

REGULATION ON THE IMPLEMENTATION OF ELECTRONIC PUBLIC PROCUREMENT

CHAPTER I

Purpose, Scope, Foundation and Definitions

Purpose and scope

ARTICLE 1 – (1) The purpose of this Regulation is to regulate the procedures and principles regarding the realization of procurements by the contracting authorities which take place within the scope of the Public Procurement Law numbered 4734 and dated 4/1/2002, in accordance with this Law, partially or completely through the Electronic Public Procurement Platform.

Foundation

ARTICLE 2 – (1) This Regulation is issued on the foundation of Article 53 and Annex 1 of Law numbered 4734.

Definitions

ARTICLE 3 – (1) In addition to the definitions taking place in Article 4 of the Law numbered 4734 and in implementation regulations, in the application of this Regulation;

a) Atomic time refers to the clock used by TÜBİTAK (Scientific and Technological Research Council of Türkiye) National Metrology Institute in order to measure time with the least error,

b) e-key refers to the encryption and/or decryption data,

c) e-tender refers to the tender which is prepared in electronic environment via EPPP (Electronic Public Procurement Platform) and which is signed by the tenderer or by authorized person(s) on behalf of the tenderer,

ç) EPPB refers to Electronic Public Procurement Bulletin issued by the Authority in which notices regarding procurements are published in accordance with Article 53 and Annex 1 of Law numbered 4734,

d) ECSP refers to the electronic certificate service provider defined in Law numbered 5070, which provides services related to electronic certificates, time stamps and electronic signatures,

e) PRN refers to procurement registration number which is given to each procurement that is recorded via EPPP,

f) User refers to the person authorized by the platform responsible to carry out certain actions and transactions in the procurement process with the platform responsible,

g) Platform responsible refers to the user who can perform user creation, deletion, authorization and other transactions related to EPPP on behalf of contracting authorities and natural or legal persons who will participate in procurements,

ğ) Implementation Regulation refers to the Procurement of Goods Implementation Regulation, Procurement of Services Implementation Regulation, Procurement of Works Implementation Regulation, Procurement of Consultancy Services Implementation Regulation and Framework Agreement Procurement Implementation Regulation published in the Official Gazette dated 4/3/2009 and numbered 27159,

h) Time stamp refers to the record verified by ESHS with e-signature in order to determine the time when an electronic data was produced, changed, sent, received and/or recorded,

ı) **(Inserted subparagraph: 07/06/2014-29023 O.G./Article 1, enforcement: 01/01/2015)** Working days refer to days other than national holidays, general holidays and weekends, and including administrative leave days.

CHAPTER II
Mandatory Issues to be Complied with in Procurements and Announcements and Notifications

Mandatory Issues to be Complied with in Procurements

ARTICLE 4 – (1) The following transactions on the procurement procedure shall be realized via EPPP:

- a) Preparation of needs report.
- b) Registration to the procurement and receipt of PRN.
- c) Association of the needs report with the procurement.
- ç) Uploading technical specifications.
- d) Preparation of preliminary and/or procurement document.
- e) Registry of those who download documents (**Repealed phrase: 16/03/2019-30716 O.G./Article 1, enforcement: 01/06/2019**).
- f) Realisation of notice transactions.
- g) Adding clarifications and making changes in documents.
- ğ) Transactions to form procurement commission.
- h) Application and registration of tenders.
- ı) Registration of application and tender evaluation transactions.
- i) Confirmation transactions.
- j) Conclusion Notifications.
- k) Registry of procurement cancellation transactions.
- l) (**Inserted subparagraph: 04/03/2017-29997 O.G./Article 1, enforcement: 09/03/2017**) Registration of complaint petition submitted to the contracting authority.

(2) (**Amendment: 14/11/2012-28467 O.G./Article 1; Amended phrase: 30/09/2020-31260 O.G./Article 1**) Tenders may be received electronically in procurements and individual contract stages. In procurements where tenders are received electronically, those which are not submitted electronically shall not be accepted.

(3) (**Amended paragraph: 07/06/2014-29023 O.G./Article 2, enforcement: 01/01/2015**) Contracting authorities and natural persons who are citizens of the Republic of Türkiye and legal persons established in accordance with the laws of the Republic of Türkiye who wish to participate in procurements shall be registered in EPPP. Contracting authorities and natural and legal persons registered in EPPP shall be responsible for preserving the username and password they created after registration to EPPP, not allowing them to be used by unauthorized persons and identifying the users.

(4) (**Amendment: 30/09/2020-31260 O.G./Article 1**) In transactions to be carried out through EPPP, "username and password" or "e-signature" or one of the other authentication methods shall be used by the contracting authorities and natural and legal persons registered in EPPP and those who carry out transactions on their behalf. The Authority shall be authorized to determine which methods will be used instead of e-signature in transactions related to the dynamic purchasing system, qualification system, procurement, contract, complaint and appeal processes, including document downloading and tender submission, and in transactions specified as to be carried out with e-signature in the relevant implementing regulations and annexes.

(5) Accesses made through EPPP and transactions determined by the Authority shall be recorded in EPPP. These records shall be taken as basis in procurement transactions made through EPPP. Documents and records created on EPPP using e-signature shall be considered conclusive evidence until the contrary is proven.

(6) The security, confidentiality and protection of personal data of all kinds of information and document exchange regarding the procurement process carried out through EPPP between the contracting authorities, natural and legal persons registered in EPPP and the Authority shall be ensured by the Authority. The information obtained by the contracting authorities through EPPP regarding candidates and tenderers during the procurement process shall only be used for

the purpose for which it was provided and shall not be transferred to third parties in any way. Contracting authorities and natural and legal persons registered in EPPP shall be responsible for the security and confidentiality of the information they create on their personal computers to be used in EPPP.

