

PUBLIC PROCUREMENT LAW

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PART ONE

General Provisions

CHAPTER ONE

Application Principles

Aim

Article 1 - The purpose of this Law is to determine the principles and procedures to be applied in tenders conducted by public institutions and organizations subject to public law, under public control, or using public funds.

Scope

Article 2 - Funded from all resources under the control of the administrations listed below.

Tenders for the procurement of goods or services and construction works are conducted in accordance with the provisions of this Law:

a) **(Amended: 1/6/2007-5680/1 art.)** Public administrations within the scope of the general budget, special budget administrations, provincial special administrations and municipalities, and their affiliated; revolving fund organizations, associations (excluding those operating as professional organizations and their umbrella organizations), legal entities.

b) **(Amended: 30/7/2003-4964/1 art.)** Public economic enterprises and state economic enterprises
Public economic enterprises consisting of various organizations.

c) **(Amended: 30/7/2003-4964/1 art.)** Social security institutions, funds, legal entities established by special laws or Presidential Decrees and assigned public duties (excluding professional organizations and foundation higher education institutions), and independent budget institutions.¹

d) **(Amended: 12/6/2002-4761/10 art.)** All kinds of establishments, institutions, associations, businesses and companies in which those specified in subparagraphs (a), (b) and (c) directly or indirectly, jointly or separately, own more than half of the capital.

e) **(Amended: 13/2/2011-6111/176 art.)** Construction tenders of banks within the scope of Law No. 4603 and companies in which these banks directly or indirectly, jointly or separately, own more than half of the capital.

¹ With Article 171 of the Decree Law No. 703 dated 2/7/2018, the phrase "by special laws" in this paragraph was amended. The phrase "or by Presidential Decrees" has been added after the phrase "or".

(Amended second paragraph: 13/2/2011-6111/176 art.) However, the Deposit Insurance Fund and banks in which this Fund partially or wholly owns shares, banks within the scope of Law No. 4603 and companies in which these banks directly or indirectly, jointly or separately, own more than half of the capital (excluding construction tenders specified in clause (e)), real estate investment trusts subject to Law No. 2499 on Capital Markets and enterprises, businesses and companies operating in the energy, water, transportation and telecommunication sectors are outside the scope of this Law.

Exceptions

Article 3 - (Amended: 30/7/2003-4964/2 art.) a)

Purchases of agricultural or livestock products made directly from producers or members by organizations covered by the Law, for the purpose of processing, evaluating, improving or selling in accordance with their purpose or legislation, and service purchases to be made from forest village development cooperatives and villagers in accordance with the Forest Law No. 6831,

b) **(Amended: 20/11/2008-5812/1 art.)** Procurement of goods and services and construction works which are related to defense, security or intelligence fields, or which the President or the relevant ministry decides must be carried out in secrecy, or which require special security measures to be taken during the execution of the contract in accordance with the legislation, or which require the protection of fundamental interests related to state security,²

c) Procurement of goods or services and construction works to be carried out with external financing provided in accordance with international agreements, and for which different tender procedures and principles are specified in the financing agreement; all kinds of consultancy and credit rating services related to borrowings from international capital markets; procurement of goods and services by the Central Bank of the Republic of Turkey related to technology, security, banknote and securities production and printing; procurement of external resources and consultancy services by the Central Bank of the Republic of Turkey; **(Additional Clauses: 27/4/2004-5148/2 art.)** all kinds of consultancy services to be procured within the framework of the Law No. 4046 dated 24.11.1994 for privatization applications; procurement of goods and services related to the commercial activities of enterprises, businesses and companies engaged in air transportation.

d) Procurement of goods or services and construction works by the administrations' organizations in foreign countries; Procurement of goods or services that must be obtained from abroad for transportation vehicles located abroad,

² With Article 171 of the Decree Law No. 703 dated 2/7/2018, the word "if necessary" in this paragraph was amended. The phrase "President or" has been added after the phrase.

³ By Article 2 of Decree Law No. 684 dated 2/1/2017, the phrase "Procurement of goods or services by the Central Bank of the Republic of Turkey related to the production and printing of banknotes and securities" in this paragraph was changed to "Procurement of goods and services by the Central Bank of the Republic of Turkey related to technology, security, production and printing of banknotes and securities, procurement of external resources and consultancy services by the Central Bank of the Republic of Turkey;" and subsequently, this provision was adopted verbatim by Article 2 of Law No. 7074 dated 1/2/2018 and enacted into law.

e) The institutions covered by this Law are: correctional institutions, detention centers, and workhouses affiliated with the Ministry of Justice; nursing homes and foster homes affiliated with the Social Services and Child Protection Agency; schools and centers engaged in production affiliated with the Ministry of National Education; institutes and production stations affiliated with the Ministry of Agriculture and Rural Affairs; and the Prime Ministry.

For goods and services produced directly by the Printing House Enterprise, the aforementioned organizations, the State The General Directorate of State Supply Office for goods and services included in the Main Statute of the Supply Office.

From the Directorate General of the Turkish Republic State Railways for freight, passenger or port services, and from the Liquidation Affairs Revolving Fund Enterprises for fuel and vehicles.

From the General Directorate, the administrations operating in the health sector, the Turkish Health Institutes

The Turkish Scientific and Technological Research Council (TÜBİTAK) will make purchases from these organizations for goods, services, and consultancy services produced directly in the field of health by the Presidency and companies in which more than half of the capital belongs to this Presidency, as well as for research and development activities.

The purchases of goods, services, and consultancy services they will make from the institution, for meat and meat products, will be made by the Meat and From the General Directorate of Fish Institution, to the General Directorate of Tea Enterprises for tea and tea products.

The purchases that the Directorate will make from the International Health Services Joint Stock Company for goods and services in its field of activity, and from the General Directorate of the Machinery and Chemical Industry Corporation for monoblock wheels and wheel sets used in rail-mounted and towed vehicles,

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f) **(Amended: 20/11/2008-5812/1 art.)** Except for cases where the procurement of goods and services and their financing for research and development projects carried out and supported by national research and development institutions are entirely covered by an administration within the scope of the Law, and the results obtained are used by that administration solely for the conduct of its own activities, all types of research and development service procurements are covered by the Law.

g) Excluding the budget-related enterprises of the administrations, paragraphs (b) and (d) of the first paragraph of Article 2

⁴ By Article 1 of Law No. 5812 dated 20/11/2008, the word "materials" in this paragraph was changed to "services," and the following phrase was added to the end of the same paragraph: "including the procurement of goods, services, and consultancy services from the Turkish Scientific and Technological Research Institution within the scope of research and development activities; procurement of meat and meat products from the General Directorate of the Meat and Fish Institution; and procurement of monoblock wheels and wheel sets used in rail-mounted vehicles from the General Directorate of the Machinery and Chemical Industry Corporation."

⁵ By Article 29 of Law No. 7161 dated 17/1/2019, the phrase "from the General Directorate of Meat and Fish Agency for meat and meat products, and from the General Directorate of Tea Enterprises for tea and tea products, and from the International Health Services Joint Stock Company for goods and services within its field of activity" was added to this clause after the phrase "from the General Directorate of Meat and Fish Agency for meat and meat products".

⁶ Article 19 of Law No. 7557 dated 21/7/2025 amended the phrase "from the General Directorate of Liquidation Affairs Revolving Fund Enterprises" in this paragraph to read "from the General Directorate of Liquidation Affairs Revolving Fund Enterprises, for goods, services and consultancy services produced directly in the field of health by the Turkish Health Institutes Presidency and companies whose capital is more than half owned by this Presidency, from these organizations".

Purchases of goods or services by the organizations listed in the clauses, within the scope of their commercial and industrial activities, for the purpose of meeting their needs directly related to the production of goods and services or their main activities, excluding those financed by Treasury guarantee or direct transfer from the budget allocation, with an estimated cost and contract price not exceeding two trillion three hundred billion Turkish Lira,⁷

h) The procurement of diagnostic and treatment services to be provided to beneficiaries by the administrations within the scope of this Law in accordance with their own special legislation, and the procurement of human medicinal products from abroad by the Social Security Institution within the scope of the Law No. 984 dated 2/3/1927 concerning Pharmacies and Shops Selling Poisonous and Effective Chemical Substances Used in Arts and Agriculture and the Law No. 1262 dated 14/5/1928 concerning Pharmaceutical and Medical Preparations, and the procurement of related services, as well as the procurement by individuals of medicines and medical supplies prescribed during outpatient treatment of persons whose treatment is undertaken by the institutions, and the procurement of goods and services between the administrations within the scope of this Law that provide health services for diagnostic and treatment purposes,⁹

i) **(Added: 14/7/2004-5226/21 art.)** Procurement of goods and services related to survey, restoration, restitution and conservation projects of movable and immovable cultural assets within the scope of the Law No. 2863 on the Protection of Cultural and Natural Heritage dated 21.7.1983, street beautification, environmental landscaping projects and their implementations, as well as evaluation, preservation, transfer works and excavation works,¹¹

j) **(Added: 3/3/2005-5312/25 art.)** Marine Environment with Oil and Other Harmful Substances
Law on the Principles of Emergency Response and Compensation for Damages in Cases of Pollution
Within the scope of these provisions, emergency response plans are prepared and urgently needed for pollution response and the execution of emergency response plans after an incident occurs.

⁷ For information regarding the application of the threshold values and monetary limits in this paragraph from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

⁸ By Article 12 of Law No. 7590 dated 24/7/2026, the phrase "Article 2" was removed from this clause.

The phrase "excluding the budget-related enterprises of the administrations" has been added before the preceding clause.

⁹ The phrase "procurement of goods and services between administrations within the scope of this Law that provide health services, for diagnostic and treatment purposes," was added to the end of this clause by Article 1 of Law No. 5812 dated 20/11/2008.

¹⁰ By Article 3 of Law No. 7538 dated 9/1/2025, the phrase "and the procurement of human medicinal products from abroad by the Social Security Institution within the scope of the Law No. 984 dated 2/3/1927 concerning Pharmacies and Shops Selling Poisonous and Effective Chemical Substances Used in Arts and Agriculture and the Law No. 1262 dated 14/5/1928 concerning Pharmaceutical and Medical Preparations and related service procurements" was added after the phrase "procurement of services for treatment" in this clause.

¹¹ With Article 14 of Law No. 6093 dated 28/12/2010, the phrases "movable and immovable" were added after the word "within its scope" and "and conservation" was added after the word "restitution" in this paragraph.

Procurement of services and procurement of vehicles, equipment and materials,¹² **(Phrase cancelled: By the Constitutional Court's decision dated 16/2/2023 and numbered E: 2021/27, K: 2023/26.) (...)**

k) **(Added: 20/2/2008-5737/79 art.)** Repairs and restorations of foundation cultural assets
procurement of goods or services related to landscaping,

l) **(Added: 27/12/2007-5726/24 art.)** Legislative provisions regarding the protection of witnesses
Procurement of goods and services necessary for the implementation of protective measures to be taken,

m) **(Added: 9/7/2008-5784/28 art.) (Amendment: 18/7/2024-7521/6 art.)** Petroleum Pipelines
All natural gas purchases to be made by Transportation Joint Stock Company (BOTAŷ),

n) **(Added: 20/11/2008-5812/1 art.; Amended: 13/7/2013-6496/38 art.)** Procurement of services from Turkish Airlines Inc. for the air transport of non-commissioned officers and soldiers and military equipment; procurement of goods and services from Anadolu Agency Turkish Joint Stock Company by the General Directorate of Turkish Radio and Television Corporation for all kinds of programs, news, productions and broadcasts; and procurement of goods and services by making agreements or contracts that allow for obtaining prior guarantees in order to quickly and effectively meet urgent needs that may arise from international obligations or national purposes; such as defense, security, humanitarian aid.¹³

o) **(Added: 25/6/2009-5917/31 art.; Amended: 4/6/2016-6719/11 art.)** Energy, fuel, goods, services, consultancy purchases and major repair works made by the institutions or organizations affiliated with, related to or associated with the Ministry of Energy and Natural Resources from each other or from other public institutions and organizations in relation to their activities, and electricity energy purchases to be made by TETAŷ for supply purposes,

p) **(Added: 22/2/2007-5583/9 art.; Amended: 3/6/2011-KHK-638/31 art.)** Procurement of goods and services related to the international youth activities of the Ministry of Youth and Sports and the national and international sporting activities of the General Directorate of Sports and independent sports federations,¹⁴

r) **(Added: 13/2/2011-6111/177 art.)** Within the scope of the Presidential decrees regarding the provision of coal assistance to poor families; the procurement of goods and services by the General Directorate of Turkish Coal Enterprises from coal fields belonging to itself or its subsidiaries or affiliates, regardless of who the operator is,¹⁵

¹² Article 28 of Law No. 7261 dated 24/12/2020 added the phrase "procurement of goods and services by the Turkish Environment Agency regarding the establishment and operation of the deposit management system" to this clause.

¹³ By Article 7 of Law No. 6637 dated 27/3/2015, the phrase ", procurement of goods and services by the General Directorate of the Turkish Radio and Television Corporation from Anadolu Agency Turkish Joint Stock Company regarding all kinds of programs, news, productions and broadcasts" was added after the phrase "service procurements to be made from Turkish Airlines Joint Stock Company" in this paragraph.

¹⁴ Clause "(k)", added by Article 9 of Law No. 5583 dated 22/2/2007, was renumbered as clause "(p)" by Article 177 of Law No. 6111 dated 13/2/2011.

¹⁵ With Article 171 of the Decree Law No. 703 dated 2/7/2018, the phrase "Council of Ministers" in this paragraph was amended. The phrase "decrees" has been changed to "Presidential decrees".

s) **(Added: 31/3/2012-6288/5 art.; Amended: 24/4/2013-6461/10 art.)** The procurement of goods or services by the General Directorate of the Turkish Republic State Railways and the Turkish Republic State Railways Transportation Inc. from Turkish Railway Machinery Industry Inc., Turkish Locomotive and Motor Industry Inc. and Turkish Wagon Industry Inc.

t) **(Added: 4/7/2012-6353/27 art.)** Procurement of goods and services for the conduct of examination activities from companies established by or affiliated with the Measurement, Selection and Placement Center Presidency (with the condition that the Higher Education Council's approval is obtained for the procurement of goods and services by ÖSYM),

u) **(Added: 6/2/2014-6518/45 art.; Amended: 18/6/2017-7033/73 art.)** Procurement of goods and services and construction works that include industrial cooperation practices aimed at ensuring innovation, localization and technology transfer,

v) **(Added: 1/11/2017-7060/13 art.)** Accreditation services of the Halal Accreditation Authority service procurements it will make in relation to this,

y) **(Added: 2/7/2018-KHK-703/171 art.)** The procurement of goods and services by the offices and directorates established under the President by Presidential Decree for the purpose of promoting Turkey, increasing investments or financial resources in the country, or ensuring digital transformation and technological development,

z) **(Added: 17/1/2019-7161/29 art.)** Procurement of goods and services by the responsible administration for the conduct of international organizations and meetings to be organized by the Republic of Turkey, as determined by the President,

aa) **(Added: 5/12/2019-7194/44 art.) (Repealed clause: Constitutional Court's decision of 18/5/2023) (With the decision dated and numbered E: 2020/11, K: 2023/98.)**

bb) **(Added: 5/3/2022-7381/27 art.)** Procurement of goods, services and consultancy services related to regulation and supervision by the Nuclear Regulatory Authority, procurement of studies, services and consultancy services related to field and feasibility studies within the scope of nuclear power plant projects, procurement of goods and services necessary for research and development projects carried out and supported by the Turkish Energy, Nuclear and Mining Research Institution, and construction works directly related to these projects and necessary for the execution of the project, as well as consultancy services related to the radioactive waste management special account and decommissioning special account of the Accounts Management Board,

(Additional clause: 2/7/2018-Decree Law-702/10 art.) (Repealed clause: 5/3/2022-7381/27 art.)

