

**Begzhan A.<sup>1</sup>, Umbetbayeva Zh.<sup>2</sup>**

<sup>1</sup>master of legal sciences, e-mail: aizat007@mail.ru mailto:begzhan.ayzat@kaznu.kz

<sup>2</sup>master of legal sciences, e-mail: umbetbaeva@mail.ru

Chair of International Law, Department of International Relations,  
al-Farabi Kazakh National University, Kazakhstan, Almaty

**ABOUT THE CONCEPT AND CONTENT  
OF LEGAL REGULATION OF PUBLIC PROCUREMENT**

The article discloses the concept of public procurement, as well as the general characteristics of the fundamental international legal instruments in the field of regulation of public procurement. Legal regulation of public procurement is a complex and continuous process of acceptance, adjustment and using of state legal norms regulating public procurement through the establishment of common rules, rights and duties of its subjects. According to the authors, organization of procurement and its management are one of the main instruments of state influence on the economy of the country, which is aimed at obtaining the necessary quality and quantity of goods and services from a reliable supplier at a competitive price for the needs of the state. In this regard, the examples of legal regulation of public procurement in some foreign countries are given. However, the authors consider the relationship between the concepts of «public procurement» and «public order», regulation of public purchases within some international organizations and also by the legislation of the Republic of Kazakhstan. In conclusion, the authors note the significance of public procurement to ensure not only the implementation of target programs, but also the economic, legal, and social development of the state as a whole.

**Key words:** state procurement, public procurement, government procurement, WTO, UNCITRAL.

Бегжан А.<sup>1</sup>, Умбетбаева Ж.<sup>2</sup>

<sup>1</sup>заң ғылымдарының магистрі, e-mail: aizat007@mail.ru

<sup>2</sup>заң ғылымдарының магистрі, e-mail: umbetbaeva@mail.ru

әл-Фараби атындағы Қазақ ұлттық университеті, халықаралық қатынастар факультеті,  
халықаралық құқық кафедрасы, Қазақстан, Алматы қ.

**Жария сатып алуларды құқықтық реттеудің түсінігі мен мазмұны жайлы**

Мақалада жария сатып алулардың түсінігі, сондай-ақ жария сатып алуларды реттеу саласындағы негізгі халықаралық-құқықтық құжаттардың жалпы сипаттамасы берілген. Жария сатып алуларды құқықтық реттеу субъектілерінің құқықтары, міндеттері және біркелкі ережелерді анықтау жолымен жария сатып алулар саласын реттейтін мемлекетпен құқықтық нормаларды қабылдау, түзету және қолдану болып табылатын күрделі және үздіксіз үрдісті білдіреді. Авторлардың пікірінше, мемлекеттік сатып алуларды ұйымдастыру, сонымен қатар оларды басқару мемлекеттің қажеттілігі үшін сенімді жеткізуші мен ұтымды бағада тауарлар мен қызметтерді қажетті сапа мен мөлшерде алуға бағытталған елдің экономикасына мемлекеттің әсер етуінің басты құралдарының бірі болып табылады. Осыған байланысты кейбір шет мемлекеттерде мемлекеттік сатып алуларды құқықтық реттеудің мысалдары келтірілген. Осымен қатар авторлар «мемлекеттік сатып алу» және «мемлекеттік тапсырыс» түсініктерінің арақатынасын, жария сатып алулардың кейбір халықаралық ұйымдармен және Қазақстан Республикасының заңнамасымен реттелуін қарастырады. Қорытындылай келе, жалпы алғанда мемлекеттің экономикалық, құқықтық, әлеуметтік дамуын қамтамасыз ету ғана емес, сондай-ақ мақсатты бағдарламаларды іске асыру, мемлекеттік қажеттіліктерді қамтамасыз ету үшін жария сатып алулардың маңыздылығы аталып өткен.

**Түйін сөздер:** мемлекеттік сатып алулар, жария сатып алулар, үкіметтік сатып алулар, ДСҰ, ЮНСИТРАЛ.

Бегжан А.<sup>1</sup>, Умбетбаева Ж.<sup>2</sup>

<sup>1</sup>магистр юридических наук, e-mail: aizat007@mail.ru

<sup>2</sup>магистр юридических наук, e-mail: umbetbaeva@mail.ru

кафедра международного права факультета международных отношений,  
Казахский национальный университета имени аль-Фараби, Казахстан, г. Алматы

### **О понятии и содержании правового регулирования публичных закупок**

В статье дается определение понятию публичных закупок, а также общая характеристика основных международно-правовых документов в области регулирования публичных закупок. Правовое регулирование публичных закупок представляет собой сложный и непрерывный процесс принятия, корректировки и применения государством правовых норм, регулирующих сферу публичных закупок путем установления единых правил, прав и обязанностей ее субъектов. По мнению авторов, организация государственных закупок, а также управление ими являются одним из главных инструментов влияния государства на экономику страны, которая направлена на получение необходимого по качеству и количеству товаров и услуг от надежного поставщика и по выгодной цене для нужд государства. В этой связи приводятся примеры правового регулирования государственных закупок в некоторых иностранных государствах. Вместе с тем, авторы рассматривают соотношение таких понятий, как «государственные закупки» и «государственный заказ», регулирование публичных закупок в рамках некоторых международных организаций, а также законодательством Республики Казахстан. В заключении отмечается значимость публичных закупок для обеспечения не только государственных нужд, реализации целевых программ, а также обеспечения экономического, правового, социального развития государства в целом.

