



CABINET OF MINISTER OF UKRAINE RESOLUTION

28 February 2022 p. № 169
Kyiv

Some aspects of defence and public procurement of goods, works and service in conditions of martial law

{ As amended by Resolutions
№ 176 of 02.03.2022
№ 195 of 04.03.2022
№ 201 of 05.03.2022
№ 290 of 16.03.2022 }

According to article 64 of the Constitution of Ukraine, article 12-1 of Law of Ukraine «On Legal Regime of Martial Law», point 3 of paragraph 1 of article 4 of Law of Ukraine «On Defence Procurement, Ordinance of the President of Ukraine dated from 24 February 2022 № 64 “On the imposition of martial law in Ukraine”

Cabinet of Ministers of Ukraine **e n a c t s** :

1. To establish that in martial law conditions :

1) defence and public procurement of goods, works and services are carried out without the application of procurement procedures and simplified procurement as defined by the Laws of Ukraine "On Public Procurement" and "On Defence Procurement";

2) lists and volumes of purchases of goods, works and services are determined by decisions of contracting authorities which make such purchases;

3) during the procurements envisaged by this Resolution:

contracting authorities must adhere to the principles of public procurement pursuant to the Law of Ukraine “On Public Procurement”;

contracting authorities in the field of defence, in accordance with the Law of Ukraine “On Defence Procurement”, must adhere to the following principles of defence procurement:

timeliness and compliance with the decisions taken to protect the national interests of Ukraine, ensure the needs of security and defence;

efficiency and productivity of use of financial resources.

Such purchases are not included in the annual procurement plan. Based on the results of such purchases, a contracting authority shall publish in the electronic procurement system a report on the procurement contract concluded without the use of the electronic procurement system publishes in the electronic procurement system, the procurement contract and all annexes thereto no later than 20

days after the termination or cancellation of martial law in Ukraine or in some territories of it. The publication requirement does not apply to contracts that contain restricted access information.

5) advance payment for defence goods, works and services shall be made for the period and in the amounts determined by contracting authorities in the field of defence in the state contracts on the purchase of goods, works and services;

5-1) military administrations may make advance payments for the period and in the amounts specified in the contracts for the purchase of goods and services when purchasing personal protective equipment;

6) point 4 and second indent of point 6 of the Resolution of Cabinet of Ministers of Ukraine #1070 of 4 December 2019 “Some aspects of making prepayments by managers (recipients) of budget funds for goods, works and services purchased for budget funds” are not applicable for contracting authorities in the field of defence and for military administrations when making prepayments according to sub-point 5-1 above.

Prime-Minister of Ukraine

D. Shmygal