

Pursuant to Article 61 paragraph 4 of the Public Procurement Law (Official Gazette of Montenegro 42/11), the Director of the Public Procurement Administration hereby adopts

## **PROGRAM AND MANNER**

### **OF PROFESSIONAL DEVELOPMENT AND TRAINING IN PUBLIC PROCUREMENT FIELD**

#### **I METHOD OF ORGANIZATION AND IMPLEMENTATION OF PROFESSIONAL DEVELOPMENT AND TRAINING AND MANNER OF ISSUANCE AND RENEWAL OF CERTIFICATES**

##### **1. Subject**

The Program and Manner of Professional Development and Training in Public Procurement Field (hereinafter: the Program) determines the manner of organizing and implementation of professional development and training in public procurement field (hereinafter referred to as: the training) as well as the manner of issuance and renewal of certificates in public procurement field.

##### **2. Training**

(1) The aim of training is acquisition of knowledge, skills and abilities of participants in public procurement processes and other persons, in purpose of efficient, cost-effective and transparent implementation, monitoring and control over implementation of public procurement procedures at all levels.

(2) With a view to a quality preparation and implementation of public procurement procedures, the contracting authorities shall ensure that a public procurement officer possesses a certificate on professional development and training in public procurement field (hereinafter referred to as: the certificate) confirming the possession of knowledge and skills in public procurement field.

(3) The certificate is issued and renewed on the basis of acquiring and upgrading knowledge, skills and capabilities through training programs and regular professional development.

(4) Preparation and implementation of training shall be conducted by the Public Procurement Administration (hereinafter referred to as: the Administration).

(5) The Administration may, for compensation, prepare and conduct training for other persons as well, who are not subject to application of public procurement regulations, in accordance with the price list for the services in question, determined by the Administration with the approval by the Ministry of Finance.

### **3. Certificates**

(1) Certificates are issued on basis of completed training.

(2) Certificates are renewed on basis of regular professional development in accordance with this Program.

### **4. Issuance of certificates**

Certificate is issued for a period of three years, whereupon the date of successful completion of training is set as starting date of validity of the certificates.

### **5. Renewal of certificates**

Certificate is renewed for a period of three years, whereupon the date of expiry of the valid certificate is set as the starting date of the renewed certificate's validity, provided that the request for renewal of the certificate was submitted before expiry of the certificate's validity.

### **6. The time limit for issuing and renewal of certificates**

The certificate is issued by the Administration within 8 days as of the day the training was completed.

### **7. The request for renewal of certificates**

(1) The request for renewal of certificates shall be submitted to the Administration, shall be submitted to the Administration, as a rule, no later than 30 (thirty) days before expiry of validity of the certificate.

(2) The request for renewal of certificate must contain the following:

1. first and last name, personal identification number, date, month and year of birth of the person submitting the request;

2. place of employment of the person submitting the request;

3. number and date of issuance of the valid certificate;

4. information on attendance of training programs within period of duration of the valid certificate (title of entity organizing the training program, place and date of training, reference number of the training program in the act regulating training programs);

5. the address for delivery of certificates;

6. other contact details (telephone number, e-mail address).

(3) The request for renewal of certificates must be accompanied by statements or certified copies of statements on attendance of training(s) within the duration period of the valid certificate.

(4) In case that the request for renewal of the certificate contains incomplete data or documents, the Administration shall request submission of those lacking data or documents.

## **8. Content of certificate and certificate duplicate**

(1) The certificate shall contain at least the following data:

1. reference number;

2. title of the entity issuing the certificate;

3. first and last name and date of birth of the person to whom the certificate is issued;

4. place and date of issuing the certificate;

5. starting date and date of expiry of the valid certificate.

(2) In case of loss or damage to the certificate, the person to whom it was issued may submit to the Administration a request for issuing a certificate duplicate. The Administration shall state all the data contained in the original certificate into a duplicate certificate.

## **9. Register of certificates in public procurement field**

(1) The official records on persons holding the certificates shall be kept by the Administration in a form of a registry of certificates in public procurement field (hereinafter: Registry of certificates).

(2) Registry of certificates for each issued and renewed certificate shall contain at least the following data:

1. first and last name, personal identification number, date, month and year of birth of the person to whom the certificate was issued or renewed;

2. number and date of issuance or renewal of the certificate;

3. starting date and date of expiry of the certificate's validity;

4. job position of the person to whom the certificate was issued or renewed at the time of issuance or renewal thereof, if known;

5. details on completed training program in public procurement field (organizer, place and time of the training), if applicable;

6. details on written examination (place and date, number of possible and actual points), if applicable;

7. details on completed professional development programs (organizer, place and date, duration in teaching hours), if applicable;

(3) The Administration publishes and quarterly updates a list from the Register of Certificates at the Public Procurement Portal. The list contains at least the following data:

1. first and last names of the persons possessing valid certificates;

2. number of the valid certificate;

3. start date and the date of expiry of the certificate;

4. job position of the person to whom the certificate was issued at the time of issuance or renewal thereof.

