

APPROVED
by Minutes No. 21
of General Meeting
of Charitable Organization
“Charity Foundation “EAST-SOS”
of ‘04’ October 2024
/signature/ Y.K. Krasilnykova
/STAMP/

*** CHARITABLE ORGANIZATION* UKRAINE, KYIV***
“CHARITY FOUNDATION “EAST-SOS”
IDENTIFICATION CODE 39764400

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**Regulations on Procurement of Goods, Works, and Services of Charitable
Organization “Charity Foundation “East-SOS”**

KYIV – 2024

I. General Provisions and Definitions

1. These Regulations on Procurement of Goods, Works, and Services (hereinafter referred to as the “Regulation”) defines the procedures for carrying out the procurement of goods, works, and services by the Charitable Organization “Charity Foundation “EAST-SOS” (hereinafter referred to as the “Organization” or “Procuring Entity”).

2. The Regulations shall apply to all procurements of goods, works, and services that are fully or partially funded by donations and grants from benefactors.

3. These Regulations shall not apply to cases where the scope of procurement includes the following:
 - 3.1. Banking services for the maintenance of current accounts and cash and settlement management services.
 - 3.2. Administrative services provided exclusively by executive authorities (in accordance with the legislation).
 - 3.3. Railway and air transportation services.
 - 3.3.1. The procurement of air transportation services, specifically international air travel financed with funds provided to the Organization by the U.S. Federal Government, must comply with the restrictions imposed by the Fly America Act pursuant to 49 U.S.C. § 40118.
 - 3.4. Postal services, postage stamps, and stamped envelopes.
 - 3.5. Goods, works, and services that are provided/supplied/performed exclusively by holders of state licenses or patents.

4. In cases where the procurement procedure is regulated by specific requirements of the donor of charitable assistance, non-repayable financial aid,

benefactor, or other partner of the Procuring Entity, these Regulations shall not apply to such procurements.

5. For the purposes of these Regulations, the following definitions shall have the following meanings:

5.1. **Acceptance of a tender bid** means acceptance by the Procuring Entity of the tender bid found to be the most economically advantageous based on the evaluation results, and granting consent to its payment. The tender bid shall be deemed accepted if the Procuring Entity has provided the Tenderer with a written confirmation of acceptance of the tender bid within the time frame specified in the tender documents.

5.2. **Alternative tender bid** means a bid that may be additionally submitted by a Tenderer to the Procuring Entity along with the tender bid, if provided for in the tender documentation, and in accordance with the terms and conditions specified in the tender documentation, and differs from the bid elaborated in accordance with the terms and conditions specified in the tender documentation.

5.3. **Price quotation analysis** is a simplified procurement procedure carried out on the basis of the analysis of requests from potential vendors, contractors, and service providers.

5.4. **Procurement Officer** is a specialist designated by the Procuring Entity to be responsible for carrying out procurement procedures in accordance with the Regulations.

5.5. **Open bidding (tender)** is a procurement procedure carried out on the basis of competitive selection of tenderers to determine the winner of the bidding (tender) in accordance with the procedures established by these Regulations.

5.6. **Procurement contract** means a contract concluded between the Procuring Entity and the Tenderer as a result of the procurement procedure and providing

for the acquisition of ownership of goods, provision of services, execution of works.

5.7. **Procurement** means the acquisition of goods, works, services by the Procuring Entity.

5.8. **Procuring Entity** refers to the Charitable Organization “Charity Foundation “EAST-SOS”.

5.9. **Electronic procurement** refers to the use of information technologies and the Internet in the interactions arising in the course of procurement between the Procuring Entities and providers of goods, works, and services, in accordance with these Regulations.

5.10. **Procurement initiator** is a specialist for whose work or on whose initiative goods, works, services are procured.

5.11. **Procurement Committee** is a group of specialists appointed by the Procuring Entity to be responsible for carrying procurement through a simplified procedure, namely, the price quotation analysis.

5.12. **Winner of the procurement procedure** is a participant whose commercial (price) quotation meets all the criteria and conditions specified in the procurement or tender documentation and is considered to be the most economically advantageous, provided that such tenderer shares common values with the Procuring Entity and has been notified by the Procuring Entity of the intention to conclude a contract or pay an invoice for the supply of goods, execution of works, or provision of services.

5.13. **Scope of procurement** refers to the goods, works, and services that are defined and procured by the Procuring Entity. The scope of procurement is specified in the procurement documentation or tender documentation.

5.14. **Direct purchase** is a procurement procedure carried out directly with one tenderer without carrying out a simplified procurement procedure and without running a bidding (tender).

5.15. **Tender Documentation** means the documentation drafted by the Procuring Entity and posted on the Internet for use by the Tenderers to prepare their bids.

