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# **B2B-Center System Regulations**

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## SECTION I. GENERAL PRINCIPLES OF THE SYSTEM OPERATION

### Chapter 1. General provisions

#### 1.1 Scope of the Regulations

1. These Regulations shall establish the procedure of granting the rights to use B2B-Center System and e-marketplaces based on B2B-Center System, being integral parts of overall B2B-Center System, and of which the list is available on the Internet at <http://www.b2bcenter.ru/company/marketplaces.html>, to the System Members by the Operator by providing a remote access to B2B-Center System via the Internet, as well establish the procedure for interaction of the System Operator and/or System Members in the specified processes.

1.1. B2B-Center System is the information, analytical, trade and operational computer software owned by the Operator and designed to enable initiating and carrying out private-sector online procurement/ selling procedures subject to the Civil Code of the Russian Federation via "Private sector procurement" section of the System, as well as online procurement procedures subject to the Federal Law No. 223-FZ as of 18.07.2011 "On procurement of goods, works and services by legal entities of certain types" via "Public sector procurement subject to 223-FZ" section of the System.

1.2. The terms of provision of the rights to use B2B-Center System ("Private sector procurement" section and (or) "Public sector procurement subject to 223-FZ" section) to a Member shall be established by separate agreements entered into with the System Members, as well as by the Operator's Pricing Plans published at <https://www.b2b-center.ru/app/tariffs/?group=supplier>.

1.3. Different Pricing Plans apply to "Private sector procurement" and "Public sector procurement subject to 223-FZ" sections of the System, therefore, in order to get access to "Private sector procurement" or "Public sector procurement subject to 223-FZ" Sections of the System, a Member shall purchase a Pricing Plan applicable to the relevant section of the System, and conclude a separate agreement with the Operator for provision of rights to use a respective section. Members who have purchased a Pricing Plan and obtained the rights to use a section of the System, have no right to access the other section of the System, if no Pricing Plan enabling using the latter has been purchased.

1.4. These Regulations shall apply to B2B Altis System insofar it is concerned.

2. These Regulations do not regulate the relations connected with the procedures as to using electronic signature in the Electronic document management system (EDMS) of B2B-Center System and the principles of interaction of users when working with E-signature, established in the "Regulations on arrangement of e-document circulation and use of E-signature" and published on the Internet at <http://www.b2b-center.ru/help/?action=information>

3. These Regulations are published on the Internet at: <https://www.b2bcenter.ru/help/%D0%A0%D0%B5%D0%B3%D0%BB%D0%B0%D0%BC%D0%B5>

[%D0%BD%D1%82%D0%A1%D0%B8%D1%81%D1%82%D0%B5%D0%BC%D1%8B\\_B2B-Center/](#)

4. Definitions of the terms used herein are provided in the System Glossary published on the Internet at <http://www.b2b-center.ru/rules/>.

## 1.2 Compliance obligations

1. By starting to work in the System, a Member thereby undertakes to comply with all provisions of these Regulations.
2. A Member shall be responsible for non-performance or improper performance of the provisions of these Regulations, resulting in violation of rights and legitimate interests of the System Operator and/or other Members.

## 1.3 Amendment procedure

1. The Operator shall have the exclusive right to make any amendments and additions hereto.
2. These Regulations may be amended by decision of the Operator.

# Chapter 2. System Operation

## 2.1 Mission, aims and objectives of the System

1. Performance of the System serves its mission, purpose and objectives.
2. The mission of the System is to provide businesses and organizations with a multifunctional information and operational service to meet their needs in conducting sales and procurement activities online.
3. The strategic purpose of the System is to increase profits of businesses and organizations being Members of the System through a multi-faceted optimization of their sales and procurement activities, including reduction of costs and enhancement of the quality of the procured Products.
4. The System is aimed at:
  - reducing the costs of sales and procurement activities;
  - ensuring control at all stages of sales and procurement activities;
  - increasing the informational value and transparency of sales and procurement activities;
  - reducing the impact of the human factor in the course of sales and procurement activities;
  - improving the quality of sourcing (selection of Suppliers and contractors).

5. The objectives of the System are:
  - provision of tools for Products procurement;
  - provision of tools for selling the Products;
  - providing information on Products demand;
  - providing information on Products supply;
  - Products systematization in a user-friendly form;
  - ensuring cyber security of sales and procurement activities

## **2.2 Functions of the System**

1. The main functions of the Systems are the following:
  - a) information function enabling posting particular information in the System, obtaining information about procurement and sales procedures (calls for bids of various types), System Members, procured and sold products, regulatory and other applicable documents;
  - b) commercial function enabling an Organizer of calls for bids to carry out activities to procure or sell products, and, a Bidder to participate in the calls for bids conducted by the Organizer;
  - c) analytical function facilitating a proper selection of counterparties and enabling generation of reports, analysis of an organization's performance indicators in the System;
  - d) information protection function implemented via availability of an internal mail service in the System, secure electronic document management based on the certified cryptographic information protection facilities to confirm the legitimacy of Users' actions and ensure responsibility for the performance thereof.
2. The System Operator (Operator) shall ensure automated recording and accounting of actions performed by the Members on the E-Marketplace. Each such action, with the exact time and the performer specified, shall be recorded in a Member's Action Log.
3. The Operator shall not provide to the Members (Buyers) any services related to storage, packaging, delivery and (or) issuance of goods, as well as the services of placement and (or) promotion of offers, announcements of purchase (sale) of goods (works, services), as well as the services related to the search of such offers and announcements, as well as to conclusion of contracts, all of the above to be performed by the Members independently, including, by using the technical and functional capabilities of the System.

## **2.3 Structure of the System**

B2B-Center System consists of the following main sections:

### 2.3.1 E-Marketplace

1. E-Marketplace section of the System is available at: <https://www.b2b-center.ru/market/> and presents the information on all the current and archived calls for bids for procurement and sales, conducted in the System.
2. The System's E-Marketplace provides a range of capabilities for retrieving the information on the calls for bids: by the Organizer, by the Customer, by region, date or date range, by classification categories, keywords or a substring with wildcards insertion enabled. The search subsystem factors in the language morphology. The search results can be sorted by date and information type.
3. The System allows Organizers to carry out various bidding procedures on the E-Marketplace with advanced settings, with additional bidding features applied and additional services of the System used.

### 2.3.2 Personal Workspace

1. Personal Workspace section of the System is available at <https://www.b2bcenter.ru/personal/> and constitutes a computerized User's workspace.
2. Personal Workspace consists of the following main sections:
  - a) User's Profile – a section enabling managing a User's personal settings, storing and modifying the User's profile data.
  - b) Company Profile – a section designed for managing a Member's organization's settings, storage and modification of the Member's organization's profile.
  - c) Procured goods and services – a section designed for storage and modification of the data on the products demanded by the Member.
  - d) Offered goods and services – a section designed for storage and modification of the data on the products offered by the Member.
  - e) Conducting calls for bids – a section designed for preparation, carrying out and further processing of the calls for bids conducted by the Organizer.
  - e) Participation in calls for bids – a section designed for keeping track of the Calls for Bids in which a Member participates or participated, as well as bids preparation and editing.
  - f) Procurement Planning – a section designed for developing the program of the Calls for Bids to be conducted, their preliminary approval of before publication and generation of the relevant reports.
  - g) Financial Services – a section designed for keeping track of the transactions relating to the financial programs used in the System.
  - h) Additional Services – sections for buyers and sellers, designed for working with additional services of the System, irrespective of working on the E-Marketplace.

### **2.3.3 Types of users**

1. The System has a differentiated system of Users' authorization and differentiation of access rights, which enables several Users working in the System on behalf of a Member.
2. A Member's Main User is authorized to perform a full range of actions related to working in the Personal Workspace, preparation, publication, editing, completion of a Call for Bids and (or) preparation, submission, editing and withdrawal of a bid (when acting as a Bidder).
3. A Member's Additional User is authorized to perform the actions in accordance with the rights assigned to them, except for publication of Calls for Bids and submission, editing and withdrawing  
Bids (when acting as a Bidder).
4. The scope of Additional User's rights shall be determined by another authorized Member's User via "Company users" subsection of "Company Profile" section of the Personal Workspace.
5. The System enables division of Main Users and Additional Users by business units according to the Member's organizational structure, with the persons responsible for a subdivision designated. This feature allows to allocate the Member's activity areas, generate separate reports as to subdivisions, allocate the information according to the relevant departments, as well as separate the procedures, information files and information subscriptions.
6. The rights of the Main Users, as well as of the Users, providing for extended capabilities as to managing the Member's departments, reports generation and control over the Calls for bids conducted by the Member shall be assigned by the Operator or the Member according to a Pricing Plan selected.
7. Adding a User of a Member of the System shall be performed using an Advanced Qualified E-Signature of a natural person, provided such User has a Machine Readable Power of Attorney. At that, the Operator shall check if there is an effective Machine Readable Power of Attorney issued by the Member in the name of the User. The Operator shall not verify a User's being authorized to perform any actual and legal actions in the System on behalf of a Member. A Member and the Member's User shall be solely responsible for any actual and legal actions performed by the Member's User in the System.

## **2.4 Access provision procedure**

### **2.4.1 General provisions**

1. All Internet users who are not authorized in the System can only work with the information available in the Open Part of the System.
2. To work in the Private Part of the System, both of the following conditions should be met:

- a) registration as a Member completed with all the fields filled in in the registration form;
  - b) a Member has signed in the System using their username and password or using ESignature.
3. A registered Member is able to work in the following sections of the Personal Workspace:
  - User's Profile;
  - Company Profile;
  - Procured goods and services;
  - Offered goods and services;
  - Financial services;
  - Additional services.
4. A registered Member gets access to all information uploaded to the System by other Members and not marked by them as confidential and being non-confidential by virtue of legal requirements.
5. Only Members having a Full Access shall have the capability to receive a full information on all calls of for bids, work in "Conducting calls for bids" and/ or "Participation in calls for bids" sections of the Personal Workspace.
6. In order to obtain a Full Access, a Member shall perform all of the following:
  - a) sign in the System by username and password or E-signature;
  - b) get familiar with the available pricing plans in Pricing Plans section;
  - c) select a suitable pricing plan in "Payment and legal documents" subsection of "Company Profile" section and purchase (activate) it.
7. When running marketing promotional events, the Operator may modify the procedure of getting a Full Access by publishing the information on new conditions in the bid notice.
8. All actions performed in the System by a Member who has entered correct username and password when signing in the System, shall be deemed performed on behalf of the Member owning those username and password. In this case, a Member shall be solely responsible to other Members for all actions performed by their User in the System.
9. The Operator may modify the terms and procedures of access provision.
10. When accrediting the suppliers, which may be required for participation in the calls for bids conducted by a specific the Organizer, such Organizer shall carry out such accreditation in accordance with the procedure and rules established by the Organizer themselves. If so decided by the Organizer, the System functionality shall be used for that purpose.

## **2.5 Mode of operation**

1. The system operates in a continuous mode, round the clock, seven days a week, except during scheduled maintenance and preventive maintenance works.
2. In the event of force majeure and other emergencies causing difficulties in accessing the System, including those arising as a result of malicious actions of third persons, the Operator shall eliminate such difficulties within the shortest possible time.

In such event, the System shall automatically extend the completion time of the calls for bids by the time of remedial maintenance works plus additional time of not less than 5 minutes and not more than 120 minutes required for the bidders to submit their bids. If this is the case, the bidders participating in such calls for bids shall receive a respective notification.

### **2.5.1 Server time**

1. The time used on the E-Marketplace (Marketplace) of the System (server time) is Moscow time (MSK).

### **2.5.2 Scheduled and preventive maintenance**

1. The following schedule of scheduled maintenance and technical works to the System's servers is established in the System: 22:00-23:59 (MSK) on business days, and from 00:00 of Saturday through 23:59 of Sunday (provided that Saturday or Sunday do not happen to be business days).
2. The Operator shall notify the Members of performing scheduled maintenance and technical works, specifying the date and time of their start and completion at least three business days prior to such works by publication of such information in "News" section of the System website.
3. Maintenance and technical works performed to the System's servers may cause difficulties in accessing the System, including a complete inaccessibility of the System during the specified time intervals. Members shall take into account the schedule of maintenance and technical works when planning the timing of the Calls for Bids and conducting those, particularly, not to set a bid submission deadline to fall on the above-mentioned time.
4. The System automatically extends the time of completion of a call for bids falling on the time of maintenance and technical works, to a later time. When this is the case, the bidders participating therein shall be notified accordingly.
5. In case of a call for bids with a pre-qualification of bidders:
  - (a) If a newly computed prequalification bid submission deadline (including extension by the time of scheduled technical works) turns to be *less* than 30 minutes before bid submission deadline, the System:
    - extends the deadline for submission of bids for participation in a *prequalification stage* by the amount of time of the scheduled maintenance works performed; and

- extends the deadline for submission of bids for participation *in the main stage* by the amount of time of the scheduled maintenance works performed.
- (b) If a newly computed prequalification bid submission deadline (including extension by the time of scheduled technical works) turns to be *more* than 30 minutes before bid submission deadline, the System only extends bid submission deadline by the amount of time of scheduled maintenance works performed, while bid submission deadline for the main stage remains the same.

## 2.6 Minimum software requirements for working in the System

1. For a smooth and correct working in B2B-Center System, the following software should be available on your PC:

- operating system:
  - Microsoft Windows 8 / 8.1;
  - Microsoft Windows 10;
  - Microsoft Windows 11;
  - Astra Linux;
  - Red OS;
  - ALT Linux.
- browser (the latest stable release):
  - Microsoft Edge;
  - Opera;
  - Mozilla Firefox;
  - Google Chrome;
  - Yandex.Browser;
  - Atom

Please note: Make sure your browser enables Cookies, JavaScript and ActiveX, displaying pop-ups is enabled, while compatibility mode is disabled;

- software enabling working with E-Signature;
- personal email box;
- an archiver to compress and decompress files in zip, rar and 7z formats (e.g. 7-Zip);
- a set of programs for working with documents and spreadsheets (for example, Microsoft Office, OpenOffice, LibreOffice);
- a PDF reader (for example, Adobe Acrobat Reader)

2. Besides, a user needs to make sure that:

- there is no restriction for the user's PC as to the amount of files to be downloaded and sent on the user's company server;
- there is no restriction for the user's PC as to downloading and sending files with txt, doc, docx, xls, xlsx, ppt, pptx, pdf, zip, rar, 7z, jpg, jpeg, tif, png extensions on the user's company server.



## Chapter 3. E-Marketplace functionality

### 3.1 Procurement and sales procedures

1. These Regulations regulate carrying out, on the System's E-Marketplace, the below-specified procedures (broadly referred to as calls for bids) resulting in selection of the Supplier (procurement procedures) or forming a list of Suppliers with a subsequent conducting procurement procedures of the following types:

- tender;
- buyer's auction;
- Dutch auction;
- reverse auction;
- Request for Quotations;
- Request for Proposals;
- competitive negotiations;
- simplified acquisition;
- pre-qualification of bidders;
- quick purchase;

The above procurement procedures are available for initiating and conducting both in "Private sector procurement" and "Public sector procurement subject to 223-FZ" sections of the System, depending on the Pricing Plan purchased by a Member, and the functional features of such procedures may differ depending on a section. If there is the access to the implemented functionality, a procurement procedure may be conducted according to the rules established by the Organizer stated in the bid documentation (the name of procurement procedure (method) is specified in a bid notice template) and, unless otherwise is expressly stated in the bid documentation, a bid submitted by a Bidder in such procedures shall not constitute an offer. Specific features of procurement procedures conducted in "Public sector procurement subject to 223-FZ" section of the System are established by these Regulations.

2. These Regulations regulate carrying out, on the E-Marketplace in "Private sector procurement" section of the System, the below-specified procedures (broadly referred to as calls for bids) resulting in selection of a Buyer (selling procedures) or forming a list of Buyers with a subsequent conducting selling procedures of the following types:

- seller's auction;
- Dutch auction;
- announcement of sale;
- pre-qualification of bidders.

Specific features and the procedure of the above calls for bids are described in sections II-III of these Regulations.

### 3.2 Additional elements and parameters of bidding procedures

1. These Regulations regulate applying the following additional elements of the procedures listed in the previous paragraph:



- pre-qualification;
- rebidding

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Specific features and the procedure of applying the above additional elements depending on the type of a call for bids are described in sections II-III of these Regulations.

If there is the access to the implemented functionality, a procurement procedure may include additional stages, during which the Organizer or the Customer carries out, before bids evaluation by the procurement committee, a technical expert examination of the submitted bids and/or an examination by the security department is conducted. The said stages may result in rejection of non-compliant bids.

2. These Regulations regulate using various parameters of bid procedures by the Organizer, of which the main ones are:

- a) open or closed (private) bid procedure;
- b) open or closed (sealed) bid submission;
- c) single-lot or multiple-lot bid procedure;
- d) possibility of submitting alternative bids;
- e) per-item division of the subject matter and submission of bids on a per-item basis;
- f) possibility of replacing the main item with an equivalent;
- g) possibility of assigning ranks to the price bids submitted by the bidders;
- h) possibility of accepting multi-criteria bids

3. The Organizers may also apply other parameters of calls for bids, those being necessarily specified in a bid notice.

4. Specific features and the procedure of applying the above parameters of calls for bids are described in sections II-III of these Regulations.

### **3.3 Use of E-Signature**

1. The System uses cryptographic information protection facility (CIPF), enabling implementation of Advanced Electronic Signature functions. E-Signature is used for Members identification, protection of their information from unauthorized access, confirming authorship, authenticity and integrity of electronic documents used on the E-Marketplace, and dispute resolution.

2. With regard to the Organizers being residents of the Russian Federation it is mandatory to use an E-Signature to confirm:

- a) publication of a call for bids;
- b) publication of amendments to a call for bids;
- c) uploading of the documentation package.

3. With regard to the Bidders being residents of the Russian Federation it is mandatory to use an E-Signature to confirm:

- a) a Bidder's bid;
- b) auction bid;
- c) uploading documents to the document repository

4. Principles of interaction of the Members, procedure for using E-Signature in the System, requirements to generation of e-documents, as well as legal conditions, subject to which an E-Signature affixed to an e-document is deemed having the same force and effect as a handwritten one, are defined by the current legislation of the Russian Federation on electronic document management and are specified in the Regulation on electronic document

management and application of electronic signature.

5. The System Operator shall enable the Organizer of a call for bids and the bidders to use an advanced qualified E-Signature when submitting the documents and information under relating to the call for bids.
6. Requirements to the advanced qualified E-Signature, as well as the cases for its mandatory use are determined by the current legislation of the Russian Federation and are established by the Organizer of a call for bids when conducting it.
7. In case any legally binding actions are made on behalf of a legal entity/ individual entrepreneur using an advanced qualified E-signature issued in the name of a natural person, a Member shall be able to attach an electronic power of attorney, including in machine-readable form, obtained via a service for generation of machine-readable powers of attorney. At that, the Operator shall not block performing such actions, including signing of documents with an advanced qualified E-Signature, without attaching a machine-readable power of attorney. A Member shall be responsible for the content and the format of a machine-readable power of attorney used when performing legally binding actions.
8. The Operator shall not be a trusted third party within the meaning of the Federal Law No. 63-FZ “On Electronic Signature” and shall not be authorized to verify the compliance of a QES, used for signing of e-documents, with the requirements stipulated by the Federal Law No. 63-FZ “On Electronic Signature” (and other regulatory legal acts adopted in accordance therewith) as to the form and content of a QES. A Member shall be independently liable for the use of a QES when signing e-documents, including in case of detection of non-compliance of the form and content of the QES used by the Member with the requirements established by the current Russian legislation as to the QES.<sup>1</sup>
9. A Member shall recognize and approve the transactions performed as a result of exchange of e-documents, including those signed with advanced qualified E-signature of a Member, and shall assume all rights and obligations as to such transactions.