**Ключевые слова:** государственные закупки, публичные закупки, правительственные закупки, ВТО, ЮНСИТРАЛ.

### **Introduction**

One of the determining factors of development of market relations and creation of competitive economic capacities are to increase funding activities through the usage of opportunities for state support. The main objective of the national system of public procurement is to ensure the acquisition of goods, works and services for the state needs.

The state authority acting as the plenipotentiary representative of the state, disposing of the financial resources and therefore the spending of taxpayers' money must be managed in such a way as to ensure the greatest implementation of public interests.

As world practice shows, the effective use of financial resources of the state for the implementation of its activities is carried out through public procurements.

Over the past half-century the functions of the state expanded substantially, particularly in industrialized countries. One of the main stages of state influence on the economy is the system of state orders, procurement of goods and services for different needs. Organization of state procurement and the procurement management are aimed at obtaining the necessary quality and quantity of raw materials or of goods and services from a reliable provider and at the best price. It has an impact on the price level, the income of private entrepreneurs, who become interested in increasing production volumes

and the number of sales in general. Thus, it can be noted that through the implementation of public procurement for social and economic problems the state is involved in the sector of private enterprise.

### **Theoretical and methodological base of the research**

For achievement of the goal of work methods of the analysis, systematization, generalization and comparison, modeling, analogy have been used.

The theoretical base of a research was made by scientific articles, dissertation researches, monographic editions of modern erudite lawyers, economists and other experts, including in the sphere of regulation of public purchases and also the works in the field of management of government procurement devoted to current problems of the sphere of the state order.

During the study of scientific literature in this field, you can see that the concepts of «state order» and «state procurement» are often identified.

State procurement is the totality of the various functions and actions that are focused on the increase of centralized controllability, reduction of state budget expenditures, control of material flows and ensuring the needs of state institutions (Michael Liners, 2007: 257).

Government procurement is the process that the government uses to enter into contracts with service

providers and vendors (Government Contracts & Procurement).

The over-riding procurement policy requirement is that all public procurement must be based on value for money, defined as «the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought». This should be achieved through competition, unless there are compelling reasons to the contrary.

Public sector procurement is subject to a legal framework which encourages free and open competition and value for money, in line with internationally and nationally agreed obligations and regulations. As part of its strategy, the government aligns procurement policies with this legal framework, as well as with its wider policy objectives (Public procurement policy).

Through the procurement exercise the state administers the placement of state order (Галанов, 2010: 133). Under the state order we can understand the totality of concluded state contracts for the supply of goods or provision of services by the state budget. For example, the construction and renovation of schools, purchase of medicines for pensioners and veterans, purchase of computers for officials, the creation and production of new samples of arms and military equipment for the army – all government orders (Michael Liners, 2007: 259). Also the state order can act as suggestions, which are given to the authorized government organization or other organization, the supplier for the state needs.

The state order provides the needs of the state, and government customers in the purchase of goods, works and services required to carry out the functions and powers of the state, government customers (including implementation of the state target programs), to fulfill international obligations, including the implementation of interstate target programs in which the state participates.

A set of clear rules on public procurement allows to make the spending of taxpayers' money on the satisfaction of state needs transparent. State regulation allows, if not to avoid whatsoever, but at least to reduce the level of corruption and arbitrariness of the authorities. Persons who claim to conclude state or municipal contract are referred to as participants of placement of orders. They can be legal entity (of legal form and any form of ownership) and an individual (including individual entrepreneurs) (Кузнецов, 2005: 157).

An important function of the public and state authorities is the provision of socially important goods and services. When implementing this function, the government takes into account the interests of the

whole population and uses the state budget. In most countries, one of the main ways of realization of functions of government power is the placement of state and municipal orders.

State procurement – goods and services produced in the country or abroad procured by the government and state bodies at the expense of the state budget (Пайзберг, 2007: 56). Such purchases are made by the state for its own consumption (purchase of equipment, weapons) and to ensure that consumption and redundancy (e.g. public procurement of grain and food).

