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ANALYSIS OF THE EFFICIENCY OF INTRODUCTION OF THE PROFESSIONAL STANDARD “PUBLIC PROCUREMENT SPECIALIST

The article examines and summarizes the theoretical and practical aspects and regulatory features of the implementation of the professional standard “Public Procurement Specialist”, analyses the effectiveness and justifies the need to implement the professional standard “Public Procurement Specialist”. The article presents proposals for increasing responsibility for violations in the field of public procurement, analyses the feasibility of introducing the professional standard “Public Procurement Specialist”, and describes the possible consequences, disadvantages, and advantages. It assesses the impact of the implementation of the professional standard “Public Procurement Specialist” and describes the main requirements for the competence of workers. The article discusses the functions, rights, duties, and responsibilities of a public procurement specialist.

Key words: public procurement, authorized person, tender committee, public procurement specialist.

Introduction. The currently applicable laws need to be amended in terms of the development of a new approach towards the organization of procurement by public procurement professionals. Therefore, the development and approval of a professional standard for the profession «Public Procurement Specialist», which specifies a set of knowledge, skills, job functions, and competencies of specialists, has become an important stage in ensuring the gradual transition to a new format of work.

Most institutions do not have a separate staff unit such as a «public procurement specialist». Consequently, the responsibility for organizing and holding tenders can be vested in any employee – an accountant, legal counsel, technical worker, teacher, and even a doctor. Thus, aside from his/her official duties, he/she must perform the work of an authorized person or a member of the Tender Committee (hereinafter – the «TC»), etc. Of course, they have no special additional knowledge required for such work.

A procurement process consists of several stages, and planning is one of them. In order for the procedure to be efficient, it is necessary to study a procurement history of an organization, conduct a market analysis and market research, segment a procurement item, etc. All of these require not only specialized knowledge but also practical experience of dealing with such information. In addition, an authorized person or a member of the TC should be knowledgeable about public procurement law and, at least,

be aware of certain provisions of other regulations, in particular, the Civil and Commercial Codes.

Added to this are technical specifications – another very important component for successful procurement. Almost every day contracting authorities face the need to announce procedures that require knowledge of food technology, technical equipment of premises or specifics of major repairs. Thus, a question arises whether a regular teacher or accountant will be able to correctly prepare tender documentation and determine the qualifications of a successful bidder. At the same time, new duties entail an increased liability for their breach. A penalty in the amount of seven hundred (UAH 11,900) to one thousand (UAH 17,000) times the non-taxable minimum personal income. In the event of a repeated breach within a year from the day of imposition of the penalty, a penalty will then vary from one thousand (UAH 17,000) to one and a half thousand (UAH 25,500) times the non-taxable minimum personal income.

Understanding how acute the need for skilled personnel is, the Ministry of Economic Development and Trade actively develops the direction of professionalization of procurement. There is a program of the Centre for Procurement Improvement currently in effect. It has been developed on the basis of the Kyiv School of Economics within the framework of the USAID-funded Transparency and Accountability in Public Administration and Services consortium – in cooperation with the EU-funded project «Harmonisation of Public Procurement System in Ukraine with EU Standards.»

The objective of the program is to ensure that participants acquire expertise according to modern standards of strategic and operational procurement management.

Furthermore, since last year, leading state universities have started training programs for public procurement management specialists. The specialists will study in the respective professional education programs at the second (master's) level of education. The modules (compulsory or selective) of courses for the first (bachelor's) and the second (master's) degrees for the following specializations: Economics, International Economic Relations, Accounting and Taxation, Finance, Banking and Insurance, Management, Marketing, Entrepreneurship, Commerce and Stock Exchanges have been developed for them.

Literature review. The legal nature of the analysis of efficiency of introducing the professional standard «Public Procurement Specialist» was researched by N. Tkachenko [1], N. Tsybulnyk [2], and O. Shatkovskiy [3].

Aims. The objective of this work is to analyse the efficiency of introduction of the professional standard «Public Procurement Specialist».