(7) Information regarding participation and qualification of candidates and tenderers shall be confirmed by the contracting authorities through EPPP (**Amended phrase: 19/06/2018-30453/m O.G./Article 1**), if the systems of the relevant institutions and organizations allow data sharing. As a result of the inquiry, the necessary information shall be transferred to EPPP. What information can be queried shall be determined by the Authority and announced through EPPP. In this case, no document regarding this information shall be submitted by the candidates and tenderers (**Repealed sentence: 04/03/2017-29997 O.G./Article 1, enforcement: 09/03/2017**).

(8) (**Inserted paragraph: 04/03/2017-29997 O.G./Article 1, enforcement: 09/03/2017**) Contracting authorities, candidates and tenderers shall be required to comply with the guidance determined by the Authority via EPPP in order to implement the legislation and to make all requested data entry completely, accurately and up-to-date. If it is understood that the requested data entries are incomplete or incorrect, the Authority may impose restrictions on the use of EPPP by those concerned until the deficiency or error is corrected.

(9) (**Inserted paragraph: 16/03/2019-30716 O.G./Article 1, enforcement: 01/06/2019**) Regarding all transactions to be carried out by candidates, tenderers and potential tenderers during the procurement process (**Inserted phrase: 30/09/2020-31260 O.G./Article 1**), including lodging complaints and appeals and submitting applications and tenders, and by contractors during the contract process (including final acceptance), and by the persons they authorized in EPPP to carry out these transactions; information and/or documents that can be obtained or confirmed through EPPP and the websites of public institutions and organizations and professional organizations that are considered as public institutions may be used within the framework of the procedures and principles to be determined by the Authority, and the relevant parties shall be responsible for ensuring that these information and/or documents are up-to-date, showing their latest status.

Announcement and notification principles

ARTICLE 5– (Amended article: 07/06/2014-29023 O.G./Article 3, enforcement: 01/01/2015) (1) (**Inserted phrase: 19/06/2018-30453/m O.G./Article 2**) In the notifications to be made by the Authority to the contracting authorities, and by the Authority and contracting authorities to the candidates, tenderers, (**Amended phrase: 30/09/2020-31260 O.G./Article 2**) potential tenderers and contractors via EPPP, confirmation shall not be required and information regarding the notification process, such as notification time, subject and content, shall be recorded on EPPP. In this context, it shall be mandatory to ensure data integrity, easy accessibility, compatibility and equal treatment in the preservation and notification of all kinds of information.

(2) For notifications made through EPPP, the announcement date shall be considered as the notification date. The date when the notification reaches the notification box in the EPPP of (**Amended phrase: 19/06/2018-30453/m O.G./Article 2**) the relevant parties shall be considered as the notification date. (**Repealed phrase: 19/06/2018-30453/m O.G./Article 2**) Notification transactions via EPPP may be carried out at any time, regardless of working days and hours. However, the notification to the relevant parties (**Amended phrase: 19/06/2018-30453/m O.G./Article 2**) by EPPP shall be made under all circumstances on working days and between 9.00-18.00.

(3) Electronic media and faxes other than **(Inserted phrase: 16/03/2019-30716 O.G./Article 2, enforcement: 01/06/2019)** EPPP shall not be used in correspondence between the contracting authorities and the candidates, tenderers, potential tenderers **(Inserted phrase: 30/09/2020-31260 O.G./ Article 2)** and contractors **(Repealed sentence: 16/03/2019-30716 O.G./Article 2, enforcement: 01/06/2019)**.

CHAPTER III

Registration of Contracting Authorities and Natural and Legal Persons Participating in Procurements to EPPP

Registration of contracting authorities to EPPP

ARTICLE 6 – (1) As a result of the contracting authorities’ registration to EPPP, a protocol shall be drawn up between the Authority and the contracting authority. In the protocol prepared, a maximum of two platform responsables shall be determined by the contracting authority to carry out the work and transactions in EPPP on behalf of the contracting authority. The platform responsables shall create their password using the activation link sent to them by the Authority. The platform responsible shall identify, register and authorize other users of the contracting authority via EPPP by logging in with their username and password.

(2) Should there be any changes in the information in the protocol, other than the information regarding the name of the contracting authority, its corporate code and budget structure, these changes shall be notified to the Authority by updating the contracting authority record through EPPP. Change requests regarding information that cannot be updated via EPPP shall be forwarded to the Authority in writing by the contracting authority.

(Amended headline: 30/09/2020-31260 O.G./Article 3) Registration of natural and legal persons to EPPP

ARTICLE 7 – (1) As a result of the registration process of natural and legal persons participating in the procurements to EPPP, a protocol shall be drawn up between the Authority and natural and legal persons. In the prepared protocol, a maximum of two platform responsables shall be specified who will carry out the works and transactions on EPPP on behalf of the natural or legal person. The platform responsables shall create their password using the activation link sent to them by the Authority. The platform responsables shall identify, register and authorize other users who can perform transactions on behalf of a natural or legal person through EPPP by logging in with their username and password.