Except for the provisions regarding penalties and exclusion from tenders, it is not subject to this Law.

Definitions

Article 4 - In the application of this Law;

Goods: All kinds of necessities purchased, as well as movable and immovable property and rights;

Services: **(Amended: 30/7/2003-4964/3 art.)** Maintenance and repair, transportation, communication, insurance, research and development, accounting, market research and surveys, consultancy, (...)16 , promotion, printing and publishing, cleaning, food preparation and distribution, meetings, organization, exhibitions, protection and security, vocational training, photography, film, intellectual and fine arts, services related to computer systems and software services, rental of movable and immovable property and rights and other similar services,

Construction: All types of construction works such as buildings, roads, railways, highways, airports, docks, ports, shipyards, bridges, tunnels, subways, viaducts, sports facilities, infrastructure, pipelines, communication and energy transmission lines, dams, power plants, refineries, irrigation facilities, land reclamation, flood protection and excavation, and related installation, manufacturing, preparation, transportation, completion, major repair, restoration, landscaping, drilling, demolition, strengthening and assembly works, and similar construction works; Supplier: Real or legal persons or joint

ventures formed by them that submit bids for the procurement of goods; Service Provider: Real or legal persons or joint ventures formed by them that

submit bids for the procurement of services.

Consultant: A service provider who provides consultancy services, uses their knowledge and experience for the benefit of the administration, has no organic ties with the contractors of the projects they advise, receives no income from the administration other than the consultancy service fee, and provides consultancy services.

Construction contractor: Natural or legal persons, or joint ventures formed by them, who submit bids for construction projects.

Candidate: Natural or legal persons or joint ventures formed by them, applying for pre-qualification,

Joint venture: **(Amended: 30/7/2003-4964/3 art.)** Business partnerships or consortia formed by an agreement between more than one natural or legal person to participate in a tender.

Bidder: A supplier who submits a bid for the procurement of goods or services or construction works. service provider or construction contractor,

Potential bidders: **(Added: 20/11/2008-5812/2 art.)** Any natural or legal person operating in the field subject to the tender and who has purchased the tender or pre-qualification documents, or any joint venture formed by them.

Domestic applicant: **(Amended: 30/7/2003-4964/3 art.)** A natural person who is a citizen of the Republic of Turkey.

¹⁶ By Article 2 of Law No. 5812 dated 20/11/2008, the phrases "architecture and engineering, surveying and project, mapping and cadastre, urban development implementation, urban development plans at all scales" included in this definition were removed from the text.

individuals and legal entities established in accordance with the laws of the Republic of Türkiye,

Contractor: The bidder to whom the tender is awarded and the contract is signed.

Administration: The institutions and organizations within the scope of this Law that conduct the tender;

Tender authority: **(Amended: 30/7/2003-4964/3 art.)** The person or body of the administration that has the authority and responsibility to conduct tenders and make expenditures, and the officials to whom authority has been duly delegated.

Application document: Documents submitted by a candidate participating in the pre-qualification phase of a tender among selected bidders, to be used in determining their eligibility.

Tender documents: In tenders for the procurement of goods or services and construction works; administrative specifications including instructions to bidders, technical specifications including the project of the work to be carried out, draft contract and other necessary documents and information,

Preliminary project: According to the precise needs program of a specific structure; the necessary land and ground conditions. A project that includes one or more solutions, specifying plans, sections, elevations, and profiles, prepared based on data obtained from existing maps, including environmental impact assessment and feasibility reports, without conducting research.

Final project: A project based on an approved preliminary design of a specific structure; including all necessary site and soil investigations, dimensioning and sizing of structural elements, and specifying construction systems, materials, and technical characteristics.

Implementation project: A project that specifies all the details of a building according to the approved final project of that building.

(...)¹⁷

Tender: The process, determined according to the procedures and conditions set forth in this Law, indicating that the procurement of goods or services or construction works are awarded to one of the bidders, and completed with the signing of the contract following the approval of the tender authority.

Offer: In tenders to be conducted according to this Law, the price offer submitted by the bidder to the administration. documents and/or information forming the basis of the evaluation,

Open tender procedure: A procedure in which all interested parties can submit bids.

Restricted tender procedure: A procedure in which only bidders invited by the administration as a result of a pre-qualification assessment can submit bids.

Negotiation method: A two-stage process in the tendering procedure that can be used in the cases specified in this Law. This is the procedure by which the administration discusses the technical details of the work subject to the tender, the methods of execution, and in certain cases the price with the bidders.

Direct procurement: In the cases specified in this Law, the procurement of goods and services by the administration through invitations. a method by which procurement is carried out directly with interested parties by negotiating technical specifications and price,

Contract: A contract between the administration and the contractor for the procurement of goods or services and construction works. the written agreement that was made,

Institution: Public Procurement Authority,

¹⁷ Article 22 of Law No. 5226 dated 14/7/2004, which refers to the "Survey Project" in this article, The definitions of "Restoration Project" and "Restitution Project" have been removed from the text of the article.

Board: Public Procurement Board,

Preliminary Announcement: **(Annex: 20/11/2008-5812/2 art.)** For works planned to be tendered during the year with regard to, the announcement made as soon as possible following the start of the fiscal year,

Electronic Public Procurement Platform: **(Added: 20/11/2008-5812/2 art.)** An electronic environment managed by the Institution through which administrations and parties involved in the public procurement process can carry out transactions related to this process via the internet.

Dynamic procurement system: **(Added: 20/11/2008-5812/2 art.)** A fully electronic procurement process for the supply of goods available on the market, in which all bidders who submit preliminary offers in accordance with the tender documents and meet the qualification criteria within the validity period of the system are accepted into the system.

Electronic reverse auction: **(Added: 20/11/2008-5812/2 art.)** The process of re-evaluating and ranking new prices or new values for specific bid elements submitted electronically in the form of reverse auctions after the evaluation of bids, using automated evaluation methods via an electronic tool.

Framework agreement: **(Annex: 20/11/2008-5812/2 art.)** An agreement between one or more administrations and one or more bidders that specifies the terms and conditions for determining the prices and, where possible, the quantities to be purchased within a certain period.

Letter of guarantee: **(Added: 28/11/2017-7061/65 art.)** Letters of guarantee issued by banks and surety bonds issued by insurance companies established in Turkey under surety insurance,

It expresses.

Basic principles

Article 5 - Administrations are responsible for ensuring transparency, competition, equal treatment, reliability, confidentiality, public scrutiny, timely fulfillment of needs under appropriate conditions, and efficient use of resources in tenders conducted under this Law.

Unless there is an acceptable natural connection between them, the purchase of goods, the purchase of services, and Construction projects cannot be tendered together.

Procurement of goods or services and construction works in order to stay below the threshold values. It cannot be divided into parts.

According to this Law, open tender procedure and restricted tender procedure are the basic procedures for tenders to be conducted. Other tender procedures may be used in special cases specified in the Law. **(Added sentence: 2/7/2018-KHK-703/171 art.)** Due to the nature of the Presidential services and the necessity of carrying them out in accordance with security requirements, all tenders for the procurement of goods and services and construction works to be carried out by the Presidency may be conducted in accordance with subparagraph (c) of the first paragraph of Article 21 of this Law.

No tender can be issued for any project for which funding is not available.

(Amended sixth paragraph: 30/7/2003-4964/4 art.) In projects where an Environmental Impact Assessment (EIA) report is required according to the relevant legislation, a positive EIA report is necessary before tendering can begin.

Obtaining the necessary documentation is mandatory. However, an Environmental Impact Assessment (EIA) report is not required for construction projects that need to be urgently tendered due to natural disasters.

Tender Commission

Article 6 - The contracting authority shall appoint a tender committee consisting of at least five and an odd number of members, including alternate members, comprising at least four personnel from the relevant administration, one of whom shall be the chairman, two of whom must be experts in the subject matter of the tender, and one person responsible for accounting or financial affairs.

(Amended second paragraph: 30/7/2003-4964/5 art.) Sufficient number or qualifications in the contracting authority
If there is no available personnel, members may be appointed to the commission from the administrations covered by this Law.

To enable them to conduct the necessary review, a copy of the tender process file is given to the members of the tender committee within three days following the announcement or invitation.

The tender committee convenes with all members present. Committee decisions are made by majority vote. Abstention is not permitted. The committee chairman and members are responsible for their votes and decisions. Committee members who vote against a decision must write and sign their reasons in the committee decision.

The decisions taken and minutes prepared by the tender commission are recorded by the commission chairman and
It is signed by members, specifying their names, surnames, and job titles.

Tender process file

Article 7 - A process file shall be prepared for each project to be tendered. This file shall contain all documents related to the tender process, such as the approval document obtained from the tender authority and its attached estimated cost calculation sheet, tender documents, announcement texts, applications or offers submitted by candidates or bidders and other documents, and the minutes and decisions of the tender committee.

PART TWO

Rules for Participation in the Tender

Threshold values

Article 8 - Estimated cost in the application of Articles 13 and 63 of this Law

The threshold values to be used, taking this into consideration, are listed below:

a) **(Amended: 12/6/2002-4761/12 art.)** Departments included in the general budget and those with supplementary budgets
Three hundred billion Turkish Lira in the procurement of goods and services by administrations.¹⁹

b) **(Amended: 12/6/2002-4761/12 art.)** Goods and services of other administrations within the scope of the law.

¹⁸ With Article 13 of Law No. 5436 dated 22/12/2005, the phrase "general and supplementary budget" in this paragraph was amended. The phrase "in institutions the finance officer, and in others" has been changed to "and".

¹⁹ For information regarding the application of the threshold values and monetary limits in these clauses from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

purchases of five hundred billion Turkish Lira.¹⁹

c) **(Amended: 12/6/2002-4761/12 art.)** Eleven trillion Turkish Lira for construction works of administrations within the scope of the law.¹⁹

(Repealed: 12/6/2002-4761/12 art.)

Approximate cost

Article 9 - (Amended: 30/7/2003-4964/6 art.)

Before tendering for the procurement of goods or services or construction works, the administration determines the estimated cost, excluding value added tax, by conducting all necessary price research, and presents this estimate in a calculation sheet along with its supporting documents. The estimated cost is not included in tender and pre-qualification notices, nor is it disclosed to bidders or other persons not officially involved in the tender process.

Eligibility requirements for participation in tenders

Article 10 - Bidders participating in the tender must possess economic and financial qualifications as well as professional and...

The following information and documents may be requested to determine their technical qualifications:

a) To determine economic and financial adequacy;

1) Documents regarding the applicant's financial status to be obtained from banks, 2) **(Amended:**

30/7/2003-4964/7 art.) The applicant's publication requirements in accordance with the relevant legislation.

its balance sheet or parts thereof as deemed necessary, or equivalent documents if these are not available,

3) The bidder's total turnover or turnover related to the subject of the tender, indicating its business volume.

documents showing this.²⁰

b) To determine professional and technical competence;

1) Documents proving that the bidder is registered with the relevant chamber of commerce as required by law and is legally

authorized to submit a bid, 2) **(Amended: 20/11/2008-5812/3 art.)** Documents

proving that the bidder has paid for services to the public or private sector.

with respect to the tendered work or similar works undertaken under a contract including;

a) Construction works that have received provisional acceptance and whose acceptance procedures have been completed within the last fifteen years.

Documents demonstrating experience in production-related service work,

b) Documents demonstrating experience in supervising or managing construction projects that have received provisional

acceptance or related service projects for which acceptance procedures have been completed, within the last fifteen years, with a contract value of at least 80%.

c) In ongoing construction and construction-related service projects; documents demonstrating experience in projects that have been completed, supervised, or managed flawlessly within the last fifteen years, with a completion rate reaching at least 80% of the total contract value, provided that the initial contract price has been fully paid.

d) Documents demonstrating experience in the procurement of goods and services for which acceptance procedures were completed within the last five years,

e) Documents demonstrating experience in construction projects that have received provisional acceptance within the last fifteen years, construction-related service projects for which acceptance procedures have been completed, and procurement of goods and services for which acceptance procedures have been completed within the last five years, provided that at least 80% of the contract price has been completed in the transferred projects.

f) **(Added: 6/2/2014-6518/46 art.)** In technology center enterprises, R&D centers, Technology Development Zones, R&D and innovation projects supported by public institutions and organizations and foundations established by law or by international funds, pre-competitive collaboration projects and those benefiting from technopreneurship capital support, the goods and services resulting from the projects they carry out within the framework of the support they receive and these

²⁰ By Article 30 of Law No. 7161 dated 17/01/2019, the phrase "or documents showing the amount of work undertaken and completed in relation to the subject of the tender" in this paragraph was changed to "or documents showing the turnover related to the subject of the tender".

Certificates issued by the Ministry of Science, Industry and Technology within the framework of the principles determined by the Institution for products developed with equity capital and whose evaluation procedures are determined by the Ministry of Science, Industry and Technology and which are certified by the Scientific and Technological Research Council of Turkey as having resulted from an R&D project, and for services resulting from the project and products with a domestic product certificate, which can be used for a period of five years from the date of market release.²¹

3) The bidder's production and/or manufacturing capacity, research and development activities, and documents related to ensuring quality,

4) The bidder's organizational structure and sufficient number of personnel to carry out the work subject to the tender. and information and/or documents regarding the fact that it employs or will employ personnel of a certain qualification.

5) Documents demonstrating the education and professional qualifications of the bidder's management team and technical personnel who will carry out the work in the service or construction works subject to the tender,

6) Documents relating to the facilities, machinery, equipment and other tools deemed necessary for the execution of the work subject to the tender,

7) The relevant person responsible for quality control, whether directly affiliated with the bidder or not. Documents relating to technical personnel or technical organizations,

8) Certificates issued by internationally accredited quality control organizations demonstrating compliance with the standards specified in the tender documents for the work subject to the tender.

9) To be verified for accuracy upon request of the administration, the goods to be supplied samples, catalogs and/or photographs.

Depending on the nature of the work subject to the tender, which of the above-mentioned information or documents will be used in the qualification assessment will be specified in the tender documents and in the announcement or invitation documents relating to the tender or pre-qualification.

(Additional paragraph: 12/6/2002-4761/13 art.) For the documents specified in subparagraph (2) of paragraph (b) of the first paragraph, the condition of being an engineer or architect is required for those obtained due to supervision or management duties in construction and construction-related service works. Documents obtained through completion of work, management or supervision cannot be used by applicants other than the document holder person or organization, and the documents cannot be transferred, leased or sold.