5.16. **Tender bid** means a proposal submitted by a Tenderer to the Procuring Entity in accordance with the requirements of the tender documentation.

5.17. **Tender Committee** refers to a group of specialists appointed by the Procuring Entity to be responsible for running open bidding (tender) in accordance with these Regulations.

5.18. **Tenderer** is an individual or legal entity (resident or non-resident) who participates in the procurement procedure and/or has confirmed their intention to participate in the procurement procedure and/or has submitted a tender bid.

5.19. **Portion of procurement scope (lot)** means a portion of goods, works, and services determined by the Procuring Entity in terms of quantity/scope, nomenclature and place of goods delivery (work execution, service provision), for which tenderers are allowed to submit tender bids within a single procurement procedure.

6. The titles of the sections of the Regulations are used for convenience only and in no way affect their content and interpretation.

II. Core Principles of Procurement

1. The procurement of goods, works, and services shall be carried out in accordance with the following principles:

1.1. Legality.

1.2. The most effective quality-to-price ratio, maximum economic feasibility.

1.3. Fair competition among tenderers.

1.4. Openness and transparency of the use of funds for procuring goods, works, and services and the procurement procedure at all stages.

1.5. Confidentiality of procurement procedures at all stages of procurement.

1.6. Non-discrimination of tenderers and equal treatment of them.

1.7. Objective and impartial evaluation of tender bids.

1.8. Ethics and integrity in procurement.

1.9. Prevention of corruption and abuse.

When selecting potential vendors, contractors, or service providers, the Organization shall choose partners who share the Organization's values and adhere to the principles of integrity and ethical conduct in their activities.

2. Tenderers (both residents and non-residents of Ukraine) of all forms of ownership and incorporation shall participate in procurement procedures on equal footing.

3. The Procuring Entity shall ensure that all Tenderers have free and equal access to procurement information (in accordance with the Regulations, to the extent necessary to participate in the procurement).

III. Procurement Procedures

1. The main procurement procedures for goods, works and services are:

1.1. **Direct purchase (procurement from one tenderer)** shall be applied when procuring goods, works, and services for amounts up to **500,000.00 UAH** (within one contract/one payment).

1.2. **Price quotation analysis (simplified procurement procedure)** shall be applied when the value of goods, works and services is equal to or exceeds **500,000.00 UAH and is less than 1,000,000.00 UAH** (within one contract/one payment).

1.3. **Open bidding (tender)** shall be applied when the value of goods, works, and services equals or exceeds **1,000,000.00 UAH** (within one contract).

IV. Direct Purchase (Procurement from One Tenderer)

1. Concept of direct purchase (procurement from one tenderer)

1.1. Direct purchase (procurement from one tenderer) shall be applied when procuring goods, works, and services for amounts **up to 500,000.00 UAH** (within one contract/one payment).

2. Main stages of direct purchase

2.1. Studying proposals that are publicly available for review on the Internet, in the media (mass media), and in advertisements.

2.2. Market monitoring and pre-selection of vendors/contractors.

2.3. Organizing procurement from one tenderer.

2.4. Selecting the supplier/contractor, contractual terms, and price.

2.5. Signing the contract and/or making the payment.

3. Procurement Committee for direct purchase

3.1. No Procurement Committee shall be set up for direct purchase.

4. Specifics of direct purchase (procurement from one tenderer)

4.1. Direct purchase within a specific Project shall be carried out by the responsible person (responsible persons) appointed by the order (decision) of the Procuring Entity's chief executive within such Project and/or the procurement initiator, subject to obtaining permission from the chief executive (permission may be granted via email).

4.2. The responsible person or procurement initiator procuring goods, works, and services from one tenderer shall consider all proposals publicly available for review on the Internet, in the media (mass media), and in advertisements, etc., and shall determine the most economically feasible (advantageous) proposal (economic feasibility and quality should prevail in any prudent

selection process) by monitoring market prices and/or conducting market research on the basis of which the choice is justified.

4.3. Additionally, direct purchase (procurement from one tenderer), regardless of the procurement amount, may be carried out if:

4.3.1. Only one vendor (contractor) has the compliant product (can provide the compliant service, perform the work) in accordance with the criteria and conditions set out by the Procuring Entity for the procurement and/or the Project.

4.3.2. Extraordinary nature of the circumstances constituting grounds for the procurement of the relevant goods, services, and works, or the urgency of the procurement, the delay of which, caused by compliance with the standard procurement prescribed for such cases, will lead to negative consequences.

The decision to carry out such procurement shall be made by the responsible person or procurement initiator.