Methods. The methodological basis of the dissertation research is the fundamental provisions of economic theory, the theory of finance, and domestic labour and foreign scientists on public procurement issues. In the process of research, the following methods were used: semantic analysis – with refinement basic economic categories of scientific research; comparative and statistical analyses, analysis and synthesis – in the study economic relations between the state and other subjects as a result of the functioning of the financial and economic mechanism of public procurement; historical and generalization – when studying the foreign experience of the foundations purchase; economic and mathematical, with the help of which developed methodological approaches to the assessment of the effectiveness of the financial and economic mechanism of the state procurement.

Results. In order to understand whether it is possible to do without the introduction of the professional standard for the profession «Public Procurement Specialist», first of all, it is necessary to consider alternative ways of public procurement. Today, there are several models of public procurement, namely:

- Tender Committee
- authorized person
- public procurement specialist selected from among staff members;
- authorized expert under an employment agreement;
- several independent employed authorized persons.

We find it expedient to analyse each model separately. Thus, the model «public procurement specialist selected from among staff members» is a convenient alternative to the tender committee for a contracting authority, whose budget does not provide for any public procurement or is intended mainly for negotiation procedures, as well as for a contracting authority with a small staff number. For a contracting authority with a small staff number, this standard means not only the distraction of absolutely all officials to

deal with procurement procedures but also the responsibility of the institution's director to become a member of the tender committee. Furthermore, in this case, the entire idea of establishing a collegial body is nullified: What collective deciding on matters is there to talk about if a meeting is chaired by a person to whom all people present are administratively subordinated?

A public procurement specialist selected from among staff members is appointed by an order or directive of the contracting authority. This is not about the creation of an additional staff unit or internal moonlighting: for performing an additional duty, a specialist may be rewarded by an increase in his/her salary or a bonus if the same is provided for by the terms and conditions of a collective bargaining agreement and depending on the possibilities of the salary fund. It should, however, be noted that, in practice, no such rewards are actually offered to a specialist and he/she just does not perform his/her direct official duties while, instead, spending all his/her time on a «voluntary» additional duty. Thus, when an issue of extra payment or bonus is raised, the management deals with this situation in such a way as if there is no additional burden on the employee and offers no incentives to him/her. Additionally, Regulations on the Authorized Person must be approved based on Indicative Regulations No. 577. It should be noted that a specialist appointed as an authorized person will, so to speak, act in two capacities: while performing his/her duties assigned to his/her main position, he/she will use a job description, sign and countersign documents specifying his/her position and will report to his immediate supervisor; and while performing the duties associated with public procurement, the specialist will act as an authorized person pursuant to the Regulations on the Authorized Person, sign documents and, since he/she will be responsible for his/her decisions, acts and/or omissions on his/her own, must report to his/her immediate or, if the conclusion of supply agreements is, in accordance with the division of duties, assigned to the competence of one of the deputy directors, then to such deputy [4].

With effect from August 1, 2016, Law No. 922-VIII «On Public Procurement» dated December 25, 2015, (hereinafter – «Law No. 922») is in place, providing for new conditions for persons in charge of budget-funded procurement. In particular, Article 11 of the above Law stipulates that a contracting authority shall establish a tender committee(s) or designate a responsible officer(s) for the purpose of organizing and conducting procurement procedures. The terms of establishment and proceedings of the tender committee are quite clear since the similar organization of procurement exists nowadays. Therefore, it is more appropriate to consider a new type of the organization of public procurement – the organization by engaging an authorized person [6].

Authorized person(s) means an officer, official or another individual of a contracting authority who is appointed to be in charge of organizing and conducting procurement procedures under Law No. 922 based on its own administrative decision or employment agreement (contract) (Article 1 (33) of Law No. 922). As defined in

Law No. 922, the post of an authorized person is introduced as an alternative to a tender committee in respect of public procurement procedures [6].

The requirements for an authorized person are laid down in detail in the Indicative Regulations on the Tender Committee or Authorized Person(s), as approved by Order No. 557 of the Ministry of Economic Development and Trade of Ukraine, dated March 30, 2016 (hereinafter – «Regulations No. 557»). In particular, Section III defines working conditions, requirements for and duties of an authorized person. As provided by Clause 3.1 of the above section, an authorized person shall act on the basis of a decision (order) of a contracting authority or an employment agreement (contract) pursuant to the labour law. In this respect, an employment agreement may be executed for a fixed term, for an indefinite term or for the term of procurement [4].

