

# Tax & Legal Alert

ROMANIA 6 August 2009

## GD 834/2009 amending and supplementing GD 925/2006 approving the implementing norms for rules governing the awarding of public procurement contracts

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Government Decision no. 515/27.07.2009 was published in Official Gazette no. 834/2009 ("GD 834/2009").

Government Emergency Ordinance no. 34/2006 introduced rules for awarding public procurement contracts. GD 834/2009 substantially amends Government Decision no. 925/2006 which approved the implementing norms for those rules.

Amendments of note mainly refer to:

- cases in which the minimum eligibility criteria required by the contracting authority are deemed disproportionate (i) the value of the economic operator's turnover is double the estimated value of the contract's turnover, (ii) the similar experience imposed to the bidder is clearly disproportionate to the level of experience needed to execute properly the contract to be awarded, (iii) the "general liquidity" level does not have to surpass the 100% quota;
- the subcontractor's human and material resources are taken into account up to the extent of their implication if relevant documents are presented to this end and the contracting authority cannot request bidders to have their subcontractors meet the eligibility criteria;
- mandatory identical eligibility criteria for each of the lots required in cases of awarding contracts divided by lots;
- the prohibition to reject any offer during the bids opening session, except for offers submitted after the deadline or submitted without the bid guarantee;

- the possibility to adjust the price of the public procurement contract also in the event of (i) unforeseeable circumstances, and (ii) unforeseen extension of the duration of the contract's awarding procedure.

[Sources: Official Gazette no. 515/27.07.2009, Official Gazette no. 625/20.07.2006, Official Gazette no. 418/15.05.2006]

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