Internationally accepted principles of procurement and placing orders are formulated in the legislation of certain countries and recorded in a number of international instruments such as the UNCITRAL model law on public procurement, the WTO Agreement on government procurement, EU directives, documents of the organization of Asia-Pacific Economic Cooperation and others. The differences in the legislation of certain countries are conditioned by the priorities of economic policy of a state. It is significantly affected by the degree of centralization of the economy. At the level of national legislation is refinement, concretization of international regulations, taking into account features of economic policy. Normative acts are issued in a number of countries allowing, on the basis of General national legislation, to formulate specific provisions reflecting the specificity of the industry (Белова, 2008).

Competitive procedures are the most widely used. That allows to provide equal access to government orders, the openness and transparency of all procedures and selection criteria. The possibility of using other methods requires justification.

Most developed countries, despite a long tradition of a market economy have international requirements in their national legislation.

Under German law, the state, acting as a business entity must observe the same legal and economic principles as the private sector of the economy. As a buyer (consumer) it competes with private sector representatives, along with tracking changes on the market and in form the market about their needs, announcing the tenders for purchase of goods (services).

The modern UK legislation in the field of contests is based on the «guidelines for competitive procurement». In the Treasury of the United Kingdom, as a Central methodological and Supervisory authority, was created the «Central organization for the procurement.» There is also a division of strategic procurement in the government. Each Ministry has a Department on the contract works. The Treasury has

delegated the right of disposal of funds to sectoral ministries, the costs are agreed with the Treasury official in charge of the Ministry. The representative of the Treasury (finance inspector) ensures that the expenditure budget provisions, each contract must obtain approval (Белова, 2008).

The legislations of the Central and Eastern European countries have undergone significant changes. Their main goal is unification, i.e. the transfer of European community directives on the legal framework of particular countries. From the point of view of potential suppliers of products, services, this process needs to give them the opportunity to participate in tenders in different countries (regardless of nationality of supplier) on an equal footing (Белова, 2008).

Thus, it can be noted that most countries have used different ways to restrict access to their markets for foreign competitors. However, as an exception, we can cite Germany, where the law prohibits the preference for national stakeholders.

Australia and New Zealand do not have legislation governing public procurement specifically. However, these countries apply competitive methods of implementing state orders, which are regulated by the normative documents of the Executive and administrative authorities (primarily the Ministry of Finance and the Ministry of works at Federal level and at the state level). The States and territories enjoy considerable autonomy within the overall government procurement policy. Financial control over public expenditure is exercised through the Treasury (Ministry of Finance) on the basis of existing legislation (Белова, 2008).

In Australia Government Procurement is responsible for the procurement function at a whole of government level. It provides strategic procurement advice to the entire public sector (About Government Procurement).

The scheme of the organization of government procurement existing in France and Belgium provides control over the public expenditures at all stages (decision-making, calculation of the estimate of expenses, the analysis of compliance of the planned expenses with budget opportunities, vising of account documents, control of payment of contracts). Creation of the special commissions, which selectively check correctness of signing of the contracts, is characteristic of France. Each department and local authority form own its division on purchases, which is responsible for signing of the contracts and control of their execution (Белова, 2008).

Scales of government procurement in the modern countries of mixed economy are rather con-

siderable. It is important to emphasize that usually overwhelming part of similar purchases is made at the non-state enterprises functioning as market subjects. Confidence in rather higher efficiency of the enterprises of the private sector concerning the enterprises of «the state submission» forms the basis for realization of this principle. The second principle which is put in a basis of implementation of similar purchases assumes widespread use of the special competitive procedures obligatory for government employees at placement of the state order. Features of these procedures are regulated in a standard and legislative order. So far the world practice has developed in general the settled forms of similar procedures – the regulations of such procedures put the firms participating in them in equal conditions before the state customers – organizers of competitions, in particular, proclaim the principles of openness (publicity), the general order of informing for all participants, identical conditions of participation for them, etc. This kind of the quasi-market within which applicants for the conclusion of government contracts compete among themselves is created as a result of offering to government institutions more favorable terms of transactions (Корытцев, 2006: 112-118).

## Discussion

Theoretical issues of the public sector economy are most fully represented in the works of foreign authors. Among translated publications of particular interest is the problematic of the distribution of financial resources of society, presented in the work of E.B. Atkinson, J.E. Stiglitz «Lectures on the economic theory of the public sector» (Atkinson, 1995). The most comprehensive and holistic view of the problems of the economy of the public sector is given in the work of L.I. Jakobson «Economy of the public sector», in which for the first time in the domestic economic science this methodological approach was realized (Jacobson, 1996). Of particular interest is the monograph of O.U. Mamedov «From the model of the classical market to the model of mixed economy», in which for the first time the modern economy is presented as dichotomy of the market and non-market, that is, the public sector of the economy, which interaction forms the integrity of the mixed model (Мамедов, 1996).

These works reflected trends in the formation and development of public sector in the practice of developed countries. Considerable attention is paid to factors that accelerate, retard and modify the formation of the public sector in the transition economy

to the market. The analysis of main theoretical positions of the above-mentioned works allows to crystallize research-related positions necessary for further analysis of the category «state orders market».