A question suggests itself: May an authorized person work under a civil law agreement? Since clause 3.1 of Regulations No. 557 provides that an authorized person shall act pursuant to the labour law, we believe that the execution of a civil law agreement is not possible. Thus, the authorized person is an institution's full-fledged employee to whom the requirements and guarantees stipulated by the Labour Code of Ukraine, a collective bargaining agreement, other internal and external administrative documents in the field of labour legislation apply.

Additionally, a public procurement contracting authority, taking into account the volumes of procurement, independently decides for what term an employment agreement has to be executed with the authorized person and what number of authorized persons has to be engaged to conduct public procurement. If employing two or more authorized persons, a contracting authority may establish a separate structural unit and appoint a head in charge of organizing the work of such a unit. At the same time, institutions have to adhere to the principle of efficiency and effectiveness of the use of budgetary funds, as defined in part 6 of clause 1 of Article 7 of the Budget Code, which provides that participants in the budget process should strive to achieve the goals while using the minimum amount of budgetary funds and achieve maximum results.

In principle, the requirements for employees applying for any position are established in accordance with a Reference Handbook for Qualification Characteristics of Occupations. However, since the Handbook contains no such profession as «authorized person», a contracting authority in employing an authorized person should be guided by Regulations No. 557 and general requirements for the position for which an authorized person is employed. In this context, Clause 3.6 of Regulations No. 557 provides for the following eligibility criteria for an applicant for the position of an authorized person:

- higher education (the regulatory document does not specify any restrictions on the direction of training in higher education, so any will be acceptable);
- at least two years' working experience in the field of procurement (since the position is new for the Ukrainian labour market, we consider it expedient for the head of an

institution to take into account the working experience of the applicant in tender committees of enterprises, institutions, organizations, etc. To support the experience, a head may request a reference from a previous place of employment or an extract from an order regarding participation in collegial procurement bodies);

- proper knowledge of the applicable public procurement law and the practice of its application (can be supported by documents on completion of training in the field of procurement using public funds, copies of orders on participation in collegial bodies dealing with budget-funded procurement).

Applicants should also know the basics of modern marketing, conditions of the markets for goods, works, and services and factors influencing their formation in sources of information about market conditions, current standards and technical specifications of goods, works and services, types, essential conditions, and specifics of execution of agreements for the purchase of goods, works and services, etc. This statutory requirement for applicants may be verified during a job interview. An individual who creates a conflict of interest between participants and a contracting authority, as well as people's deputies and deputies of local, district and regional councils may not be authorized persons (Clause 3.2 of Regulations No. 557) [4].

The said Law provides no requirements for the direction of training or working experience. However, Clause 3.6 of Indicative Regulations No. 577 specifies that an applicant must have at least 2 years' working experience in the field of procurement. Considering the legal effect of Indicative Regulations No. 577, the said provision should be considered to be a reasonable recommendation the contracting authority may modify depending on its own needs. It should also be noted that it is formally possible to appoint both one and at the same time two or more authorized persons – this is not prohibited by the Law. If a director wishes so, each individual procedure can be entrusted to another specialist. However, as in the case of a plurality of members of the tender committee, in the case of a plurality of authorized persons, they should not simultaneously (jointly) deal with the same procurement procedure, turning into a hybrid of the tender committee with a truncated composition: each specialist should be responsible for his or her direct duties only (the exception is temporary acting for a colleague, so that the absence of the colleague does not affect the progress of public procurement). It is also worth noting that the plurality of members of the tender committee and the plurality of authorized persons are not prohibited by law; however, an important thing is that it is physically and documentarily almost impossible to introduce it since each action of a specialist is recorded in the minutes of the tender committee and should be published on a relevant website, and only one person should work on a tender platform, and in case of change of such person, a separate protocol of the tender committee should be drawn up [4].

Additionally, it is worth specifying the authorized person's duties, namely:

- abide by the working principles set out in Clause 3.9 of Regulations No. 557;

- perform the functions of drafting, submitting and keeping public procurement documentation;
- organize public procurement-related work (Law No. 922);
- other duties contemplated by an employment agreement, collective bargaining agreement, other internal and external documents;
- comply with the provisions of the applicable legislation on budget-funded procurement.