(2) In order to register to EPPP, the following information and documents shall be submitted to the Authority as an annex to the protocol:

a) In case of natural persons;

1) The original or a notarized copy of the document demonstrating that the person is registered in the chamber, obtained from the registered chamber of commerce and/or industry, the chamber of tradesmen and craftsmen, or the relevant professional chamber in the year of the protocol registration,

2) Notarized signature declaration,

3) If the protocol is signed by the attorney, a notarized power of attorney issued on behalf of the attorney and a notarized signature declaration of the attorney,

4) Notarized power of attorney and notarized signature declaration of persons authorized to perform transactions using e-signature individually on behalf of the natural person.

b) In case of legal persons;

1) The original or notarized copy of the document demonstrating that the legal person is registered in the chamber, obtained from the registered chamber of commerce and/or industry in accordance with the relevant legislation in the year of protocol registration,

2) **(Amended subparagraph: 20/06/2021-31517 O.G./Article 1, enforcement: 20/07/2021)** Trade Registry Certificate or Turkish Trade Registry Gazette stating that they are authorized to represent the legal person and a notarized signature declaration of the representative who signed the protocol,

3) If the protocol is signed by the attorney, a notarized power of attorney issued on behalf of the attorney and a notarized signature declaration of the attorney,

4) Notarized power of attorney and notarized signature declaration of persons authorized to perform transactions individually using e-signature on behalf of the legal person.

(3) Changes in the information in the protocol, other than the tax identification number, shall be notified to the Authority by updating on EPPP. However, should there be a change in the documents annexed to the protocol, the new documents shall be submitted to the Authority within fifteen days following the change.

(4) Legal persons willing to register to EPPP and natural persons applying through representatives shall be required to apply to the Authority with representation documents containing the authority to individually carry out all transactions through EPPP.

(5) **(Inserted paragraph: 04/03/2017-29997 O.G./Article 2, enforcement: 09/03/2017, Amended paragraph: 20/06/2021-31517 O.G./Article 1, enforcement: 20/07/2021)** Among those who are registered to EPPP, it is obligatory to register the following information; for natural persons about themselves and their proxies or representatives; and for legal persons; about themselves and in accordance with their relevance, partners and percentage of their shares (except for shares offered to the public)/members/founders, the officers under the management of whom authorized to represent the legal person in signing the tender, application letter or the contract and executing the contract, and their proxies or representatives on EPPP and to update this information before the deadline for application or procurement date and signing the contract:

a) In case of natural persons, their names, surnames and identity number of Republic of Türkiye and their company name and commercial title, if any,

b) In case of legal persons, their commercial title, tax identification number and company name, if any. For legal persons, trade registry data shall be taken as basis within the scope of the registration of the officials in the management and, according to their relevance, partners and their share percentage (except for shares offered to the public)/members/founders. In addition, for joint stock companies (except for companies with a single partner), the relevant parts of the share ledger and the underlying board of directors' decision book for the declared persons within the scope of the registration of shareholders and their share percentage; for legal persons that are not companies, the relevant parts of the documents containing information not included in the Turkish Trade Registry Gazette within the scope of the registration of members or founders shall also be scanned and uploaded to EPPP. In terms of declaration/uploading of the information and documents requested by foreign candidates/tenderers in this paragraph, their equivalents in the relevant country legislation shall be taken as basis.

(6) **(Inserted paragraph: 04/03/2017-29997 O.G./Article 2, enforcement: 09/03/2017)** The information recorded in EPPP under this Article shall be complete, accurate and up-to-date. In cases where changes are required to be made to the information specified in paragraph 5 by natural or legal persons registered in EPPP, these changes shall be updated and recorded in EPPP within 7 (seven) days following the date of the change, but in any case before the deadline for the final application or procurement, and any changes after the deadline for the final application or procurement shall be updated and recorded in EPPP before the contract is signed.

(7) **(Inserted paragraph: 16/03/2019-30716 O.G./Article 3; Amendment: 30/09/2020-31260 O.G./Article 3)** Notwithstanding the conditions set out in this article, the principles and procedures regarding the electronic registration of natural and legal persons to EPPP and the registration and use of the information and documents required to be submitted in processes such as dynamic purchasing system, qualification system, procurement, contract, complaint and appeal to EPPP shall be determined by the Authority.

CHAPTER IV Procurement Preparation Transactions

Estimated cost

ARTICLE 8 – (1) In procurements made through EPPP, the estimated cost prepared by the contracting authority shall be recorded in EPPP and kept encrypted until the announcement of the estimated cost.

Needs report

ARTICLE 9 – (1) The contracting authority shall prepare a needs report on EPPP, which defines the nature, type and quantity of the procurement of goods or services or the works subject to the procurement, its lots if division of the procurement into lots is allowed in the procurement, and the work items if necessary, before the other transactions in the procurement process are carried out.

Procurement registration and receipt of PRN

ARTICLE 10 – (1) Before the preparation of the procurement and/or pre-qualification document, the contracting authority shall register the procurement on EPPP. Each procurement for which a procurement registration is made shall be given a PRN and this number shall be used in all transactions related to the procurement to be made through EPPP after this stage.

(2) For procurements with preliminary notice, the procurement registration shall be made before the preliminary notice is prepared.

Preparation of documents

ARTICLE 11 – (1) The contracting authority shall prepare and register the procurement and/or pre-qualification document on EPPP.

(2) In procurements open to foreign tenderers, documents may be prepared in languages other than Turkish. In this case, only the Turkish document shall be prepared through EPPP. The document prepared in a foreign language shall be uploaded to EPPP by the contracting authority.

Administrative specifications, pre-qualification specifications, draft contract and draft framework agreement

ARTICLE 12 – (1) Administrative specifications and/or pre-qualification specifications and draft contract shall be prepared by the contracting authority through EPPP based on the standard administrative specifications, standard pre-qualification specifications and standard draft contract annexed to the relevant implementing regulation according to the type of procurement and the procurement procedure to be applied. In the procurement of goods by open procedure where the tenders would be received electronically, the "Standard Administrative Specifications to be Applied in the Procurement of Goods by Open Procedure and for which Tenders would be Received Electronically" in Annex-2 shall be taken as basis.