(Amended third sentence: 17/1/2019-7161/30 art.) In order for the legal entities that the holders of this document will establish or in which they will be partners to participate in the tender, they must have owned more than half of the shares of the legal entity for at least one year and be authorized to represent and manage the execution of contracts related to tenders to be held in accordance with this Law during this period; these conditions must be sought in every tender and

²¹ By Article 17 of Law No. 6676 dated 16/2/2016, the phrase "in Technology Development Zones" was added after the phrase "in R&D centers," and the phrase "and products developed with own resources and other than these, for which the necessary procedures for evaluation are determined by the Ministry of Science, Industry and Technology and which are certified by the Scientific and Technological Research Council of Turkey as having resulted from an R&D project" was added after the phrase "goods and services produced".

It is mandatory to keep it until the end of the warranty period. **(Last sentence amended: 6/2/2014-)**

(Article **46 of Law No. 6518**) Documents obtained due to audit and management activities are taken into account at a rate of one-fifth. However, documents obtained from service works related to construction cannot be used in construction works. **(Additional sentences: 17/1/2019-Article 30 of Law No. 7161)** The Institution is authorized to impose limitations on the total amount of work experience certificates to be issued for work carried out under a contract and on the persons to whom the certificates will be issued. Except for documents issued for works carried out for administrations within the scope of the Law, only work completion certificates issued for works carried out abroad can be used by the certificate holders and within the group of companies or similar partnership relationships in which they are involved. The Institution is authorized to determine the procedures and principles regarding the use of these documents within a group of companies or similar partnership relationships. In case of a joint venture bid, the certificate holder using a work completion certificate obtained from works carried out abroad is required to provide a temporary and final guarantee in proportion to their share in the joint venture.

Bidders in the following situations will be disqualified from the tender:

- a) A company that is bankrupt, in liquidation, whose affairs are managed by a court, that has declared a composition with creditors, that has suspended its operations, or that is in a similar situation according to the legislation of its own country. which.
- b) A company that has been declared bankrupt, ordered to be liquidated, is under court administration due to debts to creditors, or is subject to similar proceedings according to the legislation of its own country. in the situation.
- c) Those who have outstanding social security premium debts in accordance with the legislation of Türkiye or their own country.
- d) Tax debt that has become final in accordance with the legislation of Türkiye or of the country of origin which.
- e) Those who have been convicted by a court for their professional activities within the five years preceding the tender date.
- f) Work performed for the contracting authority during the five years preceding the tender date. or proven by this administration to have engaged in activities contrary to professional ethics.
- g) As of the tender date, the professional activity is prohibited by the chamber to which it is registered according to the legislation. prohibited.
- h) Those who fail to provide the information and documents specified in this article, or who are found to have provided misleading information and/or forged documents.
- i) Participating in the tender despite being stated as ineligible to participate according to Article 11.
- j) Those found to have engaged in the prohibited acts or behaviors specified in Article 17.

²² By Article 3 of Law No. 5812 dated 20/11/2008; the term "legal entity" in this paragraph has been amended. The phrase "for at least one year" has been added before the phrase "...".

(Additional paragraph: 28/3/2007-5615/23 art.) The Institution is authorized to determine the scope and amount of social security premium debt by obtaining the approval of the Social Security Institution Presidency regarding subparagraph (c) of the fourth paragraph; and the taxes to be included in the scope of tax debt by obtaining the approval of the Revenue Administration Presidency regarding subparagraph (d), in terms of type and amount.

(Additional paragraph: 28/3/2007-5615/23 art.) The Institution shall determine which of the documents requested under this article may be submitted as a commitment letter. If a commitment letter containing false information is submitted, or if the bidder who wins the tender fails to provide the documents verifying the situation undertaken before the contract is signed, those in this situation will be disqualified from the tender and their provisional guarantees will be forfeited.

Those who cannot participate in the tender

Article 11 - The following parties, directly or indirectly, or as subcontractors, or they cannot participate in tenders in any way on behalf of others:

a) **(Amended: 20/11/2008-5812/4 art.)** Those who have been temporarily or permanently prohibited from participating in public tenders by the administration or by court decision in accordance with the provisions of this Law and other laws, and those who have been convicted of crimes falling within the scope of the Anti-Terrorism Law No. 3713 dated 12/4/1991, or organized crimes, or the crime of giving bribes to public officials in their own country or in a foreign country.²³

b) Those who have been determined by the relevant authorities to have committed fraudulent bankruptcy.

c) The contracting authorities' authorized personnel and the individuals serving on the relevant boards that possess this authority.

d) Those responsible for preparing, conducting, concluding, and approving all tender procedures related to the subject of the tender, for the contracting authority.

e) Spouses and blood relatives up to the third degree of the persons specified in subparagraphs (c) and (d). In-laws up to the first degree, as well as adopted children and adoptive parents.

f) Partners and companies of those specified in clauses (c), (d) and (e) (excluding joint-stock companies in which these persons do not serve on the board of directors or own more than 10% of the capital).

g) **(Added: 31/10/2016-Decree Law-678/30 art.; Amended and accepted: 1/2/2018-7071/29 art.) (Repealed: (With the decision of the Constitutional Court dated 14/11/2019, E.: 2018/90, K.: 2019/85)**

Contractors providing consultancy services for a project subject to a tender cannot participate in the tender for that project. Similarly, contractors providing consultancy services for a project subject to a tender cannot participate in tenders for that project. These prohibitions also apply to companies with which they have partnership and management relationships, and to companies in which these companies own more than half of the capital.

²³ By Article 1 of Law No. 6359 dated 1/11/2012; the word "as" in this paragraph has been removed. The phrase "by administrative authorities or by court order" has been added at the end.

(Amended third paragraph: 30/7/2003-4964/8 art.) Foundations, associations, unions, funds, and similar organizations that are within the structure of the contracting authority or established for any purpose related to the authority, as well as companies in which these organizations are partners, cannot participate in the tenders of these authorities.

Despite these prohibitions, bidders who participate in the tender will be disqualified, and their provisional guarantees will be forfeited. Furthermore, if this situation is not detected during the evaluation of bids and the tender is awarded to one of these bidders, the tender will be cancelled, and the guarantee will be forfeited.

(Additional paragraph: 31/10/2016-Decree Law-678/30 art.; Amended and adopted: 1/2/2018-7071/29 art.)
(Repealed: By the Constitutional Court's decision dated 14/11/2019, E.: 2018/90, K.: 2019/85)

Specifications

Article 12 - It is essential that the administrative and technical specifications, which define all aspects of the goods or services to be procured or construction works, are prepared by the contracting authorities. However, if the contracting authority approves that it is not possible for the contracting authorities to prepare the technical specifications due to the nature of the goods or services to be procured or construction works, the technical specifications may be prepared in accordance with the provisions of this Law.

The technical criteria for the procurement of goods or services and construction works subject to the tender are included in the technical specifications, which are part of the tender documents. The technical criteria to be determined will aim to ensure efficiency and functionality, will not contain provisions that hinder competition, and will provide equal opportunity for all bidders.

Technical specifications also include provisions to ensure compliance with national and/or international technical standards, if any. These specifications include technical characteristics and descriptions. No specific brand, model, patent, origin, source, or product may be mentioned, and specifications and descriptions relating to a particular brand or model will not be included.

However, in cases where national and/or international technical standards do not exist or it is not possible to determine the technical specifications, the brand or model may be specified, provided that the phrase "or equivalent" is included.

Tender announcement periods and rules, and preliminary announcement 242526

Article 13 - (Amended: 30/7/2003-4964/9 art.)

²⁴ With Article 5 of Law No. 5812 dated 20/11/2008, the title of this article, which was "Tender announcement periods and rules," was changed as reflected in the text.

²⁵ By Article 5 of Law No. 5812 dated 20/11/2008, the phrase "in the Official Gazette" in this article was changed to "in the Public Procurement Bulletin".

With Article 27 of Law No. 7418 dated 13/10/2022, the phrase "in at least two of the newspapers" in subparagraph (1) of paragraph (b) of the first paragraph of this article and the phrases "in one of the newspapers" in subparagraphs (2) and (3) were changed to "one newspaper and one internet news site", and the phrase "one internet news site and" was added after the phrase "through" in the ninth paragraph.

By allowing all interested parties sufficient time to prepare their proposals;

a) Estimated cost equal to or exceeding the threshold values specified in Article 8

from tenders;

1) Announcements for tenders to be conducted through open bidding procedures must be published at least forty days before the tender date.

2) For tenders to be conducted among selected bidders, pre-qualification announcements shall be published at least fourteen days before the final application deadline.

3) Announcements for tenders to be conducted through negotiation must be published at least twenty-five days before the tender date.

This is done by publishing it at least once in the Public Procurement Bulletin.

In tenders among selected bidders whose estimated costs are equal to or exceed the threshold values, it is mandatory to send invitation letters to candidates determined as qualified as a result of the pre-qualification assessment at least forty days before the tender date.

b) From tenders whose estimated cost is below the threshold values specified in Article 8;

1) Tenders for the procurement of goods or services with an estimated cost of up to thirty billion Turkish Lira, and construction works with an estimated cost of up to sixty billion Turkish Lira, shall be announced at least seven days before the tender date in a newspaper and on an internet news site located in the place where the tender and the work will be²⁷ carried out.

2) Tenders for the procurement of goods or services with an estimated cost between thirty billion and sixty billion Turkish Lira, and for construction works with an estimated cost between sixty billion and five hundred billion Turkish Lira, shall be announced at least fourteen days before the tender date in the Public Procurement Bulletin, in a newspaper published in the location where the work will be carried out, and on an internet news site .

3) Procurement of goods or services with an estimated cost exceeding sixty billion Turkish Lira and below the threshold value, and construction projects with an estimated cost exceeding five hundred billion Turkish Lira and below the threshold value. The tender for the works shall be announced in the Public Procurement Bulletin and in a local newspaper and on an internet news site at least twenty-one days before the tender date .

They are announced by publication at least once.

In tenders to be held among certain bidders whose estimated cost is below the threshold values specified in Article 8, pre-qualification announcements must be made at least seven days before the final application date, excluding the period in clause (b), and invitation letters must be sent to the candidates whose qualifications are determined as a result of the pre-qualification evaluation, before the tender date, in accordance with the periods in clause (b).

(Additional paragraph: 20/11/2008-5812/5 art.) If the announcements are prepared and sent via electronic means, the announcement period in subparagraph (1) of paragraph (a) of the first paragraph may be shortened by seven days. If direct access to the announcement, tender and pre-qualification documents is provided through the Electronic Public Procurement Platform, the announcement period in subparagraph (1) of paragraph (a) of the first paragraph and the pre-qualification period in tenders to be conducted with the restricted tender procedure among certain bidders may be shortened by seven days.

²⁷ For information regarding the application of the threshold values and monetary limits in these sub-paragraphs from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

The forty-day invitation period for selected candidates may be shortened by five days.

(Additional paragraph: 20/11/2008-5812/5 art.) Administrations may publish preliminary announcements in the Public Procurement Bulletin for tenders whose estimated cost is equal to or exceeds the threshold values specified in Article 8.

In cases where an international announcement is made, including those where a preliminary announcement is made, the forty-day announcement and invitation period may be reduced to twenty-four days.

(Additional paragraph: 20/11/2008-5812/5 art.) The following points must be stated in the preliminary announcement:

a) The name, address, telephone and fax numbers, and email address of the administration.

b) The name, nature, and type of the tender, as well as the items and estimated quantities for goods and services, and for construction works, the location of the work, the construction technique, and the estimated physical quantity or scope according to the needs program.

c) Whether a framework agreement will be concluded.

d) Location where the tender will be held.

e) In which quarter of the year the tender notice will be published.

(Additional paragraph: 20/11/2008-5812/5 art.) In cases where a preliminary announcement is made, in order to benefit from the time reduction specified in the fourth paragraph, the tender announcement must be published at least forty days after the date of the preliminary announcement. The issuance of a preliminary announcement does not impose an obligation on the administration to conduct the tender.

(Additional paragraph: 20/11/2008-5812/5 art.) In cases where a preliminary announcement has been made, the tender shall be an open tender or a fixed tender. It is mandatory that the tender be conducted among the interested parties using one of the tender procedures.

(Additional paragraph: 20/11/2008-5812/5 art.) Preliminary announcements are published free of charge in the Public Procurement Bulletin.

The Agency is authorized to determine which of the tenders to be announced will also be advertised on an internet news site and in one of the newspapers with nationwide distribution in Türkiye, through the Press Advertisement Agency.

(Amended paragraph: 13/10/2022-7418/27 art.) If there is no newspaper published or internet news site managed in the place where the tender will be held, the announcement shall be published on the Press Advertisement Agency Announcement Portal within the same periods.

In addition to the mandatory announcements mentioned above, administrations may also announce tenders, depending on the importance and nature of the work, through international announcements, other domestic newspapers or publications, information processing networks, or electronic communication (internet). However, if an international announcement is made, twelve days are added to the minimum announcement periods mentioned above.

Joint ventures Article 14-

(Amended: 30/7/2003-4964/10 art.)

Joint ventures can be formed in two ways by more than one natural or legal person: as a business partnership or a consortium. Members of a business partnership collaborate to carry out the entire project together, sharing rights and responsibilities, while members of a consortium divide their rights and responsibilities to perform the parts of the project related to their areas of expertise. A business partnership can bid on any type of tender. However, if the project requires different areas of expertise, the administration may choose which tender to participate in.

The tender documents specify whether consortia can submit bids. During the tender process, a joint venture is required to have an agreement among themselves indicating whether they have formed a business partnership or a consortium. In business partnership agreements, a pilot partner is specified, while in consortium agreements, a coordinating partner is designated. If the tender is awarded to a business partnership or consortium, a notarized business partnership or consortium agreement must be submitted before the contract is signed. The business partnership agreement and contract must state that the natural or legal persons forming the business partnership are jointly and severally liable for the fulfillment of the commitment. The consortium agreement and contract must state which part of the work each natural or legal person forming the consortium undertakes and how they will coordinate among themselves through a coordinating partner in fulfilling the commitment.

Subcontractors

Article 15 - If deemed necessary due to the nature of the work subject to the tender, bidders may be required to specify the works they intend to subcontract during the tender process and to submit a list of subcontractors for the administration's approval before signing the contract. However, in this case, the responsibility of the contractor regarding the work performed by the subcontractors does not relieve the contractor of their responsibility.

Cancellation of the tender before the tender time²⁸

Article 16 - If the administration determines that there are issues in the documents included in the tender documents that prevent the tender from being held and that cannot be corrected, In such cases, the tender may be cancelled before the scheduled tender time.

In this case, the cancellation of the tender is immediately announced to the bidders, stating the reason for the cancellation. Those who have submitted bids up to this stage are also separately notified of the cancellation. If the tender is cancelled, all submitted bids are considered rejected and are returned to the bidders unopened. Bidders cannot claim any rights from the administration due to the cancellation of the tender.