An authorized person shall have the following rights:

- within the limits of his/her competence, request various documents from the employees of an institution (organization), organize and participate in meetings, commissions;
- all rights are determined by labour law, an employment agreement and a collective bargaining agreement;
- undergo training on the organization and conduct of procurement;
- participate in the planning of costs for the purchase of goods, works, and services.

Please pay attention that an authorized person may be authorized to sign procurement agreements (clause 3.1 of Regulations No. 557). If authorizing an authorized person to sign agreements, a power of attorney should be issued or information in the Unified State Register regarding individuals authorized to sign documents, including agreements, without any power of attorney should be amended. There is no need to change specimen signatures to be submitted to the State Treasury body since they apply only to payment and other settlement documents (clause 2.1.3 of the Procedure for Opening and Closing National Currency Accounts with the Bodies of the State Treasury Service, as approved by Order No. 758 of the Ministry of Finance, dated June 22, 2012). An authorized person shall be personally liable for the violation of public procurement law.

The current Classification of Occupational Titles does not provide for any occupational title of an «authorized person». Therefore, to employ an authorized person, an occupational title meeting the general requirements for duties stipulated by Regulations No. 557 should be additionally added to a manning table. An example of such occupational title may be: «Deputy Director», «Specialist», etc.

The introduction of an additional staff unit at local self-government bodies is carried out by such bodies on their own. At budgetary institutions, additional staff units are introduced by a decision of a local self-government body that owns such institution. At public utility companies that receive budgetary funds, additional staff units are introduced by such companies on their own, subject to approval by a higher-level institution having jurisdiction over such companies. Additionally, an authorized person may be employed to fill a vacant position.

The remuneration of an authorized person will depend on the job for which an employee is hired, taking into account sectoral orders regarding the conditions of remuneration of employees of budgetary institutions, local self-government bodies, state public utility companies, governmental authorities, a collective bargaining agreement, etc. A salary is specified in an employment agreement. If a

contracting authority has only one authorized person, it is necessary to additionally designate an employee who will replace the authorized person for the period of temporary disability, vacation, etc.

A possibility to hire an employee as an authorized person(s) to perform the functions of organizing public procurement using budgetary funds is provided by Law No. 922. An advantage of such novelty is, first of all, the payment of remuneration for organizing and conducting procurement using budgetary funds (the fact is that employees participate in the tender committee without getting any remuneration, which often becomes a problem when attracting experts to the tender committee). At the same time, the necessity of additional expenses for paying a salary to an authorized person may become an obstacle to the introduction of such organization of public procurement into the practice of budgetary institutions due to the total reduction and optimization of expenses that are taking place in the country today [6].

«Authorized person under a separate employment agreement» will be convenient for a contracting authority with a relatively small amount of public procurement with which one specialist can surely cope. A contracting authority establishes a new staff unit by duly changing a manning table. Furthermore, since an occupational title should correspond to the National Classifier of Ukraine DK 003:2010 «Classifier of Occupations», which, in turn, does not contain any occupational title of «authorized person» but contains an occupational title of a «public procurement specialist» a new staff unit will be called exactly a «public procurement specialist». This position can be filled either as principal full-time employment or as secondary employment, including internal secondary employment. A reservation should, however, be made in respect of such position on the staff of governmental authority. As you know, a civil service reform has recently been launched in Ukraine, within which, among other things, a number of positions in which employees perform service functions were removed from the civil service. Thus, the position of a «public procurement specialist» on the staff of a governmental authority whose responsibilities will be regarded as an integral part of an organization will not belong to the civil service positions. However, if such position is called a «Public Procurement Specialist of Category N» and included into Group 2419.3 «Civil Service Professionals» of the National Classifier of Ukraine DK 003:2010 «Classifier of Occupations» and if the responsibilities assigned to such a position are considered as an integral part of the public finance management process, then such position may well be categorized as a civil service position. If such a position is categorized as a civil service position, secondary employment is not possible.

An authorized expert is a head and a secretary himself/herself, i.e. he/she independently performs all the work assigned to the competence of the tender committee. A public procurement specialist as an authorized person must be independent, i.e. he/she must not be a member of any structural unit for reasons we specified above when

analysing Model 2 (a legal service or an anti-corruption unit, each consisting of one person, operate on a similar basis pursuant to the law).