(2) In procurement of goods and services, customary contracts prepared by tenderers may be used, provided that the assent of the Authority is obtained. The sample of the customary

contract for which an assent is obtained shall be uploaded to EPPP in accordance with the electronic format accepted by the Authority and shall be included in the procurement document.

(3) In the event that a framework agreement procurement is made by the contracting authority, the draft framework agreement shall be prepared through EPPP based on the standard framework agreement annexed to the relevant implementation regulation.

(4) In framework agreement procurements, the standard individual contract appropriate to the type of procurement in the annex of the relevant implementing regulation shall be prepared through EPPP.

(5) After the framework agreement is concluded, the draft individual contract shall be prepared by the contracting authority that will procure within the scope of the relevant framework agreement, on the basis of the standard individual contract appropriate for the type of procurement in the annex of the relevant implementing regulation, through EPPP and sent to the tenderers who are parties to the framework agreement invited to submit tender as an attachment to the invitation to tender letter or downloaded by these tenderers through EPPP using e-signature.

Technical specifications

ARTICLE 13 – (1) Technical specifications shall be prepared by contracting authorities in accordance with the principles set out in the Law and the relevant implementing regulations and shall be uploaded to EPPP in the electronic format specified by the Authority. **(Repealed: 19/06/2018-30453/m O.G./Article 3)**

(2) (Repealed: 19/06/2018-30453/m O.G./Article 3)

Establishment and operation principles of procurement commission

ARTICLE 14 – (1) Pursuant to Article 6 of the Law, the contracting authority shall constitute a procurement commission to conduct the procurement no later than three days following the date of the procurement notice or pre-qualification notice or invitation.

(2) The chairman and members of the procurement commission appointed by the contracting authority together with their substitutes shall be identified in EPPP by the contracting authority within the period specified in the first paragraph, limited to the procurement for which they are assigned. Each member of the procurement commission shall be authorized to access information related to the procurement for which they are assigned and the procurement and/or pre-qualification document through EPPP.

CHAPTER V

Issues Related to the Notices and Document

Notices

ARTICLE 15 – (1) Procurement and pre-qualification notices, cancellation notices, correction notices and result notices shall be prepared through EPPP in accordance with the provisions of Articles 13, 16, 26 and 47 of the Law and the relevant implementing regulation.

Monitoring and downloading the procurement and pre-qualification document through EPPP¹

ARTICLE 16 – **(Amended article: 16/03/2019-30716 O.G./Article 4, enforcement: 01/06/2019)**

(1) Natural and legal persons on whose behalf the pre-qualification and/or procurement documents would be downloaded shall be registered in EPPP. In the case of joint ventures, all

¹ The title of the Article "Monitoring, purchasing and downloading the document through EPPP" was amended as this title in accordance with the Article 4 of the Official Gazette dated 16.03.2019 and numbered 30716.

legal persons established in accordance with the laws of the Republic of Türkiye and all natural person partners who are citizens of the Republic of Türkiye shall meet this condition.

(2) The pre-qualification and/or procurement document prepared and published by the contracting authority on EPPP may be monitored on EPPP (**Repealed phrase: 13/11/2019-30947 O.G./Article 1**). In order to participate in the procurement, it is mandatory to download this document via EPPP using e-signature (**Inserted phrase: 13/11/2019-30947 O.G./Article 1**) or one of the other electronic methods to be determined by the Authority. If the candidate or tenderer is a joint venture, it shall be sufficient for any of the partners to download the document using e-signature (**Inserted phrase: 13/11/2019-30947 O.G./Article 1**) or one of the other electronic methods to be determined by the Authority.

(3) No fee shall be charged for monitoring and (**Repealed phrase: 13/11/2019-30947 O.G./Article 1**) downloading the document.

Adding clarifications and making changes in documents

ARTICLE 17 – (1) (Amended paragraph: 07/06/2014-29023 O.G./Article 5, enforcement: 01/01/2015) In the event of an amendment to the procurement or pre-qualification document, the addendum shall be registered on EPPP and notified through EPPP to natural persons who are citizens of the Republic of Türkiye and legal persons established in accordance with the laws of the Republic of Türkiye who have downloaded the document using (**Repealed phrase: 16/03/2019-30716 O.G./Article 5; enforcement: 01/06/2019**) e-signature until the time of registration.

(2) In the event that an addendum is issued in procurements where tenders are received electronically, tenderers who wish to withdraw their e-tenders shall perform this process by deleting the e-tender using e-signature through EPPP.

(3) (**Amended paragraph: 07/06/2014-29023 O.G./Article 5, enforcement: 01/01/2015**) In the event that a clarification is made pursuant to Article 29 of the Law, the clarifications made shall be recorded in EPPP and notified through EPPP to natural persons who are citizens of the Republic of Türkiye and legal persons established in accordance with the laws of the Republic of Türkiye who have downloaded the document using (**Repealed phrase: 16/03/2019-30716 O.G./Article 5, enforcement: 01/06/2019**) e-signature until the time of recording.

Submission, opening and evaluation of the applications and tenders

ARTICLE 18 – (1) The transactions carried out in relation to the submission, opening and evaluation of applications and tenders in accordance with the implementing regulations and the provisions of this Regulation shall be recorded on EPPP.

CHAPTER VI

Preparation, Submission, Opening and Evaluation of e-tenders in Procurements where Tenders Are Received Electronically

Preparation and submission of e-tenders

ARTICLE 19 – (1) E-tenders shall be prepared by tenderers through EPPP. In the notice and procurement document, it shall be regulated that the participation and qualification documents that cannot be queried through EPPP shall be scanned on the computer in accordance with the procedures and principles determined by the Authority and submitted within the scope of e-tender.

