PROJECT FICHE

1. BASIC INFORMATION

1.1 Desiree Number: BG 00.03.03

1.2 Title: Support in the implementation of the reform in public procurement system

1.3 Sector: Internal Market – BG/2000/IB/FI/03

1.4 Location: Bulgaria, Council of Ministers, Public Procurement Directorate

2. OBJECTIVES

2.1 Wider Objective(S)

The general objective of this Project is to support through a two-year twinning the efforts of the Bulgarian Council of Ministers in setting up a more efficient, open, transparent and competitive public procurement system which meets the obligations of the acquis communautaire in the field of public procurement, meets the requirements of a market economy, and strengthens the institutional and personnel capacity of the Public Procurement Directorate and other procuring entities.

- 2.2 Immediate Objective

The specific objectives of the project are as follows:

1.) **Component 1:** to strengthen the completion of approximation of public procurement legislation to requirements of EC Directives and acquis communautaire and the institutional capacity, structures and procedures of the Public Procurement Directorate and future Procurement Units in other procuring entities

2.) **Component 2:** to reinforce the professional skills of Public Procurement Directorate staff and procuring entities as well as other possible entities or groups involved in procurement including prospective contractors

3.) **Component 3:** to reinforce the continuing public awareness campaign to acquaint the procuring entities, service providers, contractors, suppliers and the general public with a new concept of public procurement in Bulgaria including developing more detailed guidelines and manuals for public and private entities on procurement activities

- 2.3 Accession Partnership and NPAA Priority

**Short term AP priority**

- Public procurement: align public procurement procedures;

- PHARE, ISPA and SAPARD: further develop the National Development Plan and the Rural Development Plan; adopt the legal, administrative and budgetary framework (audit manual and audit trail) to programme and manage ISPA and SAPARD, including a mechanism for systematic environmental impact assessment and EU compatible public procurement rules for projects co-financed by Community Funds; and the establishment of a functioning paying agency for SAPARD;

**Medium term AP priority**

Public procurement: ensure transparent public procurement procedures at central and regional level;

**Short term NPAA priority**

Implementation of the rules and procedures in public procurement, ensuring publicity, transparency, equal treatment and objective criteria in awarding of public contracts

**Medium term NPAA priority**

Efficient implementation of the law by introducing all necessary procedures for ensuring of competitive environment for the public procurement process and for the implementation of the Government’s Investment Programme while providing maximum protection of the public interest; Ensuring maximum public awareness and transparency of the process.

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1 PHARE = Action plan for coordinated aid to Poland and Hungary.

2 ISPA = Instrument for Structural Policies for Pre-Accession.

3 SAPARD = Special Accession Programme for Agriculture or Rural Development.
3. DESCRIPTION

3.1 Background and justification

Before 1990 public procurement in Bulgaria was done mainly by direct/single source contracting. Contracts were normally awarded to Government owned, sector dedicated companies that provided the required services, works and supplies. During the early 1990’s the Government issued several Ordinances, which imposed some sort of competitive bidding on construction contracts valued above BGL 150 million.

In the mid 1990’s the Government decided to introduce major changes in the national procurement system, which it had inherited from the previous, centralised socialist regime. In early 1997 a new procurement law was passed.

The present government has committed in its “Bulgaria 2001” programme to prepare a new comprehensive law and subsequent Regulations on procurement. In 1998 a substantial reform of the procurement legislation was initiated, and a new Public Procurement Law was passed in June 1999. A regulation on procurement transactions under the thresholds set in Public Procurement Law was passed in May 2000. The Council of Ministers is in a process of drafting a special Regulation related to the kind of information to be gathered in the Public Procurement Register. The Council of Ministers is planning to issue this regulation till the end of its spring session of 2001.

The reform of the public procurement system enhances the management of public resources and the quality of governance and is crucial in the context of accession preparations identified as a medium-term priority in the Accession Partnership portion on the internal market.

Because of the economic importance of public procurement, making purchasing efficient can lead to significant savings for public authorities, and, consequently, for tax-payers. Besides, the enhancement of the reform of the public procurement system will provide an effective public procurement policy, which is fundamental to the success of the single market in achieving its objectives.