A salary of such public procurement specialist is set according to a manning table and terms and conditions of a collective bargaining agreement. In this context, one should be careful in introducing various kinds of extra payments to the official salary of such a specialist since the responsibilities the discharge of which is a temporary additional obligation of a member of a tender committee are a permanent job function of a public procurement specialist for the discharge of which he receives an official salary. For the purpose of regulating labour relations, a contracting authority will have to enter into an employment agreement and approve internal regulations on the authorized person. It is not necessary to develop a separate job description in this case: the legal status of such employee will be determined in the regulations on the authorized person. On a side note, since the Law of Ukraine «On Public Procurement» does not provide for an exclusive (limited) competence of the authorized person (tender committee), a public procurement specialist may be fully responsible for all procurement activities of the contracting authority, which, of course, must be reflected in the employment agreement and in the regulations on the authorized person.

One of the decisive moments in cases where there is an obstacle to attracting a specialist under a contract is that a salary is paid out of a special and not a general fund of an enterprise. To put it otherwise, when there emerges an issue of cost saving, an enterprise always opts for payment out of budgetary funds as a first priority.

Since the public procurement specialist may fall ill, go on vacation or on a business trip, it is obvious that a contracting authority can take care about an interchangeability of such employee by specifying in the regulations on the authorized person that in case of his/her temporary absence due to vacation, illness or business trip, the duties of the authorized person shall be vested in a particular official or can appoint every time an acting employee at its own discretion (in this case, the regulations on the authorized person shall specify that in the case of the authorized person's temporary absence due to vacation, illness or business trip his/her duties shall be duly imposed on another employee). In connection with the additional workload, an acting employee may well expect extra payment for performing the duties of a temporarily absent employee or any other compensation pursuant to a collective bargaining agreement of a contracting authority. At the same time, in order to implement these provisions in practice, it is necessary either to take care in advance about the production of an electronic digital signature for a potential replacement employee or to appoint an authorized person from among staff members who already have an electronic digital signature.

As to the model of independent authorized persons, this model is a variation of the previous one, however, with two or more authorized persons in the form of independent positions. If a contracting authority does not unite authorized persons into a separate structural unit, the question

inevitably arises how the responsibilities are divided. An answer to this question should be reflected in the respective regulations on the authorized person. In this case, a contracting authority can either draw up uniform (universal) regulations on the authorized person, while specifying the differences between the responsibilities in job descriptions, or approve separate regulations for each employee (a job description, in this case, is no longer necessary because it will only duplicate the content of the regulations). Obviously, there can be no main employee among two independent employees: each specialist independently does his/her job, while reporting to his/her supervisor (or deputy supervisor).

In view of the above, we believe that there is a need to introduce a professional standard for the profession «Public Procurement Specialist».

For this very reason, we suggest key requirements for competencies of employees that will serve as a basis for the formation of professional qualifications of the «Public Procurement Specialist»:

1. A leading public procurement specialist shall be appointed and dismissed by an order of the chairman of a tender committee.

2. A leading public procurement specialist shall directly report to the chairman of the tender committee.

3. In his/her work, the leading public procurement specialist shall be guided by the Constitution of Ukraine, the Law of Ukraine «On Public Procurement», regulations and legislative acts of Ukraine concerning the organization and conduct of procurement procedures for goods, works and services using public funds, and by the Regulations on the Tender Committee.

4. A leading public procurement specialist shall have a complete higher education and a certificate of advanced training in public procurement.

5. A leading public procurement specialist shall know the procedure for procurement of goods, works and services using public funds.

6. A leading public procurement specialist must take a training course in public procurement in the manner established by the Authorized Agency.

7. A leading public procurement specialist shall, at least once every two years, take an advanced training course in public procurement.