(2) (**Amendment: 14/11/2012–28467 O.G./Article 2**) E-tenders shall be prepared by the tenderers on EPPP, signed with e-signature and sent through EPPP until the procurement date and time. In case of joint ventures, the e-tender shall be signed with e-signature by all partners

of the joint venture. EPPP shall encrypt the e-tender signed with e-signature before sending it to the Authority. The e-key generated by EPPP as a result of encryption shall be saved by the tenderer. The e-tender shall be kept on EPPP with encryption and storage methods to be determined by the Authority until the opening time of the tenders specified in the procurement document and it shall be ensured that it cannot be opened. The e-key related to the tender shall be sent through EPPP after the date and time of the procurement, until the opening time of the tenders. Tenders whose e-keys are not sent until the opening time of the tenders shall be excluded from the evaluation.

(3) The time of receipt of the e-tender and the related e-key to EPPP shall be recorded with the time stamp regulated in the Electronic Signature Law numbered 5070 and the relevant secondary legislation. Atomic clock shall be used to determine the mentioned time.

(4) **(Amendment: 14/11/2012–28467 O.G./Article 2; Amended paragraph: 13/11/2019-30947 O.G./Article 2)** In the event that contracting authorities and/or registered natural and legal persons cannot perform transactions on EPPP due to technical problems during the procurement process, the Authority shall be authorized to take measures to activate alternative systems and applications, to stop, postpone, renew or cancel these and related transactions when necessary in order to continue the transactions related to the procurement process in accordance with the legislation and to prevent loss of rights. In this case, necessary notifications shall be made through EPPP.

(5) In the procurement of goods, if samples are requested from the tenderers, the regulation regarding the method of submission of the samples after the procurement date and time and the receipt and evaluation of the sample by the procurement commission shall be made in the administrative specifications. Regulations shall not be made for the submission of samples before the procurement date and time. A duplicate report shall be prepared by the contracting authority for the received sample and one copy of the report shall be given to the tenderer.

Documents to be obtained from banks to demonstrate financial status

ARTICLE 20 – (1) (Amended phrase: 27/5/2016-29724/m. O.G./Article 1, enforcement: 1/7/2016; Repealed phrase: 27/5/2016-29724/m. O.G./Article 1, enforcement: 1/7/2016; Repealed paragraph: 29/12/2022-32058 O.G./Article 1, enforcement: 13/1/2023)

(2) (Repealed paragraph: 27/5/2016–29724/m. O.G./Article 1, enforcement: 1/7/2016)

Tender Security

ARTICLE 21 – (1) The values specified in Article 34 of the Law shall be accepted as tender security.

(2) (Amended paragraph: 25/01/2017–29959 O.G./Article 1; Amendment: 19/06/2018-30453/m O.G./Article 5, enforcement: 19/07/2018) Tender security letters shall be obtained from organizations that have signed a "Protocol on Cooperation for Online Information Exchange via EPPP" with the Authority. Upon the request of the relevant person, the "Tender Security Letter Information Form" in Annex-1 shall be issued by the organization and given thereto. Tender security letters may be issued electronically by using electronic signature or physically by using wet-ink signature. However, the organization shall assign a distinctive number to the security letter issued by the organization and transfer the information regarding the letter to EPPP and the distinctive number given shall be sent by the tenderer via EPPP within the scope of e-tender. In the event that the information regarding the tender security letters is transferred to EPPP **(Inserted phrase: 26/01/2021- 31376 O.G./Article 1)** by an authorized central institution, including the institutions operating as central clearing institutions according to the Capital Markets Law dated 6/12/2012 and numbered 6362, the letters issued shall be deemed to be received in accordance with this paragraph.

(3) The documents showing that the securities other than the tender security letter are deposited in the book-keeping or accounting directorates shall be scanned on the computer and sent by the tenderer within the scope of e-tender through EPPP.

Cancellation of the procurement before the procurement time or the opening time of the tenders

ARTICLE 22 – (1) In the event that the procurements for which tenders would be received electronically are canceled before the procurement time or the opening time of the tenders, the e-tenders and the e-keys related to them shall be deleted from EPPP by the contracting authority within two working days following the cancellation.

Opening of e-tenders

ARTICLE 23 – (1) (**Amendment: 14/11/2012–28467 O.G./Article 3; Amended phrase: 30/09/2020- 31260 O.G./Article 4**) E-tenders shall be opened on EPPP by the procurement commission in front of the tenderers and those present during the working hours of the same day. The e-tenders that cannot be opened by EPPP due to reasons such as the breakdown of the e-key or the existence of a virus in the e-tender shall be identified and the "Procurement Commission Minutes Regarding Unopened e-tenders" in Annex-1 shall be issued on EPPP by stating the reasons thereof. The number of submitted tenders at the time specified in the procurement document shall be announced by the procurement commission to those present. It shall be checked whether the documents of the tenderers are missing or not and whether their tender letters and tender securities are in compliance with the procedures. The evaluation of tender security letters received in accordance with the second paragraph of Article 21 is made by checking whether the amount of the tender security meets three percent of the tender price and the validity period of the tender security letter by EPPP. The "e-tender Opening and Document Control Record" in Annex-1 shall be issued through EPPP. The tender prices and estimated cost shall be disclosed with the tenderers and the "Minutes Regarding the Prices Offered by the Tenderers" in Annex-1 shall be prepared on EPPP. These minutes may be monitored by the tenderers participating in the procurement on the status monitoring screen and shall be recorded on EPPP. The printout of these minutes shall be signed by the members of the procurement commission. At this stage; no tender shall be rejected or accepted, the documents constituting the tender shall not be corrected nor completed. The first session shall be terminated for the immediate evaluation of the tenders by the procurement commission.