The public sector is a set of economic resources at the disposal of the state.

The resources that are administered by the state are not only organizations that are in its ownership, but also the revenues and expenditures of the budget. Accordingly, the public sector is not the same as the aggregate of state enterprises and institutions. It functions also in the forms of taxation and in public expenditure programs (Попова, 2005: 74).

Analyzing the processes of interaction between the state and the market, L.I. Jakobson notes that «the peculiarity of the economy of the public sector is that it views the state in a broad range of subjects of economic activity, reveals the logic of its economic behavior and focuses on those specific economic benefits that the public sector takes care of, and on the efficiency of production of these goods. The economy of the public sector is designed to explain how citizens' preferences are transformed into goals pursued by the state, as the state is seeking funds to achieve these goals, how it uses these means and through which its activities can become more rational» (Jacobson, 1996: 14).

The market system is built on the basis of voluntarily concluded deals. However, the state has the right to coerce within and on the basis of laws. This is manifestation of its power. No other participants of market exchange have such advantage.

The resources of the state with which the economy of the public sector deals, can be formed through the legal withdrawal of a part of the incomes of citizens and organizations, that is, through taxation. «The public sector of mixed economy, as O.U. Mamedov notes, exists at the expense of the market sector and can not exceed the size of its «consolidated surplus» (that is, the sum of «consumer surplus» and «producer surplus»). This is peculiar law of inter-sectoral equilibrium of mixed economy» (Мамедов, 1996: 10).

In many documents regulating government procurement what distinguishes government procurement from a private one is implementation of purchases using money of the taxpayer, but not private capital. At the expense of the taxpayer, goods and services for his advantage are supplied and used. At the same time, there are budgetary restrictions. The legislature approves the final budget on government procurement and all its further changes.

The essential value in relation to government procurement has the principle of effective use of

budgetary funds. Importance of this principle in this case is predetermined not only by the high specific weight of purchases in costs breakdown of the budget, but also by the fact that the majority of offenses in the field of the budgetary purchases are connected with its violation. Some authors call it the principle of a regime of economy. However, Abdrakhimov D.A. emphasizes that «from the point of view of concepts of the system analysis economy cannot be considered as an independent strategic objective of the same level as efficiency since economy of resources is one of the main economic results compared with expenses within the concept «efficiency»» (Абдрахимов, 1996).

Particular importance to the principle of efficiency in relation to government procurement is attached by that circumstance that unlike many other kinds of the budgetary expenses directed to production of the public benefits which are not subject to purchase and sale (such, for example, as average life expectancy, state of environment, public safety), assessing efficiency of which causes serious difficulties (Якобсон, 2001: 16-24), efficiency of government procurement paves the way for accurate monetary value. Considering that the majority of goods, the works and services which are purchased for the state needs has the address in the market, the systematic effectiveness of government procurement can be estimated by comparison of the average price of government contracts with the market price of these or those goods taking into account costs of placement of the state order (Золотарева, 2004: 42-43).

Additionally, the principle of exercising control over the process of placing the state order is singled out. Control assumes responsibility of the customer (officials) for violations of the law, and the effectiveness of the procurement conducted.

The importance of the control function of finance for the effectiveness of public administration was disclosed in detail by O.N. Gorbunova. In her opinion, «through the financial system, a monitoring system is implemented-the tracking by the ruble of the successful (or less successful) development of the state and society as a whole, and, most importantly, the state influence and direct impact on their development» (Горбунова, 1996: 13). Moreover, this applies to such specialized element of the financial system as financial control.

One of significant international acts in the field of regulation of government procurement is the WTO Agreement on government purchases, that came into force on April 6, 2014 (Agreement on Government Procurement). The initial version of the agreement

has come into force in 1996. It is the multilateral (optional to acceptance) contract obliging its members to adhere to the certain measures of regulation promoting greater transparency and the competition in the sector of government purchases. As we know, within the WTO there are binding agreements for WTO participants, for example, the 2011 Agreement on the Free Trade Area. Among the Kazakhstani authors who considered the adoption of the 1994 Free Trade Area Agreement as the basis for the formation of the 2011 Agreement on the Free Trade Area, issues of dispute settlement in this segment, as well as the effectiveness of the assessment of existing mechanisms, can be called Aidarbayev S.Zh., Amandossuly B. (Amandossuly, 2015: 85-92) and other. The norm of agreement regulates purchases of goods, services and capital infrastructure by public authorities. A main goal of the State Parties is achievement of the greatest possible openness of the markets of government purchases as well as an elimination of corruption in this sphere.

The basic principle of the WTO Agreement on government purchases is non-discrimination. It is aimed at development of international trade, restriction of discrimination of foreign suppliers and ensuring transparency of the national legislation and the applied procedures of purchases. At the same time, legal documents of the WTO contain tough rules on applying of numerous measures of non-tariff regulation of foreign trade. All countries of the world actively apply them in the foreign trade practice (Макарова, 2007: 4).

