



**Government of Montenegro**  
**PUBLIC PROCUREMENT ADMINISTRATION**

**Ref. No: 01- 3886**  
**2016**

**Podgorica, 26 April**

**Attn: President, Deputy President and all members of the Coordinating Body**

**SUBJECT: Minutes of the Second meeting of the Coordinating Body for monitoring implementation of the Strategy for Development of the Public Procurement System in Montenegro for the period 2016-2020**

**Drawn up by: Svetlana Tomović – Secretary of the Coordinating Body**  
**Verified and approved by: PhD Mersad Mujević – President of the Coordinating Body**

The second meeting of the Coordinating Body for monitoring implementation of the Strategy for Development of the Public Procurement System in Montenegro for the period 2016-2020 was held in premises of the Montenegro Government's old building on 26 April 2016, starting at 10:00h. The meeting was attended by the Members of the CB who were appointed by the Decision on establishment of the Coordinating Body for a continuous monitoring over implementation of the Strategy for development of public procurement in Montenegro for the period 2016-2020, no.: 07-3437/1 of 23 February 2016.

The meeting was chaired by the President of the Coordinating Body PhD Mersad Mujević, Director of the Public Procurement Administration, while there were present also the following members of the CB: **Mirjana Purić** of the Ministry of Justice; **Tamara Bulajić**, Deputy President of the CB from the Ministry of Finance; **Tanja Musterović** of the Ministry of Finance; **Zilha Bralić** of the Public Procurement Administration; **Svetlana Tomović**, the Secretary of the CB, the Public Procurement Administration; **Veljko Vrbica** of the Ministry for Sustainable Development and Tourism; **MSc Bilgena Pačariz** of the Ministry for Information Society and Telecommunications; **Hivzo Kajević** of the Administration for Inspection Affairs; **Nataša Cicmil** of the State Commission for Control of Public Procurement Procedures; **Nenad Vujošević** of the Supreme State Prosecutor; **Aleksandar Mitrović** of Chamber of Economy of Montenegro; **Zoran Erceg**, representative of the Union of Municipalities of Montenegro and **Vuk Maraš**, of the NGO the Network for Affirmation of the Non-governmental Sector.

The Second session was not attended by the following members of the Coordinating Body: **MSc Sandra Škatarić** of the PPA, **Maja Jovanović** and **Maja Mitrović** of the MF, **Goran Kujović** of ME and **Ana Miljanić** of the Parliament of Montenegro.



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The President of the CB, PhD Mersad Mujević opened the session, Sjednicu je otvorio predsjednik KT, dr Mersad Mujević, with reference to the conclusions of the previous session which were related to the constitution of the Coordinating Body and amendments to the Rules of Procedure of the CB. Having noted that the session was attended by the required number of members for a proper functioning of the CB, the President of the CB introduced them to the proposal of the session's Agenda, which consisted of the following items:

1. Further activities on realization of the Action Plan for implementation of the Strategy
2. Current issues.

The Agenda was approved by all present members without any objection.

The President of the CB reminded the present members that, in accordance with the Strategy Management Methodology, the CB has the obligation to draw up reports on realization of measures contained in the Action Plan semi-annually and submit them to the Government, and informed them that the Public Procurement Administration is in process of preparing answers to questionnaires of the European Commission, on basis of which the regular Progress Report shall be drawn up.

*1. Further activities on realization of the Action Plan for implementation of the Strategy*

The President of the CB invited all its members to participate actively in realization of measures defined by the Strategy's AP. Considering that some of the measures from the AP had been scheduled for I and II quarter of 2016, the President of the CB referred primarily to those measures and degree of their realization so far. When it comes to enhancing legislative framework in public procurement field, the concern was expressed due to the fact that the Working Group for preparation of the new Law which would be harmonized with new EU Directives has not been established yet, about which a communication shall be submitted to the Ministry of Finance, since the above stated obligation is within its competence.