If the tender is cancelled, the reasons for the cancellation will be reviewed and a new tender may be issued.

Prohibited acts or behaviors

Article 17 - The following acts or behaviors are prohibited in tenders:

- a) By means of deception, promise, threat, abuse of influence, gaining advantage, collusion, embezzlement, bribery, or To interfere with or attempt to interfere with tender procedures through other means.
- b) To cause hesitation among prospective bidders, to prevent participation, and to offer prospective bidders a deal. To engage in or encourage conduct that would influence competition or tender decisions.

²⁸ Article 11 of Law No. 4964 dated 30/7/2003 amended the title and the first part of this article. In the paragraph, the word "from the day" has been changed to "from the hour".

c) Preparing, using, or attempting to prepare or use forged documents or forged guarantees. d) Except in cases where alternative bids are permitted, submitting more than one bid in tenders, directly or indirectly, on behalf of oneself or others, in person or by proxy.

e) Participating in a tender despite being prohibited from doing so according to Article 11.

Those who engage in these prohibited acts or behaviors shall be subject to the provisions set forth in the Fourth Part of this Law.

PART TWO: The Tender Process

CHAPTER ONE

Tender Procedures and Implementation

Procurement procedures to be applied

Article 18 - In tenders for the procurement of goods or services and construction works by administrations, one of the following procedures shall be applied:

- a) Open tender procedure.
- b) Tender procedure among selected bidders.
- c) Negotiation method.
- d) **(Repealed: 30/7/2003-4964/12 art.)**

Open tender procedure

Article 19 - Open tender procedure is a procedure in which all interested parties can submit bids.

Tender procedure among selected bidders

Article 20 - The restricted tender procedure is a procedure in which only bidders invited by the administration as a result of a preliminary qualification assessment can submit bids. **(Amended last sentence: 20/11/2008-5812/6 art.)** Construction works, service and goods procurement tenders where the nature of the work requires expertise and/or advanced technology, making the open tender procedure inapplicable, and construction works tenders where the estimated cost exceeds half of the threshold value, may be conducted according to this procedure.

(Second paragraph repealed: 30/7/2003-4964/13 art.)

In accordance with Article 10, candidates will undergo a preliminary qualification assessment based on the evaluation criteria specified in the preliminary qualification document and preliminary qualification announcement. Those who do not meet the specified minimum qualification requirements will not be considered qualified. **(Last sentence repealed: 30/7/2003-)**

(Article 13 of Law No. 4964) (...) **(Added sentence: 20/11/2008-Article 6 of Law No. 5812)** Provided that it is stated in the pre-qualification announcement and document; a certain number of bidders, who are ranked according to the criteria specified in the document and among those whose qualifications have been determined, or all of the qualified bidders may be invited to submit bids.

(Amended first sentence: 20/11/2008-5812/6 art.) Invitation to those not invited to submit a bid.

The reasons for non-compliance are notified in writing. Depending on the nature of the work, the tender is concluded by evaluating the bids according to the evaluation criteria determined in accordance with Article 40 and specified in the tender documents and invitation letter, in a way that does not hinder competition. If the number of candidates who can be invited to the tender is less than five, or if the number of bidders is less than three, the tender is cancelled.²⁹

If the tender is cancelled because the number of bidders is less than three, the tender documents may be reviewed, any errors and omissions corrected, and all bidders who have been pre-qualified may be invited again to finalize the tender.

Bargaining method

Article 21 - In the following cases, tenders may be awarded through negotiation:

a) Failure to receive any bids as a result of a tender conducted through an open tender procedure or a restricted tender procedure.

b) In cases determined by the administration where the tender must be conducted urgently due to sudden and unexpected events such as natural disasters, epidemics, danger of loss of life or property, or situations that are unique in terms of construction techniques, or where ensuring the safety of the structure or life and property is urgent, or when unforeseen events occur that necessitate the urgent completion of the tender.³⁰

c) The necessity of conducting the tender urgently due to special circumstances arising in relation to defense and security.

d) The tender must be of a nature that requires a research and development process and is not subject to mass production. e) The goods,

services, or construction works subject to the tender must be unique and complex.

Because of this, its technical and financial characteristics could not be determined with the necessary clarity.

f) **(Added: 30/7/2003-4964/14 art.)** Procurement of manufactured goods, materials or services by administrations with an estimated cost of up to fifty billion Turkish Lira.³¹

(Amended second paragraph: 20/11/2008-5812/7 art.) In the cases specified in subparagraphs (b), (c) and (f), it is not mandatory to publish an announcement. In cases where no announcement is made, at least three bidders are invited and asked to submit their qualification documents and price offers together.

(Third paragraph repealed: 20/11/2008-5812/7 art.)

(Amended fourth paragraph: 20/11/2008-5812/7 art.) According to subparagraphs (a), (d) and (e)

²⁹ Article 13 of Law No. 4964 dated 30/7/2003 amended the phrase "Article 10" in this paragraph. The phrase has been changed to "Article 40".

³⁰ Article 11 of Law No. 7144 dated 16/5/2018 added the phrase "in cases where the construction technique is unique or the administration determines that it is urgently necessary to ensure the safety of the structure or life and property, or" after the word "unexpectedly" in this paragraph.

³¹ For information regarding the application of the threshold values and monetary limits in this paragraph from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

In the tenders to be held, bidders whose qualifications are determined according to the evaluation criteria specified in the tender documents first submit their initial offers, excluding price, regarding technical details and implementation methods of the work subject to the tender. The tender committee discusses with each bidder the methods and solutions that best meet the needs of the administration. After the conditions are clarified as a result of the technical discussions, bidders who can meet these conditions are asked to submit their offers, including price offers, based on the revised and clarified technical specifications.

(Amended fifth paragraph: 20/11/2008-5812/7 art.) In tenders to be conducted within the scope of this article, the tender is concluded by obtaining the final written price offers from the bidders, which shall not exceed the initial price offers, and which will form the basis of the tender decision.

(Sixth paragraph repealed: 20/11/2008-5812/7 art.)

(Additional paragraph: 30/7/2003-4964/14 art.; Amended seventh paragraph: 20/11/2008-5812/7 art.) In the procurement of goods under clauses (b), (c) and (f), if the goods are delivered within the contract period and this is deemed acceptable by the administration, it is not mandatory to conclude a contract and obtain a performance bond.

Direct procurement

Article 22 - (Amended: 30/7/2003-4964/15 art.)

In the following cases, the method of direct procurement without announcement and without requiring collateral may be used:

- a) Determining that the need can only be met by a single natural or legal person.
to be done.
- b) Only one natural or legal person has a special right related to the need. c) Goods and services that are necessary to ensure compatibility and standardization with existing goods, equipment, technology, or services are obtained from the natural or legal person from whom the initial purchase was made, through contracts based on the main contract and with a total duration not exceeding three years.
- d) Purchases related to accommodation, travel and meals within the scope of representation and hospitality activities, not exceeding fifteen billion Turkish Liras for administrations located within the boundaries of metropolitan municipalities and five billion Turkish Liras for other administrations.³²
- e) Purchase or lease of immovable property suitable for the needs of the administrations.
- f) **(Amended: 20/11/2008-5812/8 art.)** Procurement of medicines, vaccines, serums, antisera, blood and blood products, as well as medical consumables such as orthoses and prostheses that can be determined according to the patient during application and are specific to the patient, and test and examination consumables, which are not economically feasible to stock due to their nature and the necessity of their use within a certain period, or which are to be used in emergency situations.

³² For information regarding the application of the threshold values and monetary limits in this paragraph from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

g) Procurement of services from Turkish or foreign lawyers or law firms to represent and defend the administrations covered by the Law in cases related to disputes to be resolved through international arbitration.

h) **(Added: 12/12/2003-5020/28 art.; Amended: 20/11/2008-5812/8 art.)** Procurement of services from Turkish or foreign lawyers in accordance with Articles 22 and 36 of Law No. 4353 dated 8/1/1943, and procurement of services carried out to ensure the registration of intellectual and industrial property rights with national and international organizations.

i) **(Added: 15/5/2008-5763/35 art.)** Service procurements of the Turkish Employment Agency related to the duties listed in subparagraphs (b) and (c) of Article 3 of Law No. 4904 dated 25/6/2003 and service procurements related to the duties listed in the seventh paragraph of Article 48 of the Unemployment Insurance Law No. 4447 dated 25/8/1999,

i) **(Added: 20/11/2008-5812/8 art.; Amended: 19/11/2013-6504/1 art.)** The procurement of watermarked ballot paper and watermarked ballot envelope paper, ballot paper printing, ballot envelope production services, and all kinds of election materials for the needs of the Supreme Election Board during the periods of the election of the President by the people, referendums on constitutional amendments, general and by-elections for members of parliament, and general and by-elections for local administrations, neighborhood headmen and councils of elders, as well as overseas election expenses, and the procurement of ballot paper printing services by the provincial election board presidencies.

In procurements made under this article, there is no obligation to establish a tender committee or to search for the qualification criteria listed in Article 10; instead, the needs are met by conducting a market price survey by the person or persons appointed by the tender authority.

Article 23 - Design

Competitions: Administrations may organize competitions, with or without prizes, for the purpose of obtaining plans or design projects related to architecture, landscape architecture, engineering, urban design projects, city and regional planning, and fine arts, in accordance with the procedures and principles to be determined in the relevant legislation, by making announcements in a way that ensures competition, and for evaluation by a jury.

PART TWO

Announcement of the Tender and Pre-qualification, Distribution of Tender Documents

Article 24 - Mandatory information to be included in tender

notices : Information not specified in the tender documents may not be included in the notices. Tender

The following information must be stated in the advertisements:

- a) Name, address, telephone and fax number of the administration.
- b) Name, nature, type, and quantity of the tender.
- c) Delivery location in procurement tenders for goods, and the location where the work will be carried out in procurement and construction tenders.

place.

- d) Start and completion dates of the work subject to the tender.
- e) The tender procedure to be applied, the conditions for participation in the tender, and the required documents.
- f) Criteria to be applied in the competency assessment.
- g) Whether the tender is open only to domestic bidders and whether the price is favorable to domestic bidders.

whether the advantage will be applied or not.

- h) Where the tender documents can be viewed and at what price they can be obtained.
- i) **(Amended: 30/7/2003-4964/16 art.)** Where, when and at what time the tender will be held.
- j) Where to submit bids by the tender deadline.
- k) Type of offer and contract.
- l) **(Amended: 30/7/2003-4964/16 art.)** Not less than 3% of the offered price,

A temporary guarantee will be provided in an amount to be determined at the request of the parties.

- m) Validity period of the offers.
- n) **(Added: 30/7/2003-4964/16 art.)** Whether consortia can submit bids for the tender.

Article 25 - Matters that must be included in pre-qualification

announcements: Announcements cannot include matters not specified in the pre-qualification document.

The following points must be stated in the qualification announcements:

- a) Name, address, telephone and fax number of the administration.
- b) Name, nature, type, and quantity of the tender.
- c) Delivery location in procurement tenders for goods, and the location where the work will be carried out in procurement and construction tenders.

place.

- d) Start and completion dates of the work subject to the tender.
- e) Eligibility requirements for the pre-qualification process and the required documents.
- f) Criteria to be applied in the pre-qualification assessment.
- g) Whether the tender is open only to domestic bidders and whether the price is favorable to domestic bidders.

whether the advantage will be applied or not.

- h) Where the pre-qualification document can be viewed and at what cost it can be obtained.
- i) The location where the pre-qualification application will be submitted, and the deadline and time for submission.
- j) **(Added: 30/7/2003-4964/17 art.)** Whether consortia can submit bids for the tender.

The advertisement is inappropriate.

Article 26 - Announcements that do not comply with the provisions of Articles 13, 24 and 25 are invalid.

In this case, no tender or pre-qualification process can be conducted unless the announcement is renewed in accordance with these provisions.

(Amended second paragraph: 20/11/2008-5812/9 art.) However, except for cases where the announcement specified in Article 13 is not made or the announcement periods are not complied with, if there are errors in the announcements that do not comply with the provisions of Articles 24 and 25, twenty-five years according to Article 13 and

In tenders with a forty-day announcement period, correction notices for errors can be issued within fifteen days following the publication of the announcements; in other tenders, this applies within ten days, allowing the tender or pre-qualification process to be completed.

Article 27 - Content of the Tender and Pre-qualification Documents and Mandatory Provisions in the Administrative

Specifications: The tender documents shall include administrative specifications, which also contain instructions for bidders, technical specifications covering the project of the work to be carried out, a draft contract, and other necessary documents and information. The pre-qualification documents shall include the requirements sought from candidates, pre-qualification criteria, and other necessary documents and information.

Depending on the subject of the tender, the following points must be specified in the administrative specifications:

- a) Name, nature, type and quantity of the work; job description for services.
- b) Name, address, telephone and fax number of the administration.
- c) Tender procedure, tender date and time, and where bids should be submitted.
- d) Instructions to applicants.
- e) Requirements, documents, and qualification criteria for applicants.
- f) Methods of requesting and providing clarification in the tender documents.
- g) Validity period of the offers.

h) **(Amended: 30/7/2003-4964/18 art.)** Whether consortia can submit bids, whether it is possible to submit bids for all or part of the work subject to the tender, whether alternative bids can be submitted in procurement tenders, and if so, how alternative bids will be evaluated.

i) Which of the following expenses will be included in the bid price: transportation, insurance, taxes, duties, and fees.

j) The procedures to be followed in receiving, opening and evaluating bids, and these
Procedures and principles specified in the law.

k) Procedures to be applied from the decision to tender until the signing of the contract
and the procedures and principles specified in this Law.

l) Whether the tender is open only to domestic bidders and whether pricing is favorable to domestic bidders
whether the advantage will be applied or not.

m) Type of offer and contract.

n) Temporary and final guarantee rates and conditions relating to the guarantees.

o) **(Amended: 30/7/2003-4964/18 art.)** In case of cancellation of the tender before the tender time
where the administration is free.

(p) The administration is free to reject all bids and cancel the tender.

r) Start and completion dates of the work subject to the tender, location, delivery terms and delays.
Penalties to be imposed in this case.

s) The place and conditions of payment, whether an advance payment will be made, and if so, the conditions and amount.
How any price difference, if applicable, will be paid for the works covered by the contract.

t) **(Amended: 30/7/2003-4964/18 art.)** The circumstances and conditions under which extensions may be granted, and the mutual obligations in case of increases or decreases in the scope of the contract. u) Who will pay the taxes, duties, fees, and other expenses related to the contract.

v) Conditions relating to the insurance of the work and workplace in construction projects, as well as construction supervision and liability.

y) Conditions relating to inspection, examination and acceptance procedures.

z) Dispute resolution.

Issuance of tender and pre-qualification documents

Article 28 - Tender and pre-qualification documents can be viewed free of charge at the administration. However, it is mandatory for bidders wishing to participate in the pre-qualification or tender to purchase these documents. **(Added sentence: 4/7/2012-6353/28 art.)** In tenders where no announcement is made, the tender documents are sold only to those invited by the administration. The document price is determined by the administrations in a way that does not exceed the printing cost and does not hinder competition.³³

Amendments or clarifications to the tender documents

Article 29 - It is essential that no changes are made to the tender documents after the announcement has been made. If changes are necessary, the reasons and necessities requiring them shall be recorded in a document, the previous announcements shall be deemed invalid, and the job shall be re-advertised in the same manner.