Evaluation of the e-tenders

ARTICLE 24 – (1) After the opening of e-tenders and the closing of the first session, the procurement commission shall assemble on a date and time to be determined by themselves and start the evaluation of the tenders on EPPP. Tender evaluation procedures may be carried out in more than one session. However, in this case, the information shall be recorded on EPPP before each session is closed.

(2) In the evaluation of the tenders, the tenders of those whose e-tenders cannot be opened in the first session in accordance with Article 23 or whose documents are found to be incomplete or whose tender security is found to be inappropriate shall be excluded from the evaluation and a record shall be made accordingly.

(3) The evaluation regarding the participation documents and qualification criteria specified in the procurement document shall be made by evaluating the documents uploaded within the scope of the e-tender and the information obtained by querying the systems of the relevant institutions and organizations through EPPP.

(4) The evaluation of whether the qualification criteria are met by the tenderers shall be made within the framework of the provisions in the procurement document. The tenders of the

tenderers who do not meet the qualification criteria shall be excluded from the evaluation and this issue shall be recorded in EPPP by clearly stating the reason thereof.

(5) In the event that any of the documents and their annexes that must be scanned and submitted on a computer due to the impossibility of querying through EPPP are not submitted within the scope of the e-tender, these missing documents and their annexes shall not be completed by the contracting authorities and the tenders of these tenderers shall be excluded from the evaluation. However, in the event that there is a lack of information in the documents scanned on the computer and submitted within the scope of the e-tender, provided that it does not change the basis of the tender, the contracting authority shall request that the information be completed. Within this framework, a reasonable completion period of no less than two working days shall be given for the completion of the missing information. Within this period, the documents regarding the missing information shall be submitted to the contracting authority by the tenderer. The tenders of those who do not complete the missing information within the specified period shall be excluded from the evaluation as specified in the fourth paragraph.

(6) After the tender evaluation procedures, the "Minutes Regarding the Reasons for Non-Compliance of Non-Compliant Documents" in Annex-1 shall be prepared via EPPP and a printout shall be taken and signed by the members of the procurement commission.

CHAPTER VII

Award of the Procurement

Conclusion, approval and cancellation of the procurement

ARTICLE 25 – (1) As a result of the evaluation, the procurement shall be awarded to the tenderer who submitted the most economically advantageous tender and the "Minutes of the decision of the procurement commission" in Annex-1 shall be issued on EPPP. A printout of the procurement commission decision shall be taken and signed by the members of the procurement commission and submitted to the approval of the contracting officer.

(2) Before the procurement decision is approved by the contracting officer, it shall be confirmed through EPPP whether the tenderer to whom the procurement is awarded and, if any, the tenderer with the second most economically advantageous tender is prohibited from participating in the procurements and the relevant document is attached to the procurement commission decision. If it is understood that both tenderers are prohibited, the procurement decision shall not be approved by the contracting officer and the procurement shall be cancelled.

(3) The contracting officer shall approve the procurement decision or cancel it by clearly stating the grounds thereof within five working days at the latest following the date of the decision. The procurement shall be deemed valid if the decision is approved and null if it is cancelled. Approval and cancellation procedures shall also be recorded on EPPP.

Notification of final tender decisions and the signing of the contract

ARTICLE 26 – (1) The result of the procurement shall be notified to all tenderers, including the tenderer to whom the procurement is awarded, within three days at the latest following the day on which the procurement decision is approved by the contracting officer. Within this notification, the reasons for excluding tenders from the evaluation or disapproval of tenders shall also be included. In cases where the procurement decision is cancelled by the contracting officer, its notification shall also be made likewise.

(2) After the expiry of the periods stipulated in the relevant implementing regulations, the tenderer to whom the procurement is awarded shall be invited to the contract. In addition to those that cannot be queried electronically through EPPP among the documents showing that the tenderer is not in the exclusion situations specified in the fourth paragraph of Article 10 of the Law on the date of the procurement, and in the procurements where the tenders are received electronically; the documents scanned on the computer in accordance with the first paragraph

of Article 19, the second paragraph of Article 20 and the third paragraph of Article 21 shall be submitted to the contracting authority before the contract is signed.

(3) In the event that the tenderer to whom the procurement is awarded does not submit the documents specified in the second paragraph despite being invited to the contract or if the documents submitted to the contracting authority to certify the situation committed under Article 10 of the Law contain subjects contrary to the committed situation, they shall be excluded from the procurement and their tender securities shall be registered as revenue. The provisions of Article 58 of the Law shall also apply to the tenderer who does not submit the documents specified in the second paragraph.

(4) On the date of signature of the contract, the tenderer to whom the procurement is awarded shall be confirmed with regards to prohibition.

(5) In the event that the contract cannot be signed with the tenderer to whom the procurement is awarded, the contracting authority may sign a contract with the tenderer with the second most economically advantageous tender according to the principles and procedures in the second, third and fourth paragraphs, provided that the tender price is approved by the contracting officer.

(6) The conclusion of the procurement shall be recorded on EPPP and published in the EPPB after the signing of the contract.

CHAPTER VIII

Special Provisions on Framework Agreement Procurements

Framework agreement transactions

ARTICLE 27 – (1) In framework agreement procurements; after the opening and evaluation of the tenders are made in accordance with Articles 23 and 24, except for the provisions regarding the tender security, the tenderers to be included in the list, starting from the most economically advantageous tender, shall be determined not less than three and recorded in EPPP.