Significant factor that can increase the importance of the Agreement on Government Procurement over time is deeper awareness – especially in modern thinking and research on economic development – the need for proper management mechanisms (those, applying required laws and institutional structures) as an integral part of the processes of opening and liberalizing markets. According to the former Director General of the World Trade Organization, Pascal Lami: «simple removal of obstacles in trade development in itself can not provide optimal performance indicators if there are no rules that ensure the objectivity of procedures, required transparency of markets, responsibility and environmental sustainability of actions performed in competitive environment . It is time to recognize that such rules are one of the most important components of the process of opening markets» (Paskal Lami, 2010).

It can be argued that the Agreement on Government Procurement is positive example of international regulatory regime for the purpose of

improving quality of management of type that can help countries conduct and reinforce institutional reforms that empower citizens with certain rights. The easier it is to strive to open markets, it specifically recognizes the need for rules, procedures and institutional structures that provide positive indicators for the markets in this area. These rules and institutional structures are designed to ensure transparency, objectivity and non-discrimination in procurement, and thus can help in maximizing the impact of taxpayer spending in addition to greater freedom in trade.

The majority of laws on government procurement in Central and Eastern Europe and in the CIS countries are based on the Model law of the Commission of the UN on the international commercial law on public purchases.

In 1994 the UNCITRAL has issued the Model law on purchases of goods (UNCITRAL Model Law on Procurement of Goods, Construction and Services, 1994), works and services, in 2004. To the working group of UNCITRAL on purchases have charged to update this Model law with the purpose to reflect new practice of carrying out government procurement, in particular, electronic procurement, and the related aspects of electronic commerce and also to reflect the experience got in the course of use of the Model law on government procurement as bases for legal reform.

As a result, on July 1, 2011 the United Nations Commission on International Trade Law has adopted the Model law of UNCITRAL on public purchases (UNCITRAL Model Law on Public Procurement, 2011), which is a sample for the governments of the states which change or reform the legislation on government procurement for the national markets. Provisions of the Law describe all essential procedures and the principles of carrying out various types of purchasing processes in national system, it can be realized according to local conditions thanks to its flexibility, while keeping desirable results.

In the art. 1 of the UNCITRAL Model Law of 2011 indicates that the scope of the law applies to all public procurement (UNCITRAL Model Law on Public Procurement, 2011). Art. 1 of the 1994 Procurement of Goods (Works) and Services Model Law excluded procurement in the field of defense and allowed States to exempt from its application other sectors of the economy (UNCITRAL Model Law on Procurement of Goods, Construction and Services, 1994). Thus, the Model Law of 2011 represents significant achievement in terms of coverage.

The Model Law has six main objectives set out in its preamble:

1. Maximizing the economy and efficiency of procurement.

2. Facilitate and encourage participation in procurement procedures for suppliers and contractors, especially where appropriate, the participation of suppliers and contractors, regardless of nationality, thus contributing to the development of international trade.

3. Promotion of competition among suppliers and contractors in the field of supply of purchased goods, works or services.

4. Ensuring fair and impartial treatment to all suppliers and contractors.

5. Promote honesty, fairness and public trust in the procurement process.

6. Transparency in procurement procedures (UNCITRAL official site).

The basic idea of the whole text is the principle of developing competition. The application of the norms of UNCITRAL allows creating basis for its practical implementation in the national legislation. The principle of development of competition is reflected in all applied norms and can be traced, in particular, in very cautious attitude of the Model Law to the nomination by procuring entity of requests and offers by bidders for financial support. And also in preferred choice of standard goods, services and types of work, standard contractual requirements. Along with this, in establishing of the obligation of procuring entity in determining the qualification requirements for suppliers, immediately inform everyone who has not passed prequalification selection about the reasons of not passing (Волков, 2002: 2-3).

In addition, UNCITRAL does not welcome the adherence to rules that could reduce the number of potential bidders.

The legislation of the Republic of Kazakhstan on government procurement, based on the Constitution of the Republic of Kazakhstan, consists of standards of the Civil code of RK, the Law of the Republic of Kazakhstan on government procurement of December 4, 2015 434-V, Rules of implementation of the government procurement approved by the Order of the Minister of Finance of the Republic of Kazakhstan of December 11, 2015 № 648, and other regulations of the Republic of Kazakhstan.

The Law of the Republic of Kazakhstan «On Public Procurement» regulates relations arising in the process of implementation by state bodies, state institutions, state enterprises, as well as joint-stock companies, controlling interest of which belongs to the state and affiliated with them legal entities for the procurement of goods, works and services from suppliers in to effectively use the means at their disposal (About state procurement in Kazakhstan).

According to the Law «On Public Procurement», public procurement is carried out in one of the following ways:

- competition;
- request for quotations;
- from one source;
- auctions;
- commodity exchanges (Закон Республики Казахстан «О государственных закупках», 2015).

