

Chapter 5 “Procedure for generation and maintenance of the list of unreliable suppliers” of Procurement Policy and Procedures approved by decision of Managing Council of “Nazarbayev University” autonomous organization of education dd. March 27, 2018 № 27.03.18

5. PROCEDURE FOR GENERATION AND MAINTENANCE OF THE LIST OF UNRELIABLE SUPPLIERS

1) The aim of maintenance of the List is temporary restriction on participation of unreliable potential supplier (supplier) included into the List in procurement conducted by University and its organizations in order to create favorable, competitive environment during the process of procurement of goods, works and services.

2) The List is generated and maintained by SCMD in electronic format. The form of the list is determined by the Head of SCMD.

3) Potential suppliers (suppliers) are included into the List by decision of the authorized officer on basis of information and supporting documents of the Client/structural division initiating inclusion of potential supplier (supplier) into the List.

4) Materials about unreliable potential suppliers (suppliers) provided by the Clients/requestors are kept by the SCMD.

5) The potential supplier (supplier) shall be included into the List in one of the following cases:

willful provision of unreliable information on requirements provided for by procurement documents;

willful evasion of procurement contract if declared as winner, namely if the potential supplier has not signed the draft contract within 10 (ten) working days from the date of provision of the signed draft of the procurement contract by the Client and has not provided adequate justification for the failure to sign contract within specified time limits;

if the supplier has not provided the procurement contract performance security in the amount of 3 (three) percent of the procurement contract value within 10 (ten) working days from the date of entry into the procurement contract;

termination of the procurement contract due to non-performance or improper performance of the procurement contract by court order;

unilateral avoidance of procurement contract by Client when failure to perform contractual obligations by Client led to actual damages or indirect damage in the form delays in training programs, researches, contractual obligations.

6) Materials shall be submitted to SCMD, except when SCMD initiates supplier inclusion into the register of unreliable suppliers.

7) Materials submitted for suppliers inclusion into the list of unreliable suppliers shall fully describe circumstances that led to the necessity to include supplier to the list of unreliable suppliers, and also provide the evidence of

requestor's arguments about necessity to include supplier into the list of unreliable suppliers in the form of documents copies, bank statements and other materials.

8) Materials shall be submitted on the following list:

business identification number shall be submitted in case of a legal entity, and individual identification number shall be submitted in case of a private person;

materials with copies of supporting documents by relevant procurement method;

documents confirming submission of unreliable information by potential supplier (supplier) according to the requirements specified in procurement documents (if any);

letter of renunciation from entry into the contract (if any) submitted by the potential supplier;

correspondence of the Client/requestor with the potential supplier on the matter of entry into the contract (if any);

draft procurement contract signed on the part of the Client/requestor and sent to the supplier (if any) for signing;

certificate of the absence of any money transfer from supplier to the bank account as procurement contract security signed by CEO or other authorized person of Client/requestor and/or Chief Accountant in time limits specified by the contract (if any);

correspondence of the Client/requestor with the supplier on the matter of procurement contract performance security (if any);

documents confirming improper performance of the procurement contract;

copies of court decisions that have entered into legal force;

other documents confirming the fact of unreliability of the potential supplier (supplier).

9) SCMD shall review materials for their completeness and existence of grounds for the inclusion of the potential supplier (supplier) into the List within 10 (ten) working days of the receipt of the materials from the Client/requestor.

10) Following the results of review of the materials SCMD creates the draft decision on inclusion of the potential supplier (supplier) into the List and submits it to the Head authorized for procurement coordination and control for decision-making.

11) During the process of review of the materials provided by the Requestor SCMD division may hold the meetings with requestors and/or suppliers, review additional materials provided by suppliers.

12) If any additional documents or clarifications are requested to be provided by the Requestor, review deadline shall be extended in proportion to the period of obtaining additional documents, clarifications.

13) SCMD shall return the materials to the Requestor in case of missing documents and/or clarifications confirming the need for inclusion of the potential supplier (supplier) into the List.

14) The List is posted on the web-site of "Nazarbayev University" and/or EPP.

15) The potential supplier (supplier) is automatically excluded from the List after 1 (one) year since its inclusion into the List.

16) The potential supplier (supplier) has the right to appeal against the decision on declaration of the potential supplier (supplier) as unreliable and its inclusion into the List in the manner established by the legislation of the Republic of Kazakhstan.