4.4. Direct purchase (procurement from one tenderer), regardless of the procurement amount, is carried out when the scope of procurement includes the following:

4.4.1. Fuel for vehicles.

4.4.2. Services of maintenance shops for repairing vehicles.

4.4.3. Real estate rental services.

The decision to carry out such procurement shall be made by the responsible person or procurement initiator; the decision shall be based on the principles of reasonableness, the most effective quality-to-price ratio, and maximum economic feasibility, taking into account the local needs of the Procuring Entity.

V. Price quotation analysis (simplified procurement procedure)

1. Concept of price quotation analysis (simplified procurement procedure)

1.1. Price quotation analysis is a simplified procurement procedure applied in cases when the value of goods, services, works **is equal to or greater than 500,000.00 UAH and is less than 1,000,000.00 UAH** within one contract or within one payment.

2. Main stages of price quotation analysis (simplified procurement procedure)

2.1. Formulating a request for quotations or studying commercial (price) proposals from potential Tenderers on official websites (or any other resources publicly available for review on the Internet).

2.2. Market monitoring and pre-selection of vendors, service providers, and contractors.

2.3. Organizing the simplified procurement procedure.

2.4. Agreeing on the selected vendor, service provider, contractor, contractual terms, and price.

2.5. Signing the contract and/or making the payment.

3. Specifics of price quotation analysis (simplified procurement procedure)

3.1. The price quotation analysis shall be carried out on the basis of a request sent by the Procuring Entity to potential providers of goods and services/contractors.

The Procuring Entity must send such a request for (commercial) price quotations to at least three potential participants in the simplified procurement procedure.

The procedure of analyzing the available commercial (price) quotations of potential providers of goods and services/contractors by analyzing information on their official websites or any other resources publicly available for review

on the Internet is also considered to be the sending of a request by the Procuring Entity. The results of such analysis shall be documented by taking a screenshot (digital image) on the computer of one of the members of the Procurement Committee. Such a screenshot (digital image) must clearly display the following information:

- date and time when the screenshot (digital image) was taken;
- link to the website of the provider of goods and services/contractor;
- name of the goods (services/works);
- cost of the goods (services/works).

3.2. The Procuring Entity must analyze at least three available commercial (price) proposals of potential providers of goods and services/contractors on their official websites or any other resources publicly available on the Internet.

3.3. A Procurement Committee shall be set up to analyze price quotations in the course of procurement under the simplified procedure.

3.4. If necessary, the Procurement Committee may contact potential tenderers to obtain additional information or confirm prices.

3.5. Publication of a notice on the carrying out of procurement under the simplified system is not mandatory.

3.6. In the course of procurement carried out under the simplified procedure, potential tenderers may submit information (send commercial (price) quotations) to the email address purchases@east-sos.org. Any information, including quotations from a potential tenderer, must be provided in Ukrainian.

3.7. The Procurement Committee shall review all quotations submitted by potential tenderers or available commercial (price) proposals of potential providers of goods and services/contractors on their official websites or any other resources publicly available for review on the Internet, of which there shall be at least three, and shall analyze the price quotations, which shall be the basis for selecting the winner of the procurement under the simplified procedure.

3.8. The results of the analysis of commercial (price) quotations of potential providers of goods and services/contractors and selection of the winner of the simplified procurement procedure shall be recorded in the minutes of the Procurement Committee.

4. Procurement Committee

4.1. To organize and carry out the simplified procurement procedure, namely the price quotation analysis, a Procurement Committee shall be set up or a person responsible for procurement shall be appointed by an order (decision) of the Procuring Entity's chief executive, in accordance with the requirements of the Project. For each tender, a separate Tender Committee shall be set up.

4.2. The Procurement Committee shall operate on the principles of collegiality in decision-making and impartiality.

4.3. The Procurement Committee's activities shall be conducted through meetings.

4.4. The composition of the Procurement Committee shall be approved by an order (decision) of the Procuring Entity's chief executive. Officials and representatives of tenderers, their close relatives, officials of associations of enterprises, their representatives and close relatives cannot be members of the Procurement Committee.

4.5. The members of the Procurement Committee shall be specialists designated in the order (decision) pursuant to Clause 4.1. of the Regulations, of whom there shall be at least three.

4.6. The Procurement Committee shall be headed by its Chair, who shall be appointed by an order (decision) pursuant to Clause 4.1 and shall be the person entitled to sign the record of the procurement results. The Chair of the Procurement Committee shall organize its activities and shall bear personal responsibility for the performance of the functions assigned to the Committee.

4.7. The Chair of the Procurement Committee shall appoint an executive secretary.

4.8. Decisions on all issues considered at the meetings of the Procurement Committee shall be made by a simple majority vote of all members of the respective Procurement Committee. If the simplified procurement procedure is organized and carried out by a responsible person, decisions on all issues relating to the procurement shall be made by that person unilaterally.

