Anatolii Faizov, Candidate of Economic Sciences, Associate Professor,

https://orcid.org/0000-0002-5090-5145
National Academy of Internal Affairs, Kyiv

MODERN ASPECTS OF FUNCTIONING OF PUBLIC PROCUREMENT SYSTEM IN UKRAINE

Summary

The article actualizes the role of public procurement as the most important regulator of the country's industrial production, which provides public needs for goods and services and contributes to the formation of a competitive business-sphere.

The modern aspects of the functioning of the public procurement system are examined. This research takes into account economic transformations and normative-making initiatives, which should be implemented in accordance with the requirements of the tender practice and European standards of trade and procurement activity.

In these terms, the problems of implementation of tender procedures related to corruption risks, misuse of budget funds, subjective evaluation of competitive bids, qualification criteria for selection of reliable suppliers are analyzed. Moreover, the main types of procurement violations, which have corrupt features, are distinguished.

Furthermore, measures to eliminate the gaps in the organizational-legal support of procurement system based on new legislative initiatives have been identified. In particular, the focus is on the introduction of new types of procedures – simplified procurement procedure, limited bidding and selective tendering, which will not only increase the transparency of procurement and reduce the impact of the corruption component, but also provide customers with reliable partners in the conclusion of contracts.

Finally, the necessity to use new qualification criteria for the selection of participants and the evaluation of tender proposals with comprehensive consideration of the aggregate benefits and possible costs throughout the useful period of a product operation is substantiated.

<u>Keywords:</u> public procurement system, tender, simplified procurement procedure, abnormally low tender price, limited bidding and selective tendering, life cycle cost.

References:

- 1. Ministry of Internal Affairs of Ukraine (2017). *Anti-Corruption Report for 2017*. Available at: https://mvs.gov.ua/upload/file/kopiya_f0661712.xls. (in Ukr.).
- 2. Ministry of Internal Affairs of Ukraine (2018). *Anti-Corruption Report for 2018*. Available at: https://mvs.gov.ua/upload/ file/f0661812_2_(2).xls.(in Ukr.).
- 3. State Audit Service of Ukraine (2018). *Public Report about activities of the State Audit Service of Ukraine for 2018*. Available at: http://dkrs.kmu.gov.ua/kru/doccatalog/document?id=146550 (in Ukr.).
- 4. *About public procurement,* Law of Ukraine of 25.12.2015 № 922-VIII. Verkhovna Rada of Ukraine. Available at: https://zakon.rada.gov.ua/laws/show/922-19 (in Ukr.).
- 5. On Amendments to the Law of Ukraine "About Public Procurement" and some other legislative acts of Ukraine about improvement of public procurement, Law of Ukraine of 19.09.2019 № 1076. Verkhovna Rada of Ukraine. Available at: https://zakon.rada.gov.ua/laws/ show/114-20.
- 6. Olefir A.O. (2016). The problem of legal regulation of public procurement. *Medychne pravo [Medical Law]*, vol.2, pp. 44–54 (in Ukr.).
- 7. Collection of EU Procurement Directives (2015). Available at: http://eupublicprocurement.org.ua/wpontent/uploads/2015/02/eu-pp-directives-compendium_ukr.pdf (in Ukr.).
- 8. *Public procurement guidelines.* Available at: https://eupublicprocurement.org.ua/wp-content/uploads/2017/10/ Guidelines_ UKR_interactive_pages.pdf
- 9. Lavrova O. (2019). Non-price criteria: analysis of application by customers. Available at: https://infobox.prozorro.org/articles/necinovi-kriteriji-analiz-zastosuvannya-zamovnikami (Accessed 3 Oct 2019) (in Likr.)

10. About the strategy of public procurement reform (" Roadmap "), Resolution of 24.02.2016 № 175-p. Cabinet of Ministers of Ukraine. Available at: http://zakon4.rada.gov.ua/laws/show/175- 2016-%D1%80 (in Ukr.).