## Chapter 4. Additional Services of the System

- 4.1. For the Members’ paying access to the System and other services of the Operator, as well as for providing a bid security when participating in Calls for Bids (where so required), personal accounts shall be opened for the Members (hereinafter – “Members’ Accounts”). The procedure for opening, maintenance and use of Members’ Accounts shall be regulated by the respective Regulations published on the Operator's website ([Regulations on opening and maintenance of the Members personal accounts](#)) and being an integral Annex hereto.
- 4.2. In order to conclude contracts based on the results of Calls for Bids in electronic form in the System, the Organizer has the opportunity to use the additional service “B2B-

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<sup>1</sup> Including the cases where a QES obtained after 04.08.2024 will be recognized as a non-qualified electronic signature

due to the absence of a mandatory attribute, namely, “validity period of the electronic signature key corresponding to the unique public key contained in a qualified certificate”, which should be a part of a QES according to paragraph 9, part 2, article 17 of Federal Law No. 63-FZ “On Electronic Signature”.

Contracts”, which is available for activation provided that an appropriate pricing plan is purchased.

## **Chapter 5. Rights and obligations of the Parties**

### **5.1 Rights and Obligations of the Organizers of Calls for Bids**

1. The Organizer shall carry out a call for bids in the System in compliance with the provisions of these Regulations.
2. The Organizer has the right to cancel the call for bids after its announcement:
  - when conducting a call for bids constituting a competitive bidding within the meaning assigned thereto in the Russian legislation – in accordance with the terms published on E-Marketplace in the bid notice and in compliance with the requirements of article 448 of the Civil Code of the Russian Federation (in case a call for bids is conducted in “Private sector procurement” section) or the requirements of Federal Law No. 223-FZ (a call for bids is conducted in “Public sector procurement subject to 223-FZ” section);
  - when conducting a call for bids (for procuring or selling) not constituting a competitive bidding within the meaning assigned thereto in the Russian legislation – at any time prior to the announcement of the Winner
3. The Organizer shall have the right to extend bid submission period in a call for bids before bid submission deadline.
4. The Organizer shall have the right to establish requirements to the Bidders participating in a call for bids, to the products to be procure and delivery conditions, and shall also determine the list of necessary documents confirming compliance with such requirements.
5. The Organizer shall process the developments under a call for bids conducted on the E-Marketplace properly, including reviewing the submitted bids and announcing the results of the call for bids within the established time.
6. The Organizer may, on their own initiative, limit the access to participation in their calls for bids for specific Members by entering the information about on such Members in a relevant special section of the Personal Workspace.

### **5.2 Prohibition of a simultaneous conduct of a call for bids in the System and outside the System**

1. Conducting a call for bids for the same lot or group of lots on the E-Marketplace of the System (online) and outside of it (including offline) simultaneously is prohibited.

### **5.3 Rights and obligations of Bidders**

1. A Bidder shall be obliged to comply with the provisions of these Regulations when participating

in a call for bids announced in the System.

2. Any Member being a Full Member of the System has the right to apply for participation in Open Calls for Bids conducted on the E-marketplace of the System in “Private sector procurement” section and/or “Public procurement subject to 223-FZ” section, depending on a pricing plan purchased. Participation in closed (private) calls for bids is only available to the Full Members personally invited by the Organizer of the call for bids.
3. A Bidder participating in a call for bids conducted in the System has the right to:
  - a) obtain a comprehensive information from the Organizer via the System's E-Marketplace regarding the terms and procedure of the calls for bids (except for confidential or proprietary information).
  - b) edit and improve their bids using the System functionality until bid submission deadline.
  - c) withdraw a bid and refuse to participate in a call for bids before bid submission deadline, with a mandatory notification of the Organizer thereof via the System functionality.
  - d) contact the Organizer via “Request for Clarification” functionality of the E-Marketplace to ask any questions relating to bid documentation provisions. In this case, such communication shall be deemed on-the-record, with all legal implications arising from relations between legal entities.



- e) receive, from the Organizer, the information about the reasons for rejection and/or their bid losing. A Bidder shall not have the right to demand that the Organizer provides the information on the persons making decisions as to the call for bids results.
- 4. A Bidder shall prepare their bid according to the form prescribed in the bid documentation.
- 5. By submitting a bid, a Bidder assumes obligations, if declared the Winner, to fulfill a contract on the conditions set forth in the bid documentation and specified by the Bidder in their bid.
- 6. To obtain up-to-date information, including that on submission of bids and changes to bids of other Bidders, each Member shall refresh web pages of the E-Marketplace opened in a browser in a good time on their own.
- 7. Calls for Bids published on the E-Marketplace in the System are translated into English with a Machine Translation. A Member shall be aware of the fact that the translation so provided is for reference only, while the Organizer shall retain an exclusive right to establish the conditions of a call for bids. Should there be any discrepancies between the machine-translated content and the terms originally established by the Organizer, while such discrepancies are not eliminated, the terms originally established by the Organizer in Russian shall prevail.

The Operator shall not be responsible for any damage or losses incurred by a Member due to improper translation.

- 8. Other rights and obligations of a Bidder are determined by the current legislation of the Russian Federation, the Organizer's procurement regulations and (or) bid documentation, placed by the Organizer in the System in electronic form.

#### **5.4 Rights and obligations of the System Users**

- 1. A User acting on behalf of a Member is prohibited to:
  - a) provide to anyone (other than persons formally authorized to obtain such information) any information about the course of calls for bids, including about bids consideration, evaluation and comparison);
  - b) provide their username and password for signing in to the System to anyone else;
  - c) use, without the Operator's written consent, any automatic devices, programs, algorithms or methods (robots, "spiders", etc.) in order to:
    - to automate the collection of information on webpages, Member's receiving (downloading) information from the System, including values of fields of screen forms, contents of tables and databases, as well as files posted in the System;
    - to automate any actions of a Member related to initiating call for bids and participation in calls for bids conducted in the System, including automation of bid submission.
  - d) in any way reproduce or circumvent the navigation structure or representation of the System or any of its contents to obtain or attempt to obtain, by any means, any materials, documents or information that were not intended to be available in the System;

- e) use any devices, programs or procedures to interfere or attempt to interfere with conducting calls for bids and (or) normal operation of the System;
  - f) impersonate another person, entity or representative of another person;
  - g) use another person's E-Signature without a document (power of attorney) issued on behalf of such person to confirm the transfer of authority to use the E-Signature; h) send more than 60 HTTP queries per second from one IP address.
2. The System automatically detects using automatic devices, programs, algorithms or methods (robots) by visitors and (or) Members of the System. If any of the above is revealed, the Operator reserves the right to disconnect a Member from the System without refunding the payment for using the System, or suspend accessing the System from a particular IP address.

## **5.5 Rights and obligations of the Operator**

### **5.5.1 The Operator shall have the right to:**

1. Manage registration and authorization procedures of the System.
2. Monitor electronic document flow in the System and actions performed in the System for compliance with the current legislation, these Regulations and Guides of the System, and instruct, where necessary, the Members to eliminate the violations revealed.
3. Verify the information provided by a Member.
4. Disconnect a Member from the System for non-compliance with the provisions of these Regulations or suspend the activities of a Member in the System until the violations are remedied in full.
5. Disconnect a Member from the System due to dilatory tactics when conducting a Request for Quotations, Request for Proposals or announcement of sale with an open bid submission at the main stage or during online rebidding. That being said, the signs of dilatory tactics are:
  - repeated bids (Bidder's submitting two or more price offers more than 15 minutes apart);
  - "seesawing" (Bidder's submitting a price offer, of which the value is higher than each of the two previous price offers made by the same Member earlier);
  - submission of three successive bids (submission of any three successive price offers made by one Bidder regardless of the time interval between the Bids and of whether such price offers have been increased or decreased);
  - submission of an insignificant price offer (Bidder's submitting a price offer differing from a previous price offer submitted under the call for bids by less than 0.05%, regardless of whether such previous price offer was submitted by the bidder or their competitor).

6. Disconnect a Member from the System unilaterally or post information about the Member in the System, as well as cancel a call for bids announced by the Member in the following cases:
  - by court order;
  - if a Member fails to perform or improperly performs their obligations to the System Operator;
  - if a Member accepts and considers proposals received without using the System's functionality;
  - in case of a Member is included in the Register of Mala Fide Suppliers, which is available on the Internet at <https://zakupki.gov.ru/epz/dishonestsupplier/search/results.html>
  - if bankruptcy proceedings have been initiated against the Member;
  - in case of initiation of criminal proceedings against the Member's executives in relation to such Member's activities in the System;
  - in case complaints against a Member have been repeatedly submitted by other Members relating to the Member's non-fulfillment of their obligations arising in the course of their activity in the System;
  - in case a Member uses the System to perform the activities not related to the calls for bids, including insulting other Members, the Operator, carrying out promotional activities or offering to conclude a contract without using the System's functionality.
7. Resume a User's ability to log in to the E-Marketplace from a particular IP address, where so requested by the User.
8. In the absence of the above grounds, disconnect a Member from the System and terminate the agreement with them unilaterally with a subsequent refund of the money paid in the current period for provision of rights to use the System to the Member.
9. Set the cost of provision of rights to use the System.
10. Make any changes to the System functionality.
11. Refer to a Member in the list of customers posted in the Open Part of the System, as well as publish the information about cooperation with the Member in the System.
12. Provide, under promotion events, a full access to the System at no charge to the Members meeting the terms and conditions of the promotion event. The terms and conditions of promotion events shall be established by the Operator.
13. At any time, unilaterally cancel a Member's full access to the System granted under a promotion offer at no charge, regardless of whether such Member has initiated any calls for bids or is participating in calls for bids conducted by other Members.

14. Remove a bid notice published by a Member, provided that all of the following conditions are met:
  - a bid notice contains the information about the necessity for the Bidders' to provide a cash security for participation in the call for bids;
  - the cash accepted as a bid security should be transferred by the Bidders to the bank account of the Organizer of the call for bids;
  - the Operator makes a conclusion about the Organizer's unreliability based on data obtained from the Unified State Register of Legal Entities. At the same time, the said conclusion of the Operator may not be based on a certain methodology or explicit evaluation criteria.
15. Implement an automatic integration with official state-run resources. In particular, the E-Marketplace of the System is automatically integrated with the state-run resource "Register of Mala Fide Suppliers" (hereinafter – the "Register"), which is available on the Internet at <http://www.zakupki.gov.ru/>, and maintained by the authorized state body. Information tags displayed with regard to the Members included in the Register are for information purposes only.
16. Inform the Members on the promotional offers and events by sending notifications thereof to email addresses and phone numbers, which were specified by a Member in the System as contact details.
17. Send to the Members the information letters using the contact information provided by the Members during Registration. By starting to work in the System and thus assuming the obligation to fully comply with the provisions of these Regulations, a Member consents to receiving the Operator's information letters. The Operator's information letters (notifications) shall mean any written communications containing useful information on the operation of the System, as well as on the procedure (rules) of using the System, including, but not limited to, notifications on the statuses of a Call for Bids, distribution of user guides as to working in the System (including, video tutorials and webinars in online format), notifications on the improvements made to the System and/or the new functionalities developed, as well as informing on the Calls for Bids published in the System.
18. Exercise other rights stipulated by these Regulations.

#### **5.5.2 The System Operator shall:**

1. Provide a Member with a technical capability to place information in the System as a Seller and/or Buyer of products;
2. Provide a Member with a technical capability to initiate and conduct bid procedures (calls for bids) of any type provided for by these Regulations in "Private sector procurement" or "Public sector procurement subject to 223-FZ" section depending on a pricing plan selected by a Member in the System;

3. Ensure confidentiality of the information about the Bidders and the contents of e-documents submitted by them to the customer via the E-Marketplace functionality in accordance with the requirements of applicable law.

## **5.6 Responsibility**

1. A Member placing in the System the information on themselves, as well as on the products offered/ procured by them, shall be responsible for reliability of such information.

A Member acknowledges the information posted in the Open Part of the System to be publicly available.

2. Any actions performed in the System by a Member who has entered their username and password when logging into the System shall be deemed performed on behalf of the Member owning those username and password. The Member shall be fully responsible for all the actions performed by their User towards the Operator and other Members.

3. A Member shall be fully responsible for non-fulfillment or improper fulfillment of their obligations. In case a Member is disconnected from the System for reasons related to their failure to fulfill their obligations, the fee paid by the Member to the Operator shall not be refunded.

4. A Member evading fulfillment of the obligations assumed in the course of work on the E-Marketplace of the System to other Members, shall be included into the "Stop List" and disconnected from the System totally, or from a part of calls for bids conducted by them the System as determined by the Operator. The decision on resuming working of such Member shall be made by the Operator.

A Member shall be included into the "Stop List" after appropriate proceedings conducted by the Operator, involving representatives of the conflicting parties, which is to be held once the Operator receives a formal complaint of the aggrieved party.

5. The Operator shall not be responsible for any damage or losses incurred by the Member due to unavailability of an appropriate hardware and software required for working in the System, such as:

- unavailability, at a Member, of computer equipment with the necessary set of software and hardware capabilities meeting the requirements of these Regulations;
- presence of software and hardware limitations and settings in the Member's computer equipment, which did not allow them to work in the System to the full extent;
- a Member's inability to work in the System due to computer equipment infection with viruses;
- deficiencies in the operation of network systems and restrictions imposed by a Member into their settings, as well as failures in operation of the Member's hardware complex,

which led to unregulated and unforeseen temporary disconnections of the Member from the Internet and did not allow them to work in the System to the full extent;

- deficiencies in the operation of network systems and restrictions imposed by a local Internet provider, as well as failures in operation of such provider's hardware complex, which did not allow the Member to work in the System to the full extent.

6. The Operator shall not be liable for any damages or losses incurred by a Member due to improper compliance with the rules regarding the Member's working in the System, such as:

- the Member's users being ignorant of the rules of working in the System;
- failure to comply with rules regarding storage of username and password or transfer of username and password for logging in to the System to third persons;
- actions performed in the System by third persons on behalf of a Member;
- failure to contact the Operator's technical support service, if this could have prevented any negative consequences.

7. The Operator shall not be liable to a Member, if the confidential information published by the Member in the System becomes known to any third persons through the fault of the Member or their employee.

8. The Operator shall not be responsible for any losses incurred by a Member due to unlawful withholding by the Organizer of a call for Bids of the amount of money provided by the Member as a security to the Organizer's bank account.

9. In case of implementation on the E-Marketplace of automatic integration as specified in clauses 5.5.1-13, the Operator shall not be responsible for reliability or correctness of the information uploaded to the E-Marketplace automatically from such registers. If a Member finds the information provided from a Register to be inaccurate or incorrect, they should contact directly the authorized government agency responsible for maintaining the Register, or the technical support of the Register's official website.

10. In case of non-performance or improper fulfillment of the provisions of these Regulations and other agreements reached, the Operator and a Member shall be responsible to the extent stipulated by the current legislation of the Russian Federation.

11. The Operator shall not be responsible for the Organizer's actions referred to in clause 5.1.6. of these Regulations and aimed at restricting the possibility of participation of specific persons in the calls for bids conducted by them. The responsibility for such actions and their justification shall rest with the Organizer.

12. A Member shall publish, on their own, the personal data of the third persons in the Open Part of the System in the course of conducting Calls for Bids, and shall determine the conditions for providing access to those data to an unlimited number of persons, including through registration/ accreditation and use of the standard System functionality, as well as through privacy and visibility settings as to the data specified by a Member in their Personal Workspace within the System functionality made available to them. A Member shall disclose such data on

their own, without providing a separate consent to the Operator. Such personal data disclosure by the Member shall not be considered as dissemination of such data by the Operator that does not initiate and does not influence such choice of the Member, as well as has no possibility to obtain permission for dissemination of the personal data of the third parties.

13. In case a Member being a Customer assigns to a Member being a Supplier a “technical supplier” status in the System, a User being an authorized representative of the Customer shall confirm that the Customer is properly authorized to act in the System on behalf of the suppliers as to which the Customer has established a “technical supplier” status in the System, in the course of arranging and conducting calls for bids, namely: to register technical suppliers, to accede, on behalf of technical suppliers, to any regulations, agreements and other documents being in effect in the System, to perform, on behalf of technical suppliers, any necessary actions in the calls for bids of the Customer (submitting bids/ quotations and any other actions under a call for bids). The Operator shall not be responsible for the Customer’s actions performed on behalf of technical suppliers.

## **SECTION II. BUYER’S PROCEDURES**

### **Chapter 6. Prequalification of Bidders**

#### **6.1 General provisions**

1. Prequalification of Bidders (Prequalification) as a separate procedure does not constitute a procurement procedure and does not imply selection of a winner to conclude a supply contract with. The result of a Prequalification as a separate procedure is the Organizer’s forming a list of bidders for the subsequent calls for bids, meeting the requirements of prequalification documentation, while the Organizer is not obliged to form such list based on the results of a prequalification and has the right to terminate the procedure by rejecting all bids submitted.
2. A Prequalification as a separate procedure is an open procedure with submission of sealed bids. Other parameters or additional elements are not applied when conducting a prequalification as a separate procedure.

#### **6.2 Prequalification procedure**

1. Conducting a Prequalification in the System implies the following sequence of steps:

- a) preparation for publication: filling out and saving a notice of prequalification, uploading bid documentation; b) publication;
- c) provision of bid documentation to the bidders;
- d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary); e) bids submission;
- f) bids consideration and evaluation;
- g) summing up the results;
- h) subsequent conducting calls for bids based on the results of a Prequalification (one or several calls for bids at the Organizer’s discretion).

### **6.3 Notice of Prequalification**

1. A notice of prequalification shall be published in the System no later than 4 calendar days before bid submission deadline.
2. The maximum term for submission prequalification bids in the System is 90 calendar days.
3. By agreement with the Operator, the deadline for prequalification bids submission can be set in accordance with the current procurement regulations of the customer.
4. A Notice of Prequalification shall always be published in the Open Part of the System.

### **6.4 Prequalification documentation**

1. Prequalification documentation is available for downloading to all Members at no charge.
2. Documentation for a prequalification announced in “Public sector procurement subject to 223FZ” section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

### **6.5 Clarification of the provisions of prequalification documentation**

1. A Member shall have the right to contact the Organizer of a prequalification via “Request for Clarification” functionality to ask for clarification of documentation provisions. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.
2. A request for clarification of prequalification documentation shall be carried out in the System before bids submission deadline.

### **6.6 Amendments to prequalification notice and prequalification documentation**

1. The Organizer of a Prequalification has the right to make any material changes (any changes except for bid submission deadline date) to the prequalification notice and prequalification documentation not later than 1 calendar day before bid submission deadline.
2. Where it is necessary to make any material changes to the prequalification notice and documentation later than 1 calendar day before bid submission deadline, the Organizer shall change the bid submission deadline so that the new bid submission deadline is not less than 1 calendar day from the date of the changes made.
3. The Organizer of a Prequalification has the right to change the bid submission deadline at any time before the bid submission deadline, provided that such change only increases the bid submission period.



4. The Organizer of a Prequalification has the right to cancel it at any time before summing up the results, but with the reason of such cancellation provided necessarily.
5. All Members subscribed to notifications of changes shall be automatically notified of all changes in the prequalification procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

#### **6.7 Prequalification bids**

1. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of prequalification documentation and parameters of prequalification procedure established by the Organizer.
2. The information provided by a Member when filling out the relevant forms in the interface of the System shall not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
3. A prequalification bid shall be submitted to the Organizer before bids submission deadline.

#### **6.8 Prequalification results**

1. According to the results of evaluation of the submitted bids and based on the admissions/nonadmissions displayed in the System interface, the Organizer of a Prequalification may:
  - reject all submitted bids;
  - approve the list of bidders admitted to participation in the subsequent calls for bids.
2. When evaluating prequalification bids, the Organizer may request clarification of bids via "Follow-up documents request" functionality where:
  - the documents specified as required in prequalification documentation are not provided at all, provided not in full or are unreadable;
  - arithmetic or grammatical mistakes are detected;
  - discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified;
  - there are other instances established by the customer's procurement regulations.
3. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents

Request shall constitute a reason for rejection of such Bidder's bid.

4. Once the Organizer approves the final decision and distributes the relevant notifications, the result of prequalification shall be published to become available to all visitors and Members of the System and can not be changed.

#### **6.9 Prequalification procedure results reports**

1. Organizer of a prequalification can use procedure results reports generated automatically based on the templates set in the System or upload their own results report files.

2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.

