



BILATERAL MEETING

Chapter 05- PUBLIC PROCUREMENT

Country Session: The Republic of TURKEY
28 November 2005



SCREENING CHAPTER 05 PUBLIC PROCUREMENT

AGENDA ITEM VI: BASIC PRINCIPLES OF PUBLIC PROCUREMENT

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Basic Principles Laid Down in Article 5 of PPL

- ✓ transparency
- ✓ competition
- ✓ equal treatment
- ✓ reliability
- ✓ confidentiality
- ✓ public supervision
- ✓ procurement of needs are being carried out under appropriate conditions and in a timely manner
- ✓ efficient use of resources



Principle of Transparency Aims;

- ✓ promulgation of needs of contracting authority and conditions related to participation by notice
- ✓ accessibility of tender documents and proceedings
- ✓ notification of result of tender to tenderers and public



Principle of competition aims;

- ✓ non-hindering of participation to procurement
- ✓ technical, professional or financial conditions proportionate to the subject of the contract
- ✓ selection of appropriate procurement procedure
- ✓ preparation of the technical specifications enabling wider participation



Principle of Equal Treatment

According to Article 10 of The Constitution of Republic of Turkey;

- ✓ all individuals are equal without any discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such considerations
- ✓ men and women have equal rights and the State is responsible to implement these rights.
- ✓ no privilege shall be granted to any individual, family, group or class.
- ✓ state organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings



Principle of Reliability

The tenderers should be confident about followings:

- ✓ performance of tender complying with the tender documents and public procurement legislation
- ✓ stability of rules during tender process
- ✓ mistakes and infringements of rights will be corrected within the process



Principle of confidentiality requires;

- ✓ **non disclosure of commercial secrets of tenderers**
- ✓ **non revealing of information that distorts competition among tenderers**



Principle of public supervision is achieved through;

- ✓ advertising of tender
- ✓ possibility for everyone to examine tender document
- ✓ possibility for everyone to attend to first session of a tender
- ✓ notification of the result of the tender



In addition to these principles Art. 5 of PPL contains the following provisions:

- ✓ unless there is a natural and justifiable connection between them, purchase of goods, services and works cannot be consolidated in the same procurement**
- ✓ goods, services or works to be procured cannot be divided into lots with the intention of avoiding threshold values**



- ✓ for the procurements to be held in accordance with PPL, the principal procurement methods are open and restricted procedures; other methods may be used under special conditions set out in PPL
- ✓ procurement proceedings shall not be initiated unless there is a budget allocation
- ✓ in accordance with the related legislation, for the works requiring an Environmental Impact Assessment (EIA) Report, a positive EIA report must be obtained before the initiation of procurement proceedings



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