(2) After the list is formed, the procurement shall be concluded, approved or canceled by clearly stating the reason in accordance with Article 25.

(3) The finalized procurement decision shall be notified to the tenderers and the listed tenderers shall be invited to enter into an agreement.

(4) The procedures to be carried out by the contracting authority and the tenderers who are parties to the framework agreement before and during the signing of the framework agreement shall be carried out in accordance with the provisions of the relevant implementation regulation.

(5) The procurement award notice shall be published in the EPPB after the agreement is signed.

(6) Information on the tenderers who are parties to the framework agreement shall be recorded on EPPP.

Individual contract transactions

ARTICLE 28 – (1) In case of a procurement conducted within the scope of a framework agreement, first of all, an individual contract draft shall be prepared on EPPP by the contracting authority that is a party to the agreement.

(2) The prohibition status of the tenderers who are parties to the framework agreement shall be queried on EPPP. The tenderers who are found not to be prohibited shall be invited to

submit tenders in accordance with the provisions of the relevant implementation regulation regarding the deadlines. The invitation letter shall be accompanied by a draft individual contract.

(3) In the opening and evaluation of the tenders received for the individual contract and determination of the most economically advantageous tender, the provisions of the relevant implementation regulation regarding the individual contract shall apply.

(4) **(Inserted: 14/11/2012–28467 O.G./Article 4)** If it is decided to receive the tenders electronically at the individual contract stage, downloading of the draft individual contract using e-signature shall be performed through EPPP. In this case, Articles 19, 22, 23 and 24 of this Regulation shall apply to the preparation and submission of e-tenders, cancellation of the procurement before the procurement time or the opening time of the tenders, the opening and evaluation of e-tenders, except for the provisions regarding the tender security and qualification documents and the evaluation of qualification documents.

(5) After the most economically advantageous tender is determined, the procurement shall be finalized, approved or canceled by clearly stating the reason thereof in accordance with Article 25. The finalized procurement decision shall be notified to the tenderers.

(6) The individual contract award notice shall be recorded on EPPP and published on EPPB after the contract is signed.

CHAPTER IX Miscellaneous and Final Provisions

Cases where there is no provision in the Regulation

ARTICLE 29 – (1) In matters not regulated in this Regulation regarding the transactions related to the procurement process carried out through EPPP, the relevant implementing regulations shall prevail.

Provisions not applicable

ARTICLE 30 – **(Inserted: 16/03/2019-30716 O.G./Article 6, enforcement: 26/03/2019)**

Performance bond letters (Inserted: 26/01/2021-31376 O.G./Article 2)

ADDITIONAL ARTICLE 1 – (1) Pursuant to the implementing regulations and this Regulation, the performance bond letters to be given by the tenderer to whom the contract is awarded before signing the contract may be issued in accordance with the method specified in the second paragraph of Article 21. The procedures and principles regarding the electronic submission of such documents shall be determined by the Authority and the Authority may impose an obligation in this regard.

Electronic procurement obligation

ADDITIONAL ARTICLE 2- **(Inserted: 18/05/2022-31839 O.G./Article 1; enforcement: 28/05/2022)** (1) Among the procurements conducted through open procedure and whose estimated cost is up to half of the threshold value stipulated in Article 8 of the Law numbered 4734, those announced on or after 1/8/2022 must be conducted in accordance with the articles titled "electronic procurement" of the implementing regulations.

(2) The procurements realized through negotiated procedure pursuant to subparagraphs (b), (c) and (f) of the first paragraph of Article 21 of the Law numbered 4734, and the procurements whose estimated cost is equal to or above half of the threshold value stipulated

in Article 8 of the Law numbered 4734, and those announced or notified on or after 3/10/2022, must be made according to the articles titled "electronic tender" of the implementing regulations.

Procurements that have already started (Inserted article: 20/03/2011-27880 O.G./Article 6)

INTERIM ARTICLE 1 – (1) Procurements announced or notified before the effective date of this Article shall be finalized in accordance with the provisions of the Regulation in force at the date of the announcement or notification.

Procurements that have already started (Inserted article: 14/11/2012–28467 O.G./Article 5)

INTERIM ARTICLE 2 – (1) The procurements announced or notified before the effective date of this article shall be finalized in accordance with the provisions of the regulation in force at the date of the announcement or notification.

Transition provisions (Inserted article: 07/06/2014-29023 O.G./Article 9, enforcement: 01/01/2015)

INTERIM ARTICLE 3 – (1) Procurements that have been announced or notified in writing before the effective date of this Article shall be finalized in accordance with the provisions of the Regulation in force at the date of the announcement or notification.

Procurements that have already started (Inserted article: 29/11/2016–29903 O.G./Article 7)

INTERIM ARTICLE 4 – (1) Procurements for which tenders were received on or before the effective date of this Article shall be finalized in accordance with the provisions of the Regulation in force on the date of announcement or notification.

Procurements that have already started (Inserted article: 25/01/2017–29959 O.G./Article 8)

INTERIM ARTICLE 5 – (1) Procurements that have been announced or notified in writing before the effective date of this Article shall be finalized in accordance with the provisions of the Regulation in force on the date of the announcement or notification.

Transition provisions (Inserted article: 04/03/2017-29997 O.G./Article 3, enforcement: 09/03/2017)

INTERIM ARTICLE 6 – (1) Natural or legal persons who had been registered to EPPP on the effective date of this Article are obliged to register the information specified in the fifth paragraph of Article 7 in a complete, accurate and up-to-date manner to EPPP until 15/3/2017 at the latest, but in any case before the deadline for application or procurement.

