

THE ROLE OF REGULATIONS AND LEGAL DOCUMENTS IN THE MANAGEMENT OF PUBLIC PROCUREMENTS IN UZBEKISTAN

Nazarov Farxod Baxodirovich

Graduate of MVA direction of Higher School of business and entrepreneurship

Annotation: The article analyzes the legal basis for managing public procurement based on the standards developed by our state, which are based on socio-economic criteria implemented today through market mechanisms.

Key words: Economics, public procurement, Civil Code, economic contract, corporate governance.

Annotatsiya: Maqolada davlat xaridlarini boshqarishning huquqiy asoslari davlatimiz tomonidan ishlab chiqilgan me'yorlar asosida tahlil qilib berilgan bo'lib, bu bugun bozor mexanizmlari orqali amalga oshirilayotgan ijtimoiy-iqtisodiy yo'nalishdagi mezonlar bilan asoslab berildi.

Kalit so'zlar: Iqtisod, davlat xaridlari, fuqarolik kodeksi, xo'jalik shartnomasi, korporativ boshqaruv.

Аннотация: В статье анализируется правовая основа управления государственными закупками на основе разработанных нашим государством стандартов, в основе которых лежат социально-экономические критерии, реализуемые сегодня посредством рыночных механизмов.

Ключевые слова: Экономика, государственные закупки, Гражданский кодекс, хозяйственный договор, корпоративное управление.

The economic changes taking place in the world today call for vigilance in every civil society. Because the economy of the state that does not follow the mechanisms of the market economy will face a crisis very quickly. In this regard, our state is implementing a sufficient number of reforms. This is done on the basis of criteria that once again clearly define our economic opportunities in the global market economy.

One of the factors determining the criteria of the market economy in Uzbekistan is state procurement. In the implementation of public procurement, it is necessary to improve the role and function of legal and regulatory documents. In this regard, the development of the public procurement system in our country can be conditionally divided into four stages.

In the first stage (the period until 2011), public procurement is governed by the Civil Code of the Republic of Uzbekistan, the Law of the Republic of Uzbekistan "On the Contractual-Legal Basis of the Activity of Business Entities", as well as "Organization of Tenders" was formed and developed on the basis of the Decision of the Cabinet of Ministers on measures to improve. Based on these documents, a number of legal documents were developed in order to clarify some complex and specific issues.

The essence of the state contract and contracting agreement for the supply of goods for state needs, the procedure for their creation and execution, and the obligations of the parties are reflected in the Civil Code of the Republic of Uzbekistan.

The Law of the Republic of Uzbekistan "On the Contractual-Legal Basis of the Activities of Business Entities" regulates relations between business entities during the conclusion, execution, modification and cancellation of business contracts. and determines the rights and obligations of business entities in these relations, as well as the powers of local state authorities and state management bodies in the field of contractual relations.

The results of a critical study of the experience of developed countries on the organization of public procurement, the formation and development of the system, the Decision of the Cabinet of

Ministers of the Republic of Uzbekistan "On measures - measures to improve the organization of tenders"2 and the "Raw" approved by this decision - was reflected in the Regulation on holding tenders for the purchase of materials, components and equipment. According to this Decision, tender sales are carried out for sales in the amount of more than 100 thousand US dollars, the winner is determined by the decision of the tender commission, 1 mln. It was decided that the composition of the tender commission should be agreed with the Cabinet of Ministers of the Republic of Uzbekistan when the sale is carried out for an amount higher than the US dollar.

The second stage of the development of the state procurement system (the period from 2011 to 2017) is distinguished by the fact that, based on international experience, it is aimed at ensuring the transparency of the procurement system, ensuring competition through the wide involvement of business entities in this system. By this time, the development of the legislation in the field of public procurement to meet the requirements of the private and public sector has become the demand of the time. In addition, there was a need to introduce new types of public procurement and improve the existing ones.

In such a situation, the Decision of the President of the Republic of Uzbekistan "On Optimizing the State Procurement System and Expanding the Involvement of Small Business Subjects" was adopted, opening the second stage of the development of state procurement.

Based on this Decision, a number of innovations were put into practice, including the direct purchase of goods (work, services) with a contract amount not exceeding 300 US dollars, from 300 US dollars to the equivalent of 100,000 US dollars. goods (work, services) are purchased through electronic auctions and competitive bidding, from 100 thousand US dollars to 1 million. It was determined that goods (works, services) worth up to US dollars will be sold through tenders. A government commission was established to regulate the state procurement system and improve the legislation in this direction.

According to the new regulation, the list of individual goods (works, services) with a contract amount from 300 USD to 100 thousand USD equivalent has been approved by the Government Commission on State Procurement, and 13 groups of goods (works, services) in this list) will be carried out through electronic auctions organized by the Republic of Uzbekistan Commodity Exchange. In order to support small business entities in these sales, minimum shares (quota) for purchase from small business entities were set for each group of goods (works, services) on the procurement list.

With this, a new mechanism of more perfect, open and transparent state procurement, which provides incentives to business entities, was launched. These measures increased the share of small business entities in the total number of suppliers of goods (work, services) in this sector of the economy.

According to the decision of the President of the Republic of Uzbekistan No. PQ-3237, from August 23, 2017, state and corporate purchases of goods (works, services) equivalent to 300 to 100,000 US dollars under one contract by the Republic of Uzbekistan Commodity Exchange in connection with the cancellation of the requirement for implementation through organized electronic sales, the number and amount of transactions carried out by electronic auction sales in 2017 was a low indicator compared to previous years.