Procedure results reports are available only to the Organizer, except for the procedures announced in the System for the customers working in "Public sector procurement subject to 223-FZ" section under the Federal Law №223-FZ. Results reports relating to the procedures announced in "Public sector procurement subject to 223-FZ" section of the System for the customers working under the Law №223-FZ shall be published and available to all visitors and Members.

### **Chapter 7. Request for Quotations (RFQ)**

#### **7.1. General provisions**

1. Request for Quotations does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Request for Quotations is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. At the same time, the Organizer's selection of the winner shall be deemed acceptance of such Bidder's offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the customer and the Winner to perform the contract being the subject of the RFQ.

2. In accordance with Articles 435, 437 and 438 of the Civil Code of the Russian Federation, with regard to a Request for Quotations procedure:

a) publication of a RFQ by the Organizer shall constitute an invitation to Bidders to make offers;

b) a Bidder's bid shall constitute an offer made by such Bidder. This means that the Bidder will be obliged to conclude a contract with the customer on the terms and conditions specified in their bid, if their offer is accepted by the RFQ Organizer. The offers shall always be submitted by the RFQ Bidders to the RFQ Organizer;

c) selection of a Bidder as the Winner shall constitute acceptance of such Bidder's offer by the Organizer.

3. The only criterion for selecting the RFQ Winner(s) shall be the price (provided that a Bidder and their Bid comply with the requirements of the documentation).
4. By default, an open single-lot RFQ with an open bids submission is conducted in the System.
5. By agreement with the Operator, the Organizer may apply the following additional elements when holding a RFQ:
  - prequalification of bidders;
  - rebidding.
6. By agreement with the Operator, the Organizer may apply the following additional parameters when holding a RFQ:
  - closed (private) RFQ;
  - multi-lot RFQ;
  - RFQ with sealed bids submission;
  - RFQ with a per-item division of the subject matter and submission of bids on a per-item basis;
  - RFQ with a possibility of assigning ranks to the price bids submitted by the bidders (with this parameter to be applied in an open bids submission mode only).

The RFQ Organizer may also apply other parameters of the procedure, those being necessarily specified in a bid notice.

## **7.2. RFQ procedure**

1. Conducting a Request for Quotations in the System implies the following sequence of steps:
  - a) preparing for publication: filling out and saving a bid notice, uploading bid documentation; b) publication;
  - c) conducting a prequalification of bidders (if necessary);
  - d) provision of bid documentation to the bidders;
  - e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary); f) bids submission;
  - g) bids consideration, evaluation and comparison;
  - h) rebidding (if necessary);
  - i) summing up the results ;
  - j) concluding a contract with the winner/ winners.

## **7.3. Notice of RFQ (bid notice) and timing**

1. A notice of RFQ shall be published in the System at least 4 calendar days prior to bid submission deadline of the main stage, and when using a prequalification of bidders as an additional element of RFQ – at least 8 calendar days prior to prequalification bid submission deadline.
2. By agreement with the Operator, a RFQ bid submission deadline may be set in accordance with

the customer's current procurement regulations.

3. A Notice of RFQ shall be published in the Open Part of the System.

#### **7.4. RFQ documentation**

1. RFQ documentation shall be provided for downloading to all Members at no charge.
2. Documentation of a RFQ announced in “Public sector procurement subject to 223-FZ” section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

#### **7.5. Clarification of the provisions of RFQ documentation**

1. A Member shall have the right to contact the Organizer of an RFQ via “Request for Clarification” functionality to ask for clarification of documentation provisions before bid submission deadline. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.
2. A request for clarification of RFQ documentation shall be carried out in the System before bids submission deadline.

#### **7.6. Amendments to bid notice and RFQ documentation**

1. The RFQ Organizer has the right to make any material changes (any changes except for bid submission deadline date and bids opening date) to the bid notice and RFQ documentation no later than 1 calendar day before bid submission deadline.
2. Where it is necessary to make any material changes to the bid notice and RFQ documentation later than 1 calendar day before bid submission deadline, the Organizer shall change the bid submission deadline so that the new bid submission deadline is not less than 1 calendar day from the date of the changes made.
3. The RFQ Organizer has the right to change the bid submission deadline at any time before the bid submission deadline, provided that such change only increases the bid submission period.
4. The RFQ Organizer has the right to cancel it at any time before summing up the results, but with the reason of such cancellation provided necessarily.
5. All Members subscribed to notifications of changes shall be automatically notified of all changes in the RFQ procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

#### **7.7. RFQ bids**

1. A bid for participation in the RFQ (RFQ bid) is comprised of a quotation, the forms filled in in the System interface and the documents uploaded to the System in accordance with the requirements of bid documentation and procedure parameters established by the Organizer.
2. A quotation and the information provided by a Member when filling out the relevant forms in the interface of the System should not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer of the Request for Quotations has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
3. An RFQ bid shall be submitted to the Organizer before bids submission deadline. An RFQ bid can be edited by a Bidder several times, unless otherwise stated in a bid notice or bid documentation, and submission of a new bid shall also be deemed withdrawal of a previous one.
4. The RFQ Organizer may set, in a bid notice, a bids opening date differing from bid submission deadline, in between of which the Bidders can not edit their quotations and the forms filled in the System interface, but can renew/ upload the documents requested by the Organizer.
5. No bids opening date specified in a bid notice means that the bidders' bids should be uploaded in full before bid submission deadline.

#### **7.8. Extension of bids submission period in an RFQ with an open bids submission**

1. In case an RFQ is conducted with an open bids submission, the following algorithm applies in the System as to extension of quotations submission period:
  - a) in case another quotation is submitted by a Bidder within the last 30 minutes before bids (quotation) submission deadline, then such deadline shall be extended automatically by 30 minutes from the time of the last quotation submitted.
  - b) bids (quotations) submission period shall not be extended if no new quotation is submitted within the last 30 minutes before bid (quotations) submission deadline.
2. By default, the time interval for submitting quotations during the automatic extension period is 30 minutes, and the automatic extension period itself is not limited. By agreement with the Operator, the time interval for submission of quotations during the automatic extension of the submission period and the automatic extension period in procedures of a particular Organizer can be changed.

#### **7.9. Bids evaluation and final decision**

1. In case an RFQ is conducted with a prequalification of Bidders, upon prequalification bids submission deadline, the Organizer has the right to evaluate the bids submitted under a prequalification and make a decision on admitting/ not admitting the Bidders to the main stage of RFQ procedure.

2. On the start date of bids submission for the main stage specified in a bid notice, all the Bidders admitted to bidding based on the results of a prequalification become automatically able to submit their bids for the main stage.
3. Upon the deadline of bids submission for the main stage, the Organizer may:
  - a) reject all the submitted bids;
  - b) consider the submitted bids, decide on admitting/ not admitting the bidders to the final evaluation, and:
    - announce a rebidding, if necessary;
    - select the winner or declare the RFQ void, with the rationale provided.
4. When evaluating the submitted bids, the Organizer may request clarification of bids via “Follow-up documents request” functionality where:
  - the documents specified as required in RFQ documentation are not provided at all, provided not in full or are unreadable;
  - arithmetic or grammatical mistakes are detected (and, where is a discrepancy between the price stated in a Bidder’s bid generated in the System interface and the price stated in the uploaded documents, the former shall prevail);
  - discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified;
  - there are other instances established by the customer's procurement regulations.
5. Clarification so requested should not be aimed at changing the subject of the RFQ, the volume or range of the products offered by a Bidder, or the substance of their bid, including modification of the commercial or other conditions contained in the bid. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for such Bidder’s non-admission to the final evaluation.
6. Once the Organizer approves the final decision and distributes the relevant notifications, the result of the RFQ shall be published to become available to all visitors and Members of the System and can not be changed.

#### **7.10. Winner of a RFQ**

1. The winner of a RFQ shall become a bidder complying with RFQ requirements and offering the lowest price in their quotation.
2. The Organizer may complete a RFQ without announcing the winner, which means that the Organizer has declined all the offers submitted by the participants of the RFQ.
3. The RFQ Organizer shall be obliged to announce the results of RFQ procedure by selecting the winner from the bidders or by declining all bidders’ quotations and completing the RFQ

without winner selection, within 30 calendar days from bid submission deadline, if no other results announcement date is specified in the bid notice and (or) RFQ documentation.

4. If the RFQ Organizer does not announce the results within 30 calendar days from bid submission deadline, validity period of the bidders' offers shall be deemed expired, unless other offer validity period is established in the RFQ documentation or in the Bidder's bid.

#### **7.11. RFQ procedure results reports**

1. Organizer of a RFQ can use procedure results reports (procedure-related records) generated automatically based on the templates set in the System or upload their own results report files.
2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.
3. Procedure results reports are available only to the Organizer, except for the procedures announced in the System for the customers working in "Public sector procurement subject to 223-FZ" section under the Federal Law №223-FZ. Results reports relating to the procedures announced in "Public sector procurement subject to 223-FZ" section of the System for the customers working under the Law №223-FZ shall be published and available to all visitors and Members.

#### **7.12. Contract conclusion following a RFQ**

1. The contract with the winner(s) of the RFQ shall be concluded outside the System or in the System (at the Organizer's discretion and provided that it is technically feasible) on the conditions proposed by the Bidder in their offer submitted via the E-Marketplace.

#### **7.13. Specific arrangements relating to RFQs with additional parameters and elements applied**

##### **7.13.1. Conducting a RFQ with a prequalification of bidders**

1. When preparing a RFQ, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of prequalification documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of RFQ bidders, and thus shall be excluded from further participation in the RFQ procedure.
5. A Bidder qualified during a prequalification, shall receive from the Organizer:

- notification of a successful prequalification;
- the access to the bid documentation of the main stage and bid submission.

### **7.13.2. Conducting a closed (private) RFQ**

1. A closed (private) RFQ may be conducted in the System:

- following the results of a Tender or Competitive Negotiations for the right to conclude a framework contract;
- following the results of a Prequalification procedure; □  
irrespective of other procedures.

2. A closed (private) RFQ following the results of a Tender or Competitive Negotiations for the right to conclude a framework contract shall be conducted directly in the System for each lot among the winners of the procedures for right to conclude a framework contract that have been conducted in the System. The Organizer of a closed (private) RFQ may conduct an unlimited number of such procedures following the results of one completed Request for Tenders or one Competitive Negotiations for the right to conclude a framework contract.

3. A closed (private) RFQ following the results of a Prequalification of Bidders shall be conducted directly in the System among the Bidders admitted to bidding after such prequalification. The Organizer of a closed (private) RFQ may conduct an unlimited number of such procedures following the results of one Prequalification of Bidders.

4. When conducting a closed (private) RFQ independently of other procedures, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the RFQ procedure.

5. Only the Members admitted to participation in a closed (private) RFQ following the results of a prequalification of bidders or the procedures for the right to conclude a framework contract, as well as those directly invited by the Organizer, shall be able to see the bid notice, bid documentation and other procedure-related information, as well as to submit a bid (provided that they have a Full Access).

6. The timing and specific features of a closed (private) RFQ are the same as those of an open RFQ.

### **7.13.3. Conducting a multi-lot RFQ**

1. The legal status of multi-lot Requests for Quotations is defined based on the fact that such RFQ is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid notice and documentation. In a multi-lot Requests for Quotations, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.



2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

#### **7.13.4. Conducting an RFQ with a per-item division**

1. In an RFQ with a per-item division of the subject matter (per-item call for bids), a Bidder can submit, for each item, a separate proposal being a part of a Bidder's Bid, and the Organizer can conclude a separate contract for each item or a group of items.
2. A Bidder may submit quotations only for a part of items (and not necessarily for all items) within the same procedure, unless the Organizer has grouped the items into a lot in order to select the winner for such entire group of items. If this is the case, a Bidder can only submit quotations for all items within the lot.

#### **7.13.5. Conducting an RFQ with the ranks assigned to the Bidders' quotations**

1. The System enables the RFQ Organizer to apply "bids ranking" parameter implying an automatic rank (place) assigning to each of the Bidders' quotations depending on a Bidder's quoted price. A quotation offering the lowest price shall be ranked 1, and other quotations shall be ranked 2, 3, etc., in the price ascending order.
2. In an RFQ with "bids ranking" parameter applied, a Bidder can not submit a quotation, of which the price is higher than the price of their previous quotation.
3. In an RFQ with "bids ranking" parameter applied, bids submission period can only be extended, as provided for by this clause 7.8, where a rank of a Bidder's quotation changes. If modification of a quoted price does not cause changing of the rank of such quotation, then bids submission deadline shall not be extended.

#### **7.13.6. Conducting a rebidding in a RFQ**

1. When conducting a RFQ, the Organizer shall become able to announce a rebidding only after bids submission deadline or after bids opening date of the main stage (if set).
2. The minimum bid submission period under rebidding shall be established by the Organizer. Within the specified period, the RFQ bidders willing to participate in a rebidding, may prepare and submit their rebidding bids.
3. To announce a rebidding, the Organizer shall:
  - mark the Bidders' bids admitted to rebidding;
  - specify bids submission deadline under rebidding;
  - where necessary, provide the additional information for the Bidders participating in rebidding or upload a respective file.
4. Rebidding shall be conducted with regard to the price and, if so provided by the RFQ documentation, with regard to any other bid terms.

5. The Organizer shall have the right to change the type and timing of a rebidding or to cancel it before rebidding bids submission deadline, if no rebidding bids have been submitted.
6. The Organizer may conduct a rebidding in online or by-correspondence mode.
7. In case a rebidding is conducted in by-correspondence mode, the Bidders can submit and edit their bids through to rebidding bids submission deadline. The bids submitted by the bidders before rebidding bids submission deadline shall only be available to the Bidders themselves. No automatic extension of quotation submission deadline is applicable to a by-correspondence rebidding.
8. In case a rebidding is conducted in online mode, the Bidders can submit and edit their bids an unlimited number of times, irrespective of the prices quoted by other Bidders, through to rebidding bids submission deadline. The bids submitted by the bidders are instantly published to be available to all the bidders participating in the rebidding. In an online rebidding, automatic extension of quotation submission deadline is possible as provided in this clause 7.8.
9. A rebidding bid submitted in the course of rebidding in the above specified way shall be deemed the final proposal of a Bidder participating in the RFQ.
10. In case RFQ Bidder invited to participate in rebidding, does not change the price of their quotation in the course of rebidding, such Bidder shall remain to be a RFQ Bidder, and the Organizer shall consider the price stated by the Bidder in their current effective quotation.
11. The winner shall be selected by the Organizer based on all submitted bids (both submitted in the course of rebidding and in the course of the main stage of the RFQ).
12. In case several equal quotations are submitted during rebidding, the best of those shall be deemed the quotation of the Bidder that has submitted it earlier than the others.

## **Chapter 8. Request for Proposals (RFP)**

### **8.1 General provisions**

1. Request for Proposals does not constitute a competitive bidding, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Request for Proposals is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted.
2. In accordance with Articles 435, 437 and 438 of the Civil Code of the Russian Federation, with regard to a Request for Proposals procedure:
  - publication of a RFP by the Organizer shall constitute an invitation to Bidders to make

offers;

- a Bidder's bid shall constitute an offer made by such Bidder. This means that the Bidder will be obliged to conclude a contract with the customer on the terms and conditions specified in their bid, if their offer is accepted by the RFP Organizer. The offers shall always be submitted by the RFP Bidders to the RFP Organizer;
  - the Organizer's selection of a Bidder as the Winner of a RFP shall not constitute acceptance of such Bidder's offer by the Organizer and shall not cause the Organizer's obligation to conclude a contract with the Winner. The RFP Organizer shall accept the Bidder's offer at the time when the Organizer's authorized person signs the contract with the Winner, if so decided as a results of negotiations.
- 3. The RFP winner/ winners shall be selected based on a total of criteria set by the Organizer (provided that a Bidder and their Bid comply with the requirements of the documentation).
- 4. By default, an open single-lot RFP with an open bids submission is conducted in the System.
- 5. By agreement with the Operator, the Organizer may apply the following additional elements when holding a RFP:
  - prequalification of bidders;
  - rebidding.
- 6. By agreement with the Operator, the Organizer may apply the following additional parameters when holding a RFP:
  - a) closed (private) RFP;
  - b) multi-lot RFP;
  - c) RFP with sealed bids submission;
  - d) RFP with a per-item division of the subject matter and submission of bids on a per-item basis;
  - e) RFP with the possibility of submission of multi-criteria bids;
  - f) RFP with the possibility of submission of multi-parameter bids;
  - g) RFP with a possibility of assigning ranks to the price bids submitted by the bidders (with this parameter to be applied in an open bids submission mode only).
- 7. The RFP Organizer may also apply other parameters of the procedure, those being necessarily specified in a bid notice.

## 8.2 RFP procedure

1. Conducting a Request for Proposals in the System implies the following procedure:
  - a) preparing for publication: filling out and saving a bid notice, uploading bid documentation;
  - b) publication;
  - c) conducting a prequalification of bidders (if necessary);

- d) provision of bid documentation to the bidders;
- e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
- f) bids submission;
- g) bids consideration, evaluation and comparison;
- h) rebidding (if necessary);
- i) summing up the results;
- j) holding negotiations and contract conclusion with the Winner/ Winners if the Organizer makes a final decision to conclude a contract with the Winner.

### **8.3 Notice of RFP (bid notice) and timing**

1. A notice of RFP shall be published in the System at least 4 calendar days prior to bid submission deadline of the main stage, and when using a prequalification of bidders as an additional element of RFP – at least 8 calendar days prior to prequalification bid submission deadline.
2. By agreement with the Operator, a RFP bid submission deadline may be set in accordance with the customer's current procurement regulations.
3. Notice of RFP shall be published in the Open Part of the System.

### **8.4 RFP documentation**

1. RFP documentation shall be provided for downloading to all Members at no charge.
2. Documentation of a RFP announced in “Public sector procurement subject to 223-FZ” section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

### **8.5 Clarification of the provisions of RFP documentation**

1. A Member shall have the right to contact the Organizer of an RFP via “Request for Clarification” functionality to ask for clarification of documentation provisions. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.
2. A request for clarification of RFP documentation shall be carried out in the System before bids submission deadline.

### **8.6 Amendments to bid notice and RFP documentation**

1. The RFP Organizer has the right to make any material changes (any changes except for bid submission deadline date and bids opening date) to the bid notice and RFP documentation no later than 1 calendar day before bid submission deadline.
2. Where it is necessary to make any material changes to the bid notice and RFP

documentation later than 1 calendar day before bid submission deadline, the Organizer shall change the bid submission deadline so that the new bid submission deadline is not less than 1 calendar day from the date of the changes made.

3. The RFP Organizer has the right to change the bid submission deadline at any time before the bid submission deadline, provided that such change only increases the bid submission period.
4. The RFP Organizer has the right to cancel it at any time before summing up the results, but with the reason of such cancellation provided necessarily.
5. All Members subscribed to notifications of changes shall be automatically notified of all changes in the RFP procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

## **8.7 RFP bids**

1. A bid for participation in the RFP (RFP bid) is comprised of a quotation, the forms filled in in the System interface and the documents uploaded to the System in accordance with the requirements of bid documentation and procedure parameters established by the Organizer.
2. A quotation and the information provided by a Member when filling out the relevant forms in the interface of the System should not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer of the Request for Proposals has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
3. An RFP bid shall be submitted to the Organizer before bids submission deadline. An RFP bid can be edited by a Bidder several times, unless otherwise stated in a bid notice or bid documentation, and the each editing of a bid shall be legally deemed submission of a new RFP bid with a previous one thus being withdrawn.
4. The RFP Organizer may set, in a bid notice, a bids opening date differing from bid submission deadline, in between of which the Bidders can not edit their quotations and the forms filled in the System interface, but can renew/ upload the documents requested by the Organizer.
5. No bids opening date specified in a bid notice means that the bidders' bids should be uploaded in full before bid submission deadline.
6. When preparing an RFP, the Organizer may provide for the possibility of Bidders' submission of alternative bids. If this is the case, the Bidders may submit, during bids submission period, a main bid and alternative bids according to the requirements of the RFP documentation. The bids containing alternative proposals shall be submitted by the Bidders in the same way as the bids containing the main proposal, and shall be considered and evaluated by the RFP Organizer irrespective of one another.