4.9. The outcome document of the Procurement Committee shall be a decision, formalized in a record signed by all members of the Procurement Committee; or a conclusion of the responsible person.

4.10. The decision of the Procurement Committee shall be the basis for awarding the Procurement Contract and/or paying the invoice.

4.11. If, by order (decision) of the Procuring Entity's chief executive, a Procurement Officer (a person responsible for procurement) has been appointed to organize and carry out the simplified procurement procedure, decisions on all procurement issues shall be made by that person unilaterally and shall be formalized by a conclusion signed by him/her. On the basis of this conclusion, the Procurement Contract is awarded and/or the invoice is paid.

VI. Open bidding (tender)

1. Concept of open bidding (tender)

1.1. Open bidding (tender) shall be applied when the value of goods, works, and services equals or exceeds **1,000,000.00 UAH** within one contract.

2. Main stages of open bidding (tender)

2.1. Formulating a request for quotations.

2.2. Market monitoring and pre-selection of vendors/contractors.

2.3. Organizing the open bidding.

2.4. Agreeing on the selected vendor/contractor, contractual terms, and price.

2.5. Signing the contract and/or making the payment.

3. Specifics of open bidding (tender)

3.1. The scope of procurement of goods, works, and services shall be determined by the Procuring Entity.

3.2. The notice of an open bidding and the tender documentation shall be drawn up in the Ukrainian language.

3.3. Open bidding (tender) cannot be held before it has been announced in accordance with the procedure set out in the Regulations.

3.4. During the open bidding (tender), the tenderers shall submit information (including tender bids) in paper or electronic form. The form and method of submission of such information shall be specified by the Procuring Entity in the tender documentation.

If the tender documentation allows for submitting the tender bid by sending a letter with a link to a file depot, access to that depot must be granted no later than fifteen (15) minutes after the start of the opening of bids. If access is not granted, the bid shall be deemed non-responsive, which shall be noted in the outcome document.

3.5. 3.5. Tender bids shall be submitted in the language(s) specified by the Procuring Entity in the tender documents.

3.6. The timeframe for submitting tender bids shall be 10 (ten) business days from the date of publication of the notice of an open bidding. In certain cases, the timeframe may be reduced to 5 (five) business days. The reasons for the reduction shall be set out in the minutes of the open bidding (tender) results of and must not indicate the Procuring Entity's intention to weaken competition between the Tenderers.

3.7. No later than 3 (three) business days before the deadline for submitting the tender bids, the Procuring Entity shall be entitled, on its own initiative or as a result of requests from persons intending to participate in the tender, to make

changes to the tender documentation and to communicate these changes by amending the notice.

3.8. The Procuring Entity shall be entitled (but shall not be obliged) to use authorized electronic platforms to announce open bidding (tender) and publish tender documents related to them.

4. Tender Committee

4.1. To organize and conduct an open bidding (tender), a Tender Committee shall be set up or a person responsible for procurement shall be appointed by an order (decision) of the Procuring Entity's chief executive. For each tender, a separate Tender Committee shall be set up.

4.2. The Tender Committee shall operate on the principles of collegiality in decision-making and impartiality.

4.3. The Tender Committee's activities shall be conducted through meetings. The meetings may be held via videoconference or other means of electronic communication that allow all members of the Tender Committee to see and hear each other simultaneously.

4.4. The composition of the Tender Committee shall be approved by an order (decision) of the Procuring Entity's chief executive. Officials and representatives of tenderers, their close relatives, officials of associations of enterprises, their representatives and close relatives cannot be members of the Tender Committee.

4.5. The members of the Tender Committee shall be specialists designated in the order (decision) pursuant to these Regulations, of whom there shall be at least three.

4.6. The Tender Committee shall be headed by its Chair, who shall be appointed by an order (decision) of the chief executive and shall be the person entitled to sign the record of the open bidding (tender) results. The Chair of the

Tender Committee shall organize its activities and shall bear personal responsibility for the performance of the functions assigned to the Committee.

4.7. The Chair of the Tender Committee shall appoint a secretary.

4.8. Decisions on all issues considered at the meetings of the Tender Committee shall be made by a simple majority vote of all members of the respective Tender Committee

4.9. The outcome document shall be the decision of the Tender Committee, formalized in a record signed by all members of the Tender Committee. If the meeting of the Tender Committee is held via videoconference or other means of electronic communication, the decision of the Tender Committee shall be signed by the Chair of the Tender Committee or another person authorized by the Committee from among the Tender Committee members.

4.10. The decision of the Tender Committee shall be the basis for awarding the Procurement Contract.

5. Notice of open bidding (tender)

5.1. A notice of the planned procurement (open bidding) shall be posted on the Procuring Entity's website and on its social media pages. The Procuring Entity shall be entitled, but shall not be obliged, to post the notice on an authorized electronic platform.

