

Tax & Legal Alert

ROMANIA 9 October 2007

The modification and amendment of Emergency Governmental Ordinance no. 34/2006 regarding the attribution of public procurement contracts, public works concession contracts and services concession contracts

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Emergency Governmental Ordinance no. 94/2007 has been published, seriously and substantially modifying Emergency Governmental Ordinance no. 34/2006 on the attribution of public procurement contracts, public works concession contracts and services concession contracts ("OUG 34/2006"). The following are included in these amendments:

- The **de minimis** threshold previously established at EUR 5,000 is modified to the RON equivalent of **EUR 10,000**. Contracts under this threshold can be directly attributed to suppliers;
- It is expressly mentioned that candidates / bidders do not have the right to submit two or more individual or joint offers in the same procedure, under the sanction of these offers being excluded from the competition. Furthermore, candidates / bidders do not have the right to submit an individual or joint offer and be nominated as the subcontractor in another offer in the same procedure, under the sanction of the exclusion of its individual offer, or the one in which they are an associate bidder, **given the existence of different provisions in the documentation of attribution**;
- If SEAP is not able to send an announcement for publication, the contracting authority is held liable, through specific procedures, to send the announcement for publication and not ANRMAP, as previously under OUG 34;
- The thresholds for the application of the Request of Offers are modified, to EUR 75,000 for supply or services contracts and EUR 500,000 for works contracts.

[Source: The Romanian Official Journal no. 676/4.X.2007, part I]

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