3.2 Linked activities

Within the commitments between the Ministries of Foreign Affairs of Bulgaria and the Danish Republic for assistance of the country as an applicant state in its preparation for the future membership in EU, one seminar on public procurement is to be held in February 2000. The goal of this initiative is to acquaint the procuring entities with a new concept of public procurement and help them in handling their problems and procuring actions.

There have been preliminary contacts with the World Bank. It has prepared a Country Procurement Assessment Report and indicated its interest in assisting the country further in developing its public procurement system, but the precise scope and content of this support has not yet been decided. There will be contacts with WB in order to avoid overlap with the activities in Bulgaria.

There is a prospect of bridging support from SIGMA and others in 2000 prior to the entering into force of this twinning agreement. SIGMA/ILO have prepared an 8-volume set of training of trainers modules which have been now delivered to the Bulgarians and might be used as a sound base for the designing the national training strategy.

3.3 Results

A. Component 1 – Public Procurement Law assessed and recommendations for amendments prepared; secondary legislation drafted; proposal(s) drafted for re-definition of responsibilities and authorities for the public procurement system

This component will help develop open and transparent procurement procedures, practices, and resources.

EXPECTED RESULTS:

- Policy proposal(s) drafted for (1) re-definition of responsibilities and authorities vested in the Council of Ministers, National Audit Office, and the State Audit Office of Ministry of Finance and (2) simplified arbitration system for disputes before contract signing.
- Plan(s) prepared for (1) establishment of Procurement Units in each Ministry (14 Ministries) and 30 key procuring entities (e.g. city governments, educational organisations, etc.) and (2) creation in smaller procuring entities of a high level position responsible for the entity’s public procurement.
- Roles and responsibilities of the Public Procurement Directorate assessed and recommendations for changes prepared when necessary.
- Public Procurement Law assessed and recommendations for amendments prepared.
- Standard bidding documents revised as necessary.
- Secondary public procurement legislation assessed and proposals for amendment drafted as required by PPD.
B. Component 2 – National training programme developed and implemented for Public Procurement Directorate staff and procuring entities as well as other possible entities or groups involved in procurement including prospective contractors

This component will help develop a national training program preparing specialists in public procurement from:

- The Public Procurement Directorate staff
- The procurement staff at the Ministry level and other larger, higher level authorities as well as procurement staff in smaller national contracting entities
- The procurement staff in local administrations involved in conducting public procurement activities
- Employees of private sector entities which are potential contractors

**EXPECTED RESULTS:**

- 2 Study tours to the Member State for the PPD members aimed at improving the practical experience of the PPD staff in public procurement
- Modules for Training of Trainers in Public Procurement based on Bulgarian legal and commercial requirements prepared in IT version and possibly also in CD-ROM.
- Government software network expanded to cover regional government centres
- National training program developed (possibly based on the Polish model leading to total private sector take-over of training in 5-7 years).
- Method chosen for selection of procurement experts to be instructed as trainers of trainers in public procurement.
- Examinations prepared and given to prospective trainers of trainers.
- 50 Bulgarian trainers of trainers in public procurement successfully trained.
- Training sessions organised by Bulgarian trainers for 1,000 procurement officials in Bulgarian procuring entities and 300 private sector employees which are potential contractors

C. Component 3 – Public Awareness Campaign organised to acquaint procuring entities, service providers, contractors, suppliers and the general public with a new concept of public procurement in Bulgaria

This component will help develop general awareness on public procurement and will be aimed at three target groups:

- Procuring authorities
- Contracting suppliers, contractors and service providers
- General public

**EXPECTED RESULTS:**

- Monthly IT format newsletter on public procurement aimed at general public and potential contractors prepared and published (possibly as a supplement to the Public Procurement Register Web Side).
- Software for Public Procurement Register upgraded.
- Software for Public Procurement Bulletin developed.
- Two seminars organised for high level political officials and private sector entities to explain the advantages and ways of participating in the public procurement process.
- Manual(s) prepared for contracting entities on how to prepare terms of reference.
- Manual(s) prepared for prospective contractors on how to prepare a bid including financial proposal.