5.2. The following information must be specified in the notice of the open bidding:

5.2.1. Name of the Procuring Entity.

5.2.2. Title of the tender (name and/or identity of the scope of the procurement).

5.2.3. Information about the technical, quality, and other characteristics of the scope of the procurement.

5.2.4. Timeframe (duration) for the provision of services, delivery of goods, or execution of works.

5.2.5. Method (payment terms) of payment for goods, execution of works, or provision of services.

5.2.6. Deadline and method for submitting tender bids.

5.2.7. Link to the tender documentation.

5.2.8. Period for clarifying information about the procurement.

5.2.9. Contact methods for obtaining additional information.

6. Tender documentation

6.1. The tender documentation must contain:

6.1.1. Instructions for preparing and submitting tender bids.

6.1.2. A list of criteria set by the Tender Committee for assessing tenderers' compliance with the specified eligibility requirements.

6.1.3. Information on the need for documentary evidence of tenderers' compliance with the specified eligibility requirements.

6.1.4. Information on the nature and necessary technical and quality characteristics of the procurement scope, including, but not limited to, the relevant technical specifications, plans, drawings, images, and descriptions of the procurement scope.

At the same time, the technical specifications, plans, drawings, images, or descriptions required by the Procuring Entity must contain:

- a detailed description of the goods, works, or services to be procured (setting out objective technical and quality characteristics);
- requirements for technical characteristics of the procurement scope functioning, when it is impossible to draw up a description or when it is reasonable to provide such indicators;
- references to standard characteristics, requirements, conventional designation and terminology of goods, works or services to be procured (using applicable international or national standards, norms and rules).

The technical specification must not contain references to a specific trade mark or firm, patent, design, or type of the scope of procurement, its source of origin or manufacturer. If such a reference is necessary, the specification must include the phrase “or equivalent”.

6.1.5. Quantity of goods.

6.1.6. Place of delivery of goods and/or place where works are to be performed or services rendered.

6.1.7. Timeframes for the delivery of goods, execution of works, provision of services.

6.1.8. List of criteria and methods of evaluation for determining the most economically advantageous tender bid.

6.1.9. Description of a separate portion or portions of the procurement scope for which tender bids may be submitted, if a tenderer is allowed to submit tender bids only for the portion of the goods, works, or services to be procured.

6.1.10. Information on the currency (currencies) in which the price of the tender bid must be calculated and indicated.

6.1.11. Information on the language(s) in which the tender bid(s) must be drawn up.

6.1.12. Indication of the method, place and deadline for submitting tender bids.

6.1.13. Contact information of the Procuring Entity's representative authorized to contact the Tenderers.

6.2. The tender documentation may contain:

6.2.1. 6.2.1. Additional services that must be provided.

6.2.2 Definition of the key terms and conditions that must be included in the procurement contract or draft procurement contract.

6.2.3. Method for evaluating and comparing alternative tender bids.

6.2.4. Methodology for calculating the price of the tender bid, specifying whether it must include other elements (in addition to the cost of goods, works, or services), such as costs of transportation, insurance, handling work, payment of taxes and fees (mandatory payments), etc.

6.2.5. Conditions of return or non-return of the bid bond.

6.2.6. Procedure for providing clarifications regarding the tender documentation.

6.2.7. Place, date and time of opening tender bids.

6.2.8. Information on additional terms and conditions necessary for the acceptance of the tender bid.

6.3. No later than 3 (three) business days before the deadline for submitting tender bids, the Procuring Entity shall be entitled, on its own initiative or as a result of requests from persons intending to participate in the tender, to make changes to the tender documentation and to communicate these changes by amending the notice.

6.4. The Procuring Entity shall be entitled to decide on the extension of the deadline for submitting tender bids before the expiration of the set deadline. The notice of the extension shall be included in the notice on the carrying out of procurement.

7. Requirements for tenderers

7.1. To confirm the Tenderer's compliance with the eligibility requirements, the Procuring Entity shall be entitled to send a request to the Tenderer to submit:

7.1.1. Information on whether the Tenderer has the funds, equipment and appropriately qualified employees with the necessary knowledge and experience required for the supply of goods, provision of services, or execution of works.

7.1.2. Information on the availability of the scope of procurement at the disposal of the Tenderer at the time of the bidding.

7.1.3. Certificates on the book value of the Tenderer's assets.

7.1.4. Information on the financial status of the Tenderer.

7.1.5. Information on the experience of entering into and successfully fulfilling contracts, the subject matter of which is the supply of goods and provision of services (execution of works) similar to the supply of goods and services (execution of works) that are the scope of the relevant procurement (tender).