We suggest the following job functions of a public procurement specialist:

1. Participation in the planning of requirements and expenses.

2. Procurement planning.

3. Organization and conduct of procurement/participation in procurement.

4. Participation in contractual work.

5. Analysis of conducted procurement.

6. Execution of incidental functions and interaction with controlling bodies.

7. Work in an e-procurement system [5].

The main responsibilities of the leading public procurement specialist are suggested to include:

- act in accordance with the requirements of the applicable laws of Ukraine, decrees and orders of the President of Ukraine, resolutions of the Verkhovna Rada of Ukraine, resolutions and instructions of the Cabinet of Ministers of Ukraine, orders of the Minister of Economic Development and Trade of Ukraine, and the Regulations on the Tender Committee;

- ensure an annual procurement planning according to an approved budget, an allocation plan, and a budgetary (public) funds use plan;

- ensure the preparation and approval of an annual public procurement plan;

- participate in the discussion of issues that are considered at committee meetings and participate in voting on issues that are considered at the meetings of the tender committee;

- monitor compliance with public procurement legislation;

- provide to a person in charge of the conclusion of a contract or to an accounting department:

1. A report on the results of the procurement procedure;
2. A copy of an announcement on the public procurement procedure;

3. A copy of the announcements on the published procurement procedure results;

- prepare and provide to an appeal body – the Antimonopoly Committee of Ukraine (in case of receipt of a complaint), at its request, the information, duly certified documents and materials on the conducted public procurement procedures;

- prepare and submit for approval to the chairman of the tender committee (a deputy chairman of the tender committee) the tender documentation (qualification documentation) in an approved form and by including into it the technical specifications provided by a head of a structural unit or a working group;

- keep and draw up minutes of the meetings of the tender committee;

- in order to apply the procedure for procurement from a single participant (single source), send the documents signed by a chairman of the tender committee and specified in the Procedure for Approving the Application of a Single-Source Procurement Procedure, as approved by the Cabinet of Ministers of Ukraine;

- send an invitation to participate in a single-source procurement procedure;

- prepare a report on the procurement procedure results;

- ensure prompt notification of the tender committee's members of any organizational issues of the committee's activities;

- on the instructions of the chairman of the tender committee, perform other organizational work;

- ensure, in accordance with the applicable legislation, the keeping of relevant documents on public procurement;

- prepare a quarterly report on public procurement of goods, works, and services using public funds;

- be able to use a Microsoft Excel spreadsheet editor (perform calculations, analyse data), a Microsoft Word editor (write letters, minutes, orders, reports for higher authorities);

- draw up minutes of meetings of the public procurement committee and register the same;

- throughout a procurement process, ensure the confidentiality of information provided by participants.

We suggest introducing the following rights of a leading public procurement specialist:

- the right to receive information necessary for the performance of his/her official duties from employees and heads of structural units of an enterprise, institution, and organization in which the procurement specialist is employed;

- a prohibition on initiating negotiations to make any changes to the content or price of a submitted tender bid.

- participate in cost planning and determining the requirements for goods, works, and services to be procured;

- approve draft documents, in particular, a procurement contract in order to ensure its compliance with the terms and conditions of the procurement procedure and sign relevant documents within the scope of his/her competence;

- participate in holding conferences, meetings on issues associated with functional duties;

- receive from officials and structural units of the contracting authority any information and documents necessary for the fulfilment of tasks (functions) associated with the organization and conduct of procurement procedures;

- provide explanations and advice to structural units of the contracting authority within the limits of his/her powers regarding issues falling within his/her competence;

- initiate the establishment of working groups from among officials (officers) and other persons of the contracting authority's structural units for the purpose of drawing up technical specifications for a procurement item, evaluating tender bids, drafting contracts, etc.;

- take a training course on the organization and conduct of procurement;

- countersign and sign documents falling within his/her competence.

In our opinion, a leading public procurement specialist should be responsible for:

- compliance with the requirements of the applicable laws and regulations;

- violation of the conditions of objectivity and impartiality during the process of organizing and conducting procurement procedures on behalf of a contracting authority;

- quality and timeliness of the performance of the duties assigned to him/her by the respective job description;

- completeness and reliability of the information that is published and made public on a web portal;

- provision of reliable information to participants in procurement procedures;

- compliance with internal regulations;

- violation of the regulations on the trade secret of an enterprise, the disclosure of personal data of company's

employees or other information that was disclosed or became known in the course of the performance of official duties and responsibilities;

- violation of anti-corruption legislation;
- compliance with occupational health and safety instructions.

Discussion. Positive moments of the study are the study and synthesis of the work on this topic, set forth in the works of both domestic and foreign researchers, which allows taking into account when substantiating the expediency of adjusting the legal provisions that are being implemented, world experience, and practices. An important component of the system of formation factors is the creation of an efficient and transparent system of public procurement, which allows optimizing the volume of state expenditures and directing them not only to solve the prob-

lems of financing current activity but also to solve modern problems of sustainable development.

