

ODESSA NATIONAL MEDICAL UNIVERSITY
FACULTY OF PHARMACY
Department of organization and
economics of pharmacy with post-diploma specialization

MANUAL FOR PRACTICAL WORK IN THE ACADEMIC DISCIPLINE
MANAGEMENT OF PUBLIC PROCUREMENT
international faculty, 5th year



Odessa 2023

CONTENT

1.	Introduction.....	4
2.	General calculation of hours of lectures, seminar classes, independent work.....	6
3.	Program of educational discipline. Tasks for practical classes and independent work.	7
4	List literature and normative and legal Acts	16
5	Current and final control of students' knowledge. Individual work students.....	19
6	Criteria for evaluating the success of students in the academic discipline.....	22
7	Program questions	24

Introduction

One of the main functions of the state is the purchase of goods, works and services for satisfaction of the most important public needs, which has to be carried out on the basis of rational use of public finances and development of a competitive economy. Relations in the field of public procurement are rapidly developing, their legal regulation is being improved, including by harmonizing national legislation with EU rules, adapting key concepts, concepts and bringing procurement procedures in line with international standards.

The main thing is a step by step improvement of procurement by reforming the institutional structure, eliminating duplicative functions of control bodies in the field of public procurement, as well as centralizing procurement in order to save resources, stimulating modern procurement methods, in particular, the widespread use of framework agreements, systems of dynamic procurement, electronic auctions, electronic catalogs and professionalization of functions of public procurement. An important task of institutional reform is the professionalization of public procurement, which will provide an opportunity to improve the quality and controllability of the process of organizing procurement procedures, ensure budget savings, strengthen the accountability of customers and allow the integration of the public procurement function into an integrated public finance management system. Professionalization of public procurement is considered as a necessary component of adaptation to international standards and optimization in a unified system of public procurement. Under such circumstances, given the tendency to significantly expand the labor market in the field of public procurement and the choice by our state of a course for its further professionalization, the significance of studying the course "Public procurement" by students of higher education for the further application of theoretical knowledge and practical skills in the professional activity of specialists appears.

The main goal of the course is the formation and development of general, professional and subject competencies of students, formed as a result of mastering the theoretical foundations in the field of organization and conducting public procurement as part of the budget process, disclosure (study) of the set of legal norms that regulate social relations that arise and develop in the field of public procurement, expansion of students' outlook on the most important legal issues regarding public procurement in Ukraine, in particular, the concept of public procurement, the scope of the Law of Ukraine "On Public Procurement", types of procurement procedures, the place of the institution of public procurement in the system of budget law, the procedure for conducting public procurement, grounds and appeal procedure during procurement and tender results, responsibility in the field of public procurement, etc.

Main task consists in the assimilation of legal categories, being able to navigate in

arrays of legislation regulating relations in the field of public procurement.

During preparation for colloquiums and practical classes, it is necessary to complete the tasks given in this manual, the solutions to which are checked in the classroom through discussion.

As a result of mastering the material, students should:

to know the legal terminology, basic provisions regarding public procurement;

to be able to navigate the legislation in the field of procurement, to develop relationships with other disciplines; logically present the material; to argue and prove one's opinion; apply acquired knowledge and skills in practice.

Topic 1. Public procurement in the budget process

Basic principles of public procurement in modern conditions. Characteristics of the procurement cycle. Planning of public procurements when drawing up estimates of the participants of the managers of budget funds. Preparation for approval of the annual procurement plan. Information to be included in the annual procurement plan. The history of reforming public procurement in Ukraine. Ways of reforming public procurement. Ukraine's international obligations in the field of public procurement. Harmonization of the public procurement system in Ukraine with EU standards. International experience in the field of public procurement. Concepts and basic principles of public procurement.

Question for discussion

1. Place of the institute public procurement in the budget process.
2. General characteristics of the procurement cycle.
3. Planning of public purchases when drawing up estimates participants managers of budget funds.
4. Preparation for approval annual procurement plan.
5. Harmonization of the public procurement system in Ukraine with EU standards.
6. International experience in the field of public procurement.