However, if, after the announcement, the administration identifies or the bidders notify in writing of any material or technical errors or deficiencies that may affect the preparation of bids or the execution of the work, changes may be made to the tender documents. An addendum, which is a binding part of the tender documents, regarding these changes, will be sent to all those who received the tender documents at least ten days before the final bid submission date to ensure they are informed. If additional time is needed to prepare bids due to the changes made by the addendum, the tender date may be postponed by addendum for a maximum of twenty days, once only. If an addendum is issued, bidders who submitted their bids before this addendum will be given the opportunity to withdraw their bids and resubmit them.

Furthermore, bidders may request clarification in writing regarding matters requiring explanation in the tender documents up to twenty days prior to the final bidding date. If the administration deems this request appropriate, the clarification will be provided to all bidders who have received the tender documents by that date, ensuring they are informed ten days prior to the final bidding date, without mentioning the bidder who requested the clarification.

³³ *Article 19 of Law No. 4964 dated 30/7/2003 and the last sentence of this article
The phrase "preparation cost" has been changed to "printing cost".*

It is sent in writing.

CHAPTER THREE

Submission of Proposals and Applications

Preparation and submission of proposals

Article 30 - All documents required as a condition for participation in the tender, including the offer letter and provisional guarantee, shall be placed in an envelope. The envelope shall bear the name, surname or trade name of the bidder, their clear address for notification purposes, the project to which the offer relates, and the clear address of the contracting authority. The sealed part of the envelope shall be signed and stamped by the bidder.

Offer letters must be submitted in writing and signed. The offer letter must state that the tender documents have been fully read and accepted, the offered price must be clearly written in both figures and words, consistent with each other, and must be free of erasures, deletions, or corrections. Furthermore, the offer letter must be signed by authorized persons, with their full name or trade name clearly indicated. In procurement tenders, if the tender documents contain a provision allowing for alternative offers, these alternative offers must also be prepared and submitted in the same manner.

Bids must be submitted as numbered receipts by the tender deadline specified in the tender documents. The bids are submitted to the administration in return. Bids submitted after this time will not be accepted and will be returned unopened. Bids may also be sent by registered mail. Bids sent by post must reach the administration by the tender deadline specified in the tender documents. The time of receipt of bids that will not be processed due to postal delays will be recorded in a document.

Offers submitted cannot be withdrawn for any reason, except in the case of an addendum.

And it cannot be changed.

Submission of application documents

Article 31 - All documents required as a condition for participation in the pre-qualification process must be submitted by the 30th. It is submitted to the administration in accordance with the principles and procedures specified in the first and third paragraphs of the article.

Validity period of offers

Article 32 - The validity period of the bids is specified in the tender documents. If deemed necessary by the administration, this period may be extended, provided that the bid and contract conditions are not changed and with the bidder's acceptance, for a maximum period equal to the bid validity period specified in the tender documents.

Temporary

Guarantee Article 33 - (Amended: 30/7/2003-4964/20 art.)

In tenders, a provisional guarantee of no less than 3% of the offered price will be required from the bidder. This applies to consultancy service tenders, provided it is specified in the tender documents.

Providing temporary security deposit is not mandatory.

Values that will be accepted as collateral

Article 34 - The values that will be accepted as collateral are shown below:

a) Turkish currency in circulation.

b) **(Amended: 28/11/2017-7061/66 art.)** Letters of guarantee.

c) Government domestic debt securities issued by the Undersecretariat of Treasury and documents issued in place of these securities.

Letters of guarantee issued by foreign banks permitted to operate in Türkiye according to the relevant legislation, and letters of guarantee issued by banks or private financial institutions operating in Türkiye based on counter-guarantees from banks or similar credit institutions operating outside Turkey, are also accepted as collateral.³⁴

The bonds specified in clause (c) and the documents issued in place of these bonds, which are issued with interest included in the nominal value, are accepted as collateral based on the sales value corresponding to the principal amount.

Guarantees other than letters of guarantee cannot be accepted by tender committees. These...
It is mandatory to deposit the funds with the treasury or accounting departments.

The guarantee letters of the winning bidder and the bidder with the second most economically advantageous offer are delivered to the treasury or accounting departments after the tender.
The guarantees of other bidders are returned immediately. If a contract is signed with the winning bidder, the guarantee of the bidder with the second most economically advantageous offer will be returned immediately after the contract is signed.

Collateral may be exchanged for other assets accepted as collateral.

In any case, guarantees received by the administration cannot be seized or subject to precautionary measures.
No precautions can be taken.

Letters of guarantee³⁵

Article 35 - The scope of the guarantee letters to be issued under this Law (...)³⁵

The Public Procurement Authority is authorized to determine the form.

The validity period of provisional guarantee letters must be at least thirty days longer than the validity period of the bids determined according to Article 32. If the validity period of the bid is extended, the validity period of the provisional guarantee letters will also be extended by the same period. The validity period of final guarantee letters is determined by the administration, taking into account the completion date of the work subject to the tender.

Guarantee letters issued in violation of the relevant legislation will not be accepted.

³⁴ Article 21 of Law No. 4964 dated 30/7/2003 added the following to this paragraph: "those operating in Türkiye
The phrase "or private financial institutions" has been added after the word "banks".

³⁵ The word "Bank" in the title of this article was removed by Article 22 of Law No. 4964 dated 30/7/2003.
The phrase "by banks" in the first paragraph has been removed from the text of the article.

CHAPTER FOUR

Evaluation of Proposals

Receiving and opening of bids

Article 36 - (Amended first sentence: 30/7/2003-4964/23 art.) Bids shall be submitted to the administration by the tender time specified in the tender documents. At the time specified in the tender documents, the tender committee shall record the number of bids received in a report, announce it to those present, and the tender shall commence immediately. The tender committee shall examine the bid envelopes in the order they were received.

Envelopes that do not comply with the first paragraph of Article 30 shall be identified in a report and shall not be considered for evaluation.

The envelopes are opened in the presence of the applicants and those present, in the order in which they were received.

The documents of the bidders are checked to ensure they are complete and that their bid letters and provisional guarantees are in accordance with the procedure. Bidders whose documents are incomplete or whose bid letters and provisional guarantees are not in accordance with the procedure are recorded in a report. The bidders, their bid prices, and the estimated cost are announced. The report prepared regarding these procedures is signed by the tender committee. At this stage, no decision is made to reject or accept any bid, and the documents constituting the bid cannot be corrected or completed. The session is closed for the bids to be evaluated immediately by the tender committee.³⁶

Article 37 - Evaluation of Bids:

Upon request of the tender committee, the administration may request bidders to provide written clarifications regarding unclear points in order to assist in the examination, comparison, and evaluation of bids. However, this clarification shall under no circumstances be requested or used to alter the bid price or to make bids that do not comply with the conditions in the tender documents compliant.

(Amended second paragraph: 20/11/2008-5812/11 art.) In the evaluation of bids, firstly, it is decided to exclude from evaluation the bids of bidders whose documents are incomplete or whose bid letter and provisional guarantee are not in accordance with the procedure, as determined in the first session according to Article 36. However, provided that it does not change the essence of the bid, if there is a lack of information in the documents, the bidders are requested in writing to complete this missing information within the period determined by the administration. Bidders who do not complete the information within the determined period are excluded from evaluation and their provisional guarantees are forfeited. As a result of this initial evaluation and procedures, the detailed evaluation of the bids of bidders whose documents are complete and whose bid letter and provisional guarantee are in accordance with the procedure is carried out. At this stage, it is examined whether the bidders meet the qualification criteria that determine their capacity to perform the work subject to the tender, whether the bids comply with the conditions specified in the tender documents, and whether there are any arithmetic errors in the unit price bid schedules. Bids of bidders determined to be non-compliant and bids with arithmetic errors in the unit price bid schedules are excluded from evaluation.

(Last paragraph repealed: 20/11/2008-5812/11 art.)

³⁶ By Article 10 of Law No. 5812 dated 20/11/2008; the "bid prices" in this paragraph
The phrase "will be announced" has been changed to "bid prices and estimated cost amounts will be announced".

Extremely low bids

Article 38 - After evaluating the submitted bids, the tender committee identifies those bids whose prices are excessively low compared to other bids or the estimated cost determined by the administration. Before rejecting these bids, it requests written details from the bidders regarding the components it deems important in the bid, within the period it has determined.

The tender committee

must ensure that: a) the manufacturing process, the service provided, and the construction method are economical.

b) The selected technical solutions and the advantageous conditions that the bidder will use in the procurement of goods and services or in the execution of the construction work,

c) The originality of the offered goods, services or construction work,

Taking into account written statements on matters such as these, it evaluates excessively low bids.

As a result of this evaluation, the bids of those whose explanations are deemed insufficient or who have not provided written explanations will be rejected.³⁷

(Additional paragraph: 20/11/2008-5812/12 art.; Amended third paragraph: 6/2/2014-6518/47 art.)

The Institution is authorized to establish threshold values and inquiry criteria for the purpose of identifying and evaluating excessively low bids and determining the most economically advantageous bid, according to the type, nature, and estimated cost of the work subject to the tender, and the tendering procedure; to conclude the tender without requesting explanations as stipulated in this article; and to make regulations regarding the rejection of bids below the threshold value without requesting explanations as stipulated in this article, in service procurement and construction tenders where the estimated cost is up to half of the threshold values stipulated in Article 8. The tender committee shall base its implementation of this article on the regulations made by the Institution.

All bids were rejected and the tender was cancelled.

Article 39 - (...)38 The administration is free to cancel the tender by rejecting all submitted bids upon the decision of the tender committee. If the tender is canceled, this situation is immediately notified to all bidders. The administration does not incur any liability due to the rejection of all bids. **(Amended last sentence: 30/7/2003-4964/24 art.)** However, if the bidders request it, the administration shall inform the requesting bidders of the reasons for the cancellation of the tender.

³⁷ By Article 47 of Law No. 6518 dated 6/2/2014, the phrase "according to Article 37" in the first paragraph of this article was removed, and the phrase "by means of documentation regarding these matters" in the second paragraph was changed to "such matters".

³⁸ By Article 24 of Law No. 4964 dated 30/7/2003, the phrase "at any stage prior to the approval of the tender authority, provided that it is stated in the tender documents," was removed from the text of this article.

Article 40 - Decision and Approval of the Tender: As a

result of the evaluation made in accordance with Articles 37 and 38, the tender is awarded to the bidder who submits the most economically advantageous offer.

(Amended second paragraph: 20/11/2008-5812/13 art.) The most economically advantageous offer is determined solely on the basis of price, or by taking into account price together with non-price factors such as operating and maintenance costs, cost effectiveness, efficiency, quality, and technical value.

In tenders where the most economically advantageous offer is determined by considering factors other than price, the monetary values or relative weights of these factors are specified in the tender documents.

According to Article 63 of this Law, in tenders where a price advantage is specified in the tender documents in favor of domestic bidders, the tender is concluded by determining the most economically advantageous offer by applying this price advantage.

In tenders where the lowest price is considered the most economically advantageous offer, if multiple bidders submit the same price and all of them are found to be the most economically advantageous offers, the tender will be concluded by determining the most economically advantageous offer by taking into account factors other than price as specified in the second paragraph.

The tender committee determines its reasoned decision and submits it to the tender authority for approval. The decisions shall state the names or trade names of the bidders, the prices offered, the date of the tender, the reasons for awarding the tender to a particular bidder, and, if no tender was awarded, the reasons for the discrepancy.

The contracting authority shall approve the tender decision within a maximum of five business days following the date of the decision, or it cancels it by stating the reason clearly.³⁹

The tender is valid if the decision is approved, and null and void if it is cancelled.

(Amended last paragraph: 20/11/2008-5812/13 art.) Before tender decisions are approved by the tender authority, administrations must verify whether the successful bidder and, if applicable, the bidder with the second most economically advantageous offer, are prohibited from participating in tenders, and attach the relevant document to the tender decision. If both bidders are found to be prohibited, the tender is cancelled.

Notification of finalized tender decisions Article 41-

(Amended: 20/11/2008-5812/14 art.)

The tender result shall be notified to all bidders, including the successful bidder, within a maximum of three days following the date on which the tender decision is approved by the tender authority. The notification of the tender result shall also include the reasons for any bids not being considered or deemed unsuitable.

Even if the tender decision is cancelled by the tender authority, the bidders will still be notified. Notification is given stating the reasons.

³⁹ By Article 25 of Law No. 4964 dated 30/7/2003, the phrase "twenty days" in the paragraph was changed to "five working days".

The contract cannot be signed until five days have passed since the notification of the tender result to all bidders in tenders conducted according to clauses (b) and (c) of Article 21, and ten days in other cases.

Invitation to Contract

Article 42 - (Amended first paragraph: 20/11/2008-5812/15 art.) Within three days from the expiry of the periods specified in Article 41, or, in cases where preliminary financial control is required, from the date of completion of this control, the successful bidder shall be notified to sign the contract by providing the final guarantee within ten days following the date of notification.

For foreign bidders, twelve days are added to this period. On the date the contract is to be signed, it is mandatory to send the tender results information to the Institution to confirm whether the successful bidder is prohibited from participating in tenders.

In consultancy service tenders where no performance bond is required before the contract is signed, pursuant to the provisions of Article 43, the invitation to contract shall be made in accordance with the provisions of the first paragraph without requiring a performance bond.

Definite guarantee

Article 43 - In order to ensure that the commitment is fulfilled in accordance with the provisions of the contract and tender documents, a performance bond of 6% of the tender price will be taken from the successful bidder before the contract is signed.

(Additional paragraph: 20/11/2008-5812/16 art.; Repealed second paragraph: 6/2/2014-6518/48 art.)

However, in consultancy service tenders, provided it is stated in the tender documents, the performance bond may not be required before the contract is signed. In this case, 6% of each progress payment will be deducted and retained as a security deposit.

(Additional paragraph: 6/2/2014-6518/48 art.) If the bid of the successful bidder is below the threshold value, the Institution may make regulations regarding the rate of the performance guarantee to be taken from that bidder, which shall not be less than 6% and not more than 15% of the estimated cost.

Article 44 - Duties and Responsibilities of the Bidder in Contract Formation:

The successful bidder is obliged to sign the contract by providing the final guarantee in accordance with Articles 42 and 43. The provisional guarantee must be returned immediately after the contract is signed. will be returned.

If these requirements are not met, the provisional guarantee of the successful bidder will be forfeited without the need for a protest or court order. In this case, the administration may sign a contract with the bidder whose offer is deemed acceptable by the tender authority, in accordance with the principles and procedures specified in the Law.

However, in order for a contract to be signed with the bidder who submits the second most economically advantageous offer,

Within three days following the expiry of the ten-day period specified in Article 42, the bidder with the second most economically advantageous offer will be notified in the manner specified in Article 42.

