adopted the Draft decision approving the norms for the application of Law no. 98/2016 on Public Procurement and the Draft decision approving the norms for the application of Utilities Procurement Law no. 99/2016.

Government Decision no. 394/2016 approving the Norms for the application of the provisions on the award of utilities contracts/framework agreement set forth under Utilities Procurement Law no. 99/2016 (“**GD 394/2016**”) was published in Official Journal of Romania no. 422 of 6 June 2016, while Government Decision no. 395/2016 approving the Norms for the application of the provisions on the award of public procurement contracts/ framework agreement set forth under Public Procurement Law no. 98/2016 (“**GD 395/2016**”) was published in Official Journal of Romania no. 423 of 6 June 2016.

GD 394/2016 and GD 395/2016 present in detail, among other things, the planning and preparation of the public procurement/utilities procurement process (including provisions on the market consultation process), the methodology used for the establishment of the tender guarantee and of the performance guarantee, the methodology used for the establishment of the qualification and selection criteria as well as of the award criterion, etc.

Aprobarea normelor metodologice de aplicare a prevederilor legii privind achizițiile publice și a prevederilor legii privind achizițiile sectoriale

În ședința din data de 2 iunie 2016, Guvernul României a adoptat Proiectul de hotărâre pentru aprobarea normelor metodologice de aplicare a Legii nr. 98/2016 privind achizițiile publice și Proiectul de hotărâre pentru aprobarea normelor metodologice de aplicare a Legii nr. 99/2016 privind achizițiile sectoriale.

Hotărârea Guvernului nr. 394/2016 pentru aprobarea Normelor metodologice de aplicare a prevederilor referitoare la atribuirea contractului sectorial/acordului-cadru din Legea nr. 99/2016 privind achizițiile sectoriale („**HG 394/2016**”) a fost publicată în Monitorul Oficial al României nr. 422 din 6 iunie 2016, iar Hotărârea Guvernului nr. 395/2016 pentru aprobarea Normelor metodologice de aplicare a prevederilor referitoare la atribuirea contractului de achiziție publică/acordului-cadru din Legea nr. 98/2016 privind achizițiile publice („**HG 395/2016**”) a fost publicată în Monitorul Oficial al României nr. 423 din 6 iunie 2016.

HG 394/2016 și HG 395/2016 detaliază, printre altele, desfășurarea procesului de planificare și pregătire a realizării achizițiilor publice/sectoriale (inclusiv dispoziții referitoare la derularea procesului de consultare a pieței), modalitatea de stabilire a garanției de participare și a garanției de bună execuție, modalitatea de stabilire a criteriilor de calificare și de selecție precum și a criteriului de atribuire etc.



According to a press statement made by the President of the National Public Procurement Agency, once the application norms have been published in the Official Journal, the public/utilities procurement procedures will be initiated via the Electronic Public Procurement System in line with the new legislation.

Conform declarațiilor de presă ale Președintelui Agenției Naționale pentru Achiziții Publice, odată cu publicarea în Monitorul Oficial a normelor metodologice, procedurile de achiziții publice/achiziții sectoriale vor putea fi inițiate în conformitate cu noua legislație prin intermediul Sistemului Electronic de Achiziții Publice.

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<p>Advisory services offered to CONTRACTING AUTHORITIES:</p>	<p>Advisory services offered to BIDDERS:</p>
<ul style="list-style-type: none"> • Drafting legal opinions on the interpretation and implementation of national and EU public procurement legislation. • Tender evaluation assistance (part of the Evaluation Commission) as outsourced expert on behalf of the contracting authority. • Preparation/drafting of tender documentation for national/EU award procedures. • Drafting, revision, negotiation, implementation and monitoring of public procurement agreements, as well as of public project management agreements for the concession of public works, services and PPPs. • Audit of (public) procurement procedures organized/financed by public authorities and other financing bodies (e.g. Ministries, the World Bank, EBRD, etc.). • Design of public procurement policies & procedures. • Structuring and implementation of PPP/concession projects in line with the applicable legal provisions (including risk analysis and quantification, sensitivity analysis, substantiation studies for concession decisions (Value for Money), financial modelling. • Analysis of the statistical / accounting classification of assets related to PPP/concession projects in the light of Eurostat rules. • Assistance with commercial and financial closing of PPP/concession projects. 	<ul style="list-style-type: none"> • Preparation/drafting of tender documentation for participation in award procedures (including consortium or joint venture agreements, subcontracting, agreements as well as firm commitments of support). • Assistance in identifying inconsistencies and/or errors in the award documentation and/or the procurement procedure; formulating relevant requests for clarifications. • Legal assistance in filing complaints in accordance with public procurement and PPP legislation. • Revision and negotiation of public procurement or PPP agreements, project management agreements or contracts for the concession of public works and services. • Drafting legal opinions on the interpretation and implementation of national and EU public procurement legislation. • Coordination with tax authorities. • Contract management.
<p>INFRASTRUCTURE advisory services :</p>	<p>Other services:</p>
<ul style="list-style-type: none"> • Infrastructure tenders and contracts. • FIDIC, PPP, Concession contracts. • Project management. • Project financing. • Legal and financial assistance in the management of public procurement / public works and services concession / public goods concession projects. • Assistance in the preparation of feasibility studies. • Assistance in the preparation of substantiation studies in relation to concession decisions, risk analysis and quantification, sensitivity analysis, Value for Money, financial modelling. • Analysis of the statistical / accounting classification of assets related to PPP/concession projects in the light of Eurostat rules. • Assistance with commercial and financial closure of PPP/concession contracts. • Major Projects Advisory services (MPA). 	<ul style="list-style-type: none"> • Litigation assistance in connection with public procurement or public-private partnership issues and contracts. • Specialized (accredited) courses on EU/national procedures/regulatory framework in public procurement issues offered to both private and state entities (the Public Procurement Expert Course, accredited by ANC).