Task

1) In May 2020, the State Fund plans to purchase support services for 4 different proprietary software products from different contractors, but under the same code 72260000-5 "Services related to software". The expected value of the purchase item under each separate contract is UAH 20,000. Together, under code 72260000-5, the expected cost is 80,000. What procurement procedure should the Fund use? Is it possible not to apply simplified procurement in connection with the need to protect intellectual property rights?

2) The Fund for the Social Protection of the Disabled provides non-refundable state aid to the enterprise "Nadia" for the creation of jobs for the employment of the disabled in the amount of 49,000 hryvnias. Is such a case covered by the scope of the Law "On Public Procurement"? If so,

what is the procurement procedure? If not, what is the mechanism for conducting such a procurement procedure?

Topic 2. Basic principles of public procurement in Ukraine.

The scope of the Law of Ukraine "On Public Procurement". Value thresholds for public procurement. The concept of "simplified procurement". Exclusion from the procurement procedure. Special procurement rules for certain areas of activity. The concept of electronic public procurement. Prozorro system: main advantages and principles of operation. Composition of the electronic procurement system. The concept of an electronic platform.

Question for discussion.

1. The scope of the Law of Ukraine "On public procurement".
2. Value thresholds for public procurement. Simplified purchases.
3. Principles of procurement.
4. Special procurement rules for certain areas of activity.
5. The concept of electronic public procurement. Prozorro system.
6. Composition of the electronic procurement system. Electronic platform.

Task

1. PJSC "Ukrainian Railway" PJSC "Prydniprovskya zaliznytsia" regional branch has announced a tender for the purchase of rechargeable batteries for powering KENWOOD TK 2260 radio stations in the amount of 1157 units. in the amount of UAH 1,400,000. In the appendix to the tender documentation, it is stated: "when evaluating the offers of bidders with different VAT payer status, the price of the offer without VAT is accepted for comparison." Are such provisions of the Documentation discriminatory against those participants who are not VAT payers? Justify.

2. Is a budgetary institution - communal educational institution obliged to post a report on the purchase of goods (stationery) in the amount of UAH 3,100 and food products (meat products) in the amount of UAH 49,000. in the Prozorro system.

3. The Department of Education of the Dnipro District State Administration in the city of Kyiv has announced a tender for the purchase of services for the installation of automatic fire alarm and notification systems and the management of evacuation of people - design, installation and commissioning - adjustment in the gymnasium No. 191 of the Dnipro District of Kyiv for the amount of 900,000. From the participants it is required to provide a copy of the contract for the performance of similar works with budget institutions for 2017-2018, certified by the customer of the works and confirmed by acts of acceptance of fire protection systems into operation, or acts of checking the functionality of installed APS and notification systems, as well as a feedback letter and recommendations from budgetary institutions for similar works. Is such a demand justified?

Topic 3. Subjects of public procurement.

Customers, legal status and types. Centralized purchasing organizations. Tender committee. The procedure for creating and functions of the tender committee. Basic principles of work. Members of the tender committee and an authorized person. Participants of the procurement procedure. Qualification criteria for participants and methods of documentary confirmation of compliance with them. Grounds for refusal to participate in the procurement procedure. Organization of the customer's purchasing activities.

Question for discussion.

1. Customers, legal status and types.
2. Organization of the customer's purchasing activities.
3. Centralized purchasing organizations.
4. Tender committee. The procedure for creating and functions of the tender committee.
5. Agent.
6. Participants of the procurement procedure. Qualification criteria for participants.

Task

1. In accordance with the Law of Ukraine "On Amendments to the Law of Ukraine "On Public Procurement" and some other legislative acts of Ukraine on the improvement of public procurement" No. 114-IX dated 19.09.2019, the Customer must use the electronic system "ProZorro" for the implementation of public purchases worth 50,000 hryvnias or more (simplified procedure). Article 11 of the Law stipulates that an authorized person is responsible for organizing and conducting, in particular, simplified procurement. Can an authorized person be a member of the tender committee? Can the chairman/secretary of the tender committee be an authorized person?

2. Municipal non-commercial enterprise "Primary health care center No. 4" of the Odesa City Council "in connection with the change in the value thresholds of purchases in May 2020, plans to purchase medical supplies for the amount of UAH 51,000 through the procedure of open bidding in the Prozorro system. However, the company does not have public procurement specialists on staff. Can a utility company involve the tender committee of the city council for tender procurement?