The second most economically advantageous bidder also did not sign the contract.

In that case, the temporary guarantee of this bidder will also be forfeited and the tender will be cancelled.

The duties and responsibilities of the administration in contract making.

Article 45 - The administration is obligated to fulfill its duties regarding the conclusion of the contract within the timeframe specified in Articles 42 and 44. If the administration fails to fulfill this obligation, the bidder may withdraw from the undertaking, provided that it notifies the administration within five days of the expiry of the deadline, with a notarized notice valid for ten days. In this case, the provisional guarantee will be returned, and the bidder will be entitled to reimburse the documented expenses incurred for providing the guarantee. This damage will be recovered from those responsible, and the provisions of Article 60 will also apply to them.

The tender is awarded to the contract.

Article 46 - (Amended first paragraph: 30/7/2003-4964/28 art.) All tenders awarded shall be formalized in a contract. Contracts shall be prepared by the administration and signed by the tender authority and the contractor. If the contractor is a joint venture, the contracts shall be signed by all partners of the joint venture. Unless otherwise specified in the tender documents, the contracts shall be registered with a notary public and
It is not mandatory to have it approved. A

contract that contradicts the conditions stated in the tender documents cannot be drawn up.

Result report 40

Article 47 - (Amended: 20/11/2008-5812/17 art.)

The results of construction works and procurement of goods and services by the administrations covered by this Law shall be reported to the Institution within fifteen days at the latest, except for those sent pursuant to Article 42. The results relating to tenders within the scope of the Law are published by the Institution in the Public Procurement Bulletin. The information to be included in the result notifications, and which tender results related to the procurement of goods and services and construction works carried out by administrations operating in the fields of defense, security, and intelligence within the scope of the Law, will be published, are determined by the Institution after consulting with the relevant administration.

CHAPTER FIVE

Special Provisions Regarding Consulting Services Tenders

Consultancy services Article

48- (Amended: 20/11/2008-5812/18 art.)

⁴⁰ With Article 17 of Law No. 5812 dated 20/11/2008, the title of this article was changed to "Announcement of the Tender Result". It has been modified as it appears in the text.

Services in technical, financial, legal, or similar fields such as architecture and engineering, surveying and design, mapping and cadastre, zoning plans at all scales, zoning implementation, preparation of environmental impact assessment reports, plan and software development, design, preparation of technical specifications, supervision and control are obtained from consulting service providers.

Consultancy services are tendered only among certain bidders in accordance with the provisions in this section. **(Amended last sentence: 31/3/2012-6288/6 art.)** However, consultancy services whose estimated cost is less than four times the upper limit amount stipulated for service procurements in subparagraph (2) of paragraph (b) of article 13 may be carried out through a service procurement tender.

Article 49 - Preliminary qualification and

selection of applicants: Preliminary qualification announcements are made within the timeframe and principles specified in Article 13.

The preliminary qualification announcement made in accordance with the provisions of this Law includes information on the preliminary qualification criteria determined to evaluate the general suitability, financial capacity, and technical abilities of the candidates. Furthermore, this announcement specifies the number or range of candidates to be shortlisted and invited to submit bids.

Following the pre-qualification announcement, applicants will be evaluated according to the pre-qualification documents and criteria specified in the announcement. From those whose qualifications are determined, a shortlist will be created containing a minimum of three and a maximum of ten candidates.

Invitation to

Tender Article 50- Candidates included in the list created according to Article 49 are sent an invitation to tender letter along with the tender documents, giving them at least the time specified in Article 13 to prepare their technical and financial proposals. Candidates who are not found qualified as a result of the pre-qualification evaluation and those not included in the shortlist are notified in writing. If the number of candidates who can be invited to tender is less than three, no invitation letter is sent and the tender is not held.⁴¹

While preparing their bids, prospective bidders may request clarification in writing regarding matters requiring explanation in the tender documents up to twenty days prior to the final bidding date. If clarification is provided by the administration, it will be sent in writing to all bidders on the shortlist at least ten days prior to the final bidding date to ensure they are informed.

After the invitation letter is sent, any material or technical errors or omissions that may affect the preparation of the proposals or the execution of the work will be identified by the administration.

⁴¹ The "forty-day period" mentioned in this paragraph was added by Article 31 of Law No. 4964 dated 30/7/2003. The phrase has been changed to "the periods in Article 13".

Changes may be made to the tender documents if requested or notified in writing by the bidders. An addendum, which is a binding part of the tender documents, regarding these changes will be sent to all bidders on the shortlist at least ten days prior to the final bidding date, ensuring they are informed. If additional time is needed to prepare bids due to the changes made via the addendum, the tender date may be postponed for a maximum of twenty days, once only. If an addendum is issued, bidders who submitted their bids before this addendum will be given the opportunity to withdraw their bids and resubmit them.

Article 51 - Preparation and Submission of

Offers: The offer letter, which includes the price offered for the consultancy service subject to the tender, and the provisional guarantee constitute the bidder's financial offer. This offer is placed in an envelope, marked as a financial offer. Offer letters must comply with the conditions specified in Article 30.

All other documents required for technical evaluation must be included in the applicant's technical proposal. This proposal is prepared. It is placed in a separate envelope, marked as a technical proposal.

The applicant's full name, surname or trade name, their clear address for notification purposes, and the project to which the offer relates must be written on both envelopes. The sealed parts of the envelopes must be signed and stamped by the applicant.

The envelopes containing the financial and technical proposals shall be placed together in a separate envelope or package, and the name, surname or trade name of the bidder, their clear address for notification purposes, the project to which the proposal relates, and the clear address of the contracting authority shall be written on it before submission.

Article 52 - Evaluation of Offers and Conduct of the Tender:

At the time of the tender, the tender committee shall record the number of offers received in a minutes document, announce this to those present, and immediately begin the tender process. The tender committee shall examine the offer envelopes in the order they were received. Envelopes that do not comply with the first paragraph of Article 30 shall be identified in a minutes document and shall not be considered for evaluation. Envelopes containing technical offers shall be opened in the presence of the bidders and those present, in the order they were received, to check whether all required documents have been submitted, and this shall be recorded in a minutes document. Envelopes containing financial offers shall be packaged collectively by the tender committee without being opened, sealed, signed, and kept under safekeeping, and a minutes document shall be attached to a record. At this stage, no decision shall be made to reject or accept any offer, and the documents constituting the offer may not be corrected or completed. The session shall be closed immediately for the evaluation of the offers by the tender committee.

Submitted offers cannot be withdrawn or modified for any reason, except in the case of an addendum.

Evaluation of bids in consultancy service tenders, technical and financial aspects.

The evaluation is conducted in two stages. In the first stage, the technical proposal is evaluated, and in the second stage, the financial proposal is evaluated, with separate scoring for each stage. The total score is determined by calculating the total score, taking into account the weighting coefficients determined for the technical and financial scores. The weighting coefficients for the technical and financial scores may be determined at different rates according to the nature and originality of the service, with the technical score having a higher weighting.

In these tenders, the technical evaluation criteria are determined in accordance with the criteria specified in Article 10. The criteria, as stated in the tender documents and invitation letter, are determined based on experience in fulfilling contracts of similar nature and scale, the proposed method for the work, the organizational structure, the management team, and the education and professional qualifications of the technical personnel who will carry out the work.

In evaluating bids, the first step is to examine whether all documents submitted by the bidders for technical assessment comply with the requirements stipulated in the tender documents.

Bids from applicants whose documents are incomplete or who do not meet the required conditions will be excluded from evaluation. **(Amended third and fourth sentences: 20/11/2008-5812/19 art.)**

However, if there is any missing information in the documents, provided that it does not alter the essence of the offer, the bidders will be requested in writing to complete this missing information within the period determined by the administration. Applicants who fail to complete the missing information within the specified time will be disqualified, and their provisional guarantees will be forfeited.

The tender committee determines the technical scores of the bidders by conducting a technical evaluation according to the technical evaluation criteria and points specified in the tender documents and invitation letter. Bids from bidders receiving scores below the minimum technical score specified in the tender documents are excluded from the evaluation.

Applicants whose documents are incomplete, who do not meet the required conditions, or who score below the minimum technical score will be notified in writing that they are excluded from the evaluation and that their financial bids will be returned to them or their representatives in person at the date and time when the financial bids are to be opened. On the same date, applicants who score at or above the minimum technical score will also be notified in writing of the date and time when the financial bids will be opened.

At the date and time notified by the tender committee, the results of the technical evaluation and the technical scores are first announced in the presence of those present. The package containing the financial bids, which has been kept in a collective custody by the tender committee, is opened. The financial bid envelopes of the bidders whose bids were not evaluated are returned to them or their representatives without being opened, and these bidders are removed from the tender hall. **(Amended fourth sentence: 20/11/2008-5812/19 art.)** After these procedures, the financial bid envelopes of the bidders who received the minimum technical score and above are opened, and the offered prices and estimated costs are announced and recorded in a minutes document. The envelopes of the financial bids that could not be returned are sent by mail immediately after the conclusion of the tender.

Bidders whose financial bids lack a valid bid letter and provisional guarantee, or whose bids are not in accordance with the procedures, will be excluded from the evaluation process and this will be recorded in a report. Financial scores will be determined for bidders whose bid letters and provisional guarantees are deemed appropriate.

The technical and financial scores of these bidders are multiplied by the weighting coefficients specified in the tender documents to determine their total scores. The bidder with the highest total score is invited to a meeting to discuss the job description, contract terms, personnel, and financial offer.

However, this meeting should not significantly alter the terms specified in the tender documents. If the terms are clarified and an agreement is reached as a result of the meeting, the tender will be awarded to that bidder.

The decision taken by the tender committee is submitted to the tender authority for approval.

If, despite an agreement being reached during the negotiations, the successful bidder fails to fulfill their obligation to sign the contract, the administration will forfeit the provisional guarantee.

In this case, provided the bid price is deemed acceptable by the tender authority, a contract will be signed with the bidder with the second highest total score after negotiations. If the second bidder fails to fulfill their obligation to sign the contract, the administration will forfeit their provisional guarantee.

If, as a result of the pre-qualification process or the technical or financial evaluation, fewer than three candidates or bidders remain, the tender will not be held.

PART THREE

Public Procurement Authority, Examination of Complaints and Resolution of Disputes

CHAPTER ONE

Public Procurement Authority

Public Procurement Authority

Article 53- a) A Public Procurement Authority, possessing public legal personality and administrative and financial autonomy, has been established to carry out the duties assigned by this Law. The Public Procurement Authority is responsible and authorized to ensure the correct implementation of the principles, procedures, and processes specified in this Law.

The ministry to which the institution is affiliated is the Ministry of Finance. The institution's headquarters are in Ankara.

The institution is independent in carrying out its duties. No organ, authority, body, or person can control it.

They cannot issue orders or instructions with the aim of influencing the institution's decisions.

The Public Procurement Authority consists of the Public Procurement Board, the Presidency, and service units.

b) The duties and powers of the Institution regarding tenders to be conducted pursuant to this Law are listed below:

1) Complaints regarding the non-compliance of the procedures carried out by the administration from the start of the tender process to the signing of the contract with the provisions of this Law and related legislation.

To conclude after reviewing.

2) All legislation and standards related to this Law and the Public Procurement Contracts Law.

To prepare, develop, and direct the implementation of tender documents and standard contracts.

3) To provide training on tender regulations and to ensure national and international coordination.

4) Information regarding tenders and contracts as determined by the Institution.

To collect, compile, and publish statistics regarding quantity, amount, and other aspects.

5) To keep records of those who have been banned from participating in tenders.

6) To engage in research and development activities.

7) To regulate the principles and procedures related to tender announcements, and to publish the Public Procurement Bulletin in print or electronic format.

8) If it is determined that domestic bidders are prevented from participating in tenders opened in foreign countries, to propose to the President that measures be taken and necessary arrangements be made to prevent bidders from the country where this practice is carried out from participating in tenders conducted under this Law.⁴²

9) To prepare the institution's annual budget, final accounts, and annual work reports.

To ensure the implementation of the institution's budget, the collection of revenues, and the expenditure of expenses.

(Paragraph repealed: 20/11/2008-5812/20 art.)

The institution may request documents, information, and opinions from all official and private institutions, organizations, and individuals in the performance of its duties. The documents, information, and opinions must be provided within the requested timeframe. It is mandatory.

The Institution is authorized, by a decision of the Board, to issue standard tender documents, model contracts, regulations, and circulars regarding the implementation of this Law and the Public Procurement Contracts Law. The Board and the Institution exercise their powers by establishing regulatory procedures and making specific decisions. Standard tender documents, model contracts, regulations, and circulars are published in the Official Gazette. It comes into effect upon publication in the newspaper.

c) **(Amended first paragraph: 2/7/2018-KHK-703/171 art.)** The decision-making body of the institution is the Public Procurement Board, consisting of nine members appointed by the President from among those who have at least four years of education, including one chairman and one vice-chairman. The Chairman of the Board is also the head of the institution.

(Repealed: By the Constitutional Court's decision dated 7/12/2023, E.:2018/117; K.:2023/212) (Second paragraph amended: 21/5/2025-7548/12 art.) Members must not have had or currently have any membership or office-holding relationship with a political party, including nomination as a candidate.

(Amended: 12/6/2002-4761/15 art.) (First and second sentences repealed: 2/7/2018-Decree Law-)

⁴² By Article 171 of Decree Law No. 703 dated 2/7/2018, the phrase "to the Council of Ministers" in this paragraph was changed to "to the President".

703/171 art.)⁴³ The members of the Board cannot be dismissed from their duties before the end of their term. However, if members become unable to work due to a serious illness or disability, or if they lose the qualifications for appointment, they may be dismissed before the end of their term according to the procedure by which they were appointed. If members are convicted of abuse of office or a disgraceful crime, they may be dismissed with the approval of the President. New appointments to the Board memberships that become vacant due to dismissal or for any reason before the end of the term shall be made within one month according to the principles stated above.⁴⁴⁴⁵ **(Last sentence repealed: 20/11/2008-5812/20 art.)**

The chairman is responsible for the general management and representation of the institution, as well as the implementation of decisions taken by the Board. In cases of leave, illness, domestic or international assignments, or dismissal of the chairman, the vice-chairman acts as the chairman's deputy.

(Additional paragraph: 20/11/2008-5812/20 art.) The authority to waive the right to file lawsuits, initiate enforcement proceedings, appeal to higher authorities against decisions rendered by courts, and to waive the right to seek correction of decisions rendered by higher courts, belongs to the Board.

d) Board members swear an oath before the First Presidency Board of the Court of Cassation that they will perform their duties impartially and honestly for the duration of their membership, and that they will not act or cause others to act contrary to the provisions of this Law and related legislation. Applications for the oath are considered urgent matters by the Court of Cassation. Board members cannot begin their duties until they have taken the oath.

e) **(Amended first sentence: 20/11/2008-5812/20 art.)** The Chairman and members of the Board may publish scientific works for a fee, give lectures for a fee, provided that they do not neglect their primary duties; otherwise, they may not hold any official or private position unless based on a special law, may not serve as managers in associations, foundations, cooperatives, or similar organizations, may not engage in trade, and may not engage in freelance professional activities. Board members are obliged to dispose of all their shares or securities in legal entities operating in the market or their affiliates, excluding securities related to debt issued by the Treasury, within thirty days following the commencement of their term of office, by selling or transferring them to anyone other than their blood relatives up to the third degree and their in-laws up to the second degree, and their adopted children. Members who do not comply with this provision shall be deemed to have resigned from their membership.

