



**MONTENEGRO**

**Negotiating Team for the Accession of Montenegro to the European Union**  
*Working Group for Chapter 5 – Public Procurement*

Bilateral screening: Chapter 5  
**PRESENTATION OF MONTENEGRO**



**Brussels**





## Working Group for Chapter 5 – Public Procurement

**Bilateral screening: Chapter 5  
Presentation of Montenegro  
Brussels, 19 November 2012**



# E-PROCUREMENT

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# Relevant acquis

## (partially aligned)

- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Action plan for the implementation of the legal framework for electronic public procurement (13.12.2004)
- Commission Staff Working Document - Requirements for conducting public procurement using electronic means under the new public procurement Directives 2004/18/EC and 2004/17/EC (SEC (2005) 959, 08.07.2005)
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: a strategy for e-procurement (COM(2012) 179 final)



# Legal framework

- Law on Public Procurement ("Official Gazette of Montenegro", no. 42/11)

### Article 114

To conduct the electronic system of public procurement, the contracting authority must provide the following: communication, exchange and storage of information, in such a manner as to ensure data integrity and bid confidentiality; protection of the data contained in the bid before expiration of the time limit for their opening; that information related to specific requirement regarding the electronic submission of bids be made available to all bidders and candidates.

### Article 115

When a public contract procedure is conducted in electronic form, the review of tender documents, modifications of and additions to tender documents, submission of suitability evidence, bidders' clarification, and other communication and information shared between the contracting authority and bidders, or candidates, shall be performed through the electronic system of public procurement.

### Article 116

A bidder may submit its bid in electronic form only if the possibility of electronic submission of bids was envisaged in the contract notice, invitation to public tender and tender documents.

A bid in electronic form must be signed by an advanced electronic signature.

A bid in electronic form must have a time stamp in accordance with the law regulating the electronic signature.

The more detailed manner of conducting public contract procedure in electronic form shall be prescribed by the Ministry with consent of the state authority competent for the information society affairs.



# Legal framework

- Regulation on detailed content and method of conducting public procurement in electronic form ("Official Gazette of Montenegro", no. 61/11)
- Law on Electronic Signatures ("Official Gazette of Montenegro" no. 55/03 and 31/05 and Official Gazette of Montenegro no. 41/10)
- Law on Electronic Documents ("Official Gazette of Montenegro" no. 05/08, 40/11)
- Regulations on protection of electronic signatures and advanced electronic signatures ("Official Gazette of Montenegro" no. 61/11)
- Law on Electronic Commerce ("Official Gazette of Montenegro", no. 80/04 and "Official Gazette of Montenegro", no. 41/10, 73/10, 40/11)
- Law on Information Security ("Official Gazette of Montenegro", no. 14/10)
- Law on Electronic Communications ("Official Gazette of Montenegro", no. 50/08, 53/09, 70/09, 40/10, 49/10, 32/11, 40/11)



# Institutional framework

- Public Procurement Administration
- Ministry for Information Society and Telecommunications



## Current situation

www.ujn.gov.me







# Current situation

- Project IPA 2007 “Further Development and Strengthening of the Public Procurement System in Montenegro”;
- Centralized approach on national level;
- Mandatory registration – contracting authorities and economic operators;
- More than 2.200 registered users;
- More than 500 C.A. And 1.700 E.O.;
- More than 11.000 notices;
- User friendly;
- Transparent.



# Current situation

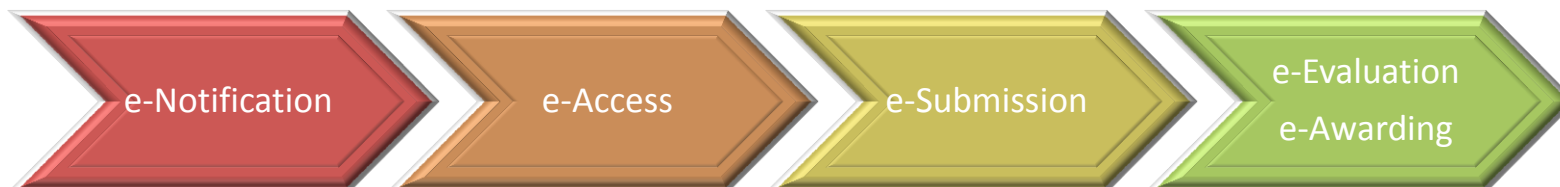
Contracting authorities are obliged by law to publish on Public Procurement Portal following notices:

- Public Procurement Plan;
- Invitation for:
  - Open procedure;
  - Restricted procedure;
  - Negotiated procedure with prior publication of a contract notice;
  - Framework agreement;
  - Contest;
  - Shopping method;
- Decision on selection of the most favorable bid;
- Decision on Cancellation of Public Procurement Procedure;
- Public procurement contract.



## Planned Long-Term Activities

### Next Steps





Thank you for your attention!

**QUESTIONS**