3. The southern office of the State Audit Service of Ukraine conducted an inspection in the form of an audit of KP "Miskbud", which was in the process of reorganization. During an unscheduled audit of the enterprise, it was discovered that on December 16, 2019, changes were made to the contract

on public procurement dated November 10, 2019 (regarding the supply of equipment). Information about the changes was not made public. The State Audit Service sent the materials to the court with the aim of bringing the head of the KP tender committee to justice. In court, the defendant admitted the fact of non-disclosure, but did not admit guilt, referring to the minutes of the tender committee meeting. The protocol states that the duty of posting information about public procurement on the Prozorro web portal is assigned to the secretary of the tender committee. Give your assessment of the situation.

Topic 4. Public procurement procedures. Open bidding.

Types of procurement procedures. Open bidding as the main procurement procedure. General characteristics and advantages of open auctions. Determination of the subject of purchase and its part (lot). Concept of works, services and goods according to the norms of the Law of Ukraine "On Public Procurement". A single procurement dictionary.

Tender documentation. Composition and procedure for making changes to it. Tender offer. Tender evaluation criteria. Provision of a tender offer. Tender submission procedure. Disclosure of tender offers. Review and evaluation of tender offers. The most economically advantageous offer.

Conditions for rejecting a tender offer and canceling bids. Electronic auction. Electronic catalog. The bid price is abnormally low. The winner of the procurement procedure. Terms of consideration, evaluation and selection of the winner.

Question for discussion.

1. Open bidding as the main procurement procedure.
2. Determination of the subject of purchase and its part (lot).
3. Tender documentation. Composition and procedure for making changes to it.
4. Tender offer. Criteria evaluations tenders proposals
Software tender offer.
5. Tender submission procedure.
6. Review and evaluation of tender offers. The most economically advantageous offer.
7. Conditions for rejecting a tender offer and canceling bids. The bid price is abnormally low.
8. Terms of consideration, assessment and selection of the winner.

Task

1. The estimate of the budget non-profit organization provides for the purchase under KEKV 3132 "Overhaul of cars" (KRAZ, GAZ and tow truck) for the total amount of UAH 390,000. According to clause 3.16. Regulations on road maintenance and repair

of vehicles of road transport, approved by the Order of the Ministry of Transport No. 102 of 30.03.98, major repairs include works related to the replacement of the body for buses and passenger cars, the frame for trucks or the simultaneous replacement of at least three basic units

To which category of purchases does the overhaul of the specified cars belong - the purchase of works or the purchase of services, provided that it is financed from the state budget as capital expenditures?

2. In 2020, Yaroslav the Wise National University of Law plans to purchase state-style student tickets for the amount of UAH 159,000. Estimated start of the procurement procedure: April 2020. According to what code of the national classifier of Ukraine DK 021:2015 "Unified procurement dictionary" and by what procedure should the specified goods be purchased. Describe the cycle of the specified purchase.

3. JSC "KHMELNYTSKOBLENERGO" announced a tender for UAH 2,196,000. The subject of procurement is radio stations (DC 021:2015: 32340000-8 — Microphones and loudspeakers) in the amount of 150 pieces. Place of delivery: Khmelnytskyi. As one of the requirements in the tender documentation, the Customer defined the following: for prompt performance of warranty obligations (repair, replacement of equipment), the participant and its service center must be located at a distance of no more than 250 km from the location of the Customer, despite the fact that the terms of the draft contract fulfillment of warranty obligations is provided for within 10 days from the date of sending the corresponding application by the customer. The procurement participant ("Best" LLC, registered in Kyiv) filed a complaint with the AMCU, where he stated that this requirement was registered under the participant whom the Customer wanted to make the winner of the procurement procedure in the previous tender - "Vist" LLC, which is located in Lviv (240 km from the Customer). The Complainant draws attention to the fact that the main part of the enterprises that supply radio stations is located in the city of Kyiv, which is located 340 km from the Customer. What decision should AMKU make? Justify.