(Additional paragraph: 20/11/2008-5812/20 art.) Board decisions cannot be subjected to a review of their appropriateness.

(Additional paragraph: 20/11/2008-5812/20 art.) Board Chairman and members and Institution personnel
They cannot act as referees or expert witnesses.

Board members and institution personnel, while performing their duties, should inform the relevant parties and

⁴³ *The Constitutional Court's decision dated 7/12/2023, numbered E.:2018/117; K.:2023/212, annulled the repeal of these sentences.*

⁴⁴ *By Article 171 of Decree Law No. 703 dated 2/7/2018, the word "Prime Minister" in this paragraph was changed to "President".*

⁴⁵ *By Article 1 of Law No. 6462 dated 25/4/2013, the word "disability" in this paragraph was changed to "handicap".*

Board members and institution personnel may not disclose confidential information and documents belonging to third parties to anyone other than the authorities legally authorized to do so, nor may they use them for their own benefit or the benefit of third parties. This obligation continues even after they leave their positions. **(Amended third and fourth sentences: 20/11/2008-5812/20 art.)** Board members and institution personnel are considered civil servants with respect to crimes committed in the course of their duties and crimes committed against them.

The provisions of Article 104 of the Banking Law No. 5411 dated 19/10/2005 shall apply with regard to the criminal and legal liability of the Board members and the Institution's personnel.

f) Board members within one month following their start and end dates of office, and

They are required to submit a general declaration of assets every year for the duration of their employment.

g) The Board convenes with its full membership upon the call of the chairman, or in the chairman's absence, the vice-chairman, and takes decisions by majority vote. In case of a tie, the side on which the chairman is present is considered the majority. Board members cannot abstain from voting. Board members are responsible for their votes and decisions. In cases of leave, reports, assignments, or when an appointment has not yet been made to a vacant membership, the Board may convene with at least six members.⁴⁶

Board members must identify themselves and their blood relatives up to the third degree and their in-laws up to the second degree. They cannot participate in meetings and voting regarding decisions concerning their relatives and adopted children.

Except for the cases specified in this article, five meetings in a calendar year for any reason

Members who do not attend will be considered to have withdrawn from membership.

h) **(Amended first sentence: 20/11/2008-5812/20 art.)** Four vice-presidents may be appointed by the Minister upon the recommendation of the President to assist the President in his/her duties. Vice-presidents are appointed from among those who possess the qualifications required for appointment to the Board membership or from among those who have graduated from law, economics, political science, business administration, economic and administrative sciences, architecture and engineering faculties providing at least four years of education, or from higher education institutions abroad whose equivalence is accepted by the competent authorities, and who have worked continuously as professional staff in the Institution for at least ten years.⁴⁷

The institution's service units consist of main service units organized as department heads, advisory units, and auxiliary service units, as required by the institution's duties and powers. **(Added sentence: 24/10/2011-KHK-661/57 art.)** In the institution; those to be appointed to the position of Chief Legal Advisor must be graduates of a law faculty, possess sufficient professional knowledge and experience, and have served in public institutions and organizations for twelve years or more in their respective fields; those to be appointed to the positions of Institutional Advisor and Presidential Advisor must be graduates of faculties providing at least four years of education or equivalent higher education institutions in Turkey or abroad recognized by the competent authorities, and have served in public institutions and organizations for at least twelve years or more.

⁴⁶ The phrase "seven members" in this paragraph was changed to "six members" by Article 57 of Decree Law No. 661 dated 24/10/2011.

⁴⁷ With Article 57 of Decree Law No. 661 dated 24/10/2011, the phrase "by decision of the Board" in this paragraph was amended. The phrase has been changed to "by the Minister".

⁴⁸ By Article 29 of Law No. 6353 dated 4/7/2012, the word "three" in this paragraph was changed to "four".

Those to be appointed to the President's staff must have graduated from faculties providing at least four years of education or from domestic or foreign higher education institutions whose equivalence is accepted by the competent authorities, and must have served in public service for at least ten years or more in public institutions and organizations that form the basis of civil service. **(Added sentence: 20/11/2008-5812/20 art.; Amended: 24/10/2011-KHK-661/57 art.)** The appointment of Department Heads and other personnel is made by the President.

Essential and ongoing tasks required by the institution's services are carried out by professional staff consisting of public procurement specialists and assistant specialists, as well as other personnel. These individuals are employed on a contractual basis.

Those to be appointed as assistant public procurement experts must: have a good command of at least one of the foreign languages specified in the regulations; be graduates of law, economics, political science, business administration, economic and administrative sciences, architecture, and engineering faculties providing at least four years of education, or equivalent higher education institutions abroad recognized by the competent authorities; successfully pass the special competitive examination specified in the regulations; and not have reached the age of thirty-five as of January 1st of the year the examination is held. Those appointed as assistant public procurement experts in this manner, who have worked actively for at least three years, received positive performance evaluations each year, and whose participation in training activities and on-the-job performance demonstrate their ability to successfully carry out the duties of a public procurement expert, as determined by the principles and criteria specified in the regulations, are eligible to take the public procurement expert qualification examination. Those who pass the qualification exam are appointed as public procurement experts; those who do not qualify to take the public procurement expert qualification exam or who fail this exam are assigned to another position within the Institution that is suitable for their situation. 4950 **(Sentence repealed: 16/11/2022-7421/11 art.)**

(Additional paragraph: 16/11/2022-7421/11 art.) Matters relating to the entrance and qualification exams for public procurement experts, the appointment, duties, powers and responsibilities of professional staff and other institutional personnel, their working principles and procedures, and the titles subject to promotion and title change exams in accordance with the General Regulation on Principles of Promotion and Title Change in Public Institutions and Organizations, and matters relating to appointments to these titles, shall be regulated by regulations to be put into effect by a decision of the Board.

The service units of the institution, their duties and responsibilities, and the titles, number, and qualifications of the contracted personnel to be employed are regulated by a regulation to be issued by the President.⁵¹

⁴⁹ With the Law No. 4761 dated 12/6/2002, the phrase "Their relations with the Institution are terminated" in this paragraph was changed to "In the Institution The wording has been changed to: "They will be assigned to another position suitable to their circumstances."

Article 11 of Law No. 7421 dated 16/11/2022 amended the phrase "thirty years of age on the first day" in the fourth paragraph of this clause to "thirty-five years of age as of the first day".

⁵¹ With Article 171 of the Decree Law No. 703 dated 2/7/2018, the phrase "the Council of Ministers upon the proposal of the Board and the opinion of the Ministry of Finance" in the fifth paragraph of subparagraph (h) of Article 53 was amended.

The phrase "by the Council of Ministers upon the proposal of the Minister of Finance" in the first paragraph of clause (i) has been changed to "by the President" and the phrase in the second paragraph has been changed to "by the President".

The phrase "by the Council of Ministers upon the recommendation of the Board and the opinion of the Ministry of Finance" is replaced with "by the President". In the third paragraph, the phrase "Undersecretary of the Ministry" is replaced with "Presidential Strategy and

Institution personnel, subject to the provisions of this Law, are subject to Law No. 657.
It is subject to the Civil Servants Law.

i) The monthly salaries of the board chairman and members are determined by the President.⁵¹

The salaries and other financial and social rights of the institution's personnel are determined by the President.
The amount to be determined is determined by the Board within the framework of the procedures and principles.⁵¹

Those appointed to the Board memberships and the Institution's personnel are subject to the provisions of the Turkish Republic Retirement Fund Law No. 5434. In terms of retirement, the additional allowances, position and representation compensations, and other financial provisions determined for the President of the Presidency's Strategy and Budget Office, for the Board members for the Ministry's General Director, for the Deputy Presidents of the Institution for the Ministry's General Director, and for the Heads of the Institution's Departments for the Ministry's Deputy General Director shall apply. The periods spent in these positions shall be considered as periods spent in positions requiring the payment of position compensation and high judicial compensation.⁵¹

Those appointed as the Chairman and members of the Board who were affiliated with other social security institutions established by law prior to their appointment may, at their request, continue their affiliation with those institutions, and the above provisions shall not apply to them.

(Amended: 12/6/2002-4761/15 art.) Those appointed to the Board chairmanship and membership positions shall sever their ties with their former positions for the duration of their service on the Board. However, those appointed to membership while being public officials shall, if their duties end for any reason other than losing the conditions for entry into public service, if they request to resign, or if their term of office expires, be appointed to a position commensurate with their qualifications by the relevant minister or other appointing authorities, provided they apply to their former institutions within thirty days. When making this appointment, the time spent by the Board Chairman and members in the Institution shall be considered as time spent in positions requiring the payment of high judicial compensation, for those who are from the judicial class and who were appointed after starting to receive high judicial compensation. If those serving in the Institution request to resign, their situation shall be evaluated in accordance with the provisions of the law to which they were previously subject, and they shall be appointed to a position commensurate with their qualifications by the competent authorities. These provisions shall also apply to personnel coming from universities, subject to the provisions regarding the acquisition of academic titles.

(Additional paragraph: 20/11/2008-5812/20 art.) Until they are appointed to a position commensurate with their qualifications, the Board Chair and members whose terms have expired will continue to receive their monthly salaries, social rights, and benefits from the Institution. Payments to those appointed to positions commensurate with their qualifications will cease as of the date of their appointment. This applies to Board members who are not employed by a public institution.

The title "Budget Director" has been changed from "Deputy Undersecretary of the Ministry" to "Director General of the Ministry".

With Article 11 of Law No. 7421 dated 16/11/2022 , the phrase " , the procedures and principles of appointment and work of personnel" in this paragraph was removed from the text of the article.

Those appointed as chairpersons and members whose terms have expired will continue to receive their monthly salaries, social benefits, and assistance from the Institution until they assume any other position or job. Payments made by the Institution under this scope may not exceed three months.

(Added: 12/6/2002-4761/15 art.) Personnel working in departments included in the general budget, supplementary budget administrations, and public economic enterprises, excluding public procurement expertise, may be assigned to the Institution with the consent of their respective institutions, while judges and prosecutors may be assigned with their own consent, in matters related to the Institution's field of duty. These personnel are considered to be on unpaid leave from their institutions, and their monthly salaries, allowances, all kinds of raises and compensations, and other financial and social rights and benefits are determined in a contract to be signed between the Institution and the relevant parties. Their personal rights related to their civil service continue during their leave, and these periods are taken into account in their promotions and retirement; their promotions are made on time without the need for any further action. University teaching staff may be assigned to the Institution for tasks that match their expertise, in accordance with Article 38 of the Higher Education Law No. 2547 dated 4.11.1981. The number of personnel assigned in this way cannot exceed 10% of the total number of positions.⁵³

j) The institution's revenues are listed below:

1) **(Amended: 30/7/2003-4964/32 art.)** For contracts to be drawn up regarding tenders made within the scope of this Law, five ten-thousandths of the contract price to be collected from the contractor for contracts whose value exceeds one hundred billion Turkish Lira. (Administrations and notaries are obliged to check that this amount has been deposited by the contractor into the Institution's accounts at the time of signing the contracts.)⁵⁴

2) **(Amended: 6/2/2014-6518/49 art.)** The fee for filing an objection or complaint is three thousand Turkish Lira for tenders with an estimated cost up to five hundred thousand Turkish Lira, six thousand Turkish Lira for those between five hundred thousand and two million Turkish Lira, nine thousand Turkish Lira for those between two million and fifteen million Turkish Lira, and twelve thousand Turkish Lira for those of fifteen million and above.⁵⁴

3) Income generated from training, courses, seminars, and meetings.

4) **(Amended: 20/11/2008-5812/20 art.)** All kinds of printed documents, forms, advertisements, and papers. Revenues to be obtained from publications and the operation of the Electronic Public Procurement Platform.

5) Assistance from the general budget when needed.

6) Other income.

The institution's revenues will be collected in an account opened at the Central Bank of the Republic of Turkey or one of the Turkish banks.

The institution's assets and property are considered state property and cannot be seized or mortgaged.

⁵³ By Article 20 of Law No. 5812 dated 20/11/2008, the following phrase was added to the beginning of this paragraph: "Public procurement The phrase "excluding their area of expertise" has been added.

⁵⁴ For information regarding the application of the threshold values and monetary limits in these sub-paragraphs from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

Uncollectible revenues are collected by the treasury departments in accordance with the provisions of Law No. 6183 on the Procedure for the Collection of Public Receivables and transferred to the Institution's accounts within one month.

(Additional paragraph: 16/11/2022-7421/11 art.) (Amended fourth paragraph: 24/12/2025-

(Article 11 of Law No. 7571) The Board shall decide to refund the portion of the appeal fee corresponding to the degree of justification determined by considering the claims made in the appeal application. However, if the Institution decides to reject the application in accordance with subparagraph (c) of the eleventh paragraph of Article 54, or to cancel the tender or determine a corrective action as a result of the examination conducted in terms of the principle of equal treatment, in accordance with subparagraphs (a) and (b) of the eleventh paragraph of Article 54, the application fee shall not be refunded.

If the application includes more than one point under the same claim, these points will be considered as separate claims by the Institution. Upon the applicant's written request to the Institution within thirty days of notification of the Board's decision, the Institution will refund the fee within fifteen days of the date of this request. If payment cannot be made within this period, legal interest will accrue for the period between the expiry of the period and the date of payment.

(Additional paragraph: 16/11/2022-7421/11 art.) (Amended fifth paragraph: 24/12/2025-7571/11 art.) In cases where the contract is terminated as a result of lawsuits filed against the Board decisions taken upon the appeal or in accordance with Article 10 of the Public Procurement Contracts Law No. 4735 dated 5/1/2002, the Board decides to return the portion of the amount collected in accordance with subparagraph (1) of the first paragraph of this clause that corresponds to the incomplete portion of the initial contract price to the contractor. In order for the refund to be made, the contractor must apply to the administration with a request for refund within thirty days following the notification that the termination and liquidation procedures have been completed. Within fifteen days following the application, the administration shall forward the necessary information and documents, including the incomplete portion of the initial contract price, to the Institution. The refund shall be made by the Institution within fifteen days following the date on which the information and documents are registered in the Institution's records. If payment is not made within this period, legal interest will accrue for the period between the expiry of the period and the payment date.

k) The institution's expenses are made according to the annual budget, which comes into effect with the decision of the Board. The institution's budget year is the calendar year. The budget is prepared within thirty days before the start of the budget year. The institution's annual financial report on budget implementation results and the final budget accounts are approved by a Presidential Decree.⁵⁵

The institution's annual accounts and transactions related to its income and expenditures are subject to audit by the Court of Accounts.

It is subject to.

PART TWO

⁵⁵ With Article 171 of the Decree Law No. 703 dated 2/7/2018, the word "Council of Ministers" in paragraph (k) was amended. The phrase has been changed to "President".