7.1.6. Information on payment of taxes and fees (mandatory payments).

7.1.7. Information on the Tenderer's conduct of business activities in accordance with the provisions of the Charter.

7.1.8. Information on the absence of grounds for refusal to participate in the bidding as stipulated in the Regulations.

7.2. Eligibility requirements shall be specified by the Procuring Entity in the tender documentation or other documents related to the submission of tender bids.

7.3. All tender bids from the tenderers that meet the eligibility requirements established by the Regulations shall be admitted for evaluation.

8. Submission of tender bids

8.1. During the open bidding, all interested persons who meet the eligibility requirements to be met by the Tenderers (in accordance with these Regulations) shall be entitled to submit tender bids.

8.2. The tender bid shall be submitted in the form specified in the tender documentation and shall be signed by the Tenderer's authorized representative. Upon the Tenderer's official written request, the Procuring Entity shall confirm receipt of the tender bid, indicating the date and time of receipt, within 2 (two) business days from the date of receiving the request. The request shall be

submitted in writing by sending a letter to the email address purchases@east-sos.org.

8.3. Tender bids received by the Procuring Entity after the deadline for submission shall not be considered.

8.4. If the Tenderer submits a repeated tender bid for consideration during the timeframe for submitting tender bids, only the most recent tender shall be considered.

9. Rejection of bids

9.1. Situations in which the Procuring Entity shall be obliged to reject the tender bid:

9.1.1. The Procuring Entity has irrefutable evidence that the Tenderer offers, gives or agrees to give any official of the Procuring Entity a reward in any form (job offer, item of value, service, etc.) with the aim of influencing the decision on determining the winner of the procurement procedure or the application of a particular procurement procedure by the Procuring Entity.

9.1.2. An individual who is a Tenderer has been convicted of a crime committed during the procurement procedure or another crime committed for mercenary motives, and the conviction has not been overturned or expunged in accordance with the established procedure.

9.1.3. An official of the Tenderer appointed responsible for the procurement procedure has been convicted of a crime related to a violation of the procurement procedure or another crime committed for mercenary motives, and the conviction has not been overturned or expunged in accordance with the established procedure.

9.2. Situations in which the Procuring Entity rejects the tender bid:

9.2.1. The Tenderer has submitted false information regarding compliance with the specified eligibility requirements.

9.2.2. The Tenderer does not meet the eligibility requirements specified in the tender documentation.

9.2.3. Tenderers who have submitted tender bids are recognized as having a negative, in the opinion of the Procuring Entity, business reputation, are associated with states or persons perpetrating armed aggression against Ukraine, do not comply with the principles of integrity and whose values do not coincide with those of the Procuring Entity.

9.2.4. The tender bid does not comply with the terms and conditions of the tender documentation.

9.3. The Procuring Entity may reject all tender bids before the acceptance of a tender bid, if it is provided for in the tender documentation.

9.4. Information about the rejection of the Tenderer's tender bid, stating the reasons, shall be included by the Procuring Entity in the record (extract from the record) of the results of the procurement procedure and shall be communicated to the Tenderer whose bid was rejected within 5 (five) calendar days from the date of the decision to reject the bid in question. The notice of the bid rejection shall be sent by letter to the e-mail address specified by the Tenderer in the tender bid.

10. Cancellation of open bidding

10.1. The bidding shall be canceled by the Procuring Entity when the procurement no longer meets the needs.

10.2. The bidding may be deemed by the Procuring Entity as void, in particular in the following situations:

10.2.1. All tender bids have been rejected.

10.2.2. Fewer tender bids have been submitted than required.

10.2.3. The price of the most advantageous tender bid exceeds the amount allocated by the Procuring Entity for financing the procurement.

10.3. The Procuring Entity shall communicate the decision to cancel the bidding or to declare it void by posting a notice on the Procuring Entity's website and on social media pages within 5 (five) business days from the date of the decision.

11. Opening of tender bids

11.1. Tender proposals shall be opened within 3 (three) business days after the submission deadline, as specified in the notice of the open bidding (tender).

11.2. In order to ensure the openness and transparency of procurement procedures, independent experts, including duly authorized representatives of the donor of charitable assistance, non-repayable financial aid, benefactor, or other partner of the Procuring Entity, may be present during the opening of tender bids.

11.3. The Procuring Entity may admit all Tenderers who have submitted tender bids or their authorized representatives to participate in the tender-opening procedure, provided that a prior official request has been sent. The absence of a Tenderer or its authorized representative during the tender-opening procedure shall not be grounds for not opening, not considering, or rejecting its bid.

11.4. During the opening of tender bids, the presence of all required documents specified in the tender documentation shall be verified, and the name of each Tenderer, along with the price of each tender bid, shall be announced.

