

**DJINGOV  
GOUGINSKI  
KYUTCHUKOV  
VELICHKOV**

ATTORNEYS AND COUNSELLORS AT LAW



## **Amendments to the Public Procurement Act**

On the 22nd of December 2023, the amendments to the Public Procurement Act (“PPA”), as published in the State Gazette No. 88 on the 20th of October 2023, shall become effective.

These amendments can be categorized into three distinct groups, summarized below:

### **Group No. 1 - Changes aimed at increasing control, accountability, transparency and efficiency in public spending**

- The group of persons to whom the contracting authority may delegate its responsibilities under the PPA has been narrowed;
- Several exemptions of the application of the PPA have been revoked, in particular concerning the Bulgarian National Bank, construction works aimed at the protection of state borders, as well as the purchase of certain types of medicines;
- Changes have been made to in-house procurements with the primary aim of reinforcing regulatory oversight;
- New rules have been introduced to
  - harmonize oversight within the framework of the PPA,
  - enhance collaboration between the competent governmental bodies, and
  - broaden the array of control mechanisms.
- The amount of the sanctions established against contracting authorities that circumvent the PPA or violate the procedures for their conduct has been increased;
- To heighten transparency, a new obligation has been imposed, mandating the publication of information pertaining to public procurement through the open data portal.

### **Group No. 2 - Specific changes related to the procurement process**

- A mandatory requirement for a minimum total turnover or a positive ratio between certain assets and liabilities for public procurement with a value exceeding BGN 5 000 000 for construction works or BGN 1 000 000 for services has been introduced;
- Substantial changes to the rules for identifying unusually favourable tenders have been introduced;
- The contracting authorities have been given an extended deadline to examine and approve the report under Art. 103 para. 3 of the PPA;

- Number of specific changes concerning contract securities, conditional tendering and the content of the procurement files have been made.

### **Group No. 3 - Environmental changes**

- Specific requirements for the use of environmentally friendly products have been set out.
- Specific provisions have been adopted concerning the requirements for the procurement of 'clean vehicles';

In addition to the changes described in the three groups above, it is noteworthy to highlight the subsequent amendments to the PPA:

- The value thresholds above which the various procurement procedures apply have been increased;
- In order to bring more clarity several provisions of the PPA have been reassessed;
- Explicit regulation regarding the Central purchasing authorities' electronic platforms have been introduced.



DGKV's team is working around the clock to get you in line with the new legal framework.

Contact us for assistance.

Meet the team:



**Anton Krustev**

Partner

E: [anton.krustev@dgkv.com](mailto:anton.krustev@dgkv.com)



**Dimitar Tabakov**

Senior Associate

E: [dimitar.tabakov@dgkv.com](mailto:dimitar.tabakov@dgkv.com)



**Krasimir Avramov**

Associate

E: [krasimir.avramov@dgkv.com](mailto:krasimir.avramov@dgkv.com)



**Sofia** | 10 Tsar Osvoboditel Blvd. | Sofia 1000 | Bulgaria

T: +359 2 932 1100 | F: +359 2 980 3586

**Berlin** | Schlegelstrasse 29 | 10115 Berlin (Mitte) | Germany

T: +49 30 2758 1561 | F: +49 30 2758 1562

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