Procurements that have already started (Inserted article: 19/06/2018-30453/m O.G./Article 19)

INTERIM ARTICLE 7 – (1) Procurements announced or notified before the effective date of the Regulation putting this Article into force shall be finalized in accordance with the provisions of the regulation in force on the date of the announcement or notification. However, the provisions of Articles 1, 2, 3 and 12 of the Regulation putting this Article into force shall apply as of the date of entry into force of the relevant articles, regardless of the date of announcement or notification.

Procurements that have already started (Inserted article: 16/03/2019-30716 O.G./Article 7)

INTERIM ARTICLE 8 – (1) Procurements that were announced or notified in writing before the effective date of the Regulation putting this article into force shall be finalized in

accordance with the provisions of the Regulation in force on the date of the announcement or notification. However, Articles 13, 17, 20 and 21 of the Regulation putting this article into force shall apply to procurements whose announcement or notification was made on or after 18/3/2020, and Article 6 shall apply as of the date of entry into force of the relevant article, regardless of the date of announcement or notification.

Procurements that have already started (Inserted article: 13/06/2019-30800 O.G./Article 1, enforcement: 23/06/2019)

INTERIM ARTICLE 9 – (1) Procurements that have been announced or notified in writing before the effective date of this Article shall be finalized in accordance with the provisions of the Regulation in force on the date of the announcement or notification.

Procurements that have already started (Inserted article: 30/09/2020-31260 O.G./Article 5)

INTERIM ARTICLE 10 – (1) Procurements that have been announced or notified in writing before the effective date of the Regulation putting this Article into force shall be finalized in accordance with the provisions of the Regulation in force on the date of the announcement or notification. However, Articles 1, 2, 3 and 4 of the Regulation putting this Article into force shall be applied as of the date of entry into force of the relevant articles, regardless of the dates of announcement or notification.

Enforcement date (Inserted article: 30/09/2020-31260 O.G./Article 5; Amended: 26/01/2021-31376 O.G./Article 3)

INTERIM ARTICLE 11 – (1) The amendments made to this Regulation by Articles 6, 7, 8, 10 and 14 of the Regulation Amending the Electronic Procurement Implementation Regulation published in the Official Gazette dated 30/9/2020 and numbered 31260; shall not be implemented until 15 days after the decision to be taken by the Board to determine that the necessary technical infrastructure regarding the mentioned amendments has been completed.

Procurements that have already started (Inserted article: 26/01/2021-31376 O.G./Article 4)

INTERIM ARTICLE 12 – (1) Procurements that have been announced or notified in writing before the effective date of this Article shall be finalized in accordance with the provisions of the Regulation in force on the date of the announcement or notification.

Procurements that have already started (Inserted article: 20/06/2021-31517 O.G./Article 2)

INTERIM ARTICLE 13 – (1) Procurements that have been announced or notified in writing before the effective date of the Regulation putting this Article into force shall be finalized in accordance with the provisions of the Regulation in force on the date of the announcement or notification. However, Article 1 of the Regulation putting this Article into force shall be applied as of the date of entry into force of the relevant articles, regardless of the dates of announcement or notification.

Procurements that have already started (Inserted article: 30/11/2021-31675 O.G./Article 1)

INTERIM ARTICLE 14 – (1) Procurements that have been announced or notified in writing before the effective date of the amendments made by Article 6 of the Regulation putting this Article into force shall be finalized in accordance with the provisions of the Regulation in force on the date of the announcement or notification.

Procurements that have already started

INTERIM ARTICLE 15- (Inserted article: 18/05/2022-31839 O.G./Article 2; enforcement: 28/05/2022) (1) The procurements announced or notified before the effective date of this Article shall be finalized in accordance with the provisions of the regulation in force at the date of the announcement or notification.

Enforcement date of the electronic procurement obligation

INTERIM ARTICLE 16- (Inserted article: 18/05/2022-31839 O.G./Article 2; enforcement: 28/05/2022) (1) The Authority shall be authorized to postpone the dates specified in the first and second paragraphs of Additional Article 2 one or more times until 2/1/2023 by taking into account one or more or all of the criteria of procurement procedure, type of procurement, subject matter and estimated cost.

Procurements that have already started

INTERIM ARTICLE 17- (Inserted article: 29/12/2022-32058 O.G./Article 2, enforcement: 13/1/2023) (1) Procurements whose announcement or notifications was made before the enforcement date of the Regulation that enacts this Article shall be conducted in accordance with the provisions of the Regulation in force on the date of the announcement or notification.

Enforcement

ARTICLE 31 – (1) This Regulation enters into force on the date of its publication.

Execution

ARTICLE 32 – (1) The President of Public Procurement Authority shall execute the provisions of this Regulation.

Official Gazette in which the Regulation is Published		
	Date	Number
	25/2/2011	27857
Official Gazette in which the Regulations Amending the Regulation are published		
	Date	Number
1-	20/3/2011	27880
2-	14/11/2012	28467
3-	7/6/2014	29023
4-	12/6/2015	29384
5-	27/5/2016	29724 (Repeating)
6-	29/11/2016	29903
7-	25/1/2017	29959
8-	4/3/2017	29997
9-	19/6/2018	30453 (Repeating)
10-	16/3/2019	30716
11-	13/06/2019	30800
12-	13/09/2019	30887
13-	13/11/2019	30947
14-	30/9/2020	31260
15-	26/1/2021	31376
16-	20/6/2021	31517
17-	30/11/2021	31675
18-	18/5/2022	31839
19-	29/12/2022	32058