3.4 Activities

- A. By Twinning Partner(s):
  - Component 1
    - Advice on policy proposal(s) for re-definition of responsibilities and authorities vested in the Council of Ministers, National Audit Office, and the State Audit Office of Ministry of Finance on procurement issues.
    - Advice on policies for establishing Procurement Units in each Ministry and key procuring entities and creating high level position in smaller procuring entities responsible for the entity’s public procurement.
    - Advice on future roles and responsibilities of the Public Procurement Directorate.
    - Legal advice - assistance on amending Public Procurement law, secondary legislation, and standard bidding documents
  - Component 2
    - Assistance in elaboration of national training programme
• Assistance in developing software for training programmes and government network.
• Assistance in organisation of training sessions and examinations
• Organisation of 2 study trips aimed at improving the practical experience of the PPD staff in public procurement
• Component 3
• Assistance in continuation of public awareness campaign
• Assistance in developing software for newsletter, Public Procurement Register, and Public Procurement.
• Assistance in organizing seminars
• Assistance in preparing manuals for contracting entities and prospective contractors

• B. By Bulgarian counterpart:
• Bulgarian experts will take part in all analysis carried out under all Components. The Bulgarian contribution to this project will also include:

  Human resources:
  • The Public Procurement Directorate will provide the necessary specialists from the Directorate who will work full time with the Pre-Accession Advisor and his experts during the period of the twinning exercise as well as specialists on all necessary levels. A Bulgarian Local Expert will coordinate the Bulgarian specialists, and they will have access to all necessary information from the Public Procurement Directorate. The information will be put at the disposal of the long and short-term experts.

  Administrative and logistical support:
  • The Public Procurement Directorate will provide for the adequate implementation of this project a sufficient number of computers, printers, direct telephone lines and internet/email connections, and other office equipment. The Public Procurement Directorate will also provide the necessary offices for the activities of the project.

4. INSTITUTIONAL FRAMEWORK

The Bulgarian Council of Ministers is the key beneficiary institution in terms of institution building priorities. It has never been involved before in a twinning project and in this respect the underlying project will be a challenge. The Project will be co-ordinated by the Public Procurement Directorate (PPD), under the guidance of its Director, Mr. Plamen Nemchev. There are (February 2000) 10 staff members of the PPD. The present staff members are as follows: 3 Legal Experts, 6 Economics Experts, and 1 Engineer that will assist the project.

Other involved institutions are the structures helping procuring entities to handle their procurement activities in the following institutions: government authorities, municipalities, high schools, and other bodies and organisations spending state budget resources including: Health Insurance and Pension Funds; non-profit public legal entities, non-profit legal entities established by one or several government authorities and/or local authorities and trade utilities.

5. DETAILED BUDGET

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<tr>
<th></th>
<th>Phare</th>
<th>Support</th>
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<tbody>
<tr>
<td></td>
<td>Institutional Building (IB)</td>
<td>Investment (I)</td>
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<tr>
<td>Contract 1 Twinning</td>
<td>1.000.000</td>
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<tr>
<td>Contract 2 Investment</td>
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<td>300.000</td>
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<td>TOTAL</td>
<td>1.000.000</td>
<td>300.000</td>
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6. IMPLEMENTATION ARRANGEMENTS

6.1 Implementation agency

The Implementation Agency will be the CFCU.

6.2 Twinning

The project will be implemented through a two-year twinning. In the event that no suitable twinning proposal is forthcoming, this component of the project will instead be implemented through conventional technical assistance. Responsibility for the administration related to the preparation, technical control and implementation of the Twinning Covenant will rest to the Council of Ministers, Public Procurement Directorate.

A. Profile and Tasks of the Pre-Accession Adviser:

The PAA should preferably be a senior civil servant with extensive experience in public procurement who possesses the ability to work in what could be an unfamiliar and challenging environment. The PAA will have to be familiar with a public administration and have professional experience in public procurement law. The task of the PAA would be to provide advice on public procurement and to coordinate the implementation of the project.