## **8.8 Extension of bids submission period in an RFP with an open bids submission**

1. In case an RFP is conducted with an open bids submission, the following algorithm applies in the System to extension of bid submission period:
  - a) in case another proposal is submitted by a Bidder within the last 30 minutes before bids submission deadline, then such deadline shall be extended automatically by 30 minutes from the time of the last proposal submitted.
  - b) bids (proposal) submission period shall not be extended if no new proposal is submitted within the last 30 minutes before bid (proposal) submission deadline.
2. By default, the time interval for submitting proposals during the automatic extension period is 30 minutes, and the automatic extension period itself is not limited. By agreement with the Operator, the time interval for submission of proposals during the automatic extension of the submission period and the automatic extension period in the calls for bids of a particular Organizer can be changed in accordance with the Customer's procurement regulations.

## **8.9 Bids evaluation and final decision**

1. In case an RFP is conducted with a prequalification of Bidders, upon prequalification bids submission deadline, the Organizer has the right to evaluate the bids submitted under a prequalification and make a decision on admitting/ not admitting the Bidders to the main stage of RFP procedure.
2. On the start date of bids submission for the main stage specified in a bid notice, all the Bidders admitted to bidding based on the results of a prequalification become automatically able to submit their bids for the main stage.
3. Upon the deadline of bids submission for the main stage, the Organizer may:
  - a) reject all the submitted bids;
  - b) consider the submitted bids, decide on admitting/ not admitting the bidders to the final evaluation, and:
    - announce a rebidding, if necessary;
    - select the winner or declare the RFP void, with the rationale specified.
4. When evaluating the submitted bids, the Organizer may request clarification of bids via "Follow-up documents request" functionality where:
  - the documents specified as required in RFP documentation are not provided at all, provided not in full or are unreadable;
  - arithmetic or grammatical mistakes are detected (and, where is a discrepancy between the price stated in a Bidder's bid generated in the System interface and the price stated in the uploaded documents, the former shall prevail);
  - discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified;
  - there are other instances established by the customer's procurement regulations.

5. Clarification so requested should not be aimed at changing the subject of the RFP, the volume or range of the products offered by a Bidder, or the substance of their bid, including modification of the commercial or other conditions contained in the bid. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for such Bidder's non-admission to the final evaluation.
6. Once the Organizer approves the final decision and distributes the relevant notifications, the result of the RFP shall be published to become available to all visitors and Members of the System and can not be changed.

#### **8.10 Winner of a RFP**

1. The winner of a RFP shall become a bidder complying with RFP requirements and offering the best contract performance conditions based on a total of the criteria established in the RFP documentation.
2. The Organizer may complete a RFP without announcing the winner, which means that the Organizer has declined all the offers submitted by the participants of the RFP.
3. The RFP Organizer shall be obliged to announce the results of RFP procedure by selecting the winner from the bidders or by declining all bidders' proposals and completing the RFP without winner selection, within 30 calendar days from bid submission deadline, if no other results announcement date is specified in the bid notice and (or) RFP documentation.
4. If the RFP Organizer does not conclude the contract with the Winner within 30 calendar days from the date of summing of the results, the validity period of the bidders' offers shall be deemed expired, unless other offer validity period is established in the RFP documentation or in the Bidder's bid.

#### **8.11 RFP procedure results reports**

1. Organizer of a RFP can use procedure results reports (procedure-related records) generated automatically based on the templates set in the System or upload their own results report files.
2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.
3. Procedure results reports are available only to the Organizer, except for the procedures announced in "Public sector procurement subject to 223-FZ" section the System for the customers working under the Federal Law №223-FZ. Results reports relating to the procedures announced in "Public sector procurement subject to 223-FZ" section of the System for the customers working under the Law №223-FZ shall be published and available to all visitors and Members.

## 8.12 Contract conclusion following a RFP

1. Holding negotiations and contract conclusion with the Winner(s) of the RFP (if the Organizer makes the final decision to conclude the contract with the Winner) shall be performed outside the System or in the System (at the Organizer's discretion and provided that it is technically feasible).

## 8.13 Specific arrangements relating to RFPs with additional parameters and elements applied

### 8.13.1 Conducting a RFP with a prequalification of bidders

1. When preparing a RFP, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of RFP bidders, and thus shall be excluded from further participation in the RFP procedure.
5. A Bidder qualified during a prequalification, shall receive from the Organizer:
  - notification of a successful prequalification;
  - the access to the bid documentation of the main stage and bid submission.

### 8.13.2 Conducting a closed (private) RFP

1. A closed (private) RFP may be conducted in the System:
  - following the results of a Tender or Competitive Negotiations for the right to conclude a framework contract;
  - following the results of a Prequalification procedure; □  
irrespective of other procedures.
2. A closed (private) RFP following the results of a Tender or Competitive Negotiations for the right to conclude a framework contract shall be conducted directly in the System for each lot among the winners of the procedures for right to conclude a framework contract that have been conducted in the System. The Organizer of a closed (private) RFP may conduct an unlimited number of such procedures following the results of one completed Tender or one Competitive Negotiations for the right to conclude a framework contract.



3. A closed (private) RFP following the results of a Prequalification of Bidders shall be conducted directly in the System among the Bidders admitted to bidding after such prequalification. The Organizer of a closed (private) RFP may conduct an unlimited number of such procedures following the results of one Prequalification of Bidders.
4. When conducting a closed (private) RFP independently of other procedures, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the RFP procedure.
5. Only the Members admitted to participation in a closed (private) RFP following the results of a prequalification of bidders or the procedures for the right to conclude a framework contract, as well as those directly invited by the Organizer, shall be able to see the bid notice, bid documentation and other procedure-related information, as well as to submit a bid (provided that they have a Full Access).
6. The timing and specific features of a closed (private) RFP are the same as those of an open RFP.

#### **8.13.3 Conducting a multi-lot RFP**

1. The legal status of multi-lot Requests for Proposals is defined based on the fact that such RFP is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid notice and documentation. In a multi-lot Requests for Proposals, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.
2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

#### **8.13.4 Conducting an RFP with a per-item division**

1. In an RFP with a per-item division of the subject matter (per-item call for bids), a Bidder can submit, for each item, a separate proposal being a part of a Bidder's Bid, and the Organizer can conclude a separate contract for each item or a group of items.
2. A Bidder may submit proposals only for a part of items (and not necessarily for all items) within the same procedure, unless the Organizer has grouped the items into a lot in order to select the winner for such entire group of items. If this is the case, a Bidder can only submit proposals for all items within the lot.

#### **8.13.5 Conducting an RFP with the ranks assigned to the Bidders' proposals**

1. The System enables the RFP Organizer to apply "bids ranking" parameter implying an automatic rank (place) assigning to each of the Bidders' quotation depending on a Bidder's quoted price. A quotation offering the lowest current price shall be ranked 1, and other quotations shall be ranked 2, 3, etc., in the current price ascending order.
2. In an RFP with "bids ranking" parameter applied, a Bidder can not submit a quotation, of which the price is higher than the price of their previous quotation.

3. In an RFP with "bids ranking" parameter applied, bids submission period can only be extended, as provided for by this clause 8.8, where a rank of a Bidder's quotation changes. If modification of a quoted price does not cause changing of the rank of such quotation, then bids submission deadline shall not be extended.

#### **8.13.6 Conducting a rebidding in a RFP**

1. When conducting a RFP, the Organizer shall become able to announce a rebidding only after bids submission deadline or after bids opening date of the main stage (if set).
2. The minimum bid submission period under rebidding shall be established by the Organizer. Within the specified period, the RFP bidders willing to participate in a rebidding, may prepare and submit their rebidding bids.
3. To announce a rebidding, the Organizer shall:
  - a) mark the Bidders' bids admitted to rebidding;
  - b) specify bids submission deadline under rebidding;
  - c) where necessary, provide the additional information for the Bidders participating in rebidding or upload a respective file.
4. Rebidding shall be conducted with regard to the price and, if so provided by the RFP documentation, with regard to any other bid terms.
5. The Organizer shall have the right to modify the type and timing of a rebidding or to cancel it before rebidding bids submission deadline, if no rebidding bids have been submitted.
6. The Organizer may conduct a rebidding in online or by-correspondence mode.
7. In case a rebidding is conducted in by-correspondence mode, the Bidders can submit and edit their bids through to rebidding bids submission deadline. The bids submitted by the bidders before rebidding bids submission deadline shall only be available to the Bidders themselves. No automatic extension of quotation submission deadline is applicable to a by-correspondence rebidding.
8. In case a rebidding is conducted in online mode, the Bidders can submit and edit their bids an unlimited number of times, irrespective of the prices quoted by other Bidders, through to rebidding bids submission deadline. The bids submitted by the bidders are instantly published to be available to all the bidders participating in the rebidding. In an online rebidding, automatic extension of proposals submission deadline is possible as provided in this clause 8.8.
9. A rebidding bid submitted in the course of rebidding in the above specified way shall be deemed the final proposal of a Bidder participating in the RFP.
10. In case RFP Bidder invited to participate in rebidding, does not change the price of their

proposal in the course of rebidding, such Bidder shall remain to be a RFP Bidder, and the Organizer shall consider the price stated by the Bidder in their current effective quotation.

11. The winner shall be selected by the Organizer based on all submitted bids (both submitted in the course of rebidding and in the course of the main stage of the RFP), taking into account a total of criteria set by the Organizer (provided that a Bidder and their Bid comply with the requirements of the documentation). The best (minimum) price offered by a Bidder in rebidding shall not necessarily cause such Bidder's winning the RFP.
12. In case several equal quotations are submitted during rebidding, the best of those shall be deemed the quotation of the Bidder that has submitted it earlier than the others.

## **Chapter 9. Buyer's Auction**

### **9.1 Legislative requirements to an Auction**

1. Basic requirements to organization and procedure of an auction are established by the provisions of Articles 447–449 of the Civil Code of the Russian Federation. When conducting an auction, of which the subject is the right to conclude a contract, the customer shall enter into the contract with the person winning the bidding, in accordance with Part 5 of Articles 448 of the Civil Code of the Russian Federation.

### **9.2 Notice of Auction**

1. A notice of Auction (bid notice) shall be published in the System at least 30 calendar days prior to the auction bids submission deadline (bid submission deadline). In the case of an Auction conducted under the Federal Law No. 223-FZ, a notice of Auction shall be published at least 15 calendar days before bid submission deadline.
2. By agreement with the Operator, bid submission deadline may be set in accordance with the customer's current procurement regulations.
3. A Notice of Auction shall be published in the Open Part of the System.

### **9.3 Auction documentation**

1. Auction documentation (bid documentation) shall be provided for downloading to all Members at no charge.
2. Documentation of an Auction announced in "Public sector procurement subject to 223-FZ" section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

### **9.4 Clarification of the provisions of the Auction documentation**

1. A Member shall have the right to contact the Organizer of an Auction via "Request for

Clarification” functionality to ask for clarification of documentation provisions, in which case such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.

2. A request for clarification of the Auction documentation shall be submitted to the Organizer before bid submission deadline.

### **9.5 Amendments to bid notice and Auction documentation**

The Auction Organizer has the right to make any amendments to the bid notice and auction documentation before the start of the auction bidding, except for the auctions announced in “Public sector procurement subject to 223-FZ” section of the System for the customers working under the Federal Law No.223-FZ. In an Auction conducted in “Public sector procurement subject to 223-FZ” section of the System under the Federal Law No.223-FZ, if any amendments are made to the auction notice or auction documentation, the bid submission period shall be extended so that, from the date of publishing such amendments in the Unified Procurement Information System until bid submission deadline, there is not less than a half of the bid submission period established in the customer’s procurement regulations for this type of procurement procedure.

1. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their auction bids, edit them or leave their bids unchanged before bid submission deadline.

### **9.6 Cancellation of an Auction**

1. The Organizer of an Auction has the right to cancel it at any time, but not later than 3 days before the date of auction bidding, unless otherwise provided for in the notice of auction or in the procurement regulations of the customer.
2. In cases where the Auction Organizer refuses to conduct it in violation of the terms, the Organizer shall be obliged to compensate to the Bidders the actual damage incurred by them in accordance with the Civil Code of the Russian Federation.

### **9.7 Auction bidding process**

1. Auction Bidders in the System may submit several consecutive price bids in real time. These price bids become available to the Organizer and other Bidders (to decide on a new bid) immediately upon their receipt in automatic mode. Submission of each following bid shall be deemed a simultaneous withdrawal of the previous one.
2. In auction bidding process, the Bidders shall submit their bids, decreasing the current price by a bid decrement of the Auction established by the Organizer in the notice of auction, with the following limitations taken into account:
  - a Bidder can not bid the contract price higher than the initial price specified in the bid notice;

- a Bidder can not bid the contract price higher than the one submitted by such Bidder earlier;
  - a Bidder can not bid the same contract price twice;
  - a Bidder can not bid the contract price equal to zero.
3. Where there is a minimum bid decrement set by the Organizer in the bid notice, the value of a Bidder's next bid shall be divisible by such decrement and shall amount to 1–5 such decrements.
  4. Where there is a minimum bid decrement set by the Organizer in the bid notice as a range of values, the value of a Bidder's next bid may be arbitrary, but falling within the set range of values.
  5. A Bidder can not submit two or more bids in a row.
  6. A Bidder may use a System function enabling an automatic submission of bids on behalf of the Bidder ("automatic auctioneer"), according to a decrement set in the bid notice, down to the price value set by the Bidder when activating the function.
  7. Auction bids history is available to all Members.
  8. The initial duration of auction bidding shall be 1 hour. However, if, within the last 10 minutes before the end of the auction, a new bid is submitted, the end of the auction shall be automatically extended by another 10 minutes from the time of the last bid submitted for the lot. Auction bidding shall be completed, when no new bid is submitted within 10 minutes.
  9. By default, the time interval for bids submission in the auction bidding is 10 minutes, and duration of the auction bidding itself is 1 hour. By agreement with the Operator, the time interval for bids submission and duration of the auction bidding itself in the procedures of a particular Organizer can be changed in accordance with the customer's procurement regulations.
  10. The Organizer may, by means of the relevant functionality provided by the Operator, enable a Bidder to submit, within 30 minutes from the end of auction bidding, a bid, which is not higher than the last bid submitted by such Bidder and not lower than the best bid submitted before the end of the auction bidding, regardless of the bid decrement.

## **9.8 Winner of an Auction**

1. The winner of the auction shall be the Bidder that submitted a bid complying with the requirements of the auction documentation and offering the lowest contract price during the auction bidding.
2. All contracts shall be concluded by the customer and the Winner of the Auction outside

the System or in the System (at the Organizer's discretion and provided that it is technically feasible). The Operator shall not be involved in conclusion of contracts between the Members.

### **9.9 Declaring an Auction void**

1. An Auction, where less than two Bidders were participating, shall be declared void in the System.

### **9.10 Specific arrangements relating to an Auction with additional parameters and elements applied**

1. By default, the Auctions conducted in the System are open and single-lot.
2. Upon agreement with the Operator, the Organizer may apply the following additional parameters when holding an Auction:
  - closed (private) auction;
  - multi-lot auction;
3. Auctions may be conducted:
  - without a preliminary evaluation of bids;
  - with a preliminary evaluation of bids;
  - with evaluation of two parts of bids

### **9.11 Auctions without a preliminary evaluation of bids**

1. The procedure of an auction without a preliminary evaluation of bids is the following:
  - a) preparing for publication: filling out and saving a bid notice, uploading auction documentation;
  - b) publication of an auction;
  - c) provision of auction documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - e) submission of registration price bids before the start of auction bidding;
  - f) auction bidding;
  - g) automatic determination of the winner, executing the final results report;
  - h) conclusion of a contract with the winning Bidder.
2. Registration price bid is a Bidder's consent to conclude a contract at the initial price.
3. Submission of a registration price bid is not required for the potential Bidders, for the auction bidding shall start irrespective of the number of registration price bids submitted.
4. When submitting a registration price bid, a Bidder may activate "automatic auctioneer" function. In this case, the price bids shall be submitted on behalf of the Bidder automatically according to a decrement set in the bid notice, down to the price value set by the Bidder, if a

better price bid has been submitted by another Bidder.

5. If, before the auction bidding start date, several registration price bids are submitted, at least in one of which a Bidder has activated “automatic auctioneer” function, the auction bidding shall start from the registration price bid of the Bidder using an automatic auctioneer, modified by one bid decrement set in the bid notice.
6. If several registration price bids have been submitted with the “automatic auctioneer” function enabled, the auction bidding shall start from the last but one minimum bid, minus bid decrement, submitted on behalf of the Bidder that has set a lower price threshold for the automatic auctioneer.
7. If several registration price bids equal to the initial auction price have been submitted, but during the auction bidding no new bid has been submitted to decrease the initial price, then the winner shall be the bidder that was the first to submit such registration price bid.
8. If one registration price bid has been submitted, and no new bid has been submitted in the course of the auction bidding, then the auction shall be declared void, and the Organizer may decide to conclude the contract with the single Bidder that has submitted a registration price bid.
9. In case the Organizer modifies the initial auction price or a bid decrement set in the notice of auction, the registration price bids submitted before such modification shall automatically become “void” as being incongruent to the updated conditions of the procedure. The Bidders that have submitted such registration price bids may, before the end of the auction bidding, edit them and submit again or withdraw them. The “void” registration price bids, not edited and not resubmitted, shall be deemed withdrawn, and shall not be considered among the total number of the submitted price bids.

#### **9.12 Auctions with a preliminary evaluation of bids**

1. The procedure of an auction with a preliminary evaluation of bids is the following:
  - a) preparing for publication: filling out and saving a bid notice, uploading auction documentation;
  - b) publication of an auction;
  - c) provision of auction documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - e) submission of auction bids before bid submission deadline;
  - f) evaluation of the submitted bids, making a decision on admitting/ not admitting the Bidders to participation in the auction bidding;
  - g) auction bidding among the admitted bidders only;
  - h) automatic determination of the winner, executing the final results report;
  - i) conclusion of a contract with the winning Bidder.
2. A Bidder's auction bid is comprised of a price bid and a package of documents uploaded into

the System in compliance with the requirements of the auction documentation.

3. Submission of an auction bid shall imply the Bidder's consent to conclude the contract at the price stated by them in the auction bid, but not exceeding the initial auction price, provided that the Bidder is recognized by the Organizer as complying with the requirements of the auction documentation.
4. A Bidder may submit, edit and withdraw their auction bid before bid submission deadline.
5. Upon bid submission deadline, the Organizer shall become able to view the Bidders' auction bids and present the decision as to their admission/ non-admission to the auction bidding process.
6. If, before bid submission deadline, no auction bid is submitted, the auction shall be declared void.
7. If, upon auction bids evaluation, no action bid is recognized as complying with the bid documentation, the auction shall be declared void.
8. If, upon auction bids evaluation, only one auction bid is recognized as complying with the bid documentation, the auction shall be declared void, and the Organizer may decide to conclude the contract with the sole Bidder.
9. If, upon auction bids evaluation, two or more auction bids are recognized as complying with the bid documentation, the auction bidding process shall start on the date specified in the bid notice.
10. If the initial prices are stated in the Bidders' auction bids, auction bidding shall start with an automatic submission of bids with the stated prices and their ranking in ascending order.
11. In case the Organizer modifies the initial auction price or a bid decrement set in the notice of auction, the auction bids submitted before such modification shall automatically become "void" as being incongruent to the updated conditions of the procedure. The Bidders that have submitted such bids may, before bid submission deadline, edit them and submit again or withdraw them. The "void" auction bids, not edited and not resubmitted, shall be deemed withdrawn, and shall not be considered among the total number of the submitted bids.

### **9.13 Conducting a closed (private) auction**

1. When conducting a closed (private) Auction, the Organizer shall form, on their own, via the EMarketplace functionality, the list of Members to be invited to participate in the auction procedure.
2. Only the Members admitted by the Organizer to participation in a closed (private) auction shall be able to see the bid notice and bid documentation, as well as to submit a bid (provided that they have a Full Access).



