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## **Amendments to the Law on Public Procurement - Reductions in preferences for local bidders and preferences for goods of domestic origin -**

### **I Introduction**

National Assembly of the Republic of Serbia adopted the Law on Amendments to the Law on Public Procurement ("Official Gazette of RS", No.14 /2015), which entered into force on 12 February 2015.

These amendments essentially seek to reduce the preferences which, in the process of evaluation of bids, had been given under the law to the domestic bidders and the goods of domestic origin. This is a result of aligning the Law on Public Procurement with the provisions of the Law on Ratification of the Stabilisation and Association Agreement between the European Communities and Their Member States, of the One Part, and the Republic of Serbia, of the Other Part („Official Gazette of RS” - *International Agreements, No. 83/2008*) (hereinafter the Agreement), given that Article 76 of the Agreement provides for a gradual reduction of domestic preferences in a period of five (5) years from the entry into force of the Agreement.

### **II The criterion of economically most advantageous bid**

The application of this criterion entails that the preference for the bids of domestic bidders or the bidders offering goods of domestic origin (together: domestic bid) has been reduced from 10 to 5 weighting points in relation to the bids of foreign bidders or the bidders offering goods of foreign origin (together: foreign bid), i.e. the contracting authority is obliged to select a domestic bid provided that the difference in the final sum of the weighting points between the best domestic bid and the best foreign bid does not exceed 5 weighting points in favour of the best foreign bid.

The method of application of price preferences will be provided in more details in a bylaw.



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### **III Lowest price criterion**

In situations where bids are made by both domestic and foreign bidders who provide services or perform works, the preference given to domestic bidders has been reduced from 15% to 5% in relation to the lowest offered price of a foreign bidder, *i.e.* the contracting authority is obliged to select the bid made by a domestic bidder provided that his offered price is not more than 5% higher as compared to the lowest offered price of a foreign bidder.

In situations where bids are made by the bidders offering goods of domestic origin and those offering goods of foreign origin, the preference given to the former has been reduced from 20% to 5% in relation to the lowest offered price of the bidders offering goods of foreign origin, *i.e.* the contracting authority is obliged to select the bid made by a bidder offering goods of domestic origin provided that his offered price is not more than 5% higher as compared to the lowest price offered by any bidder offering goods of foreign origin.

### **IV Procedures already in progress**

Any public procurement procedures which commenced before the entry into force of these Amendments to the Law on Public Procurement shall be governed by the legislation under which they had been initiated.

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