The third stage of the development of the state procurement system covers the period from April 9, 2018 to April 21, 2021. As we have seen above, until recently, the field of public procurement in our country was regulated by more than 30 normative legal documents, in which there was no integrated system. As a result of this, sometimes there were situations that rejected each

other from a legal point of view. In some cases, repetitive procedures created conditions for corruption and caused a lot of time loss. The Law of the Republic of Uzbekistan "On State Procurement" was adopted on April 9, 2018 in order to prevent such problems, to form a single and integrated legal framework regulating public procurement and to apply it uniformly. The Law, consisting of 12 chapters and 79 articles, ensures the openness and transparency of public procurement and the competition of entrepreneurs in this field, and made it possible to effectively use the funds of the state budget, centralized sources and enterprises with a state share.

The law takes into account the practical experience of public procurement and international experience, including the main provisions of the model legislation of the UN Commission on International Trade Law (UNCITRAL), the legislation of the European Union, the United States, Russia, Belarus, Kazakhstan and other countries. The draft law was discussed with representatives of international organizations, experts and business community, ministries and agencies.

The main innovations put into practice by the Law "On State Procurement" adopted on April 9, 2018:

1. The law established five procurement procedures (types), namely, electronic store, auction, competition, tender, state procurement with a single supplier. Two of them (electronic store, auction held to reduce the initial price) completely denied the human factor in decision-making on public procurement. The transparency of the remaining procurement procedures was ensured by publishing the necessary information on a special information portal.

2. The type of procedure for procurement from a single supplier for the first time, taking into account international standards by law, adoption of the Code of Conduct for public procurement and socio-economic policy priorities in public procurement, including high-tech and Norms such as the creation of innovative productions, taking into account the maintenance of a favorable environmental situation were included in the procurement practice.

3. In the procurement system, two categories of the state customer were combined. These are budget customers (state bodies; budget organizations; recipients of budget funds directed to the implementation of procurement procedures; state trust funds) and corporate customers (state enterprises; the state share in the authorized fund (authorized capital) is 50 percent and more legal entities; legal entities owned by a legal entity with a state share of 50 percent or more of the authorized fund (authorized capital) and more than 50 percent).

4. The National Project Management Agency under the President of the Republic of Uzbekistan (now the Ministry of Finance) was designated as an authorized body in the state procurement system. Previously, there was no competent body in the field of public procurement. Only the Government Commission on electronic auctions operated.

5. In order to ensure the integrity and interconnectedness of all stages of the public procurement process and to unify the mechanisms, procedures and methods of public procurement, the professional skills of the first public customer in the public procurement system; based; rationality, economy and efficiency of using financial resources; openness and transparency; controversy and impartiality; proportion; unity and integrity of the public procurement system; the main principles of public procurement, such as the prevention of corruption, were introduced.

6. Constant monitoring and strict control over procurement procedures was established. The important thing is that together with the state control, the procurement procedure for the purpose of supporting the development and improvement of state procurement, preventing and identifying violations of the requirements of the legislation on state procurement, and informing state customers and authorized state bodies about the identified violations. a norm of public control over food was

introduced. It was determined that public control over procurement procedures will be implemented through the implementation of the principles of openness and transparency. Citizens of the Republic of Uzbekistan, citizens' self-management bodies, as well as non-governmental non-commercial organizations and mass media registered in accordance with the procedure prescribed by law, exercise public control over compliance with the legislation on state procurement. was determined to be possible.

7. Previously, contract sums for all procedures (types) of public procurement were measured by a certain equivalent of US dollars, now they are calculated in relation to the current minimum monthly salary as follows.

8. Another innovation introduced by the law is the creation of a special commission for handling complaints in the field of public procurement. The activity of the Commission for the review of complaints in the field of public procurement was applied to all types of procurement. Previously, the issue of control of state purchases was not regulated, disputes and disagreements were considered only by a special commission on electronic sales. Now, the special commission for the review of complaints has been assigned the task of reviewing the complaint within a short period of time with the participation of the state customer and the participant, and within seven working days after receiving the complaint, to issue a decision and post the information on a special information portal.

The fourth stage of the development of the state procurement system covers the period after April 22, 2021. It was on this date that the new version of the Law "On State Procurement" was adopted. In the preparation of the law, the main provisions of the UN Commission on International Trade Law (UNCITRAL) model law on public procurement, recommendations of the Organization for Economic Cooperation and Development and the experience of a number of foreign countries were used. The law will serve to improve the position of our country in international ratings such as the monitoring of the Istanbul Action Plan for Combating Corruption of the Organization for Economic Cooperation and Development, the International Assessment of the Effectiveness of Public Finance Management (PEFA).

With the new version of the Law, a number of innovations and changes were made to the practice. Including: The system of making purchases by corporate customers and strategically important economic societies and enterprises has been improved. Legal entities with more than 50% state share in their charter and the sum of the share of state enterprises and enterprises with more than 50% state share are included in the list of corporate customers. In cooperation with the State Asset Management Agency, it was established that the list of corporate customers will be kept on a special information portal.

In conclusion, one of our important tasks is to improve the legal and regulatory documents (laws, decisions) adopted by our state in the management of public procurement, to take into account today's market conditions and to serve the interests of the state and citizens.

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