3. The timing and specific features of a closed (private) Auction are the same as those of an open Auction.

#### **9.14 Conducting a multi-lot auction**

1. The legal status of multi-lot Auctions is defined based on the fact that such auction is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid documentation. In a multi-lot Auction, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.
2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

### **Chapter 10. Reverse Auction**

#### **10.1 Legislative requirements to a Reverse Auction**

1. A Reverse Auction does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Reverse Auction is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. At the same time, the Organizer's selection of the winner shall be deemed acceptance of such Bidder's offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the customer and the Winner to perform the contract being the subject of the Reverse Auction.
2. The only criterion for selecting the Winner of a Reverse Auction shall be the price (provided that a Bidder and their Bid comply with the requirements of the bid documentation).
3. By default, an open single-lot Reverse Auction is conducted in the System.

#### **10.2 Notice of a Reverse Auction**

1. A notice of a Reverse Auction (bid notice) shall be published in the System at least 5 calendar days prior to the bid submission deadline.
2. A Notice of a Reverse Auction shall be published in the Open Part of the System.

#### **10.3 Documentation of a Reverse Auction**

1. Documentation of a Reverse Auction (bid documentation) shall be provided for downloading to all Members at no charge.
2. Documentation of a Reverse Auction announced in "Public sector procurement subject to 223FZ" section of the System for the customers working under the Federal Law No.223-FZ is

available for downloading to all users of the Internet without charging a fee.

#### **10.4 Clarification of the provisions of the Reverse Auction documentation**

1. A Member shall have the right to contact the Organizer of a Reverse Auction via “Request for Clarification” functionality to ask for clarification of documentation provisions, in which case such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.
2. A request for clarification of the Reverse Auction documentation shall be submitted to the Organizer before bid submission deadline.

#### **10.5 Amendments to bid notice and Reverse Auction documentation**

1. The Organizer of a Reverse Auction has the right to amend the bid notice and bid documentation at any time before the start of submission of price bids.
2. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bid submission deadline.

#### **10.6 Cancellation of a Reverse Auction**

1. The Organizer of a Reverse Auction has the right to cancel it at any time, through to summing up the results of the call for bids.

#### **10.7 Reverse Auction bidding process**

1. A Bidder participating in a Reverse Auction, admitted to price bids submission stage, may submit several consecutive price bids in real time. These price bids become available to the Organizer and other Bidders (to decide on a new price bid) immediately upon their receipt in automatic mode. Submission of each following price bid shall be deemed a simultaneous withdrawal of the previous one.
2. In reverse auction bidding process, the Bidders shall submit their price bids, decreasing the current price by a bid decrement of the Reverse Auction established by the Organizer in the bid notice, with the following limitations taken into account:
  - a Bidder can not bid the contract price higher than the initial price specified in the bid notice;
  - a Bidder can not bid the contract price higher than the one submitted by such Bidder earlier;
  - a Bidder can not bid the same contract price twice; □ a Bidder can not bid the contract price equal to zero.
3. Where there is a minimum bid decrement set by the Organizer in the bid notice, the value of a Bidder’s next price bid shall be divisible by such decrement and shall amount to 1–5

such decrements.

4. Where there is a minimum bid decrement set by the Organizer in the bid notice as a range of values, the value of a Bidder's next bid may be arbitrary, but falling within the set range of values.
5. A Bidder can not submit two or more bids in a row.
6. The history of reverse auction bids is available to all Members.
7. The initial duration of price bids submission in a reverse auction shall be 1 hour. However, if, within the last 10 minutes before the end of the bidding process, a new bid is submitted, the end of bidding process shall be automatically extended by another 10 minutes from the time of the last bid submitted for the lot. Bidding process shall be completed, when no new price bid is submitted within 10 minutes.
8. By default, the time interval for bids submission in the reverse auction bidding is 10 minutes, and duration of the bidding process itself is 1 hour. Upon agreement with the Operator, the time interval for bids submission and duration of the reverse auction bidding itself in the procedures of a particular Organizer can be changed in accordance with the customer's procurement regulations.
9. The Organizer may, by means of the relevant functionality provided by the Operator, enable a Bidder to submit, within 30 minutes from the end of reverse auction bidding, a bid, which is not higher than the last bid submitted by such Bidder and not lower than the best bid submitted before the end of the reverse auction bidding, regardless of the bid decrement.

#### **10.8 Winner of a Reverse Auction**

1. The winner of the reverse auction shall be the Bidder that submitted a bid complying with the requirements of the reverse auction documentation and offering the lowest contract price during the bidding process.
2. All contracts shall be concluded by the customer and the Winner of the Reverse Auction outside the System or in the System (at the Organizer's discretion and provided that it is technically feasible). The Operator shall not be involved in conclusion of contracts between the Members.

#### **10.9 Declaring a Reverse Auction void**

1. A Reverse Auction, where less than two Bidders were participating, shall be declared void in the System.

#### **10.10. Specific arrangements relating to a Reverse Auction with additional parameters and**

**elements applied**

1. By default, the Reverse Auctions conducted in the System are open and single-lot.
2. Upon agreement with the Operator, the Organizer may apply the following additional parameters when holding a Reverse Auction:
  - closed (private) reverse auction;
  - multi-lot reverse auction;

Buyer's Reverse Auctions may be conducted:

- without a preliminary evaluation of bids;
- with a preliminary evaluation of bids;
- with evaluation of two parts of bids.

**10.11. Reverse Auctions without a preliminary evaluation of bids**

1. The procedure of a reverse auction without a preliminary evaluation of bids is the following:
  - a) preparing for publication: filling out and saving a bid notice, uploading reverse auction documentation;
  - b) publication of a reverse auction;
  - c) provision of auction documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - e) submission of registration price bids before the start of the bidding process;
  - f) auction bidding process;
  - g) automatic determination of the winner, executing the final results report;
  - h) conclusion of a contract with the winning Bidder.
2. Registration price bid is a Bidder's consent to conclude a contract at the initial price.
3. Submission of a registration price bid is not required for the potential Bidders, for the reverse auction bidding shall start irrespective of the number of registration price bids submitted.
4. If several registration price bids equal to the initial reverse auction price have been submitted, but during the reverse auction bidding no new price bid has been submitted to decrease the initial price, then the winner shall be the bidder that was the first to submit such registration price bid.
5. If one registration price bid has been submitted, and no new price bid has been submitted in the course of the reverse auction bidding, then the auction shall be declared void, and the Organizer may decide to conclude the contract with the single Bidder that has submitted a registration price bid.
6. In case the Organizer modifies the initial reverse auction price or a bid decrement set in the

bid notice, registration price bids submitted before such modification shall automatically become “void” as being incongruent to the updated conditions of the procedure. The Bidders that have submitted such registration price bids may, before price bids submission period, edit them and submit again or withdraw them. The “void” registration price bids, not edited and not resubmitted, shall be deemed withdrawn, and shall not be considered among the total number of the submitted price bids.

#### **10.12. Reverse Auctions with a preliminary evaluation of bids**

1. The procedure of a reverse auction with a preliminary evaluation of bids is the following:
  - a) preparing for publication: filling out and saving a bid notice, uploading reverse auction documentation;
  - b) publication of a reverse auction;
  - c) provision of a reverse auction documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - e) submission of reverse auction bids before bid submission deadline;
  - f) evaluation of the submitted bids, making a decision on admitting/ not admitting the Bidders to participation in the auction bidding;
  - g) auction bidding process among the admitted bidders only;
  - h) automatic determination of the winner, executing the final results report;
  - i) conclusion of a contract with the winning Bidder.
2. A Bidder's reverse auction bid is comprised of a price bid and a package of documents uploaded into the System in compliance with the requirements of the reverse auction documentation.
3. Submission of a reverse auction bid shall imply the Bidder's consent to conclude the contract at the price stated by them in the reverse auction bid, but not exceeding the initial reverse auction price, provided that the Bidder is recognized by the Organizer as complying with the requirements of the reverse auction documentation.
4. A Bidder may submit, edit and withdraw their auction bid before bid submission deadline.
5. Upon bid submission deadline, the Organizer shall become able to view the Bidders' reverse auction bids and present the decision as to their admitting/ not admitting to the reverse auction bidding process.
6. If, before bid submission deadline, no bid is submitted, the reverse auction shall be declared void.
7. If, upon reverse auction bids evaluation, no auction bid is recognized as complying with the bid documentation, the reverse auction shall be declared void.

8. If, upon reverse auction bids evaluation, only one bid is recognized as complying with the bid documentation, the reverse auction shall be declared void, and the Organizer may decide to conclude the contract with the sole Bidder.
9. If, upon reverse auction bids evaluation, two or more bids are recognized as complying with the bid documentation, the reverse auction bidding process shall start on the date specified in the bid notice.
10. If the initial prices are stated in the Bidders' reverse auction bids, the bidding process shall start with an automatic submission of bids with the stated prices and their ranking in ascending order.
11. In case the Organizer modifies the initial reverse auction price or a bid decrement set in the bid notice, the reverse auction bids submitted before such modification shall automatically become "void" as being incongruent to the updated conditions of the procedure. The Bidders that have submitted such reverse auction bids may, before bid submission deadline, edit them and submit again or withdraw them. The "void" reverse auction bids, not edited and not resubmitted, shall be deemed withdrawn, and shall not be considered among the total number of the submitted bids.

#### **10.13. Conducting a closed (private) reverse auction**

1. When conducting a closed (private) Reverse Auction, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the reverse auction procedure.
2. Only the Members admitted by the Organizer to participation in a closed (private) reverse auction shall be able to see the bid notice and bid documentation, as well as to submit a bid (provided that they have a Full Access).
3. The timing and specific features of a closed (private) Reverse Auction are the same as those of an open Reverse Auction.

#### **10.14. Conducting a multi-lot reverse auction**

1. The legal status of multi-lot Reverse Auctions is defined based on the fact that such reverse auction is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid documentation. In a multi-lot Reverse Auction, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.
2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

## Chapter 11. “Dutch Auction” Procedure

### 11.1 General provisions

1. Competitive supplier selection procedure “Dutch Auction” is not a variety of auction and does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Dutch Auction is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. However, the Organizer’s selection of the winner shall be deemed acceptance of such Bidder’s offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the customer and the Winner to perform the contract being the subject of the Dutch Auction.
2. The main criterion for selecting the Winner of a Dutch Auction shall be the price (provided that a Bidder and their Bid comply with the requirements of the bid documentation).
3. By default, an open single-lot Dutch Auction is conducted in the System.
4. By agreement with the Operator, when conducting a Dutch Auction, the Organizer may choose to conduct a closed (private) Dutch Auction or a Dutch Auction with a prequalification of bidders.

### 11.2 Procedure of a Dutch Auction

1. The procedure of a Dutch Auction conducted in the System is the following:
  - a) preparing for publication:
    - filling out and saving a bid notice;
    - uploading bid documentation;
  - b) publication;
  - c) conducting a prequalification of bidders (if necessary);
  - d) provision of bid documentation to the bidders;
  - e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - f) bidding process;
  - g) automatic determination of the winner, executing the final results report;
  - h) concluding a contract with the winner/ winners.

### 11.3 Notice of a Dutch Auction

1. A notice of a Dutch Auction shall be published in the System at least 5 calendar days prior to bid submission deadline. Upon agreement with the Operator, bid submission deadline can be set according to the Customer’s current procurement regulations.

2. A notice of a Dutch Auction shall specify the following:

- minimum (initial) contract price;
- maximum (limit) contract price;
- bid increment;
- period of time, within which the price bids are submitted for a current price (before it is changed by the System automatically by a bid increment).

3. Notice of a Dutch Auction shall be published in the Open Part of the System.

#### **11.4 Documentation of a Dutch Auction**

1. Documentation of a Dutch Auction shall be provided for downloading to all Members at no charge.

2. Documentation of a Dutch Auction announced in “Public sector procurement subject to 223FZ” section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

#### **11.5 Clarification of the provisions of documentation of a Dutch Auction**

1. A Member shall have the right to contact the Organizer of a Dutch Auction via “Request for Clarification” functionality to ask for clarification of documentation provisions. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.

2. A request for clarification of documentation of a Dutch Auction shall be submitted to the Organizer in the System before bids submission deadline.

#### **11.6 Amendments to bid notice and documentation of a Dutch Auction**

1. The Organizer of a Dutch Auction has the right to amend the bid notice and documentation of a Dutch Auction before the start date of price bid submission.

2. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

#### **11.7 Bidding process and its results**

1. In the course of a Dutch auction, the initial price set in the bid notice changes by a bid increment set in bid notice towards the limit price.

2. The price is changed automatically, if no price bid is submitted by a Bidder within the time interval before automatic changing the price by another bid increment.

3. Once the first price bid is submitted in the course of a Dutch auction, the procedure is over.



4. The winner of a Dutch auction shall be the Bidder submitting the first price bid equal to the price set in the bid notice at the time of price bid submission.
5. If, in the course of successive changing of the initial price by a bid increment set in the bid notice, it reaches the limit price, and no price bid is submitted by any Bidder within the established interval before automatic changing the price by another bid increment, the Dutch auction is terminated as void.

#### **11.8 Specific arrangements relating to a Dutch auction with additional parameters and elements applied**

##### **11.8.1 Conducting of a Dutch auction with a prequalification of bidders**

1. When preparing a Dutch auction, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of Dutch auction bidders, and thus shall be excluded from further participation in the Dutch auction procedure.
5. A Bidder qualified during a prequalification, shall receive from the Organizer:
  - notification of a successful prequalification
  - access to the submission of a price bid

##### **11.8.2 Conducting a closed (private) Dutch auction**

1. When conducting a closed (private) Dutch auction, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the procedure.
2. Only the Members admitted to participation in a closed (private) Dutch auction shall be able to see the bid notice and bid documentation, as well as to submit a bid (provided that they have a Full Access).
3. The timing and specific features of a closed (private) Dutch auction are the same as those of an open Dutch auction.

### 11.8.3 Conducting a multi-lot Dutch auction

1. The legal status of multi-lot Dutch auctions is defined based on the fact that such Dutch auction is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same documentation. Thus, in a multi-lot Dutch auction, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.
2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

## Chapter 12. Tender

### 12.1 General provisions

1. Basic requirements to organization and procedure of a Tender are established by the provisions of Articles 447–449 of the Civil Code of the Russian Federation. When conducting a Tender, of which the subject is the right to conclude a contract, the Organizer shall enter into the contract with the person winning the bidding, in accordance with Part 5 of Articles 448 of the Civil Code of the Russian Federation.
2. The winner/ winners of a Tender shall be selected based on a total of criteria set by the Organizer (provided that a Bidder and their Bid comply with the requirements of the documentation).
3. The Organizer may apply the following additional elements when holding a Tender:
  - prequalification of bidders;
  - rebidding.
4. The Organizer may apply the following additional parameters when holding a Tender:
  - open or closed (private) tender;
  - single-lot or multi-lot tender;
  - single-stage or multi-stage tender;
  - tender with sealed proposals (bids) submission.
5. The Organizer of a Tender may also apply other parameters of the procedure, those being necessarily specified in a bid notice.

### 12.2 Procedure of a Tender

1. Conducting an open single-stage Tender implies the following procedure:
  - a) preparing for publication: filling out and saving a bid notice, uploading bid documentation;
  - b) publication;
  - c) conducting a prequalification of bidders (if necessary);

- d) provision of bid documentation to the bidders;
- e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
- f) bids submission;
- g) bids evaluation and comparison by the Organizer's Tender Committee;
- h) rebidding (if necessary);
- i) winner selection by the Organizer's Tender Committee;
- j) conducting pre-contractual negotiations between the customer and the winner (where necessary and outside the System);
- k) concluding a contract between the customer and the winner.

### **12.3 Notice of Tender and timing**

1. A notice of Tender shall be published in the System not less than 30 calendar days prior to bid submission deadline. In case a Tender is conducted in "Public sector procurement subject to 223-FZ" section of the System under the Federal Law No. 223-FZ, a notice of Tender shall be published not less than 15 calendar days prior to bid submission deadline.
2. A notice of Tender shall be published in the Open Part of the System.

### **12.4 Tender documentation**

1. Tender documentation (bid documentation) shall be provided for downloading to all Members at no charge.
2. Documentation of a Tender announced in "Public sector procurement subject to 223-FZ" section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

### **12.5 Clarification of the provisions of Tender documentation**

1. A Member shall have the right to contact the Organizer of a Tender via "Request for Clarification" functionality to ask for clarification of documentation provisions. In this case, such communication via "Request for Clarification" functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.
2. A request for clarification of Tender documentation shall be carried out in the System before bids submission deadline.

### **12.6 Amendments to the notice of tender and tender documentation**

1. If the Organizer amends the notice of tender (bid notice) or tender (bid) documentation not later than 10 calendar days prior to bid submission deadline, the Organizer may set any new bid submission deadline being later than or the same as a previously set one.
2. If the Organizer amends the notice of tender (bid notice) or tender (bid) documentation

less than 10 days before bid submission deadline, then:

- a) If amendments are made to the bid documentation or any details of the bid notice, except for the bid submission deadline, the Organizer may only specify such new bid submission deadline so that there are at least 10 calendar days from the moment the changes are saved in the System to the bid submission deadline;
  - b) If only bid submission deadline is modified, the Organizer may set any new bid submission deadline upwards.
3. If a Tender is conducted in “Public sector procurement subject to 223-FZ” section of the System under the Federal Law No.223-FZ, if any amendments are made to the bid notice or documentation, the bid submission period shall be extended so that, from the date of publishing such amendments in the Unified Procurement Information System until bid submission deadline, there is not less than a half of the bid submission period established in the customer’s procurement regulations for this type of procurement procedure.
4. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

#### **12.7 Cancellation of a Tender**

1. The Organizer of a Tender has the right to cancel it at any time, but not later than 30 days before bids submission deadline, unless otherwise provided for by the current legislation, the bid notice or the customer’s procurement regulations.
2. In cases where the Organizer refuses to conduct the Tender in violation of the terms, the Organizer shall be obliged to compensate to the Bidders the actual damage incurred by them in accordance with the Civil Code of the Russian Federation.

#### **12.8 Tender bids**

1. A bid for participation in a Tender is comprised of the forms filled in in the System interface and (or) the documents uploaded to the System in accordance with the requirements of bid documentation and procedure parameters established by the Organizer. The information provided by a Member when filling out the relevant forms in the interface of the System should not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer of the Tender has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
2. A bid for participation in a Tender shall be submitted to the Organizer before bids submission deadline. A bid can be edited by a Bidder several times, and submission of a new bid shall also be deemed withdrawal of a previous one.

3. When preparing a Tender, the Organizer may provide for the possibility of Bidders' submission of alternative bids. If this is the case, the Bidders may submit, during bids submission period, a main bid and alternative bids according to the requirements of the tender documentation.

4. The bids containing the main and alternative proposals shall be considered and evaluated by the Organizer irrespective of one another.

### **12.9 Bids opening**

1. The submitted bids shall be opened in the System on the date and at the time of bids submission deadline automatically and confidentially: immediately after bids opening, the information about all bids submitted in the course of the tender become available to the authorized users of the Organizer, as well as to other Bidders participating in the Tender. However, such information is not available to the users of other Members not participating in the Tender.

### **12.10 Bids evaluation**

1. Bids shall be evaluated and compared by a Tender Committee, which may wish to engage other experts and persons to that end, at its discretion. In so doing, the Tender Committee shall ensure confidentiality of evaluation process and the Bidders' proprietary information.

2. At the bids evaluation stage, the Organizer has the right to reject all the Bidders' proposals if those are non-compliant with qualification requirements established in the tender (bid) documentation.

3. When evaluating bids, the Organizer may request clarification of bids via "Follow-up documents request" functionality where:

- the documents specified as required in tender (bid) documentation are not provided at all, provided not in full or are unreadable;
- arithmetic or grammatical mistakes are detected;
- discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified;
- there are other instances established by the customer's procurement regulations.

4. Clarification so requested should not be aimed at changing the subject of the tender, the volume or range of the products offered by a Bidder, or the substance of their bid, including modification of the commercial or other conditions contained in the bid. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for such Bidder's non-admission to the final evaluation.

5. According to the results of evaluation and comparison of bids, those are preliminary ranked by degree of their preferability for the customer based on the criteria established in the tender documentation.

