

## CHANGES IN THE REGULATORY BASE OF THE BUDGETARY PROCESS IN OCTOBER 2013 M.Goldin

*In October, the following documents were approved: the procedure for provision of budget investments to legal entities which are neither state or municipal entities, nor state or municipal unitary enterprises; guidelines for application of methods of determination of the initial (maximum) contract price and the price of the contract concluded with a single supplier.*

By **Resolution No.941 of October 24, 2013 of the Government of the Russian Federation** on Approval of the Rules of Taking of Decisions on Provision of Budget Investments to Legal Entities which are Neither State or Municipal Entities Nor State or Municipal Unitary Enterprises in Capital Construction Projects at the Expense of Funds of the Federal Budget (hereinafter – the Rules of Provision of Budget Investments), a procedure was approved for taking of decisions on provision to nongovernment legal entities (hereinafter—bidders) of budget investments in capital construction projects at the expense of the federal budget funds on implementation of investment projects on building (reconstruction, including restoration and re-equipment) of capital construction projects and (or) purchasing of real property projects.

It is specified by the Rules of Provision of Budget Investments that the regulatory act in question is not applied to the following:

- Investment projects included in federal purpose programs funded by means of budget investments;
- Investment projects funded by means of federal budget funds at the expense of budget allocations from the Investment Fund of the Russian Federation (including investment projects where the above allocations are granted for development of project documentation);
- Investment projects whose funding by means of the federal budget funds was started prior to January 1, 2014.

A decision on allocation of budget investments to bidders is initiated by the main administrator of budget funds (the federal state authority which is in charge of implementation of measures of a state program on building (reconstruction) or management of the real property project) and agreed upon by the Ministry of Economic Development of the Russian Federation. The final decision is taken by the Government of the Russian Federation as the decision on allocation of budget investments is to be executed in the form of a regulatory act of the Government of the Russian Federation.

Provision of budget investments is carried out on condition that the above investments cannot be channeled to legal entities for funding of the following work:

- a) development of the project documentation on capital construction projects and carrying out of engineering surveys for preparation of project documentation;
- b) purchasing of land plots for building;
- c) carrying out of a technological and pricing audit of investment projects on building (reconstruction and technical re-equipment) of capital construction projects in cases established by the legislation of the Russian Federation;
- d) carrying out of state due diligence of the project documentation and outputs of engineering surveys required for preparation of such project documentation;
- e) checking adequacy of the estimated cost of capital construction projects (reconstruction, including restoration and technical re-equipment) which are funded with federal budget funds.

By **Order No.567 of October 2, 2013 of the Ministry of Economic Development of the Russian Federation**, the guidelines were approved for application of methods of determination of the initial (maximum) contract price and the price of contract concluded with a single supplier (contractor, performer).

The guidelines were approved in accordance with Article 22 (20) of Federal Law No. 44-FZ of April 5, 2013 on the Contract System in Procurement of Goods, Jobs and Services for State and Municipal Needs.

The guidelines were developed for rendering of methodical assistance to state customers by authorized bodies and entities in determination and justification of the initial (maximum) contract price (IMCP) in carrying out of procurement with utilization of competitive methods of determination of suppliers, as well as the price of the contract concluded with a single supplier.

Determination of IMCP is carried out in formation of the schedule of purchases and preparation of a notification and documentation on a purchase. The result of determination of IMCP is shown in the above documents.

The guidelines are mainly dedicated to explanation of the methods of determination and justification of IMCP as well as specification of determination of such

criteria of evaluation of a bid as calculation of the cost of the life cycle of goods and projects created as a result of fulfillment of work. ●