4. PJSC "Ukrainian Railway" PJSC "Prydniprovska zaliznytsia" regional branch has announced a tender for the purchase of rechargeable batteries for powering KENWOOD TK 2260 radio stations in the amount of 1157 units. in the amount of UAH 1,400,000. In the appendix to the tender documentation, it is stated: "when evaluating the offers of bidders with different VAT payer status, the price of the offer without VAT is accepted for comparison." Are such provisions of the Documentation discriminatory against those participants who are not VAT payers? Justify.

Topic 5. Other procurement procedures.

Competitive dialogue: conditions of application and procedure. Auctions with limited participation: conditions for application, stages of implementation. Negotiation procedure: conditions of application and procedure.

Question for discussion.

1. Types of procurement procedures.
2. Competitive dialogue: conditions of application and procedure.
3. Auctions with limited participation: conditions for application, stages of implementation.
4. Negotiation procedure: conditions of application and procedure.
5. Simplified purchases.

Task

1. During the procurement under the negotiation procedure, a technical error was made in the procurement system in the announcement of the intention to conclude a contract through the platform, namely, the classifier DK 021:2015 - 09320000-8 "Steam, hot water and steam" was indicated (selected) from the list manufactured products", and in paper form (in the protocol) the classifier DC 021:2015 - 09310000-5 "Electric energy" was indicated. The procedure is completed, the contract is signed and published. The State Treasury points out this inconsistency according to the report on the results of the procedure and refuses to register the contract, suggests terminating the contract and re-conducting the procurement procedure. What are the possible solutions to this situation?

2. A non-resident legal entity was recognized as the winner of the tender for the supply of office paper. Open the mechanism of further work on the provision of services under the contract. Can a non-resident person conclude a contract without registering a representative office or authorized person in Ukraine?

3. In December 2019, the city hospital started a negotiation procedure regarding the purchase of electricity for 2020. In the ad, the delivery date was mistakenly indicated not from 01.01.2020, but from 02.01.2020. After the completion of the procedure, a contract was concluded and a technical error was detected in the report: the delivery date is from 02.01.2019. What is the procedure for correcting this type of error provided for in the current legislation?

Is it possible to correct technical (mechanical) errors made when filling out document forms in the field of public procurement after they are published on the Prozorro web portal?

Topic 6. Conclusion of the purchase contract.

Concept of purchase contract. The procedure for concluding a purchase contract. Essential terms of the purchase agreement. Subject, price, terms of conclusion and validity of the contract. Ensuring the performance of the contract. Peculiarities of the parties' liability under the contract and conditions for declaring the contract invalid. Amendments to the contract. Framework agreement, concepts and principles. Report on the results of the procurement procedure.

Question for discussion

1. Concept of purchase contract.
2. The procedure for concluding a purchase contract.
3. Essential terms of the purchase agreement.
4. Ensuring the performance of the contract.
5. Amendments to the contract.
6. Framework agreement, concepts and principles.
7. Report on the results of the procurement procedure.

Task

1. In December 2019, the contract for the purchase and sale of goods between the National Cancer Institute and Medtech LLC was concluded without competitive selection of participants due to the lack of competition for technical reasons in the relevant market. The cost of the item purchases 104 000 thousands UAH.; Report on the concluded contract in the electronic procurement system in accordance with Art. 10 of the Law of Ukraine "On Public Procurement" has been made public. The bodies of the State Treasury refused to register the contract of purchase and sale of goods, motivating their refusal by the presence in the contract of the norms provided for in Part 3 of Art. 631 of the Civil Code of Ukraine and the fact that the subject of the contract is the supply of goods, not services. Analyze the situation. Is such a refusal to register the contract legal?

2. The tenderer company used as a sample the documentation of the second tenderer, which was freely available, because the previous tender for the purchase of a similar item of procurement did not take place. As a result of these actions, in the documents of the two bidders, the texts of the references, the design style, punctuation and grammatical errors in the documents matched. These circumstances caused the Antimonopoly Committee of Ukraine to issue a decision on violation of the legislation on the protection of economic competition, in the form of anti-competitive concerted actions, and a fine was imposed on the company. Is such a decision of the AMC justified?