(4) In purpose of implementing the appeal proceedings, the State Commission for Control of Public Procurement Procedures also has an access to the Register of Certificates.

## **10. Issuance and renewal of certificates for persons employed in institutions of the public procurement system**

(1) The certificate may also be issued to persons who have at least three years of work experience at administrative and technical tasks in public procurement field, within the Administration or the State Commission for Control of Public Procurement Procedures (hereinafter: institutions of the system).

(2) The persons from the institutions of the system may be issued the certificate on basis of a request submitted to the Administration no later than two years after termination of their employment in the Administration or the State Commission, provided that the same person had not been issued the certificate already on basis of other provisions of this or some other regulations.

(3) The certificate may be renewed at the request to the persons who have at least three years of work experience at administrative and technical tasks in public procurement field in the institutions of the system, provided that the request in question was submitted to the Administration before the expiry of the valid certificate, and no later than two years after termination of their employment in the institutions of the system.

## **11. Types of training programs in public procurement field**

The training programs in public procurement field are the following:

1. Specialized training program in public procurement field,
2. Regular supplementary training and
3. Training of trainers

### **II. SPECIALIZED TRAINING PROGRAM IN PUBLIC PROCUREMENT FIELD**

#### **1. Composition (parts) of the program**

Specialized training program in public procurement field (hereinafter: specialized program) is a stipulated program consisting of two parts, and these are as follows:

1. General training program in public procurement field (hereinafter: Training program);

2. Written examination (testing).

## **2. Training program**

(1) The general training program is a program with duration of 50 teaching hours which is conducted according to the curriculum provided in the Annex to this Rulebook.

(2) The testing is conducted after completion of the general training program.

## **3. Implementation of the General Training Program**

The classes (lectures, exercises) within the General Training Program may be performed by professional referred to in chapter 2 item 4 of this Rulebook.

Maximum number of participants in the individual General Training Program is 50.

The Administration issues a certificate of attendance at the General Training Program to those participants who were present in at least 75% of the estimated duration of training.

The certificate of attendance at the General Training Program shall include at least the following data:

- 1.name of the Administration and reference number from the Register of the Administration;
2. first and last name, date of birth of the person who attended the General Training Program;
3. start date and end date of the General Training Program;
4. duration of the General Training Program (number of teaching hours);
5. date of issuance of the certificate of attendance;
6. first and last name and signature of the responsible person; the stamp of the Administration.

#### **4. Technical personnel**

The training is conducted by technical personnel.

The technical personnel are the following persons:

1. trainers in public procurement field, or
2. persons who have at least three years of work experience at the tasks within the public procurement system or five years performing duties of a public procurement officer, as well as those possessing the certificate on completed trainings in public procurement field.

#### **5. Written examination**

(1) The written examination shall be conducted by the Administration.

(2) The written examination may be taken by the person who possesses the certificate on completed General Training Program.

(3) The application for taking the written examination shall be submitted in accordance with the form which the Administration publishes at its web page and it shall contain at least the following data:

1. first and last name, personal identification number, date, month and year of birth of the person applying;
2. place of employment of the person applying;

3.contact details (telephone number, e-mail address);

4. the address for delivery of the certificate.

(4) All data related to the implementation of a written examination (time and venue, the method of the application, the application form, regulations and literature) shall be published by the Administration on its website.

## **6. Evaluation of test results**

(1) The success of the candidates at the written examination shall be graded as: "passed" or "failed".

(2) The candidate has successfully passed the written examination if he/she achieved at least 70% of the possible number of points.

## **7. Minutes of the conducted written examination and publication of results**

The Administration shall keep minutes on conducting of the written examination which shall contain the following:

1. data on persons who took the examination (first and last name, personal identification number, date, month and year of birth);

2.date of the examination;

3.possible number of points;

4.achieved number of points of each candidate;

5.first and last name and signature of the Administration's officer who had been monitoring the implementation of the examination as well as of the superior officer of the Administration responsible for implementation of the training program.

The results of the completed written examination shall be published by the Administration on the Public Procurement Portal within 15 days as of the day it was conducted.



### III REGULAR SUPPLEMENTARY TRAINING

#### **1. Conditions and duration**

Regular supplementary training is supplementing and improving knowledge in the field of public procurement by attending regular subsequent training programs.

The regular supplementary training - professional development is considered to be attending a program of regular subsequent training of a total duration of at least 32 teaching hours over a period of three years from the date of commencement of validity of the certificate.

The regular supplementary professional development programs may be attended by persons possessing valid certificates in public procurement field.

#### **2. Regular supplementary professional development programs**

(1) Regular supplementary professional development programs are implemented in the form of a half-day (4 teaching hours), one-day (8 teaching hours) or two-day (16 teaching hours) programs in the form of lectures and / or workshops.

(2) The content of professional development programs regards the various aspects in the field of public procurement, but with mandatory connection with any of the topics listed in the contents of the curriculum in Annex to this program.

(3) The professional development programs shall be implemented by the Administration, or the administrative body in charge of management of human resources, in cooperation with the Administration.

#### **3. Implementation of the program**

(1) Classes (lectures, exercises) within this training program can be performed by the technical personnel referred to in Chapter 2 item 4 of this program.