### Conclusion

The system of public purchases is used by all countries of the world community. The international organizations of all levels try to develop the advanced norm promoting a corruption exception, allowing to observe fully the conventional principles and to achieve the generally established objectives in the sphere of government procurement.

The research of the mechanism of functioning of public purchases assumes abstraction from concrete forms of manifestation of public benefits, its divisions into the clean and mixed forms and allows to concentrate the main attention on the factors defining dynamics of supply and demand of public benefits, features of pricing.

Legal regulation of public purchases represents difficult and continuous process of acceptance, adjustment and application by the state of the precepts of law regulating the sphere of public purchases by establishment of uniform rules, the rights and duties of her subjects. Public purchases as subject to the international and national legal regulation are represented by difficult, continuous process of ensuring the state needs by involvement of external performers on a paid basis and consisting of set of the interconnected and consecutive stages: forecasting, planning, formation, placement, execution and control.

### References

Michael R. Liners, Fraser Johnson, Anna E. Flynn, Harold E. Firon. Purchasing & Supply Management: With 50 Supply Chain Cases. 13th edition. – M.: UNITY-DANA. – 752 p.

Government Contracts & Procurement [electronic resource] // Justia Legal Resources: [site]. Access mode: <https://www.justia.com/administrative-law/government-contracts-procurement/> (date of the application: 10.01.2018).

Public procurement policy [electronic resource] // Official website of the UK government: [site]. Access mode: <https://www.gov.uk/guidance/public-sector-procurement-policy> (date of the application: 10.01.2018).

Галанов В.А., Гришина О.А., Шибяев С.Р. Логистика государственных закупок: учебно-методическое пособие. – М.: ИНФРА-М, 2010. – 247 с.

Кузнецов К.В. Прокьюремент: тендеры, конкурсы, конкурентные закупки. – М.: Питер, 2005. – 368 с.

Райзберг Б.А., Лозовский Л.Ш., Стародубцева Е.Б. Современный экономический словарь. 5-е изд., перераб. и доп. – М.: ИНФРА-М, 2007. – 495 с.

Белова С. Государственные закупки за рубежом: общее и особенное [электронный ресурс] // CRN/RE («ИТ-бизнес»), 31 марта 2008, №6 (299): [сайт]. Режим доступа: <http://www.crn.ru/numbers/reg-numbers/detail.php?ID=18960>

About Government Procurement [electronic resource] // Official website of the Western Australia government: [site]. Access mode: [https://www.finance.wa.gov.au/cms/Government\\_Procurement/About\\_us/About\\_Government\\_Procurement.aspx](https://www.finance.wa.gov.au/cms/Government_Procurement/About_us/About_Government_Procurement.aspx) (date of the application: 10.01.2018).

Корытцев М.А. Квазирынок государственных закупок: варианты организации и потери эффективности [электронный ресурс] // Федеральный образовательный портал ЭСМ. 2006. Т. 4. № 2. С. 112-118.: [сайт]. Режим доступа: <http://www.ecsocman.edu.ru/evjur/msg/323697.html> (дата обращения 5.01.2018).

Atkinson E.B., Stiglitz D.E. Lectures on the economic theory of the public sector. – М.: AspectPress, 1995. – 832 p.

Jacobson L.I. Economics of the public sector. Fundamentals of the theory of public finances. Textbook for high schools. – М.: AspectPress, 1996. – 396 p.

Мамедов О.Ю. От модели классического рынка – к модели смешанной экономики. – Ростов-на-Дону: Феникс, 1996. – 96 с.

Попова Е.А. Становление и развитие государственной закупочной политики в Российской Федерации: Дисс... канд. экон. наук. Ростов-на-Дону, 2005. – 212 с.

Абдрахимов Д. О путях повышения эффективности системы конкурсных госзакупок // Информационно-аналитический бюллетень «Конкурсные торги», 1999, №3.

Якобсон Л.И. Эффективность государственных закупок // Информационно-аналитический бюллетень «Конкурсные торги». Июль-август 2001. С. 16-24.

Золотарева А.Б. Финансово-правовое регулирование бюджетных закупок: Дисс... канд. юрид. наук. – М., 2004. – 214 с.

Горбунова О.Н. Проблемы совершенствования основных финансово-правовых институтов в условиях перехода России к рынку: Дисс. ... докт. юрид. наук. – М., 1996. – 96 с.

Agreement on Government Procurement, 6 april 2014 [electronic resource] // [https://www.wto.org/english/docs\\_e/legal\\_e/rev-gr-94\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/rev-gr-94_01_e.htm) (date of the application: 10.01.2018).

В. Amandossuly, S.Z. Aidarbayev, K.N. Shakirov, A.A. Alexeyev. 1994 Treaty as the Basis for the 2011 Agreement on Free Trade Area. European Research Studies, Volume XVIII, Issue 4, Special Issue, Part A, 2015. pp. 85 – 92.