The President of the CB pointed out that, regarding the Activity 9 of the AP, the PPA conducted 9 trainings (targeted, specialized training sessions) and that the said activity is progressing by the anticipated dynamics. Regarding the Activity 11, with the observation that once again the session is not attended by a representative of the Ministry of Economy, the President of the CB informed the present members that 3-4 public forums have been planned to be organized across Montenegro with an aim to present the problems encountered by small and medium enterprises, which would serve as a basis for developing guidelines for economic entities by the PPA, ME and CEMNE, with the Union of Municipalities of Montenegro as a partner and other institutions such as the Union of Employers of Montenegro, the Montenegro Business Alliance. He also



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highlighted that the Activity 15. – organization of professional examination in public procurement field goes by foreseen dynamics. When it comes to activities on establishing the electronic public procurement system, the President of the CB informed the members that a large number of bidders have already sent their offers in response to the PIN (Prior Information Notice), and that the MF has been working intensely on preparation of tender documents, the draft of which had been sent to the EU Delegation for consideration and obtaining comments and suggestions thereupon.

In the area of protection of bidders' rights, the President of the CB expressed his concern due to current lack of staff resources (appointment of the President of the SC) within the State Commission for Control of Public Procurement Procedures, referring at the same time to the staff capacities of the PPA where recently one new officer has been employed, and further employments have been envisaged. In addition, the President of the CB informed the present members about 3 international projects where the PPA is a potential beneficiary.

Green/social procurement require involvement of the Ministry for Sustainable Development and Tourism, while measures for fight against corruption would be realized also through the e-procurement system, as well as through the new public procurement legislation, it was stated by the President of the CB.

Activity 13. – organization of the Forum on public procurement was planned for late June 2016, with the proposal by Vuk Maraš to allow the largest possible number of entities to submit their comments and suggestions in writing, to determine the Agenda of the Forum themselves and that the Forum should be attended by the most competent professionals in public procurement field. A member of the CB Mirjana Purić also took part in the discussion on organization of the Forum, suggesting that there should be invited those bidders from whose areas of activity the most appeals were, in order to provide them with the opportunity to present their problems at that event. The President of the CB concluded that the topics of the forthcoming Forum, as well as its final date, shall be determined at the next CB session which is due to be held in late May of the current year.

The member of the CB Hivzo Kajević, on behalf of the Administration for Inspection Affairs, pointed to the issue of using the direct agreement suggesting that abuse of this type of procedure should be treated as a misdemeanor. He also pointed to the lack of staff resources of the inspection in public procurement field, as well as the lack of resources for performing tasks within their competences. Member of the CB Vuk Maraš suggested organizing a specific debate on use of the direct agreement, considering frequent violations of legal obligations related to this type of procedure, and supported the proposal for imposing legal sanctions. The President of the CB reminded that each contracting authority is obliged to publish at their web pages the



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records on use of the direct agreement (Form C) as well as to submit to the PPA a report on use of that type of procedure.

When it comes to inter-institutional cooperation, the President of the CB informed the present members that the Protocol on Cooperation was signed between the PPA and the AIA, with an aim of maintaining the discussion and considering the current issues on regular basis. He also stated that the PPA will endeavor to sign such protocols on cooperation with other institutions, such as the Police Administration, State Audit Institution, the Supreme State Prosecutor's Office, CEMNE, EUME and others.

At the session, the President of the CB launched the issue of financial resources allocated for implementation of the Strategy, whereupon the need for further administrative capacities and increase of the budget was stated. It was agreed to submit an initiative for allocation of these resources to the Ministry of Finance, from the aspect of concern for an effective implementation of the Strategy. Regarding the compensations for the members of the CB, a request was forwarded to the MF via Deputy President of the CB Tamara Bulajić, who stated that she had not received a clear response on this matter and that there is no defined position regarding the said issue, which would soon be reactivated. A member of the CB Tanja Musterović reminded that, in accordance with the Law on Salaries of Civil Servants and State Employees, they may not receive the compensations on basis of their work in working teams, while other members may receive compensations on basis of service contracts. The President of the CB emphasized that a clear attitude of the MF on this issue is necessary, with an expectation that we would obtain the written opinion from the Ministry before the next session.

The session of the CB was closed at 11:45.

The Minutes from the second session will be submitted to the President, Deputy President and all members of the CB, and it will be published at the Portal of the Public Procurement Administration.

The Minutes drawn up by  
Secretary of the CB  
Svetlana Tomović

Verified by  
President of the CB  
Phd Mersad MUJEVIĆ