B. Profile and Tasks of the short-term experts:

The PAA should be assisted by a number of highly public procurement specialised short-term experts:

- **Public Procurement Experts:**
  - Extensive practical experience in performing public procurement transactions (at least one specialised in supplies and services and one specialised in works procurement)
  - Experience in legislation drafting
  - General knowledge of the acquis communautaire on public procurement and experience in management and monitoring of public procurement
  - Experience in working in Central and Eastern Europe
  - Knowledge of the process of transition to a market economy
  - Fluency in spoken and written English

- **Public Awareness Experts:**
  - Extensive experience in setting up public awareness programs
  - Practical knowledge of public procurement transactions and laws
  - Extensive IT knowledge
  - Experience in working in Central and Eastern Europe
  - Knowledge of the process of transition to a market economy
  - Fluency in spoken and written English

Each year the twinning partner will send three short term experts to Bulgaria for a period of three months each plus two training experts: one specialised in supplies and services procurement and responsible for overall coordination of the training program in Bulgaria for a period of four months and a second specialised in works procurement in Bulgaria for a period of three months. One expert will work on databases and a monitoring system including necessary links with the budgeting system. The second expert will work on publications, website, guidelines for tenderers, and any other documents aimed at procuring entities, potential tenderers, and the general public. The third expert will work on the proposal for the re-definition of responsibilities and authorities vested in the Council of Ministers, National Audit Office, and the State Audit Office of Ministry of Finance on procurement issues and will produce an organigram for the reorganization of the Directorate and job descriptions for Directorate and other staff members, all of which shall be discussed and agreed with the Director of the Directorate. The training experts will help the Bulgarian Procurement Training Coordinator develop and teach the future trainers in the training program. Before taking up the duties in Bulgaria, each twinning expert will host her/his Bulgarian counterpart for a one week briefing mission in the offices of the twinning expert’s organisation.

6.3 Non-standards aspects

The project will be managed under DIS rules. The project will be implemented through twinning.
6.4 Contracts

The project will be implemented through twinning. Responsibility for the administration related to the preparation, technical control and implementation of the Twinning Covenant will rest to the Council of Ministers, Public Procurement Directorate.

To maximise the effectiveness of the proposed project, it is foreseen that there will be one supply contract for the procurement of the equipment under this project. Purchasing of hardware and software will be subject to tender procurement of DIS and will be carried out by CFCU.
7. IMPLEMENTATION SCHEDULE

Implementation Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>Preparation of twinning:</td>
<td>4Q/1999</td>
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<td>Start of twinning:</td>
<td>1Q/2001</td>
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<tr>
<td>Start of project activity:</td>
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<tr>
<td>Completion</td>
<td>9Q/2003</td>
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</table>

8. EQUAL OPPORTUNITY

The Bulgarian public administration in general and the Public Procurement Unit in particular is an equal opportunities employer.

9. ENVIRONMENT

Not applicable.

10. RATES OF RETURN

Not applicable.

11. INVESTMENT CRITERIA

Not applicable.

12. CONDITIONALITY AND SEQUENCING

Conditionalities

Bulgaria’s capacity for implementing the provisions of the Accession Partnership, in particular its capacity to adopt and apply the acquis communautaire depends on the reinforcement of its legislative and administrative capacity. This includes the Public Procurement Law and the Public Procurement Directorate and other implementing bodies.

A key prerequisite for this twinning project is that the staff of the PPD will have reached its complement of 10 persons at least and that adequate funds have been earmarked in the state budget for the PPD.

Another key prerequisite to this twinning project is that the Government of Bulgaria has agreed in principle to propose to Parliament as soon as practicable and in any case no later than the end of 2001 changes in the public procurement law to deal with the weaknesses in the law.