Conclusion. The introduction of a uniform professional standard will promote a harmonized understanding of the requirements for procuring entities and will create prerequisites for facilitating the transition from a format of work of tender committees to public procurement specialists who will act as authorized persons and will formulate clear qualification requirements for them. The novelty will also satisfy the requirement for goods, works, and services based on the principles of transparency, efficiency, prevention of corruption, development of fair competition, understanding of the aspects of participation and control in procurement in accordance with applicable laws and subordinate legislation in the field of public procurement when planning and organizing procurement activities.

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АНАЛІЗ ЕФЕКТИВНОСТІ ЗАПРОВАДЖЕННЯ ПРОФЕСІЙНОГО СТАНДАРТУ «ФАХІВЕЦЬ З ПУБЛІЧНИХ ЗАКУПІВЕЛЬ»

Стаття присвячена аналізу ефективності запровадження професійного стандарту «Фахівець з публічних закупівель», які знаходяться на розгляді у Міністерстві економічного розвитку і торгівлі України. Досліджено та узагальнено теоретичні й практичні аспекти, нормативно-правові особливості запровадження професійного стандарту «Фахівець з публічних закупівель». Виявлено альтернативні шляхи проведення публічних закупівель та запропоновано моделі проведення публічних закупівель. Наведені пропозиції щодо запровадження професійного стандарту «Фахівець з публічних закупівель», які дозволяють підвищити його ефективність, забезпечити економію бюджетних коштів, їх прозоре витрачання, запобігання корупції та здійснення оперативного державного та громадського контролю над закупівлями. Проведено аналіз ефективності запровадження професійного стандарту «Фахівець з публічних закупівель». З'ясовано вимоги до претендента на посаду уповноваженої особи. Обґрунтовано необхідність запровадження професійного стандарту «Фахівець з публічних закупівель» з метою набуття учасниками професійних знань за сучасними стандартами стратегічного й операційного управління закупівлями. Наведені пропозиції щодо посилення відповідальності за порушення у сфері публічних закупівель. Розглянуто

доцільність запровадження професійного стандарту «Фахівець з публічних закупівель», визначено їх можливі наслідки, недоліки та переваги. Розглянуто альтернативні шляхи проведення публічних закупівель, таких як: тендерний комітет, уповноважена особа, фахівець з публічних закупівель з працівників, уповноважений фахівець за трудовим договором, кілька самостійних уповноважених осіб за наймом, для визначення ефективності запровадження професійного стандарту «Фахівець з публічних закупівель». Оцінено вплив запровадження професійного стандарту «Фахівець з публічних закупівель» та запропоновано основні вимоги до компетентностей працівників. Розроблено трудові функції, права, основні обов'язки та відповідальності фахівця з публічних закупівель. Встановлено необхідність запровадження професійного стандарту для професії «Фахівець з публічних закупівель».

Ключові слова: державні закупівлі, уповноважена особа, тендерна комісія, фахівець з державних закупівель.

АНАЛИЗ ЭФФЕКТИВНОСТИ ВНЕДРЕНИЯ ПРОФЕССИОНАЛЬНОГО СТАНДАРТА «СПЕЦИАЛИСТ ПУБЛИЧНЫХ ЗАКУПОК»

В статье исследуются и обобщаются теоретические и практические аспекты и нормативно-правовые особенности внедрения профессионального стандарта «Специалист по государственным закупкам». Анализируется эффективность и обосновывается необходимость внедрения профессионального стандарта «Специалист по государственным закупкам». В статье приводятся предложения о повышении ответственности за нарушения в сфере государственных закупок и анализируется целесообразность внедрения профессионального стандарта «Специалист по государственным закупкам», а также описываются возможные последствия, недостатки и преимущества. В нем оценивается влияние внедрения профессионального стандарта «Специалист по государственным закупкам» и описываются основные требования к компетенции работников. В статье рассматриваются функции, права, обязанности и ответственность специалиста по государственным закупкам.

Ключевые слова: государственные закупки, уполномоченное лицо, тендерная комиссия, специалист по государственным закупкам.