3. The Ministry of Defense of Ukraine placed a tender in the Prozorro system for the amount of 34 million

UAH Subject: Works related to objects of completed or unfinished construction and objects of civil construction in the military town in the city of Mykolaiv. In the tender documentation, there is a requirement for the position of the head of the construction and installation department with at least 3 years of work experience and the commissioning of similar facilities in the last 2 years. Considering such a requirement to be discriminatory, one of the participants filed a complaint with the AMCU demanding changes to be made in the tender documentation in order to eliminate discriminatory requirements. The complainant noted that he has in his staff the entire list of specialists provided for by the license. At the same time, no regulatory act stipulates the mandatory presence of the position of the head of the construction and assembly department.

What decision should AMKU make? Justify your answer.

Topic 7. Appeals during public procurement procedures

The Antimonopoly Committee of Ukraine as an appeal body. The procedure for submitting a complaint, considering a complaint and making a decision on a complaint of the Ukrainian Chamber of Commerce and Industry. Judicial appeal of public procurement: general characteristics, categories of disputes, their jurisdiction, analysis of judicial practice in this area.

Question for discussion

1. Methods of appeal at each stage of procurement.
2. Complaint to the Antimonopoly Committee of Ukraine. The procedure for submitting a complaint, considering a complaint and making a decision on a complaint of the Ukrainian Chamber of Commerce and Industry.
3. Court appeal during public procurement.
4. Analysis of judicial practice on appeal.

Task

1. The company - a tender participant, used as a sample the documentation of another tender participant, which was freely available, because the previous tender for the purchase of a similar item of procurement did not take place. As a result of these actions, in the documents of the two bidders, the texts of the references, the design style, punctuation and grammatical errors in the documents matched. These circumstances caused the Antimonopoly Committee of Ukraine to issue a decision on violation of the legislation on the protection of economic competition, in the form of anti-competitive, concerted actions, and a fine was imposed on the company. Is such a decision of the AMCU justified?

2. The communal institution "Medykal Med" (customer) in the tender documentation of the tender for the purchase of a product - a potent medicinal product - indicated as a requirement "the provision of a copy of the license for the wholesale trade of medicinal products". In connection with this, a complaint was received from "Pharm" LLC (participant in the tender) for consideration by the AMCU, and it was indicated that the

discriminatory conditions in the tender documentation. The complaint was satisfied. Is the specified decision justified? Give examples of discriminatory conditions in the tender documentation. What are the possible actions of the customer in this situation and ways to appeal the decision of the AMCU?

3. 24.01.2019 between Preschool educational institution of Prylbychi (Lviv region) and individual entrepreneur Ivanov O. K. concluded a contract for the supply of food products. According to Clause 1 of Section I of the contract, the latter is the main document that defines the rights and obligations of the parties for the supply of food products to the budget institution within the limits of the amounts determined by the budget estimate of the education department of the Yavoriv RDA. According to Clause 1 of Section 4, the total amount of the contract is UAH 256,000.00. The term of the contract is from January 24, 2019. to 31.12.2019

Determine which state bodies and to which court, with which legal claims, can file a lawsuit. Identify the plaintiffs and defendants in this case. What categories of cases are typical in connection with violations of the requirements of the Law "On Public Procurement"?

Topic 7. Control and responsibility in the field of public procurement

State regulation and control in the field of procurement. Legal status and powers of the Ministry of Economic Development and Trade as a special authorized body in the field of procurement. Department of Public Procurement Regulation. Monitoring of public procurement procedures by state financial control bodies. Control measures of the State Audit Service in the field of public procurement. Public control during public procurement. Automatic indicators of risks when making purchases. Responsibility in the field of public procurement. Administrative responsibility for offenses in the field of public procurement. Characteristics of the composition of the administrative offense of Article 164-14 of the Code of Administrative Offenses. Criminal liability for offenses in the field of public procurement.

Question for discussion

1. State regulation and control in the field of procurement.
2. Special authorized body in the field of procurement.
3. Monitoring of public procurement procedures by state financial control bodies.
4. Control measures of the State Audit Officeservices in the field of public procurement.
5. Public control in the implementation of publicprocurement

6. Administrative responsibility by offense in sphere public procurement
7. Criminal liability for offenses in the field of public procurement.