Макарова Г.В., Матвеева О.П. Запреты и ограничения во внешней торговле. – Белгород: Кооперативное образование, 2007. – С. 11.

Paskal Lami «Remarks to a Symposium on «The WTO Agreement on Government Procurement: Developmental and Trade Significance, Changing Context and Future Prospects»» [electronic resource] // Center of William Rappard, Geneva, February 11, 2010: [site]. Access mode: [http://www.wto.org/english/news\\_e/spl\\_e/spl147\\_e.htm](http://www.wto.org/english/news_e/spl_e/spl147_e.htm).

UNCITRAL Model Law on Procurement of Goods, Construction and Services with Guide to Enactment 1994 [electronic resource] // <http://www.uncitral.org/pdf/english/texts/procurem/ml-procurement/ml-procure.pdf> (date of the application: 11.01.2018).

UNCITRAL Model Law on Public Procurement 2011 [electronic resource] // <http://www.uncitral.org/pdf/english/texts/procurem/ml-procurement-2011/2011-Model-Law-on-Public-Procurement-e.pdf> (date of the application: 11.01.2018).

UNCITRAL official site [electronic resource]. Access mode: [http://www.uncitral.org/uncitral/en/uncitral\\_texts/procurement\\_infrastructure/2011Model.html](http://www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure/2011Model.html) (date of the application: 11.01.2018).

Волков П., Анчишкина О. Типовой закон ЮНСИТРАЛ о публичных закупках: правовой ориентир для национальных систем приобретения товаров, работ и услуг // Национальная Ассоциация институтов закупок. – 7 ноября 2002. – 86 с.

About state procurement in Kazakhstan [electronic resource] // Electronic government of the Republic of Kazakhstan: [site]. Access mode: [http://egov.kz/cms/en/articles/e\\_procurement](http://egov.kz/cms/en/articles/e_procurement) (date of the application: 11.01.2018).

Закон Республики Казахстан от 4 декабря 2015 года № 434-V «О государственных закупках» // [https://online.zakon.kz/Document/?doc\\_id=34050877](https://online.zakon.kz/Document/?doc_id=34050877) (дата обращения: 11.01.2018)

## References

Abdrahimov D. (1999) O putyakh povyisheniya effektivnosti sistemy konkursnyih goszakupok [About ways of increase of system effectiveness of competitive state procurements] // Informatsionno-analiticheskiy byulleten «Konkursnyie torgi», №3.

About Government Procurement [electronic resource] // Official website of the Western Australia government: [site]. Access mode: [https://www.finance.wa.gov.au/cms/Government\\_Procurement/About\\_us/About\\_Government\\_Procurement.aspx](https://www.finance.wa.gov.au/cms/Government_Procurement/About_us/About_Government_Procurement.aspx) (date of the application: 10.01.2018).

About state procurement in Kazakhstan [electronic resource] // Electronic government of the Republic of Kazakhstan: [site]. Access mode: [http://egov.kz/cms/en/articles/e\\_procurement](http://egov.kz/cms/en/articles/e_procurement) (date of the application: 11.01.2018).

Agreement on Government Procurement, 6 april 2014 [electronic resource] // [https://www.wto.org/english/docs\\_e/legal\\_e/rev-gr-94\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/rev-gr-94_01_e.htm) (date of the application: 10.01.2018).