11.5. During the opening of tender bids, the Minutes of the Tender Committee Meeting shall be drawn up in the form established by the Procuring Entity (hereinafter referred to as the Minutes); a copy of the Minutes without annexes or a copy of the extract from the Minutes shall be provided to the Tenderers upon written official request sent to the e-mail address purchases@east-sos.org within 3 (three) business days from the date of receipt of such request.

11.6. The Procuring Entity shall be entitled to request clarifications from the Tenderers regarding the content of their tender bids in order to facilitate the review, evaluation and comparison.

11.7. The Procuring Entity and the Tenderers shall not initiate any negotiations on amendments to the submitted tender bid, including price changes and adjustments.

12. Determining the winner of open bidding

12.1. The Procuring Entity shall determine the winner of the bidding from among the tenderers whose tender bids have not been rejected on the basis of the criteria and methodology for evaluating tender bids specified in the tender documentation.

12.2. The evaluation criteria may include, but are not limited to:

12.2.1. Price.

12.2.2. Timeframes for the delivery of goods, execution of works, provision of services.

12.2.3. Location of the vendor, service provider, and contractor with respect to the place of delivery of goods, provision of services, and execution of works,

12.2.4. Quality and functional characteristics, environmental friendliness.

12.2.5. After-sales service, availability and period of warranty service for goods, works, and services, availability of additional warranty service.

12.2.6. Payment terms.

12.2.7. Operating costs.

12.2.8. Use of advanced technologies, local resources, including means of production, labor and materials for manufacturing goods, performing works, and providing services offered by the Tenderer.

12.2.9. Business reputation, positive feedback about the Tenderer in the media and social networks, integrity, ethical conduct, and values of the Tenderer.

12.2.10. Additional references.

12.2.11. Results of checking whether the Tenderer appears on sanctions lists (SAM, the Register of Sanctioned Companies of the National Security and Defence Council, the Register of Individuals under Sanctions of the National Security and Defence Council, the State Register of Sanctions, the US Sanctions List, the EU Sanctions List, the UN Security Council Sanctions, etc.)

12.2.12. Results of Tenderer screening for relations with the states perpetrating armed aggression against Ukraine (the list of states and citizens/residents of these states shall be determined in accordance with the legislation and rules of international law).

12.2.13. The tender bid of each individual tender may specify the evaluation criteria (specific requirements) for selecting the winner.

12.3. The total period for evaluating, comparing and determining the winner of the tender shall not exceed 10 (ten) business days from the date of opening of tender bids.

12.4. The Procuring Entity shall be entitled to require the Tenderers to confirm the authenticity of the information on the Tenderer's compliance with the eligibility requirements.

12.5. The Procuring Entity shall be entitled to request from the successful Tenderer a repeated confirmation of compliance with the eligibility requirements specified in the tender documentation. If the Tenderer refuses to provide such confirmation, the Procuring Entity must reject the tender bid and determine the most economically advantageous bid among other Tenderers.

12.6. Appropriate expert organizations or individual experts may be engaged in the evaluation of tender bids, and their recommendations may be used when determining the winner of the procurement procedure.

12.7. Information on the consideration, evaluation and comparison of tender bids shall not be provided to Tenderers or other persons who have not officially participated in the procurement procedure, except when such information is required by the donor of charitable assistance, non-repayable financial aid, the benefactor, an auditor at the request of the benefactor, or a court.

12.8. In certain cases specified in the tender documentation, as well as the event of participation of at least 3 (three) Tenderers or submission of 2 (two) or more identical bids, the tender may be conducted in 2 stages. In the second stage, the Tenderers who submitted the 2 best offers shall be entitled to modify their bids in one or more of the following parameters:

12.8.1. Reduce the price.

12.8.2. Offer a product of higher quality.

12.8.3. Reduce the performance time.

12.8.4. Change the warranty conditions in favor of the Procuring Entity (extend the period, offer additional warranty service, etc.).

12.8.5. Offer an additional competitive advantage.

12.9. The second stage shall be held within 3 (three) business days from the date of the decision to hold it.

12.10. The Tenderers shall be notified of the possibility of changing their bids by sending a letter to the e-mail address specified in the tender bid.

13. Tender Committee Decision

13.1. Pursuant to these Regulations, the decision of the Tender Committee shall be formalized by the Minutes of Tender Committee Meeting on the results of the procurement procedure (tender) and its annexes, where the following must be specified:

13.1.1. A brief description of the scope of procurement.

13.1.2. Names of the Tenderers who submitted the tender bids.

13.1.3. The name of the Tenderer to whom it is recommended that the procurement contract be awarded, as well as the contract price and other factors that influenced the qualification (if any).

13.1.4. The price and brief description of each tender bid, as well as additional terms and conditions proposed by the Tenderers.