Task

1. Southern the office of the State Audit Service of Ukraine conducted an inspection in the form of an audit of KP "Miskbud", which was in the process of reorganization. During an unscheduled audit of the enterprise, it was discovered that on December 16, 2019, changes were made to the public procurement contract dated November 10, 2019 (regarding the supply of equipment). Information about the changes was not made public. The State Audit Service sent the materials to the court with the aim of bringing the head of the KP tender committee to justice. In court, the defendant admitted the fact of non-disclosure, but did not admit guilt, referring to the minutes of the tender committee meeting. The protocol states that the duty of posting information about public procurement on the Prozorro web portal is assigned to the secretary of the tender committee. Give your assessment of the situation. What are the powers of the State Audit Service to control public procurement.

2. In 2016, the Kyiv City Clinical Cancer Center purchased 50 German Vermop mops through the Prozorro system. In the subject of the procurement it was stated: "a device with a holder and a nozzle". The offer was submitted by only one participant, who was determined to be the winner and from whom the mops were purchased for UAH 123,000. Determine what violations were committed during the implementation of such a purchase? Who can be an applicant to AMKU or to the court regarding this purchase.

3. After the completion of open tenders for the purchase of gasoline and diesel fuel, the participant filed a complaint against the tender committee's decision to reject the offer. At what stage can the appeal body make a decision to leave the complaint without consideration, if the Customer has eliminated the violation the day after the decision of the appeal body to set the date for consideration of the complaint and informed the appeal body about it. What is the procedure for appealing the tender committee's decision to reject the offer to AMKU?

4. List of literature and legal acts

4.1. Recommended normative legal acts

Constitution of Ukraine dated June 28, 1996 No. 254k/96-BP [Electronic resource]. - Access mode :<http://zakon5.rada.gov.ua/laws/show/254k/96-bp>.

Budget Code of Ukraine. - Information of the Verkhovna Rada of Ukraine. – 2010. – No. 50-51. – Article 572

On public procurement: Law of Ukraine from 12/25/2015 No. 922-VII // Bulletin of the Verkhovna Rada of Ukraine-2016.-N9.- Article 89

On the implementation of a pilot project on organizing the activities of a centralized purchasing organization: Decree of the Cabinet of Ministers of November 23, 2016 No. 928// Official Gazette of Ukraine. -2016. - No. 99. - Art. 3213.

On the approval of forms of documents in the field of public procurement: Order of the Ministry of Economic Development and Trade of March 22, 2016 No. 490//Official Gazette of Ukraine - 2016.

- No. 25. - Article 1014

On the approval of the Procedure for determining the subject of procurement: Order of the Ministry of Economic Development dated March 17, 2016 No. 454//Official Gazette of Ukraine. - 2016 - No. 25 - Article 1012,

On the approval of the Strategy for reforming the public procurement system ("road map"): Order of the CMU of February 24, 2016 No. 175-r// Official Gazette of Ukraine. - 2016 -No 23 - Art. 920,

On the approval of the Model Regulation on the tender committee or authorized person(s): order of the Ministry of Economic Development dated March 30, 2016 No. 557: order of the Ministry of Economic Development

"On the approval of forms of documents in the field of public procurement" dated March 22, 2016 No. 490 [Electronic resource]. - Access mode:<http://www.me.gov.ua>

On the approval of the Procedure for posting information on public procurement: order of the Ministry of Economic Development and Trade dated March 18, 2016 No. 477 [Electronic resource]. - Access mode.<http://www.me.gov.ua>

4.2. Additional regulations Acts:

Civil Code of Ukraine dated January 16, 2003 No. 435-IV [Electronic resource]. – Modeaccess:<http://zakon5.rada.gov.ua/laws/show/435-15>

Economic Code of Ukraine dated January 16, 2003 No. 436-IV [Electronic resource]. - Access mode :<http://zakon5.rada.gov.ua/laws/show/436-15>.