- Amandossuly B., Aidarbayev S.Z., Shakirov K.N., Alexeyev A.A.. (2015) 1994 Treaty as the Basis for the 2011 Agreement on Free Trade Area. *European Research Studies*, Volume XVIII, Issue 4, Special Issue, Part A. pp. 85 – 92.
- Atkinson E.B., Stiglitz D.E. (1995) *Lectures on the economic theory of the public sector*. – M.: AspectPress. – 832 p.
- Belova S. (2008) Gosudarstvennyye zakupki za rubezhom: obshchee i osobennoe [Government procurement abroad: the general and special] // CRN/RE («IT-biznes»), № 6 (299): [sayt]. Rezhim dostupa: <http://www.crn.ru/numbers/reg-numbers/detail.php?ID=18960> (data obrascheniya 5.01.2018).
- Galanov V.A., Grishina O.A., Shibaev S.R. (2010) *Logistika gosudarstvennykh zakupok: uchebno-metodicheskoe posobie*. [Logistics of government procurement: educational and methodical grant] – M.: INFRA-M. – 247 s.
- Gorbunova O.N. (1996) Problemy sovershenstvovaniya osnovnykh finansovo-pravovykh institutov v usloviyakh perehoda Rossii k ryunku [Problems of improvement of the main financial and legal institutes in the conditions of transition of Russia to the market]: Diss. ...dokt.yurid. nauk. – M. – 96 s.
- Government Contracts & Procurement [electronic resource] // Justia Legal Resources: [site]. Access mode: <https://www.justia.com/administrative-law/government-contracts-procurement/> (date of the application: 10.01.2018).
- Jacobson L.I. (1996) *Economics of the public sector. Fundamentals of the theory of public finances. Textbook for high schools*. – M.: AspectPress. – 396 p.
- Korytsev M.A. (2006) Kvazirynok gosudarstvennykh zakupok: varianty organizatsii i poteri effektivnosti [Quasimarket of government procurement: options of the organization and loss of efficiency] // Federalnyy obrazovatelnyy portal ESM. T.4. №2. S. 112-118.: [sayt]. Rezhim dostupa: [https://www.finance.wa.gov.au/cms/Government\\_Procurement/About\\_us/About\\_Government\\_Procurement.aspx](https://www.finance.wa.gov.au/cms/Government_Procurement/About_us/About_Government_Procurement.aspx) (data obrascheniya 5.01.2018).
- Kuznetsov K.V. (2005) Prokyurement: tenderyi, konkursy, konkurentnyye zakupki [Procurement: tenders, competitions, competitive purchases]. – M.: Piter. – 368 s.
- Makarova G.V., Matveeva O.P. (2007) Zaprety i ogranicheniya vo vneshney trgovle [The bans and restrictions in foreign trade]. – Belgorod: Kooperativnoe obrazovanie. – S. 11.
- Mamedov O.U. (1996) Ot modeli klassicheskogo ryinka – k modeli smeshannoy ekonomiki [From model of the classical market – to model of mixed economy]. – Rostov-na-Donu: Feniks. – 96 s.
- Michael R. Liners, Fraser Johnson, Anna E. Flynn, Harold E. Firon. (2007) *Purchasing & Supply Management: With 50 Supply Chain Cases*. 13th edition. – M.: UNITY-DANA. – 752 p.
- Paskal Lami «Remarks to a Symposium on «The WTO Agreement on Government Procurement: Developmental and Trade Significance, Changing Context and Future Prospects»» [electronic resource] // Center of William Rappard, Geneva, February 11, 2010: [site]. Access mode: [http://www.wto.org/english/news\\_e/sppl\\_e/sppl147\\_e.htm](http://www.wto.org/english/news_e/sppl_e/sppl147_e.htm).
- Popova E.A. (2005) Stanovlenie i razvitie gosudarstvennoy zakupochnoy politiki v Rossiyskoy Federatsii [Formation and development of the state purchasing policy in the Russian Federation]: Diss... kand.ekon. nauk. Rostov-na-Donu. – 212 s.
- Public procurement policy [electronic resource] // Official website of the UK government: [site]. Access mode: <https://www.gov.uk/guidance/public-sector-procurement-policy> (date of the application: 10.01.2018).
- Rayzberg B.A., Lozovskiy L.Sh., Starodubtseva E.B. (2007) *Sovremennyiy ekonomicheskii slovar*. 5-e izd., pererab. i dop. [Modern economic dictionary. the 5th edition processed and added] – M.: INFRA-M. – 495 s.
- UNCITRAL Model Law on Procurement of Goods, Construction and Services with Guide to Enactment 1994 [electronic resource] // <http://www.uncitral.org/pdf/english/texts/procurem/ml-procurement/ml-procure.pdf> (date of the application: 11.01.2018).
- UNCITRAL Model Law on Public Procurement 2011 [electronic resource] // <http://www.uncitral.org/pdf/english/texts/procurem/ml-procurement-2011/2011-Model-Law-on-Public-Procurement-e.pdf> (date of the application: 11.01.2018).
- UNCITRAL official site [electronic resource]. Access mode: [http://www.uncitral.org/uncitral/en/uncitral\\_texts/procurement\\_infrastructure/2011Model.html](http://www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure/2011Model.html) (date of the application: 11.01.2018).
- Volkov P., Anchishkina O. (2002) Tipovoy zakon YuNSITRAL o publichnykh zakupkakh: pravovoy orientir dlya natsionalnykh sistem priobreteniya tovarov, rabot i uslug [Model law of UNCITRAL on public purchases: a legal reference point for the national systems of purchase of goods, works and services] // Natsionalnaya Assotsiatsiya institutov zakupok. – 86 s.
- Yakobson L.I. (2001) Effektivnost gosudarstvennykh zakupok [Efficiency of government procurement] // Informatsionno-analiticheskiy byulleten «Konkursnyye torgi». S. 16-24.
- Zakon Respubliki Kazakhstan ot 4 dekabrya 2015 goda № 434-V «O gosudarstvennykh zakupkakh» [Law of the Republic of Kazakhstan On government procurement] // [https://online.zakon.kz/Document/?doc\\_id=34050877](https://online.zakon.kz/Document/?doc_id=34050877) (date of the application: 11.01.2018).
- Zolotareva A.B. (2004) Finansovo-pravovoe regulirovanie byudzhetnykh zakupok [Financial and legal regulation of the budgetary purchases]: Diss... kand. jurid. nauk. – M. – 214 s.