13.1.5. A brief summary of the criteria for comparing and evaluating tender bids, determining the winner of the procurement procedure.

13.1.6. In case of rejection of some or all tender bids, the grounds for rejection and justification of the grounds for rejection.

13.1.7 If no procurement contract was awarded as a result of the bidding, the grounds for making such a decision.

13.2. The retention period for the Tender Committee's Minutes on the results of the procurement procedure and other documents related to the procurement procedures shall be 3 (three) years.

14. Acceptance of tender bid

14.1. The Procuring Entity shall accept the tender bid that, following the results of the evaluation, is found to be the most economically advantageous and/or the most appropriate in accordance with the criteria specified in Clause 12.2 of Section VI of these Regulations.

14.2. Within 5 (five) business days from the date of acceptance of the tender bid, the Procuring Entity shall send a notice of acceptance of the tender bid to the successful Tenderer, and shall also send a written notice of the open bidding results to all Tenderers.

14.3. The Procuring Entity shall award a procurement contract to the Tenderer whose tender bid has been accepted in accordance with the requirements of the tender documentation and the terms and conditions of the accepted tender bid.

14.4. In case the Tenderer whose tender bid has been accepted refuses to sign the procurement contract in accordance with the requirements of the tender documentation, the Procuring Entity shall re-determine the most economically advantageous tender bid from other bids submitted by the Tenderers, unless all tender bids have been rejected.

15. Conclusion of Procurement Contract

15.1. The Procurement Contract shall be concluded in writing in accordance with the provisions of the Civil Code of Ukraine and the Commercial Code of Ukraine.

15.2. The Procurement Agreement concluded with the Winner shall necessarily contain the following information:

15.2.1. The name, location and identification code of the Procuring Entity in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Associations, its category.

15.2.2. Name of the legal entity (indicating, for a non-resident legal entity, the code/number from the commercial, bank or court register, registration certificate from the local authority of a foreign state on the registration of the legal entity) with which the Contract is concluded.

15.2.3. Date and place of the contract conclusion.

15.2.4. Name of the scope of the procurement.

15.2.5. Contract price and contract performance period.

15.3. The essential terms of the procurement contract must not be amended after the contract is signed. The essential terms of the contract include: information on the Subject Matter of the contract (name/identity, quantity, quality), contract price, payment procedure, and terms of delivery of goods/provision of services.

15.4. The terms and conditions of the procurement contract shall not differ from the terms and conditions of the tender (price) quotation of the winning Tenderer.

16. Conflict of Interest

16.1. Conflict of interest means that a person responsible for or influencing a decision or procurement (or a close relative of that person) derives personal benefit from it.

16.2. In the course of a procurement, a person responsible for carrying out the procurement and/or a member of the Procurement Committee, a member of the Tender Committee shall be obliged to avoid any possible conflicts of interest, to adhere to the standards of professional conduct and to perform their official duties in good faith.

16.3. Persons having a financial interest in cooperation with a potential provider of goods and services (contractor) through close relatives or partners must not be involved in the selection or control of procurement.

16.4. Persons responsible for carrying out procurement, members of the Procurement Committee, members of the Tender Committee, any other persons engaged in the procurement process shall be prohibited from soliciting or accepting gifts, rewards and monetary items from potential providers of goods and services (contractors). In order to prevent unfair competition, persons responsible for carrying out procurement, members of the Procurement Committee, members of the Tender Committee, and any other persons who are engaged in the procurement process and have violated the provisions of the Regulations on agreements on non-solicitation and non-acceptance of gifts, rewards, and monetary items when procuring goods, works, and services may be held liable and subject to appropriate measures provided for by law.

16.5. If the prerequisites for a conflict of interest arise, the person who has identified them shall submit a written statement in any form to the Procuring

Entity's chief executive by sending the statement to the e-mail address info@east-sos.org.

16.6. A person responsible for carrying out procurement, a member of the Procurement Committee, a member of the Tender Committee, or any other person engaged in the procurement process who has a conflict of interest shall be obliged to inform the Procuring Entity's chief executive by submitting a written statement in any form.

16.7. If signs of a conflict are detected, the Procuring Entity's chief executive shall suspend the procurement procedure and notify the General Meeting of the need to resolve the conflict of interest in providing detailed information on the circumstances that have led to the conflict of interest or may lead to it. The Procuring Entity's chief executive shall include this issue in the agenda of the ordinary (extraordinary) General Meeting of the participants. The General Meeting of the participants shall make a decision on how to resolve the conflict of interest.

16.8. If the General Meeting of the participants decides that a conflict of interest exists, the procurement procedure shall start anew without considering the bids of the person in respect of whom the conflict of interest has been established and without the participation of any other person engaged by the Procuring Entity in the procurement process, if that person has a conflict of interest.