

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Newly Established Dispute Resolution Board at the State Procurement Agency has Settled 3 Appeals

On December 10, 2010, the Dispute Resolution Board was established at the State Procurement Agency. The board adjudicates appeals regarding procurement. Both bidders and entities that would like to participate in procurement have the right to lodge appeals. They have the right to appeal against actions of procuring organization

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or tender commission before conclusion of an agreement on procurement. The board shall render its decision within then days.

The Board is composed of six members - three from the Agency and three from NGOs, including a representative of the Georgian Young Lawyers' Association. This mandate allows us to participate in adjudication of procurement-related disputes, examination of case circumstances and in the process of making a decision. Composition of the board, based on the principle of parity among the Agency and the non-governmental organizations is unique in the practice of the Georgian administrative agencies. Such format provides a significant opportunity for civil society representatives to participate in and influence the decision making process.

Currently the Board [has settled three appeals](#), in which two claims have been fully granted and one was partially upheld.

In its rulings, the board made following significant elaborations:

- The board is not bound by claims laid out in appeal;
- Procuring organization shall observe the balance between private and public interests when using its discretion granted by law;
- Peculiarities of each procurement, as well as interests of a bidder and procuring organization itself shall be taken into consideration when defining a reasonable period for submission of qualifying documents;
- A bidder shall not be required to start collection of qualifying documents until procuring organization addresses the bidder with a request to submit noted documents.
- When procuring a phone service, specifying an index limits competition if the license for the index is held by a single entity.

GYLA will publish periodic updates on the work of the Dispute Resolution Board of the State Procurement Agency. We remain hopeful that the Board's work will be successful, that it will contribute to the development of the field of state procurement and implementation of its founding principles (rational spending, healthy competition, fair and non-discriminatory approach, transparency, building public trust in the unified electronic system of state procurement).