A third prerequisite to this twinning project is that necessary secondary legislation and preliminary standard bidding documents implementing the Public Procurement Law will already be drafted. This will help provide for transparent, fair and open bidding procedures for procurement contracts above and below the threshold values.
• LIST OF RELEVANT LEGISLATION

Public Procurement Law (Promulgated on June 22, 1999)


Draft Ordinance/Regulation. On procurement contracts under threshold values. It is in the process of being drawn up.
Draft Ordinance/Regulation. On the Public Procurement Register. It is in the process of being drawn up.
## LOGFRAME PLANNING MATRIX FOR REFORM IN PUBLIC PROCUREMENT SYSTEM

**Project Number** BG 00.03.03

<table>
<thead>
<tr>
<th>Wider Objective</th>
<th>Indicators of Achievement</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and risks</th>
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</thead>
</table>
| Support in setting up of a more efficient, open, transparent and competitive public procurement system which meets the obligations of the acquis communautaire in the field of public procurement, meets the requirements of a market economy, and strengthens the institutional and personnel capacity of the Public Procurement Directorate and other procuring entities. | • Achievement of improved professional capacity and efficiency in public procurement  
• Acquis communautaire adopted and enforced in Public Procurement Law and secondary legislation  
• Improved public awareness of advantages and methods of participation in new public procurement system | • Progress reports to the Minister of State Administration  
• Progress reports to the Delegation of The European Commission  
• Progress reports on NPAA | • Bulgaria’s continuing implementation of the Accession Partnership  
• Bulgaria’s continuing implementation of the acquis communautaire  
• Bulgaria’s commitment to public procurement reform |

**Programme name and number:** Reform in public procurement system

- **Contracting period expires:** January 2001
- **Disbursement period expires:** January 2003