On the approval of the Regulations on the State Audit Service of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated February 3, 2016 No. 43 [Electronic resource]. - Access

mode:<http://zakon2.rada.gov.ua/laws/show/43-2016-%D0%BF>

About the Antimonopoly Committee of Ukraine: Law of Ukraine 26.11.1993 No. 3659-XII [Electronic resource]. - Access mode :<http://zakon2.rada.gov.ua/laws/show/3659-12>

EU Directive "On Public Procurement" dated February 26, 2014 No. 2014/24/EU [Electronic resource]. - Access mode.http://eupublicprocurement.org.ua/wp-content/uploads/2015/02/EU-PP-Directives-Compendium_UKR.pdf

EU Directive "On public procurement" dated February 26, 2014 No. 2014/25/EU [Electronic resource]. - Access mode http://eupublicprocurement.org.ua/wp-content/uploads/2015/02/EU-PP-Directives-Compendium_UKR.pdf

4.3. Recommended Books:

Financial law: /M.P. Kucheryavenko, O.O. Dmytryk, O.O. Lukashev and others; under the editorship of M.P. Kucheryavenko. -Kharkiv: "Pravo", 2016. - 440 p.

EU policy in the field of public procurement: Education. manual / S. Pappas. - K.: IMV KNU named after T. Shevchenko, 2005. - 124 c.

Smotrytskaya I.I. Economy state procurement: monograph //I.I.Smotrytskaya - Moscow: Book House "Librocom", 2009. -232 p.

Ovcharenko A.S. Public procurement procedures: problems and solutions// Voronov readings (Unity of administrative and financial procedures): materials of the scientific-practical. Conf., Lviv, October 5-6, 2018/Editors: M. Kucheryavenko, Y. Pudelka, O. Holovashevych. - Kharkiv: Association of Financial Law of Ukraine, 2018. - P.406-417.

Ovcharenko A.S. Legal regulation of sub-threshold purchases in Ukraine: problems and solutions // Comparative and analytical law. – No. 2. - 2018. - P.244-247.

4.4. Recommended Internet resources:

Official portal of the Verkhovna Rada of Ukraine [Electronic resource]. - Access mode :<http://rada.gov.ua/>

Official website of the Antimonopoly Committee of Ukraine [Electronic resource]. - Access mode :<http://www.amc.gov.ua/>

Official website of the Ministry of Economydevelopment and trade of Ukraine [Electronic resource]. - Access mode :<http://www.me.gov.ua/>

Official website of the State Audit Officeservices of Ukraine [Electronic resource]. - Access mode :<http://www.dkrs.gov.ua/kru/uk/index>

The site of the electronic public procurement system Prozorro [Electronic resource]. - Access mode :<https://prozorro.gov.ua/>

Monitoring portal **DoZorro** [Electronic resource]. – Regime access :<https://dozorro.org/>

5. STUDENT PERFORMANCE ASSESSMENT
CRITERIA IN AN EDUCATIONAL
DISCIPLINE

The final assessment of the level of knowledge of students in tax law is carried out on the basis of the results of the current control (PC), individual work and the final control of students' knowledge (PCK) on a 100-point scale. PC tasks and individual work are evaluated in the range from 0 to 40 points; tasks assigned to the PCZ - from 0 to 60 points.

The final control of students' knowledge of tax law is conducted in the form of an exam on key questions that require a creative answer and the ability to synthesize the acquired tax and legal knowledge with modern legal problems.

A specific list of questions and tasks covering the entire content of the academic discipline, evaluation criteria for exam tasks, the order and time of their completion are determined by the department and communicated to students at the beginning of the academic year. As a rule, three questions on tax law are included in the examination ticket.

The total results in PC scores, individual work of students and PKZ are entered in the record of final success.

The final grade for the academic discipline is posted in the grade book according to the scale as shown below:

Evaluation on the ECTS scale	DEFINITION	Evaluation according to the national scale	Assessment on a 100-point scale used at NYU named after Yaroslav wise
AND	PERFECTLY - excellent implementation with only a small number of errors	5	90-100
IN	VERY GOOD - above average level with few errors	4	80-89
WITH	GOOD - generally correct work with a certain number of significant errors		75-79
D	SATISFACTORILY - not bad, but with a significant number of shortcomings	3	70-74
E	ENOUGH - implementation meets the minimum criteria		60-69
FX	UNSATISFACTORILY - necessary to work before those asrearrange	2	20-59
F	UNSATISFACTORILY - necessary		1-19

	serious	further	work,		
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	compulsory repeat course		
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6. PROGRAM QUESTIONS.