(2) The maximum number of participants of the individual two-day program (16 classes) is 50, while for other training programs the maximum number of participants is not limited.

(3) The Administration shall issue a certificate of attendance of the training program to each participant in the program, and it must contain at least the following information:

1. reference number from the Administration's Register;
2. the name of the training program and its reference number from the List of Training Programs;
4. date and place of implementation of the training program and its duration in teaching hours;
5. first and last name, date of birth of the person who attended the training program.

#### IV TRAINING OF TRAINERS IN PUBLIC PROCUREMENT FIELD

##### **1. Implementation of Training of Trainers**

(1) The Public Procurement Administration conducts training of trainers in the field of public procurement with the aim of training participants for successful, professional and quality implementation of training programs in the field of public procurement.

(2) Training of trainers in public procurement can be attended only by those who possess a valid certificate in the field of public procurement and at least one year of experience in the preparation and implementation of public procurement procedures and the preparation of tenders in public procurement procedures.

(3) Content, methodology, spatial and technical requirements, as well as the schedule of training of trainers shall be determined by the Administration, in accordance with the needs in public procurement field.

(4) The Administration may implement the training of trainers in public procurement field in cooperation with other legal entities and individuals with whom it may conclude a cooperation agreement.

(5) The Administration may implement the training of trainers in public procurement field in the framework of relevant international programs and projects, programs and projects of the European Union. Notwithstanding paragraph 2 of this Article, the training of trainers in the field of public procurement which is being implemented within those programs and projects may be

attended also by the persons who do not possess a valid certificate in the field of public procurement, but who meet the criteria laid down in the program or project in question.

(6) Persons who have completed the training of trainers in the field of public procurement shall be issued the appropriate certificate by the Administration.

(7) The certificate referred to in paragraph 6 above shall be issued at the request also to the persons to whom the competent authority of the state administration for the management of human resources had issued the certificate on completion of the program "training of trainers", in accordance with special regulations, provided that they participated as lecturers in at least three training programs organized by the competent authority of the state administration for the management of human resources, or that they, as part of the training Programme organized by the Administration, held a training which lasted a minimum of 20 teaching hours.

(8) The Administration shall publish the list of trainers in public procurement field at its web page.

## V OTHER TRAINING PROGRAMS

(1) The Administration also implements other specialized training programs in the field of public procurement and issues appropriate certificates to the participants.

(2) The target groups, content, method and schedule of the program shall be established by the Administration depending on the needs of the public procurement system.

(3) The Administration may implement the training programs under other specialized programs in cooperation with the administrative authority in charge of human resources management, as well as other legal and natural persons on the basis of previously concluded cooperation agreements.

(4) The Administration may implement the training programs under this program within various international programs and projects, as well as the programs and projects of the European Union.

## Annex

### CURRICULUM OF THE “TRAINING PROGRAM IN PUBLIC PROCUREMENT FIELD“

(1) The curriculum of the “Training Program in Public Procurement Field” (hereinafter: curriculum) has been designed in the form of lectures and exercises by which the knowledge is transferred to the participants through practical examples, exercises, etc. in purpose of development of the skills related to public procurement, primarily the preparation and implementation of public procurement procedures.

(2) The curriculum is established for a period of 50 teaching hours, whereupon the teaching hours is considered to be the implementation of the curriculum (lectures) in duration of 45 minutes. A minimum of 30% of the content envisaged by the curriculum shall be implemented through exercises, case studies, practical examples and the like.

(3) A list of relevant regulations of Montenegro, the EU acquis, as well as teaching materials (manuals, other reference literature, standardized presentations), is prescribed by the Administration and published on its website.

(4) The curriculum is determined by the following contents:

1. Legislative and institutional framework of public procurement system in Montenegro and the European Union

2. Principles of public procurement

3. Parties covered by application of the Public Procurement law

4. Exemptions from application of the Public Procurement Law

(5). Planning in public procurement field (public procurement plan and procurement subject) and register of public procurement contracts and framework agreements – with practical examples

(6). Public procurement procedures and methods – with practical examples

–Initiation and selection of public procurement procedure

–Open public procurement procedure

–Restricted public procurement procedure

–Negotiated public procurement procedure with prior publication of contract notice

– Negotiated public procurement procedure without prior publication of contract notice

–Framework agreement

(7). Publication and statistical reports on public procurement – with practical examples

(8).Tender documentation for public competition – with practical examples – Form and content

– Technical specifications

– Evaluation criteria

(9). Conditions for participation in public procurement procedure – with practical examples

– Conditions and evidence on capability

(10). The Bid – with practical examples

– Form and content

–Method of bid preparation

–Review, assessment and elimination of bids

(11). Procedure of making a decision on selection of the most advantageous bid and the decision on suspension of the procedure, standstill period – with practical examples

(12). Legal protection in public procurement field – with practical examples

(13). Sustainable public procurement (general procurement management, green procurement)

(14). Prevention of corruption and ethics in public procurement field

(15). An exercise of conducting a public procurement procedure – minimum 4 teaching hours