**12.11 Winner of a Tender**

1. The winner of the Tender shall be the Bidder that submitted the bid, which, by decision of the Tender Committee, is recognized as the best proposal according to the results of the evaluation stage and took the first place in the final ranking of bids by degree of their preferability based on the criteria established in the bid documentation.
2. Any contracts shall be concluded by the customer and the winner of the tender directly, in writing or in any other way stipulated by the legislation. The Operator shall not be involved in execution of contracts between the Members.

**12.12 Framework agreement following a Tender**

1. The Organizer may conduct a Tender in the System for conclusion of a framework agreement.
2. Winners of such Tender shall be the Bidders, whose bids are recognized the best by the decision of the Tender Committee based on the criteria set forth in the bid documentation.
3. Based on the results of a Tender for conclusion of a framework agreement, the Organizer may conduct an unlimited number of closed (private) Requests for Proposals or closed (private) Requests for Quotations directly in the System for each lot among the winners of the Tender.

**12.13 Publication of results**

1. The information on the results of the completed Tender shall be automatically published in the System immediately upon sending the notifications of the winner selected.

**12.14 Declaring a Tender void**

1. A Tender, for which less than two bids have been submitted or left after bids evaluation, shall be declared void in the System.

**12.15 Tender results reports**

1. The Organizer can use procedure results reports generated automatically based on the templates set in the System or upload their own results report files.
2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.
3. Procedure results reports are available only to the Organizer, except for the procedures announced in the System for the customers working in "Public sector procurement subject to 223-FZ" section for the customers working under the Federal Law No.223-FZ. Results reports relating to the procedures announced in "Public sector procurement subject to 223-FZ" section of the System for the customers working under the Law No.223-FZ shall be published and available to all visitors and Members.

## **12.16 Specific arrangements relating to Tenders with additional parameters and elements applied**

### **12.16.1 Conducting a Tender with a prequalification of bidders**

1. When preparing a Tender, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of bid documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of Tender bidders, and thus shall be excluded from further participation in the Tender procedure.
5. A Bidder qualified during a prequalification, shall receive from the Organizer:
  - notification of a successful prequalification;
  - the access to the bid documentation of the main stage and bid submission.

### **12.16.2 Conducting a closed (private) Tender**

1. When conducting a closed (private) Tender, the Organizer shall form, on their own, via the EMarketplace functionality, the list of Members to be invited to participate in the procedure.
2. Only the Members admitted to participation in a closed (private) Tender shall be able to see the bid notice and bid documentation, as well as to submit a bid (provided that they have a Full Access).
3. The timing and specific features of a closed (private) Tender are the same as those of an open Tender.

### **12.16.3 Conducting a multi-lot Tender**

1. The legal status of multi-lot Tenders is defined based on the fact that such tender is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid documentation. In a multi-lot Tender, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.
2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.



**12.16.4 Conducting a multi-stage Tender**

1. As a rule, a multi-stage Tender is held when placing a requirement for technologically complex products, as well as in cases where the customer is unable to set up the requirements to the procured Products and the terms of the contract to be concluded in clear and definite way.
2. The minimum period between the announcement of a new stage of a multi-stage tender in the System and bid submission deadline for such stage is 15 calendar days.
3. According to the results of each stage (except for the last stage) the Organizer may upload a wish list for each of the Bidders (based on the results of negotiations) to the System before announcing a new stage of a multi-stage Tender.
4. Immediately after the announcement of a new stage, the Organizer may upload in the System the tender (bid) documentation for the newly announced stage of the multi-stage Tender.
5. The Organizer's right to conduct a re-bidding applies to all stages of a multi-stage Tender.

**12.16.5 Conducting a rebidding in a Tender**

1. When announcing a Tender, the Organizer is obliged to specify, in the bid notice, that a rebidding may be conducted. The Organizer may conduct a rebidding only provided that there is a corresponding statement in the bid notice, and holding a rebidding is the right, and not an obligation of the Organizer.
2. Rebidding shall be conducted with regard to the price and, if so provided by the tender documentation, with regard to any other bid terms.
3. In case the Organizer decides to exercise its declared right to conduct a rebidding, they shall, after bids evaluation and comparison, specify rebidding bids submission deadline in the System.
4. The Organizer becomes able to announce a rebidding only after deadline for bids submission for participation in the Tender (or a stage of the Tender), displaying the information on the Bidders' bids in the System, as well as after preliminary ranking of admitted bids.
5. The minimum rebidding bids submission deadline shall be set by the Organizer. During the specified period, the Bidders wishing to participate in rebidding may prepare and submit their bids.
6. The Organizer has the right to change the type and terms of rebidding, as well as to refuse to conduct it before rebidding bids submission deadline, if no bids have been submitted.
7. The Organizer may conduct a rebidding in online or by-correspondence mode.

8. In case a rebidding is conducted in by-correspondence mode, the Bidders can submit and edit their bids through to rebidding bids submission deadline. The bids submitted by the Bidders before rebidding bids submission deadline shall only be available to the Bidders themselves. No automatic extension of quotation submission deadline is applicable to a by-correspondence rebidding.
9. In case a rebidding is conducted in online mode, the Bidders can submit and edit their bids an unlimited number of times, irrespective of the prices quoted by other Bidders, through to rebidding bids submission deadline. The bids submitted by the Bidders are instantly published to be available to all the bidders participating in the rebidding. In an online rebidding, automatic extension of bids submission deadline shall be applied in the same way as in online rebidding in a RFP (as provided for by in this clause 8.8 of Chapter 8).
10. A rebidding bid submitted in the course of rebidding in the above specified way shall be deemed the final proposal of a Bidder participating in the Tender.
11. In case a Bidder admitted to rebidding, does not change the price of their proposal within rebidding bids submission period, such Bidder shall remain to be a Bidder in the Tender, and the Organizer shall consider the price stated by the Bidder in their current effective proposal.
12. The best (minimum) price offered by a Bidder in rebidding shall not necessarily cause such Bidder's winning the Tender, since the winner shall be selected by the Organizer based on all submitted proposals (both improved in the course of rebidding, and those not participating therein).
13. In case several equal proposals are submitted during rebidding, the best of those shall be deemed the proposal of the Bidder that has submitted it earlier than the others.

## **Chapter 13. Competitive Negotiations**

### **13.1 General provisions**

1. Competitive negotiations procedure does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of Competitive Negotiations is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. At the same time, the Organizer's selection of the winner shall be deemed acceptance of such Bidder's offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the customer and the Winner to perform the contract being the subject of the Competitive Negotiations.
2. The winner/ winners of Competitive Negotiations shall be selected based on a total of criteria set by the Organizer (provided that a Bidder and their Bid comply with the requirements of the documentation).
3. The Organizer may apply the following additional elements when holding Competitive

Negotiations:

- prequalification of bidders.
4. The Organizer may apply the following additional parameters when holding Competitive Negotiations:
- open or closed (private) Competitive Negotiations;
  - single-stage or multi-stage Competitive Negotiations;
  - Competitive Negotiations with sealed bid submission.
5. The Organizer of Competitive Negotiations may also apply other parameters of the procedure, those being necessarily specified in a bid notice.

### **13.2 Competitive Negotiations procedure**

1. Conducting Competitive Negotiations in the System implies the following procedure:
- a) preparing for publication: filling out and saving a bid notice, uploading bid documentation; b) publication;
  - c) conducting a prequalification of bidders (if necessary);
  - d) provision of bid documentation to the bidders;
  - e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary); f) bids submission;
  - g) bids evaluation and comparison;
  - h) publishing, in the System, wishes or requirements to the Bidders based on the results of a previous stage and negotiations (held outside the System);
  - i) announcing the next stage of competitive negotiations, with the above steps 4-7 performed for each of those;
  - j) selecting the winner/ winners of competitive negotiations by the Organizer;
  - k) holding precontractual negotiations between the customer and the winner (where necessary and outside the System);
  - l) concluding a contract with the winner/ winners.

### **13.3 Notice of Competitive Negotiations and timing**

1. A notice of Competitive Negotiations shall be published in the System at least 4 calendar days prior to bid submission deadline.
2. Notice of Competitive Negotiations shall be published in the Open Part of the System.

### **13.4 Documentation of Competitive Negotiations**

1. Documentation of Competitive Negotiations (bid documentation) shall be provided for downloading to all Members at no charge.
2. Documentation of Competitive Negotiations announced in “Public sector procurement subject to 223-FZ” section of the System for the customers working under the Federal Law No.223-FZ is available for downloading to all users of the Internet without charging a fee.

### **13.5 Clarification of the provisions of bid documentation**

1. A Member shall have the right to contact the Organizer of Competitive Negotiations via “Request for Clarification” functionality to ask for clarification of documentation provisions, and such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications arising from relationships of legal entities.
2. A request for clarification of bid documentation shall be carried out in the System before bids submission deadline.

### **13.6 Amendments to bid notice and bid documentation**

1. If the Organizer amends a bid notice or bid documentation not later than 1 calendar day prior to bid submission deadline, the Organizer may set any new bid submission deadline being later or the same as a previously set one.
2. If the Organizer amends a bid notice or bid documentation less than 1 day before bid submission deadline, then:
  - a) If amendments are made to the bid documentation or any details of the bid notice, except for the bid submission deadline, the Organizer may only specify such new bid submission deadline so that there is at least 1 calendar day from the moment the changes are saved in the System to the bid submission deadline;
  - b) If only bid submission deadline is modified, the Organizer may set any new bid submission deadline upwards.
3. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their auction bids, edit them or leave their bids unchanged before bid submission deadline.

### **13.7 Bids for participation in Competitive Negotiations**

1. A bid for participation in Competitive Negotiations constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of bid documentation and parameters of the procedure established by the Organizer. The information provided by a Member when filling out the relevant forms in the interface of the System shall not contradict the information provided by the Member in the documents

uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer of Competitive Negotiations has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.

2. A bid shall be submitted to the Organizer before bids submission deadline.

### **13.8 Bids opening**

1. The submitted bids shall be opened in the System on the date and at the time of bids submission deadline automatically and confidentially: immediately after bids opening, the information about all bids submitted in the course of the competitive negotiations become available to the authorized users of the Organizer, as well as to other Bidders participating in the competitive negotiations. However, such information is not available to the users of other Members not participating in the competitive negotiations.

### **13.9 Bids evaluation**

1. Bids shall be evaluated and compared by a Competitive Negotiations Committee, which may wish to engage other experts and persons to that end, at its discretion. In so doing, the Competitive Negotiations Committee shall ensure confidentiality of evaluation process and the Bidders' proprietary information.

2. At the bids evaluation stage, the Organizer has the right to reject all the Bidders' proposals if those are non-compliant with qualification requirements established in the bid documentation.

3. When evaluating bids, the Organizer may request clarification of bids via "Follow-up documents request" functionality where:

- the documents specified as required in bid documentation are not provided at all, provided not in full or are unreadable;
- arithmetic or grammatical mistakes are detected;
- discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified;
- there are other instances established by the customer's procurement regulations.

4. Clarification so requested should not be aimed at changing the subject of the competitive negotiations, the volume or range of the products offered by a Bidder, or the substance of their bid, including modification of the commercial or other conditions contained in the bid. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for such Bidder's non-admission to the final evaluation.

5. According to the results of evaluation and comparison of bids, those are preliminary ranked by degree of their preferability for the customer based on the criteria established in the bid documentation.

### **13.10 Winner of Competitive Negotiations**

1. The winner of the Competitive Negotiations shall be the Bidder that submitted the bid, which, by decision of the Competitive Negotiations Committee, is recognized as the best proposal according to the results of the evaluation stage and took the first place in the final ranking of bids by degree of their preferability based on the criteria established in the bid documentation.
2. Any contracts shall be concluded by the customer and the winner of the competitive negotiations directly, in writing or in any other way stipulated by the legislation. The Operator shall not be involved in execution of contracts between the Members.

### **13.11 Framework agreement following Competitive Negotiations**

1. The Organizer may conduct in the System Competitive Negotiations procedure for conclusion of a framework agreement.
2. The winners of such Competitive Negotiations shall be the Bidders, whose bids are recognized the best by the decision of the Competitive Negotiations Committee based on the criteria set forth in the bid documentation.
3. Based on the results of Competitive Negotiations for conclusion of a framework agreement, the Organizer may conduct an unlimited number of closed (private) Requests for Proposals or closed (private) Requests for Quotations directly in the System for each lot among the winners of the Competitive Negotiations.

### **13.12 Publication of results**

1. The information on the results of the completed Competitive Negotiations shall be automatically published in the System directly in the bid notice, immediately upon sending the notifications of the winner selected.

### **13.13 Results reports**

1. The Organizer can use procedure results reports generated automatically based on the templates set in the System or upload their own results report files.
2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.
3. Procedure results reports are available only to the Organizer, except for the procedures announced in “Public sector procurement subject to 223-FZ” section for the customers working under the Federal Law No.223-FZ. Procedure results reports announced in “Public sector

procurement subject to 223-FZ” section of the System for the customers working under the Law No.223-FZ shall be published and available to all visitors and Members.

### **13.14 Specific arrangements relating to Competitive Negotiations with additional parameters and elements applied**

#### **13.14.1 Conducting Competitive Negotiations with a prequalification of bidders**

1. When preparing Competitive Negotiations, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of bid documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of the Bidders, and thus shall be excluded from further participation in the Competitive Negotiations procedure.

A Bidder qualified during a prequalification, shall receive from the Organizer:

- notification of a successful prequalification;
- the access to the bid documentation of the main stage and bid submission.

#### **13.14.2 Conducting closed (private) Competitive Negotiations**

1. When conducting closed (private) Competitive Negotiations, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the procedure.
2. Only the Members admitted to participation in closed (private) Competitive Negotiations shall be able to see the bid notice and bid documentation, as well as to submit a bid (provided that they have a Full Access).
3. The timing and specific features of closed (private) Competitive Negotiations are the same as those of open Competitive Negotiations.

#### **13.14.3 Conducting multi-lot Competitive Negotiations**

1. The legal status of multi-lot Competitive Negotiations is defined based on the fact that such Competitive Negotiations are, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid documentation. In multi-lot Competitive

Negotiations, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.

2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

#### **13.14.4 Conducting multi-stage Competitive Negotiations**

1. As a rule, multi-stage Competitive Negotiations are held when placing a requirement for technologically complex products, as well as in cases where the customer is unable to set up the requirements to the procured Products and the terms of the contract to be concluded in clear and definite way.
2. The minimum period between the announcement of a new stage of multi-stage Competitive Negotiations in the System and bid submission deadline for such stage is 15 calendar days.
3. According to the results of each stage (except for the last stage), the Organizer may upload a wish list for each of the Bidders (based on the results of negotiations) to the System before announcing a new stage of multi-stage Competitive Negotiations.
4. Immediately after the announcement of a new stage, the Organizer may upload in the System the bid documentation for the newly announced stage of multi-stage Competitive Negotiations.

### **Chapter 14. Simplified Acquisition Procedure**

1. A Simplified Acquisition procedure does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Simplified Acquisition procedure is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. At the same time, the Organizer's selection of the winner shall be deemed acceptance of such Bidder's offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the customer and the Winner to perform the contract being the subject of the Simplified Acquisition procedure.
2. A Simplified Acquisition procedure is conducted in the System according to the same procedure as a RFP regulated by Chapter 8 of these Regulations, with the provisions of this chapter applied.
3. The winner of a Simplified Acquisition procedure shall be selected based on a total of criteria set by the Organizer (provided that a Bidder and their Bid comply with the requirements of the documentation).
4. By default, an open Simplified Acquisition procedure with an open bids submission is conducted in the System.



5. By agreement with the Operator, the Organizer may apply the following additional elements when holding a Simplified Acquisition procedure:

- prequalification of bidders; □ rebidding.

Upon agreement with the Operator, the Organizer may apply the following additional parameters when holding a Simplified Acquisition procedure:

- closed (private) Simplified Acquisition procedure;
- Simplified Acquisition procedure with sealed bids submission.

6. The Organizer may also apply other parameters of the procedure, those being necessarily specified in a bid notice.

7. A notice of a Simplified Acquisition procedure shall be published in the System at least 3 calendar days prior to bid submission deadline of the main stage, and when using a prequalification of bidders as an additional element – at least 8 calendar days prior to prequalification bid submission deadline.

8. Upon agreement with the Operator, deadline for submission of bids for participation in a Simplified Acquisition procedure may be set in accordance with the customer's current procurement regulations.

## **Chapter 15. Quick Purchase**

### **15.1 General provisions**

1. A Quick Purchase does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Quick Purchase is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. At the same time, the Organizer's selection of the winner shall be deemed acceptance of such Bidder's offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the customer and the Winner to perform the contract being the subject of the Quick Purchase.

2. In accordance with Articles 435, 437 and 438 of the Civil Code of the Russian Federation, with regard to a Quick Purchase procedure:

- a) publication of a Quick Purchase by the Organizer shall constitute an invitation to Bidders to make offers;
- b) a Bidder's bid shall constitute an offer made by such Bidder. This means that the Bidder will be obliged to conclude a contract with the customer on the terms and conditions specified in their bid, if their offer is accepted by the Organizer of a Quick Purchase. The offers shall always be submitted by the Bidders to the Organizer;
- c) selection of a Bidder as the Winner shall constitute acceptance of such Bidder's offer by the Organizer.

3. The only criterion for selecting the Winner(s) of a Quick Purchase shall be the price (provided that a Bidder and their Bid comply with the requirements of the documentation).
4. The System enables conducting only open single-lot Quick Purchase with open bids submission and per-item bid submission, but with no additional parameters and elements applied.

### **15.2 Quick Purchase procedure**

1. Conducting a Quick Purchase in the System implies the following procedure:

- a) preparing for publication: filling out and saving a bid notice, uploading bid documentation; b) publication ;
- c) clarification of the procedure upon the bidders' requests and making amendments (if necessary);
- d) bids submission;
- e) bids consideration, evaluation and comparison;
- f) summing up the results;
- g) concluding a contract with the winner/ winners.

### **15.3 Notice of a Quick Purchase and timing**

1. A notice of a Quick Purchase shall be published in the System at least 4 calendar days prior the deadline for submission of bids of the main stage.
2. Notice of a Quick Purchase shall be published in the Open Part of the System.

### **15.4 Clarification of the provisions of a Quick Purchase procedure terms**

1. A Member shall have the right to contact the Organizer of a Quick Purchase via “Request for Clarification” functionality to ask for clarification of the terms of the procedure. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden), on-the-record and shall have all respective legal implications.
2. A request for clarification of a Quick Purchase terms shall be carried out in the System before bids submission deadline.

### **15.5 Amendments to a bid notice of a Quick Purchase**

1. The Organizer of a Quick Purchase has the right to amend the bid notice not later than 1 calendar day before bid submission deadline.

2. Where it is necessary to amend the bid notice later than 1 calendar day before bid submission deadline, the Organizer shall change the bid submission deadline so that the new bid submission deadline is not less than 1 calendar day from the time of the changes made.
3. The Organizer of a Quick Purchase has the right to change the bid submission deadline at any time before the bid submission deadline, provided that such change only increases the bid submission period.
4. The Organizer of a Quick Purchase has the right to cancel it at any time before summing up the results, but with the reason of such cancellation provided necessarily.
5. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

#### **15.6 Bids for participation in a Quick Purchase**

1. A bid for participation in a Quick Purchase is comprised of a quotation, the forms filled in in the System interface and the documents uploaded to the System in accordance with procedure parameters established by the Organizer.
2. A quotation should not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
3. A bid for participation in a Quick Purchase shall be submitted to the Organizer before bids submission deadline. A bid can be edited by a Bidder several times, unless otherwise stated in a bid notice or bid documentation, and the each editing of a bid shall be legally deemed submission of a new bid with a previous one thus being withdrawn.
4. Conducting a Quick Purchase enables a Bidder to submit a separate proposal for a separate item, being a part of a Bidder's Bid, and the Organizer can conclude a separate contract for each item or a group of items. A Bidder may submit bids only for a part of items (and not necessarily for all items) within the same procedure.