1. The Law of Ukraine "On Public Procurement": general characteristics. Basic principles of public procurement in modern conditions. The place of the public procurement institute in the budget process
2. Planning of public procurement when drawing up estimates of participants and administrators of budget funds.
3. Preparation for approval annual procurement plan.
4. History reforming public procurement in Ukraine.
5. International obligations of Ukraine in the field of public procurement
6. Harmonization of the public procurement system in Ukraine with EU standards
7. International experience in the field of public procurement.
8. Concepts and principles of public procurement
9. The concept of sub-threshold and over-threshold purchases
10. The scope of the Law of Ukraine "On Public purchases".
11. Value thresholds for public procurement.
12. Simplified procurement procedures: general characteristics.
13. Special procurement rules for certain areas of activity.
14. Composition of the electronic procurement system.
15. Electronic platform.
16. Prozorro system: main advantages and principles of operation.
- 17.** General principles of legal regulation of tenders.
18. Concepts and types of procurement procedures
19. Open tenders: concepts, terms of application, procedure
20. Competitive dialogue: conditions of application and procedure
21. Negotiation procedure: conditions of application and procedure
22. Auctions with limited participation.
23. Participants of the procurement procedure.
24. Qualification criteria for procurement participants
25. Grounds for refusal to participate in the procurement procedure.
26. Procurement customers: legal status and types.
27. Centralized purchasing organizations.
28. Tender committee.
29. Order creation and functions of the tender committee.
30. Basic principles of tender committee work.
31. Authorized person of the procurement customer.

32. Public procurement procedures: characteristics of the main types
33. Determination of the subject of purchase and its part (lot).
34. The concept of works, services and goods according to with the norms of the Law of Ukraine "On Public Procurement".
35. Tender documentation.
36. Composition and procedure for making changes to the tender documentation
37. Tender offer and criteria for evaluation of tender offers.
38. Provision of a tender offer.
39. The concept is the most economicalprofitable offer: selection criteria.
40. Rejection of tender offer and cancellation of bidding.
41. General characteristics and advantages of open auctions.
42. Electronic auction: concept and procedure.
43. Procedure for determining the winner of the procurement procedure.
44. Terms of consideration,assessment and selection of the winner.
45. Competitive dialogue and negotiated procurement procedure: features, advantages and disadvantages compared to open tenders
46. Report on the results of the procurement procedure.
- 47.** General principles of concluding a purchase contract.
48. Concept of purchase contract.
49. Basic requirements for the purchase contract
50. The procedure for concluding a purchase contract.
51. Essential conditionspurchase contract.
52. Enforcementpurchase agreement
53. Peculiarities of the liability of the parties under the purchase contract and the conditions for invalidation.
54. The procedure and grounds for making changes to the purchase contract
55. Framework agreement on procurement, concepts and principles.
56. Public procurement appeals: basic principles, procedure
57. Simplified purchases.
58. The Antimonopoly Committee as an appeal body.
59. The procedure for consideration of a complaint by AMK and making a decision on a complaint
60. State regulation and control in the field of procurement.
61. Legal status and powers of the Ministry of Economic Development and Trade and Agriculture as a special authorized body in the field of procurement
62. Department of Public Procurement Regulation: legal status and functions

63. Monitoring of purchases by state financial control bodies.
64. Ordermonitoring of public procurement
65. Control measures State Audit Service in the field of public procurement.
66. Public control when carried out public procurement
67. Authorized body and appeals body in the field of public procurement
68. Liability for violations of legislation in the field of public procurement
69. Criminal liability for violation of legislation in in the field of public procurement
70. Administrative responsibility for violation of legislation in in the field of public procurement
71. Judicial appeal of public procurement: general characteristics, categories of disputes, their jurisdiction, analysis of judicial practice in this area.
72. State regulation and control in the field of procurement
73. Characteristic composition administrative offense
Article 164-14 KpAP "Violation of procurement legislation"
74. Automatic indicators risks when making purchases
75. Discriminatory conditions in procurement
76. Electronic procurement appeal
77. Purchases through Prozorro Market