- **Total budget:** 2 MEURO
- **Phare contribution:** 2 MEURO

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<tr>
<th>Project Number</th>
<th>Wider Objective</th>
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<th>Assumptions and risks</th>
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| BG 00.03.03    | Support in setting up of a more efficient, open, transparent and competitive public procurement system which meets the obligations of the acquis communautaire in the field of public procurement, meets the requirements of a market economy, and strengthens the institutional and personnel capacity of the Public Procurement Directorate and other procuring entities. | • Achievement of improved professional capacity and efficiency in public procurement  
• Acquis communautaire adopted and enforced in Public Procurement Law and secondary legislation  
• Improved public awareness of advantages and methods of participation in new public procurement system | • Progress reports to the Minister of State Administration  
• Progress reports to the Delegation of The European Commission  
• Progress reports on NPAA | • Bulgaria’s continuing implementation of the Accession Partnership  
• Bulgaria’s continuing implementation of the acquis communautaire  
• Bulgaria’s commitment to public procurement reform |
<table>
<thead>
<tr>
<th>Immediate objective (Component 1)</th>
<th>Indicators of Achievement</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and risks</th>
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</thead>
</table>
| • Strengthening the completion of approximation of public procurement legislation to requirements of EC Directives and acquis communautaire and the institutional capacity, structures and procedures of the Public Procurement Directorate and future Procurement Units in other procuring entities | • Policy proposal(s) drafted for (1) re-definition of responsibilities and authorities vested in the Council of Ministers, National Audit Office, and the State Audit Office of Ministry of Finance and (2) simplified arbitration system for disputes before contract signing.  
• Plan(s) prepared for (1) establishment of Procurement Units in each Ministry and key procuring entities and (2) creation in smaller procuring entities of a high level position responsible for the entity’s public procurement.  
• Roles and responsibilities of the Public Procurement Directorate assessed and recommendations for changes prepared when necessary.  
• Public Procurement Law assessed and recommendations for amendments prepared.  
• Standard bidding documents revised as necessary  
• Secondary public procurement legislation assessed and proposals for amendment drafted as required by PPD | • Progress reports to the Minister of State Administration  
• Progress reports to the Delegation of The European Commission  
• Progress reports on NPAA | • Full commitment of the Government to the public administration reform |
<table>
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<tr>
<th>Immediate objective (Component 2)</th>
<th>Indicators of Achievement</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and risks</th>
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<tr>
<td>• Reinforcing the professional skills of Public Procurement Directorate staff and procuring</td>
<td>• Modules for Training of Trainers in Public Procurement based on Bulgarian legal and</td>
<td>• Progress reports to the Minister of State Administration</td>
<td>• Full commitment of the Government to the public administration reform</td>
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<td>entities as well as other possible entities or groups involved in procurement including</td>
<td>commercial requirements prepared in IT version and possibly also in CD-ROM.</td>
<td>• Progress reports to the Delegation of The European Commission</td>
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<td>prospective contractors</td>
<td>• Government software network expanded to cover regional government centres</td>
<td>• Progress reports on NPAA</td>
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<td>• National training program developed (possibly based on the Polish model leading to</td>
<td>• Course evaluation reports</td>
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<td>total private sector take-over of training in 5-7 years).</td>
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<td>• Method chosen for selection of procurement experts to be instructed as trainers of</td>
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<td>trainers in public procurement.</td>
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<td>• Examinations prepared and given to prospective trainers of trainers.</td>
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<td>• 50 Bulgarian trainers of trainers in public procurement successfully trained.</td>
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<td>• Training sessions organised by Bulgarian trainers for 1,000 procurement officials in</td>
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<td></td>
<td>Bulgarian procuring entities and 300 private sector employees which are potential</td>
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<td></td>
<td>contractors</td>
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<td></td>
<td>• Organisation of 2 study trips of PPD staff aimed at transfer of know-how</td>
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<tr>
<td>Immediate objective (Component 3)</td>
<td>Indicators of Achievement</td>
<td>How, When and By Whom Indicators Will Be Measured</td>
<td>Assumptions and risks</td>
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</tbody>
</table>
| Reinforcing the continuing public awareness campaign to acquaint the procuring entities, service providers, contractors, suppliers and the general public with a new concept of public procurement in Bulgaria including developing more detailed guidelines and manuals for public and private entities on procurement activities | • Monthly IT format newsletter on public procurement aimed at general public and potential contractors prepared and published (possibly as a supplement to the Public Procurement Register Web Side).  
• Software for Public Procurement Register upgraded.  
• Software for Public Procurement Bulletin developed.  
• Two seminars organised for high level political officials and private sector entities to explain the advantages and ways of participating in the public procurement process.  
• Manual(s) prepared for contracting entities on how to prepare terms of reference.  
• Manual(s) prepared for prospective contractors on how to prepare a bid including financial proposal. | • Progress reports to the Minister of State Administration  
• Progress reports to the Delegation of The European Commission  
• Progress reports on NPAA  
• Public surveys | • Full commitment of the Government to the public administration reform |
<table>
<thead>
<tr>
<th>Activities</th>
<th>Indicators of achievement</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Technical assistance to the Council of Ministers in public procurement reform</td>
<td>• Activities and results in line with agreed time table</td>
<td>• Contractor’s reports</td>
<td>• Contractors provides appropriate staff and other inputs;</td>
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<tr>
<td></td>
<td></td>
<td>• Evaluation reports</td>
<td>• Availability of counterpart staff in the Council of Ministers, Public Administration Directorate</td>
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</tbody>
</table>
## ANNEX 2: Detailed Implementation Time Chart

<table>
<thead>
<tr>
<th></th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
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<tbody>
<tr>
<td><strong>Contract 1 (Twinning)</strong></td>
<td><img src="image" alt="Tendering, contracting, twinning covenant finalisation" /></td>
<td><img src="image" alt="Implementation and disbursement" /></td>
<td><img src="image" alt="Implementation and disbursement" /></td>
<td><img src="image" alt="Disbursement and completion" /></td>
<td><img src="image" alt="Tendering, contracting, twinning covenant finalisation" /></td>
<td><img src="image" alt="Implementation and disbursement" /></td>
<td><img src="image" alt="Implementation and disbursement" /></td>
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<td><img src="image" alt="Implementation and disbursement" /></td>
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<tr>
<td><strong>Contract 2 (equipment)</strong></td>
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# ANNEX 3: Contracting and Disbursement Schedule

Institutional Building and Investment Projects for the Council of Ministers, Public Procurement Directorate of Bulgaria

<table>
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<tr>
<td>Commitments</td>
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