#### **15.7 Extension of bids submission period in Quick Purchase**

1. The following algorithm applies in the System to extension of quotations submission period in a Quick Purchase, which is associated with an open bids submission:

- a) in case another quotation is submitted by a Bidder within the last 30 minutes before bids (quotation) submission deadline, then such deadline shall be extended automatically by 30 minutes from the time of the last quotation submitted.
  - b) bids (quotations) submission period shall not be extended if no new quotation is submitted within the last 30 minutes before bid (quotations) submission deadline.
2. The time interval for submission of bids within an automatically extended submission period shall be 30 minutes, while the duration of an extended bid submission period itself is not limited.

### **15.8 Bids evaluation and final decision**

1. Upon the bids submission deadline, the Organizer may:
  - a) reject all the submitted bids;
  - b) consider the submitted bids, decide on admitting/ not admitting the bidders to the final evaluation, and select the winner or declare the procedure void, with the reason specified.
2. When evaluating the submitted bids, the Organizer may request clarification of bids via "Follow-up documents request" functionality where:
  - the documents specified as required are not provided at all, provided not in full or are unreadable;
  - arithmetic or grammatical mistakes are detected (and, where is a discrepancy between the price stated in a Bidder's bid generated in the System interface and the price stated in the uploaded documents, the former shall prevail);
  - discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified; □ there are other instances.
3. Clarification so requested should not be aimed at changing the subject of the Quick Purchase, the volume or range of the products offered by a Bidder, or the substance of their bid, including modification of the commercial or other conditions contained in the bid. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for such Bidder's non-admission to the final evaluation.
4. Once the Organizer approves the final decision and distributes the relevant notifications, the result of a Quick Purchase shall be published to become available to all visitors and Members of the System and can not be changed.

### **15.9 Winner of a Quick Purchase**

1. The winner of a Quick Purchase shall become a bidder complying with Quick Purchase requirements and offering the lowest price.

2. The Organizer of a Quick Purchase shall be obliged to announce the results of the procedure by selecting the winner from the bidders or by declining all bidders' quotations and within 30 calendar days from bid submission deadline.
3. If the Organizer does not announce the results within 30 calendar days from bid submission deadline, validity period of the bidders' offers shall be deemed expired, unless other offer validity period is established in the Bidder's bid.

#### **15.10 Contract conclusion**

The contract with the winner/ winners of a Quick Purchase shall be concluded outside the System or in the System (at the Organizer's discretion and provided that it is technically feasible) on the conditions offered by a Bidder in their offer on the E-Marketplace.

### **Chapter 16. Specific features of competitive calls for bids conducted in "Public sector procurement subject to 223-FZ" section of the System under the Federal Law No. 223-FZ**

#### **16.1 Specific features related to conducting competitive calls for bids in "Public sector procurement subject to 223-FZ" section of the System under the Federal Law No. 223-FZ**

##### **16.1.1 Competitive call for bids under the Federal Law No. 223-FZ**

1. According to Part 3, Article 3, of the Federal Law No. 223-FZ "On the procurement of goods, works and services by certain types of legal entities" of 18.07.2011 (hereinafter – Federal Law No. 223-FZ), a competitive call for bids is a call for bids conducted with the following conditions met simultaneously (hereinafter – "Competitive Call for Bids"):
  - 1) the information on the Competitive Call for Bids shall be communicated by the customer in one of the following ways:
    - a) by posting, in the Unified Procurement Information System, a notice of a Competitive Call for Bids, available to general public, with the bid documentation attached;
    - b) by sending invitations to participate in closed (private) Competitive Call for Bids in the cases stipulated by Article 3.5 of the Federal Law No. 223-FZ, with the bid documentation attached, to at least two persons being able to supply goods, works or services, which are the subject of such call for bids;
  - 2) competition is ensured between the Bidders participating in a Competitive Call for Bids for the right to enter into a contract with the customer on the conditions proposed in their bids and final proposals;
  - 3) the subject matter of a Competitive Call for Bids is described in compliance with the requirements of Part 6.1, Article 3, of the Federal Law No. 223-FZ.

2. A Competitive Call for Bids can be conducted in “Public sector procurement subject to 223-FZ” section of the System by holding a tender, auction, request for quotations, request for proposals and in other methods established by the procurement regulations of the customers (organizers) being subject to the Federal Law No.223-FZ.

3. In case any amendments are made to the notice of a Competitive Call for Bids or bid documentation, bid submission deadline shall be extended so that, from the date of publishing such amendments in the Unified Procurement Information System until bid submission deadline, there is not less than a half of the bid submission period established in the customer’s procurement regulations for this type of procurement procedure.

#### 16.1.2 Bids for participation in a Competitive Call for Bids

1.A bid for participation in a Competitive Call for Bids, generated in the System interface, contains the following fields to fill out:

- “Information on the supplied goods, works performed or services rendered according to the bid documentation”;
- “Information on the bidder and their quotation”; □  
“Total bid price”.

2. In “Information on the supplied goods, works performed or services rendered according to the bid documentation” field uploaded should be the files containing description of the supplied goods, works performed or services rendered, being the subject of the call for bids, as well as other documents according to the requirements of the bid documentation.

3. In “Information on the bidder and their quotation” field uploaded should be the information and the files relating to the Bidder and their quotation according to the requirements of the bid documentation.

4. In “Total bid price” field, specified should be the total value of the Bidder’s quotation.

#### 16.1.3 Confidentiality arrangements when conducting a Competitive Call for Bids

In accordance with the requirements of Part 10 of Article 3.3 of the Federal Law No.223-FZ, when a Competitive Cal for Bids is being conducted in the System, the Operator shall ensure the confidentiality of:

- 1) information, in e-form, on the contents of bids for participation in a Competitive Call for Bids (final quotations) before bid submission deadline;
- 2) information, in e-form, on the Bidders submitting bids for participation in a Competitive Call for Bids, before provision of access to their bids to the committee being in charge of conducting competitive calls for bids under the Federal Law No.223-FZ and agreement stipulated by Part 2, Article 3.3. of the Federal Law No.223-FZ.

#### 16.1.4 Provision of information on a Competitive Call for Bids

1. The Organizer of a Competitive Call for Bids shall publish the notice and/or documentation of Competitive Call for Bids, as well as any changes made to the notice and/or documentation, clarifications of the provisions of the notice and/or documentation, results reports made during and/or according to the results of a Competitive Call for Bids, in the Unified Procurement Information System, including via the System functionality, in accordance with requirements of the Federal Law No. 223-FZ.
2. The Organizer of a Competitive Call for Bids shall be responsible for compliance with the requirements of the Federal Law No.223-FZ relating to provision of information on a Competitive Call for Bids.

### **SECTION III. SELLERS' PROCEDURES**

## **Chapter 17. Prequalification of bidders**

### **17.1 General provisions**

1. Prequalification of Bidders (Prequalification) as a separate procedure does not constitute a selling procedure and does not imply selection of a winner to conclude a contract with. The result of a Prequalification as a separate procedure is the Organizer's forming a list of bidders for the subsequent calls for bids, complying with the requirements of prequalification documentation, while the Organizer is not obliged to form such list based on the results of a prequalification and has the right to terminate the procedure by rejecting all bids submitted.
2. A Prequalification as a separate procedure is an open procedure with submission of sealed bids. Other parameters or additional elements are not applied when conducting a prequalification as a separate procedure.

### **17.2 Prequalification procedure**

1. Conducting a Prequalification in the System implies the following sequence of steps:
  - a) preparation for publication: filling out and saving a notice of prequalification, uploading bid documentation; b) publication;
  - c) provision of bid documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary); e) bids submission;
  - f) bids consideration and evaluation;
  - g) summing up the results;
  - h) subsequent conducting calls for bids based on the results of a Prequalification (one or several calls for bids at the Organizer's discretion).

### **17.3 Notice of Prequalification**

1. A notice of prequalification shall be published in the System no later than 4 calendar days

before bid submission deadline.

2. Upon agreement with the Operator, the deadline for prequalification bids submission can be set in accordance with the Seller's internal regulations.
3. Notice of Prequalification shall always be published in the Open Part of the System.

#### **17.4 Prequalification documentation**

1. Prequalification documentation is an appendix to the notice of a prequalification, which supplements, details and clarifies it. The procedure documentation should not contradict the notice; in case of any contradiction, while it is not eliminated, the information provided in the notice shall prevail.
2. The documentation shall contain the information necessary and sufficient to enable the Bidders to make a decision on participation in the prequalification and prepare their bids.
3. Prequalification documentation is available for downloading to the Members after signing in into the System.

#### **17.5 Clarification of the provisions of prequalification documentation**

1. A Member shall have the right to contact the Organizer of a prequalification via "Request for Clarification" functionality to ask for clarification of documentation provisions. In this case, such communication via "Request for Clarification" functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden).
2. A request for clarification of prequalification documentation shall be carried out in the System before bids submission deadline.

#### **17.6 Amendments to prequalification notice and prequalification documentation**

1. The Organizer of a Prequalification has the right to make any material changes (any changes except for bid submission deadline date) to the prequalification notice and prequalification documentation not later than 1 calendar day before bid submission deadline.
2. Where it is necessary to make any material changes to the prequalification notice and documentation later than 1 calendar day before bid submission deadline, the Organizer shall change the bid submission deadline so that the new bid submission deadline is not less than 1 calendar day from the date of the changes made.
3. The Organizer of a Prequalification has the right to change the bid submission deadline at any time before the bid submission deadline, provided that such change only increases the bid submission period.
4. The Organizer of a Prequalification has the right to cancel it at any time before summing



up the results, but with the reason of such cancellation provided necessarily.

5. All Members subscribed to notifications of changes shall be automatically notified of all changes in the prequalification procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

### **17.7 Prequalification bids**

1. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of prequalification documentation and parameters of prequalification procedure established by the Organizer.
2. The information provided by a Member when filling out the relevant forms in the interface of the System shall not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
3. The documents uploaded by the Bidders as part of their bids shall form an open (publicly available) and closed (available only to the Organizer) parts.

An open part of a Bidder's bid shall contain the documents (files) not constituting proprietary information from the Bidder's perspective.

A closed part of a Bidder's bid shall contain the documents (files) constituting proprietary information from the Bidder's perspective.

The way of dividing the documents between the parts of a bid shall be determined by a Bidder when submitting a bid, based on their vision of their need to publish any particular information.

4. A prequalification bid shall be submitted to the Organizer before bids submission deadline.
5. An open part of a Bidder's bid shall become available to all Bidders participating in the procedure ONLY upon bid submission deadline.
6. Upon agreement with the Operator, an open part of a Bidder's bid may become available to all Bidders participating in the procedure only after announcing the results or may not be published at all. In the latter case, all the documents uploaded by the Bidder shall become available only to the Organizer upon bid submission deadline.

### **17.8 Prequalification results**

1. According to the results of evaluation of the submitted bids and based on the admissions/nonadmissions displayed in the System interface, the Organizer of a Prequalification may:

- reject all submitted bids;
  - approve the list of bidders admitted to participation in future calls for bids for selling.
2. When evaluating prequalification bids, the Organizer may request clarification of bids via “Follow-up documents request” functionality where:
- the documents specified as required in prequalification documentation are not provided at all, provided not in full or are unreadable;
  - arithmetic or grammatical mistakes are detected;
  - discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified; □ there are other instances established by the Seller's internal regulations.
3. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for rejection of such Bidder's bid.
4. Once the Organizer approves the final decision and distributes the relevant notifications, the result of prequalification shall be published to become available to all visitors and Members of the System and can not be changed.

#### **17.9 Prequalification procedure results reports**

1. The Organizer of a prequalification can use procedure results reports generated automatically based on the templates set in the System or upload their own results report files.
2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.
3. By default, procedure results reports shall only be available to the Organizer.

## **Chapter 18. Announcement of Sale**

### **18.1 General provisions**

1. Announcement of Sale does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of an Announcement of Sale is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. At the same time, the Organizer's selection of the winner shall be deemed acceptance of such Bidder's offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the seller and the Winner to perform the contract being the subject of the Announcement of Sale.
2. The main criterion for selecting the winner/ winners of an Announcement of Sale shall be the price (provided that a Bidder and their Bid comply with the requirements of the bid documentation).

3. By default, an open single-lot Announcement of Sale with an open bids submission is conducted in the System.
4. By agreement with the Operator, the Organizer may apply a prequalification of bidders when conducting an Announcement of Sale.
5. Upon agreement with the Operator, the Organizer may apply the following additional parameters when holding an Announcement of Sale:
  - closed (private) Announcement of Sale;
  - Announcement of Sale with sealed bids submission;
  - Announcement of Sale with a per-item division of the subject matter of the procedure and submission of bids on a per-item basis;
  - Announcement of Sale with a possibility of assigning ranks to the quotations submitted by the bidders (with this parameter to be applied in an open bids submission mode only).

The Organizer of an Announcement of Sale may also apply other parameters of the procedure, those being necessarily specified in a bid notice.

## **18.2 Procedure of an Announcement of Sale**

1. Conducting an Announcement of Sale in the System implies the following sequence of steps:
  - a) preparing for publication: filling out and saving a bid notice, uploading bid documentation; b) publication;
  - c) conducting a prequalification of bidders (if necessary);
  - d) provision of bid documentation to the bidders;
  - e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary); f) bids submission;
  - g) bids consideration, evaluation and comparison;
  - h) summing up the results;
  - i) concluding a contract with the winner/ winners (outside the System)

## **18.3 Notice of an Announcement of Sale and timing**

1. A notice of an Announcement of Sale (bid notice) shall be published in the System at least 4 calendar days prior to bid submission deadline of the main stage, and when using a prequalification of bidders as an additional element of an Announcement of Sale – at least 7 calendar days prior to prequalification bid submission deadline.
2. Upon agreement with the Operator, bid submission deadline in an Announcement of Sale may be set in accordance with the Seller's internal regulations.
3. A Notice of an Announcement of Sale shall be published in the Open Part of the System.

#### **18.4 Documentation of an Announcement of Sale**

1. Documentation of an Announcement of Sale is an appendix to the bid notice, which supplements, details and clarifies it. The procedure documentation should not contradict the notice; in case of any contradiction, while it is not eliminated, the information provided in the notice shall prevail.
2. The documentation shall contain the information necessary and sufficient to enable the Bidders to make a decision on participation in the Announcement of Sale.
3. Documentation of an Announcement of Sale (bid documentation) is available for downloading to the Members after signing in into the System.

#### **18.5 Clarification of the provisions of bid documentation**

1. A Member shall have the right to contact the Organizer of a prequalification via “Request for Clarification” functionality to ask for clarification of documentation provisions. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden).
2. A request for clarification of bid documentation shall be carried out in the System before bids submission deadline.

#### **18.6 Amendments to the bid notice and documentation**

1. The Organizer of an Announcement of Sale has the right to make any material changes (any changes except for bid submission deadline date) to the bid notice and bid documentation not later than 1 calendar day before bid submission deadline.
2. Where it is necessary to make any material changes to the bid notice and documentation later than 1 calendar day before bid submission deadline, the Organizer shall change the bid submission deadline so that the new bid submission deadline is not less than 1 calendar day from the date of the changes made.
3. The Organizer of an Announcement of Sale has the right to change the bid submission deadline at any time before the bid submission deadline, provided that such change only increases the bid submission period.
4. The Organizer of an Announcement of Sale has the right to cancel it at any time before summing up the results, but with the reason of such cancellation provided necessarily.
5. All Members subscribed to notifications of changes shall be automatically notified of all changes in the prequalification procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

**18.7 Bids for participation in an Announcement of Sale**

1. A bid for participation in an Announcement of Sale is comprised of a quotation, the forms filled in in the System interface and the documents uploaded to the System in accordance with the requirements of bid documentation and procedure parameters established by the Organizer.
2. A quotation and the information provided by a Bidder when filling out the relevant forms in the interface of the System should not contradict the information provided by the Member in the documents uploaded to the System as part of a bid; should there be any contradictions, until elimination of those, the information provided by the Member when filling out the relevant forms in the System interface shall prevail. If a contradiction is detected, the Organizer of the Announcement of Sale has the right to reject such bid or consider it taking in account the price and terms specified by the Member directly in the interface.
3. A bid shall be submitted to the Organizer before bids submission deadline. A bid can be edited by a Bidder several times, unless otherwise stated in a bid notice or bid documentation, and submission of a new bid shall also be deemed withdrawal of a previous one.
4. The Organizer may set, in a bid notice, a bids opening date differing from bid submission deadline, in between of which the Bidders can not edit their quotations and the forms filled in the System interface, but can renew/ upload the documents requested by the Organizer.
5. No bids opening date specified in a bid notice means that the bidders' bids should be uploaded in full before bid submission deadline.
6. The documents uploaded by the Bidders as part of their bids shall form an open (publicly available) and closed (available only to the Organizer) parts:
  - An open part of a Bidder's bid shall contain the documents (files) related to a Bidder's quotation, as well as the documents (files) not constituting proprietary information from the Bidder's perspective;
  - A closed part of a Bidder's bid shall contain the documents (files) constituting proprietary information from the Bidder's perspective.
7. An open part of a Bidder's bid shall become available to all Bidders participating in the procedure ONLY upon bid submission deadline.
8. Upon agreement with the Operator, an open part of a Bidder's bid may become available to all Bidders participating in the procedure only after announcing the results or may not be published at all. In the latter case, all the documents uploaded by the Bidder shall become available only to the Organizer upon bid submission deadline or, if any, upon bids opening date.

**18.8 Extension of bids submission period in an Announcement of Sale with an open bids submission**

1. In case an Announcement of Sale is conducted with an open bids submission, the following algorithm applies in the System as to extension of quotations submission period:

- in case another quotation is submitted by a Bidder within the last 30 minutes before bids (quotation) submission deadline, then such deadline shall be extended automatically by another 30 minutes from the time of the last quotation submitted.
  - bids (quotations) submission period shall not be extended if no new quotation is submitted within the last 30 minutes before bid (quotations) submission deadline.
2. By default, the time interval for submitting proposals during the automatic extension period is 30 minutes, and the number of automatically extended periods is not limited. By agreement with the Operator, the time interval for submission of proposals during the automatic extension of the submission period and the number of automatically extended periods in the calls for bids of a particular Organizer can be changed in accordance with the Seller's internal regulations.

### 18.9 Bids evaluation and final decision

1. In case an Announcement of Sale is conducted with a prequalification of Bidders, upon prequalification bids submission deadline, the Organizer has the right to evaluate the bids submitted under a prequalification and make a decision on admitting/ not admitting the Bidders to the main stage.
2. On the start date of bids submission for the main stage specified in a bid notice, the Bidders admitted to bidding based on the results of a prequalification become automatically able to submit their bids for the main stage.
3. Upon the deadline of bids submission for the main stage, the Organizer may:
  - reject all the submitted bids;
  - consider the submitted bids, decide on admitting/ not admitting the bidders to the final evaluation;
  - select the winner or declare the Announcement of Sale void, with the rationale provided.
4. When evaluating the submitted bids, the Organizer may request clarification of bids via "Follow-up documents request" functionality where:
  - the documents specified as required in the bid documentation are not provided at all, provided not in full or are unreadable;
  - arithmetic or grammatical mistakes are detected (and, where is a discrepancy between the price stated in a Bidder's bid generated in the System interface and the price stated in the uploaded documents, the former shall prevail);
  - discrepancies or provisions with ambiguous interpretation are identified, which does not allow to determine, whether a bid complies with the requirements specified;
  - there are other instances established by the seller's internal regulations
5. Clarification so requested should not be aimed at changing the subject of the Announcement of Sale, the volume or range of the products offered by a Bidder, or the substance of their bid, including modification of the commercial or other conditions contained in the bid. The Organizer shall not create preferential conditions for a Bidder or several Bidders when requesting clarifications of their bids. Failure to submit or not submission of the requested

documents and (or) clarifications in full within the period specified in the Follow-up Documents Request shall constitute a reason for such Bidder's non-admission to the final evaluation.

6. Once the Organizer approves the final decision and distributes the relevant notifications, the result of the Announcement of Sale shall be published to become available to all visitors and Members of the System and can not be changed.

#### **18.10 Winner of an Announcement of Sale**

1. The winner of an Announcement of Sale shall become a bidder complying with the requirements of an Announcement of Sale and offering the highest price in their quotation.
2. The Organizer may complete an Announcement of Sale without announcing the winner, which means that the Organizer has declined all the offers submitted by the participants of the Announcement of Sale.
3. The Organizer shall be obliged to announce the results of the procedure by selecting the winner from the bidders or by declining all bidders' quotations and completing the Announcement of Sale without winner selection, within 30 calendar days from bid submission deadline, if no other results announcement date is specified in the bid notice and (or) documentation of the Announcement of Sale.
4. . If the Organizer does not announce the results within 30 calendar days from bid submission deadline, validity period of the bidders' offers shall be deemed expired, unless other offer validity period is established in the bid documentation or in the Bidder's bid.

#### **18.11 Procedure results reports in an Announcement of Sale**

1. Organizer of an Announcement of Sale can use procedure results reports generated automatically based on the templates set in the System or upload their own results report files.
2. Once approved by Organizer, procedure results reports shall be posted in the System and can not be modified.
3. By default, procedure results reports shall only be available to the Organizer.

#### **18.12 Contract conclusion following an Announcement of Sale**

1. The contract with the winner(s) of an Announcement of Sale shall be concluded outside the System on the conditions proposed by the Bidder in their offer submitted via the E-Marketplace.

#### **18.13 Specific arrangements relating to Announcements of Sale with additional parameters**

**and elements applied****18.13.1 Conducting an Announcement of Sale with a prequalification of bidders**

1. When preparing an Announcement of Sale, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of prequalification documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of bidders, and thus shall be excluded from further participation in the Announcement of Sale.
5. A Bidder qualified during a prequalification, shall receive from the Organizer:
  - notification of a successful prequalification;
  - the access to the bid documentation of the main stage and bid submission.

**18.13.2 Conducting a closed (private) Announcement of Sale**

1. A closed (private) Announcement of Sale may be conducted in the System:
  - ☐ following the results of a Prequalification procedure; ☐ irrespective of other procedures.
2. A closed (private) Announcement of Sale following the results of a prequalification of bidders shall be conducted directly in the System for each lot among the bidders admitted after the prequalification. The Organizer of a closed (private) Announcement of Sale may conduct an unlimited number of such procedures following the results of one completed Prequalification of Bidders.
3. When conducting a closed (private) Announcement of Sale independently of other procedures, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the procedure.
4. Only the Members admitted to participation in a closed (private) Announcement of Sale following the results of a prequalification of bidders, as well as those directly invited by the Organizer, shall be able to see the bid notice, bid documentation and other procedure-related information, as well as to submit a bid after signing, with E-Signature, a consent to working in the System according to the guides and regulations being in effect in the System.



5. The timing and specific features of a closed (private) Announcement of Sale are the same as those of an open Announcement of Sale.

### **18.13.3 Conducting an Announcement of Sale with a per-item division**

1. In an Announcement of Sale with a per-item division of the subject matter (per-item call for bids), a Bidder can submit, for each item, a separate proposal being a part of a Bidder's Bid, and the Organizer can conclude select the winner for each item separately, a winner for all items or several items.
2. A Bidder may submit quotations only for a part of items (and not necessarily for all items) within the same procedure, unless the Organizer has grouped the items into a lot in order to select the winner for such entire group of items. If this is the case, a Bidder can only submit quotations for all items within the lot.

### **18.13.4 Conducting an Announcement of Sale with the ranks assigned to the Bidders' quotations**

1. The System enables the Organizer to apply "bids ranking" parameter implying an automatic rank (place) assigning to each of the Bidders' quotations depending on a Bidder's quoted price. A quotation offering the highest price shall be ranked 1, and other quotations shall be ranked 2, 3, etc., in the price descending order.
2. In an Announcement of Sale with "bids ranking" parameter applied, a Bidder can not submit a quotation, of which the price is lower than the price of their previous quotation.
3. In an Announcement of Sale with "bids ranking" parameter applied, bids submission period can only be extended, as provided for by this clause 17.8, where a rank of a Bidder's quotation changes. If modification of a quoted price does not cause changing of the rank of such quotation, then bids submission deadline shall not be extended.

## **Section 19. Seller's Auction**

### **19.1 Legislative requirements to an Auction**

1. Basic requirements to organization and procedure of an auction are established by the provisions of Articles 447–449 of the Civil Code of the Russian Federation. When conducting an auction, of which the subject is the right to conclude a contract, the seller shall enter into the contract with the person winning the bidding, in accordance with Part 5 of Articles 448 of the Civil Code of the Russian Federation.

### **19.2 Notice of Auction**

1. A notice of Auction (bid notice) shall be published in the System at least 30 calendar days prior to the auction bids submission deadline (bid submission deadline).

2. Upon agreement with the Operator, bid submission deadline may be set in accordance with the Seller's current internal regulations.
3. A Notice of Auction shall be published in the Open Part of the System.

### **19.3 Auction documentation**

1. Auction documentation is an appendix to the notice of auction, which supplements, details and clarifies it. The procedure documentation should not contradict the notice; in case of any contradiction, while it is not eliminated, the information provided in the notice shall prevail.
2. The auction documentation shall contain the information necessary and sufficient to enable the Bidders to make a decision on participation in the auction.
3. Auction documentation is available for downloading to the Members after signing in into the System.

### **19.4 Clarification of the provisions of auction documentation**

1. A Member shall have the right to contact the Organizer of an Auction via “Request for Clarification” functionality to ask for clarification of documentation provisions. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden) and on-the-record and shall have all respective legal implications.
2. A request for clarification of auction documentation shall be submitted to the Organizer in the System before bids submission deadline.

### **19.5 Amendment procedure**

1. The Auction Organizer has the right to make any amendments to the bid notice and auction documentation at any time before the start of the auction bidding.
2. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their auction bids, edit them or leave their bids unchanged before bid submission deadline.

### **19.6 Cancellation of an Auction**

1. The Organizer of an Auction has the right to cancel it at any time, but not later than 3 days before the date of auction bidding, unless otherwise provided for in the notice of auction.
2. In cases where the Auction Organizer refuses to conduct it in violation of the terms, the Organizer shall be obliged to compensate to the Bidders the actual damage incurred by them in accordance with the Civil Code of the Russian Federation.

## 19.7 Auction bidding process

1. Auction Bidders in the System may submit several consecutive price bids in real time. These price bids become available to the Organizer and other Bidders (to decide on a new bid) immediately upon their receipt in automatic mode.
2. In auction bidding process, the Bidders shall submit their bids, increasing the current price by a bid increment of the Auction established by the Organizer in the notice of auction, with the following limitations taken into account:
  - a Bidder can not bid the contract price lower than the initial price specified in the bid notice;
  - a Bidder can not bid the contract price lower than the one submitted by such Bidder earlier;
  - a Bidder can not bid the same contract price twice;
  - a Bidder can not bid the contract price equal to zero
3. Where there is a minimum bid increment set by the Organizer in the bid notice, the value of a Bidder's next bid shall be divisible by such increment and shall amount to 1–5 such increments.
4. Where there is a minimum bid increment set by the Organizer in the bid notice as a range of values, the value of a Bidder's next bid may be arbitrary, but falling within the set range of values.
5. A Bidder can not submit two or more bids in a row.
6. A Bidder may use a System function enabling an automatic submission of bids on behalf of the Bidder ("automatic auctioneer"), according to an increment set in the bid notice, up to the price value set by the Bidder when activating the function. In case a next price bid changed by an increment amount contradicts the threshold price set by the Bidder, the automatic auctioneer shall cease to function automatically. However, a Bidder can submit a next price bid in the manual mode.
7. Auction bids history is available to all Members.
8. The initial duration of auction bidding shall be 1 hour. However, if, within the last 10 minutes before the end of the auction, a new bid is submitted, the end of the auction shall be automatically extended by another 10 minutes from the time of the last bid submitted for the lot. Auction bidding shall be completed, when no new bid is submitted within 10 minutes.
9. By default, the time interval for bids submission in the auction bidding is 10 minutes, and duration of the auction bidding itself is 1 hour. Upon agreement with the Operator, the time interval for bids submission and duration of the auction bidding itself in the

procedures of a particular Organizer can be changed in accordance with the seller's internal regulations.

### 19.8 Winner of an Auction

1. The winner of the auction shall be the Bidder that submitted a bid complying with the requirements of the auction documentation and offering the maximum contract price during the auction bidding.
2. All contracts shall be concluded by the customer and the Winner of the Auction outside the System. The Operator shall not be involved in conclusion of contracts between the Members.

### 19.9 Declaring an Auction void

1. An Auction, where less than two Bidders were participating, shall be declared void in the System.

### 19.10 Specific arrangements relating to an Auction with additional parameters and elements

#### applied

1. By default, the Auctions conducted in the System are open and single-lot.
2. Upon agreement with the Operator, the Organizer may apply the following additional parameters when holding an Auction:
  - closed (private) auction;
  - multi-lot auction;

Seller's Auctions may be conducted:

- without a preliminary evaluation of bids; □ with a preliminary evaluation of bids.

#### 19.10.1 Auctions without a preliminary evaluation of bids

1. The procedure of an auction without a preliminary evaluation of bids is the following:
  - a) preparing for publication: filling out and saving a bid notice, uploading auction documentation;
  - b) publication of an auction;
  - c) provision of auction documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - e) submission of registration price bids before the start of auction bidding; f) auction bidding;
  - g) automatic determination of the winner, executing the final results report;

h) conclusion of a contract with the winning Bidder (outside the System)

2. Registration price bid is a Bidder's consent to conclude a contract at the initial price.
3. Submission of a registration price bid is not required for the potential Bidders, for the auction bidding shall start irrespective of the number of registration price bids submitted.
4. When submitting a registration price bid, a Bidder may activate "automatic auctioneer" function. In this case, the price bids shall be submitted on behalf of the Bidder automatically according to an increment set in the bid notice, up to the price value set by the Bidder, if a better price bid has been submitted by another Bidder. In case a next price bid changed by an increment amount contradicts the threshold price set by the Bidder, the automatic auctioneer shall cease to function automatically. However, a Bidder can submit a next price bid in the manual mode.
5. If, before the auction bidding start date, several registration price bids are submitted, at least in one of which a Bidder has activated "automatic auctioneer" function, the auction bidding shall start from the registration price bid of the Bidder using an automatic auctioneer, modified by one bid increment set in the bid notice.
6. If several registration price bids have been submitted with the "automatic auctioneer" function enabled, the auction bidding shall start from the last but one maximum bid, plus a bid increment, submitted on behalf of the Bidder that has set a higher price threshold for the automatic auctioneer.
7. If several registration price bids equal to the initial auction price have been submitted, but during the auction bidding no new bid has been submitted to increase the initial price, then the winner shall be the bidder that was the first to submit such registration price bid.
8. If one registration price bid has been submitted, and no new bid has been submitted in the course of the auction bidding, then the auction shall be declared void, and the Organizer may decide to conclude the contract with the single Bidder that has submitted a registration price bid.
9. In case the Organizer modifies the initial auction price or a bid increment set in the notice of auction, the registration price bids submitted before such modification shall automatically become "void" as being incongruent to the updated conditions of the procedure. The Bidders that have submitted such registration price bids may, before the end of the auction bidding, edit them and submit again or withdraw them. The "void" registration price bids, not edited and not resubmitted, shall be deemed withdrawn, and shall not be considered among the total number of the submitted price bids.

#### **19.10.2 Auctions with a preliminary evaluation of bids**

1. The procedure of an auction with a preliminary evaluation of bids is the following:

- a) preparing for publication: filling out and saving a bid notice, uploading auction documentation;
  - b) publication of an auction;
  - c) provision of auction documentation to the bidders;
  - d) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary);
  - e) submission of auction bids before bid submission deadline;
  - f) evaluation of the submitted bids, making a decision on admitting/ not admitting the Bidders to participation in the auction bidding;
  - g) auction bidding among the admitted bidders only;
  - h) automatic determination of the winner, executing the final results report;
  - i) conclusion of a contract with the winning Bidder (outside the System)
2. A Bidder's auction bid is comprised of a price bid and a package of documents uploaded into the System in compliance with the requirements of the auction documentation.
  3. Submission of an auction bid shall imply the Bidder's consent to conclude the contract at the price stated by them in the auction bid, but not exceeding the initial auction price, provided that the Bidder is recognized by the Organizer as complying with the requirements of the auction documentation.
  4. A Bidder may submit, edit and withdraw their auction bid before bid submission deadline.
  5. Upon bid submission deadline, the Organizer shall become able to view the Bidders' auction bids and present the decision as to their admission/ non-admission to the auction bidding process.
  6. If, before bid submission deadline, no auction bid is submitted, the auction shall be declared void.
  7. If, upon auction bids evaluation, no action bid is recognized as complying with the bid documentation, the auction shall be declared void.
  8. If, upon auction bids evaluation, only one auction bid is recognized as complying with the bid documentation, the auction shall be declared void, and the Organizer may decide to conclude the contract with the sole Bidder.
  9. If, upon auction bids evaluation, two or more auction bids are recognized as complying with the bid documentation, the auction bidding process shall start on the date specified in the bid notice.
  10. If the initial prices are stated in the Bidders' auction bids, auction bidding shall start with an automatic submission of bids with the stated prices and their ranking in descending order.
  11. In case the Organizer modifies the initial auction price or a bid increment set in the notice of auction, the auction bids submitted before such modification shall automatically become

“void” as being incongruent to the updated conditions of the procedure. The Bidders that have submitted such bids may, before bid submission deadline, edit them and submit again or withdraw them. The “void” auction bids, not edited and not resubmitted, shall be deemed withdrawn, and shall not be considered among the total number of the submitted bids.

### 19.10.3 Conducting a closed (private) auction

1. When conducting a closed (private) Auction, the Organizer shall form, on their own, via the EMarketplace functionality, the list of Members to be invited to participate in the auction procedure.
2. Only the Members admitted by the Organizer to participation in a closed (private) auction shall be able to see the bid notice and bid documentation, as well as to submit a bid.
3. The timing and specific features of a closed (private) Auction are the same as those of an open Auction.

### 19.10.4 Conducting a multi-lot auction

1. The legal status of multi-lot Auctions is defined based on the fact that such auction is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same bid documentation. In a multi-lot Auction, a Bidder can submit separate Bids for each lot, and the Organizer can conclude a separate contract for each lot.
2. Within the same procedure, a Bidder may submit bids for one, several or all lots at the same time.

## Chapter 20. “Dutch Auction” Sales Procedure

### 20.1 General provisions

1. A competitive buyer selection procedure “Dutch Auction” is not a variety of auction and does not constitute a competitive bidding within the meaning assigned to that term in the Russian legislation, and is not subject to Articles 447-449 of the Civil Code of the Russian Federation. The Organizer of a Dutch Auction is not obliged to select the winner and has the right to terminate the procedure by rejecting all bids submitted. However, the Organizer’s selection of the winner shall be deemed acceptance of such Bidder’s offer, due to which, as provided for by Chapter 28 of the Civil Code of the Russian Federation, mutual rights and obligations arise for the Seller and the Winner to perform the contract being the subject of the Dutch Auction.
2. The main criterion for selecting the Winner of a Dutch Auction shall be the price (provided that a Bidder and their Bid comply with the requirements of the bid documentation).
3. By default, an open single-lot Dutch Auction is conducted in the System.

4. By agreement with the Operator, when conducting a Dutch Auction, the Organizer may choose to conduct a closed (private) Dutch Auction or a Dutch Auction with a prequalification of bidders.

## **20.2 Procedure of a Dutch Auction**

1. The procedure of a Dutch Auction conducted in the System is the following:
  - a) preparing for publication: filling out and saving a bid notice, uploading auction documentation; b) publication;
  - c) conducting a prequalification of bidders (if necessary);
  - d) provision of bid documentation to the bidders;
  - e) clarification of the documentation provisions upon the bidders' requests and amending the documentation (if necessary); f) auction bidding process;
  - g) automatic determination of the winner, executing the final results report;
  - h) concluding a contract with the winner (outside the System).

## **20.3 Notice of a Dutch Auction**

1. A notice of a Dutch Auction shall be published in the System at least 5 calendar days prior to bid submission deadline.
2. A notice of a Dutch Auction shall specify the following:
  - maximum (initial) contract price;
  - minimum (limit) contract price;
  - bid increment of a Dutch Auction;
  - period of time, within which the price bids are submitted for a current price (before it is changed by the System automatically by a bid decrement)
3. Upon agreement with the Operator, the deadline for submission of bids for participation in a Dutch Auction can be set according to the Seller's internal regulations.
4. Notice of a Dutch Auction shall be published in the Open Part of the System.

## **20.4 Documentation of a Dutch Auction**

1. Documentation of a Dutch Auction (bid documentation) is an appendix to the notice of a Dutch Auction, which supplements, details and clarifies it. The procedure documentation should not contradict the notice; in case of any contradiction, while it is not eliminated, the information provided in the notice shall prevail.
2. The bid documentation shall contain the information necessary and sufficient to enable the Bidders to make a decision on participation in the Dutch Auction.



3. Bid documentation is available for downloading to the Members after signing in into the System.

#### **20.5 Clarification of the provisions of documentation of a Dutch Auction**

1. A Member shall have the right to contact the Organizer of a Dutch Auction via “Request for Clarification” functionality to ask for clarification of bid documentation provisions. In this case, such communication via “Request for Clarification” functionality shall be public (with the names of the bidders submitting a request for clarifications remaining hidden).
2. A request for clarification of documentation of a Dutch Auction shall be submitted to the Organizer in the System before bids submission deadline.

#### **20.6 Amendments to bid notice and documentation of a Dutch Auction**

1. The Organizer of a Dutch Auction has the right to amend the bid notice and documentation of a Dutch Auction before the start date of price bid submission.
2. All Members subscribed to notifications of changes shall be automatically notified of all changes in the procedure and have the right to withdraw their bids, edit them or leave their bids unchanged before bids submission deadline.

#### **20.7 Bidding process in a Dutch Auction and its results**

1. In the course of a Dutch auction, the initial price set in the bid notice is changed by a bid decrement set in bid notice towards the limit price.
2. The price is changed automatically by a decrement, if no price bid is submitted by a Bidder within the time interval before an automatic changing of the price by another decrement.
3. Once the first price bid is submitted in the course of a Dutch auction, the procedure is over.
4. The winner of a Dutch auction shall be the Bidder submitting the first price bid equal to the price set in the bid notice at the time of price bid submission.
5. If, in the course of successive changing of the initial price by a decrement set in the bid notice, it reaches the limit price, and no bid is submitted by any Bidder within the time interval before an automatic changing the price by another decrement, the Dutch auction is terminated as void.

#### **20.8 Specific arrangements relating to a Dutch auction with additional parameters and**

**elements applied****20.8.1 Conducting of a Dutch auction with a prequalification of bidders**

1. When preparing a Dutch auction, the Organizer may choose to conduct a prequalification of bidders.
2. A prequalification bid constitutes the forms filled in in the System interface and/or documents uploaded to the System in accordance with the requirements of auction documentation and parameters of the procedure established by the Organizer.
3. A prequalification bid shall be submitted to the Organizer before prequalification bids submission deadline in the form of sealed bids.
4. A Bidder failing a prequalification or not participating in a prequalification established by the Organizer shall be excluded from the list of Dutch auction bidders, and thus shall be excluded from further participation in the Dutch auction procedure.
5. A Bidder qualified during a prequalification, shall receive from the Organizer:
  - a) notification of a successful prequalification;
  - b) the access to the submission of a price bid.

**20.8.2 Conducting a closed (private) Dutch auction**

1. When conducting a closed (private) Dutch auction, the Organizer shall form, on their own, via the E-Marketplace functionality, the list of Members to be invited to participate in the procedure.
2. Only the Members admitted to participation in a closed (private) Dutch Auction shall be able to see the bid notice and bid documentation, as well as to submit a bid.
3. The timing and specific features of a closed (private) Dutch auction are the same as those of an open Dutch auction.

**20.8.3 Conducting a multi-lot Dutch auction**

1. The legal status of multi-lot Dutch auctions is defined based on the fact that such Dutch auction is, in essence, several (as many as the number of lots) concurrently conducted procedures under the same documentation. Thus, in a multi-lot Dutch auction, a Bidder can submit a Bid for one lot, several lots or all lots at the same time, and the Organizer can conclude a separate contract for each lot.
2. A Bidder may submit bids only for a part of lots (and not necessarily for all lots) within the same procedure.