Applications and Review of Tenders⁵⁶

Applications for tenders⁵⁷

Article 54 - (Amended: 20/11/2008-5812/21 art.) Candidates, bidders,

and potential bidders who claim to have suffered a loss of rights or damage, or that they are likely to suffer damage, due to unlawful acts or omissions in the tender process, may file complaints and appeals against complaints, provided they comply with the form and procedural rules specified in this Law.

Complaints and appeals are administrative procedures that must be exhausted before filing a lawsuit.

These are the application methods.

Complaint applications are addressed to the administration, and appeals against complaints are addressed to the Institution, and are signed documents.

This is done through petitions.

The following points are included in the petitions:

- a) The name, surname or title and address of the applicant, and of their representative or agent, if any.
- b) The name of the contracting authority and the name of the tender or the tender registration number.
- c) The date the situation that is the subject of the application was noticed or reported.
- d) The subject of the application, the reasons for it, and the evidence on which it is based.
- e) In appeals and complaints, the complaint made to the administration and, if any, the administrative statement regarding the complaint.

Date of notification of the decision.

(Amended fifth paragraph: 28/1/2021-7263/10 art.) The Institution is authorized to determine the other information that should be included in the complaint and appeal application petitions, the documents that should be attached to these petitions, the manner of their submission, and the procedures and principles for making these applications electronically. The President may decide to collect an application guarantee from those who file an appeal, up to four times the

amount specified in subparagraph (2) of paragraph (j) of article 53. Application guarantees are deposited into the Institution's accounts.

These guarantees are kept in separate accounts without being related to the Institution's revenues.⁵⁸

(Seventh paragraph repealed: 28/1/2021-7263/10 art.)

Multiple bids by the same person, and multiple bids by the same person, are prohibited.

Applications cannot be submitted via petition.

(Addition: 6/2/2014-6518/50 art.) Applications must be submitted to the contracting authority or an administrative body other than the Institution.

⁵⁶ With Article 21 of Law No. 5812 dated 20/11/2008, this Section heading was changed to "Request for Examination". "Locating and Investigating Complaints" has been changed to reflect the context in the text.

⁵⁷ With Article 21 of Law No. 5812 dated 20/11/2008, the title of this article was changed from "Request for Investigation" to the form reflected in the text.

⁵⁸ By Article 171 of Decree Law No. 703 dated 2/7/2018, the phrase "by the Council of Ministers" in this paragraph was changed to "by the President".

If applications are made to relevant authorities or judicial bodies, and these authorities forward the applications to the appropriate administration or institution, the date the applications are entered into the records of the administration or institution shall be considered the application date.

In applications that contain discrepancies with the aforementioned points and for which the application period has not yet expired, the applicant may remedy these deficiencies until the end of the application period, without any obligation on the part of the administration or the Institution to notify them.

Upon application, the contracting authority or institution will provide a reasoned explanation;

a) If an illegality is identified that would prevent the continuation of the tender process and cannot be remedied by corrective action, the tender shall be cancelled.

b) Issues that can be resolved through corrections by the administration and that would interrupt the tender process
In cases where there is no need for intervention, corrective action is determined.

c) The application not complying with the time, procedure, and form rules, a contract being duly signed, or no illegality being found in the transactions subject to the complaint.
or the application shall be rejected if the matter subject to the appeal is not within the scope of the Institution's duties.

A decision is made. Except in cases where it is outside the institution's area of responsibility, if the appeal against the complaint is rejected, and a security deposit has been paid, the security deposit will also be forfeited.

The application procedures and principles for the dynamic procurement system, electronic auctions, and framework agreements will be determined by a regulation to be issued by the Institution.

Complaint application to the administration⁵⁹

Article 55 - (Amended: 20/11/2008-5812/22 art.)

Complaints alleging illegality in the tender process must be submitted to the contracting authority within five days for tenders conducted under Article 21(b) and(c), and ten days in other cases, starting from the day following the date on which the illegality of the procedures or actions in the tender process was noticed or should have been noticed, and before the signing of the contract. The deadline for applications concerning matters stated in the announcement begins from the date of the first announcement, while the deadline for applications concerning other provisions of the pre-qualification or tender documents not reflected in the announcement begins from the date the documents were purchased.

Complaints regarding the announcement, pre-qualification, or tender documents may be submitted no later than three business days before the tender or final application date, provided that they do not exceed the time limits specified in the first paragraph. It is essential that the administrations finalize these applications before the tender or final application date. If, upon examination following a complaint, material or technical errors or deficiencies are found that could affect the preparation of bids or the execution of the work, and the administration decides that corrections should be made to the tender documents, the necessary corrections shall be made in accordance with the procedure specified in Article 29.

⁵⁹ *With Article 21 of Law No. 5812 dated 20/11/2008, the title of this article was changed from "Examination by the Administration" to the form reflected in the text.*

Accordingly, the final application or tender date may be postponed once. However, if the identified material or technical errors or deficiencies are also found in the announcement, action will be taken in accordance with Article 26.

The administration conducts the necessary investigation upon receiving a complaint and issues a reasoned decision within ten days. The decision is communicated to the complainant, other candidates or bidders, and potential bidders within three days of the decision date. No notification is sent to potential bidders except for applications related to the tender announcement or pre-qualification documents.

If no decision is made within the specified period, the applicant may file an appeal with the Institution within ten days following the expiration of the decision-making period. If the decision made within the specified period is deemed unsuitable, the applicant, along with any other candidate, bidder, or potential bidder, may file an appeal with the Institution within ten days following notification of the decision by the administration.

If a complaint is filed with the administration, the contract cannot be signed until ten days have passed from the date of the final notification of the decision taken on the complaint, or, if no decision is taken within the specified period, from the date following the expiration of that period, and until an inquiry has been made regarding whether an appeal has been filed, or, if an appeal has been filed, until the Institution has made a final decision.

60 Application for appeal to the institution

Article 56 - (Amended: 22/11/2008-5812/23 art.)

Candidates, bidders, or potential bidders who have filed a complaint with the administration or who do not approve of the decision taken by the administration may file an appeal against the decision before the contract is signed, within the timeframe and under the conditions specified in the fourth paragraph of Article 55. Only decisions and actions taken upon complaints or appeals regarding the cancellation of the tender may be subject to further appeals, and these decisions may be challenged directly with the Institution within five days.

The institution examines appeals against complaints from the perspective of the applicant's claims, the issues determined in the administration's decision on the complaint, and whether the principle of equal treatment has been violated with respect to the appealed actions. Appeals against the cancellation of a tender by the administration based on a complaint or appeal are examined only within the scope of the administration's grounds for cancellation.

The fact that a contract was signed without complying with the time limits and procedures specified in the law, or that the right to appeal was withdrawn, does not prevent the appeal from being examined and one of the decisions listed in Article 54 from being made.

⁶⁰ *With Article 23 of Law No. 5812 dated 20/11/2008, the title of this article was changed from "Review by the Public Procurement Board" to the text as it appears now, effective from 5/1/2009.*

The Board decides to hear the parties and interested parties when deemed necessary. This is done. In this case, the parties and interested parties are heard on the date determined by the Board.

The institution is obliged to give its final decision on the appeal within twenty days following the date on which the necessary information and documents regarding the tender under review and the tender process file are recorded. This period is applied as ten working days for tenders conducted in accordance with clauses (b) and (c) of Article 21, and for appeals against the cancellation of a tender based on a complaint or appeal.

The institution may, if it deems necessary, seek the opinion of expert public or private legal entities and individuals regarding technical matters requiring specialized expertise.

Private legal entities and natural persons whose opinions are sought will be paid an amount determined by the Board, not exceeding the amount obtained by multiplying the indicator figure (8000) by the monthly coefficient applied to civil servant salaries. If the opinions of public officials are sought, payments will be made to the personnel based on the indicator figure (5000) within the same framework, without being subject to the restrictions in other legislation. Payments made pursuant to this paragraph will not be subject to any tax or deduction except for stamp duty.

All decisions made by the Board are notified to the parties within five business days following the date of the decision and published on the Institution's website within five days following the date of notification.

Access to the decisions cannot be subject to a fee. Administrations

are responsible for the procedures required by the Board's decisions that create a change in the legal situation. They must fulfill it urgently.

Judicial review

Article 57 - Final decisions given by the Institution regarding complaints shall be made in Turkey. These cases can be brought before the Courts of the Republic and will have priority.

PART FOUR

Prohibitions and Criminal Liability

Ban from participating in tenders

Article 58 - (Amended first paragraph: 30/7/2003-4964/ 35 art.) Those found to have committed the acts or behaviors specified in Article 17 shall be prohibited from participating in the tenders of all public institutions and organizations, including those exempted under Articles 2 and 3, for a period of not less than one year and up to two years, depending on the nature of their acts or behaviors. Those who, despite having been awarded the tender, fail to conclude a contract in accordance with the procedure, except in cases of force majeure, shall be prohibited from participating in the tenders of all public institutions and organizations, including those exempted under Articles 2 and 3, for a period of not less than six months and up to one year. Participation bans apply to the ministry conducting the tender or the relevant or affiliated ministry, and to administrations that are not considered relevant or affiliated institutions of any ministry.

The procurement authorities of administrations, provincial special administrations and their affiliated unions, institutions and enterprises are the Ministry of Interior; and in municipalities and their affiliated unions, institutions and enterprises, they are the Ministry of Environment and Urbanization. It is issued by the Ministry.⁶¹

If the legal entities subject to the prohibition order are sole proprietorships, the prohibition order shall apply to all partners of the company; if they are capital companies, the prohibition order shall apply to the natural or legal person partners who own more than half of the capital, in accordance with the provisions of the first paragraph. Depending on whether those subject to the prohibition order are natural or legal persons, if they are also partners in a sole proprietorship, the prohibition order shall also apply to that sole proprietorship; if they are partners in a capital company, the prohibition order shall also apply to that capital company, provided they own more than half of the capital.

Those found to have engaged in such acts or behaviors during or after the tender process will not only be barred from participating in that tender, but will also be prohibited from participating in subsequent tenders conducted by the same administration until the date the ban comes into effect.

Prohibition decisions are issued within forty-five days at the latest following the date on which the act or behavior requiring the prohibition is identified. These decisions are sent to the Official Gazette for publication within fifteen days at the latest and enter into force on the date of publication. These decisions are monitored by the Public Procurement Authority, and registers are kept regarding those who are prohibited from participating in public tenders.⁶²

If the contracting authorities encounter a situation that warrants banning a party from participating in tenders, they are obligated to report this to the relevant or affiliated ministry so that the necessary action can be taken.

Criminal liability of the applicants

Article 59 - Even if detected after the completion of the undertaking and the acceptance process, natural or legal persons who have committed acts or behaviors that constitute a crime according to the Turkish Penal Code, as specified in Article 17, and their partners or representatives in that work, shall be reported to the competent Public Prosecutor's Office for criminal prosecution in accordance with the provisions of the Turkish Penal Code. In addition to the sentence imposed, they shall be prohibited by court order, along with those listed in the second paragraph of Article 58, from participating in the tenders of all public institutions and organizations within the scope of this Law for a period of not less than one year and not more than three years, starting from the day following the expiry date of the prohibition decision given by the administration according to Article 58.

⁶¹ By Article 28 of Law No. 7153 dated 29/11/2018, the phrase "Ministry of Interior in municipalities and their affiliated unions, institutions and enterprises" in this paragraph was changed to "Ministry of Interior in their affiliated unions, institutions and enterprises; and Ministry of Environment and Urbanization in municipalities and their affiliated unions, institutions and enterprises".

⁶² The phrase "at most thirty days" in this paragraph was added by Article 35 of Law No. 4964 dated 30/7/2003. The phrase has been changed to "at the latest forty-five days".

Those against whom criminal proceedings have been initiated and a public prosecution has been ordered pursuant to the first paragraph, due to tenders conducted under this Law, and those listed in the second paragraph of Article 58, cannot participate in tenders of public institutions and organizations covered by this Law until the conclusion of the trial. Those against whom a public prosecution has been ordered are reported to the Public Procurement Authority by the Public Prosecutor's Offices for recording in their records.

Those who have been repeatedly convicted of prohibited acts or behaviors specified in this Law, as well as capital companies in which these individuals own more than half of the capital, or partnerships in which these individuals are partners, shall be permanently banned from participating in public tenders by court order.

According to the provisions of this article, those prohibited by court order and those sentenced to punishment are reported by the Public Procurement Authority to be recorded in their records, and to the relevant professional chambers to be recorded in their professional records.

Court decisions regarding those permanently banned from participating in public tenders are announced by the Public Procurement Authority by publication in the Official Gazette within fifteen days of notification.

Criminal liability of officials

Article 60 - If it is determined that the tendering authority, the chairpersons and members of the tendering committees, and other relevant parties involved in every stage of the tendering process, from tender procedures to contract signing, have committed the acts or behaviors specified in Article 17, have failed to perform their duties in accordance with legal requirements or impartially, or have committed negligence or faulty acts that cause harm to one of the parties, disciplinary penalties shall be applied to them in accordance with the relevant legislation. Furthermore, depending on the nature of their acts or behaviors, criminal proceedings shall also be initiated against them, and in addition to the sentence imposed, the damages and losses suffered by the parties shall be compensated by them in accordance with general provisions. **(Amended last sentence: 30/7/2003-4964/36 art.)** Administrative officials convicted of acts or behaviors contrary to this Law may not be assigned to duties falling within the scope of this Law.

Those who have been convicted by judicial authorities for offenses falling within the scope of this Law cannot be appointed to or hold positions in any public institution or organization covered by this Law that are responsible for the implementation of this Law and other related legislation.

(Amended third paragraph: 30/7/2003-4964/36 art.) The sanctions mentioned above shall also apply to those who authorize tenders to be issued in violation of the principles stated in Article 5 and the rules stated in Article 62, and to those who conduct the tenders.

Prohibition on disclosing information and documents.

Article 61 - **(Amended: 30/7/2003-4964/37 art.)**

Officials and advisors providing services in the implementation of this Law may not disclose confidential information and documents relating to all procedures concerning the tender process, the work and transactions of the bidders, and the technical and financial aspects of the bids, as well as the estimated cost of the project, nor may they use them for their own benefit or the benefit of third parties. Those who act contrary to this shall be subject to the sanctions specified in Articles 58 and 60, as appropriate.

FIFTH

Miscellaneous Provisions

Other rules that must be followed by the administrations

Article 62 - Procurement of goods or services and construction works by the administrations within the scope of this Law Before tendering for the project, the following points must be observed:

a) In order to ensure that investment projects are completed within the planned timeframe and contribute to the economy, it is mandatory to have a program in place to ensure that the necessary appropriations are available in the budgets for each year, in accordance with the duration of the work, in order to tender for projects spanning more than one year. The appropriation foreseen for the first year cannot be less than 10% of the project cost, except for investments or projects of strategic importance determined in the central government budget law for that year, and the appropriation installments initially programmed for subsequent years cannot be reduced in later years.⁶³

b) Taking into account the time that will allow for the use of the allocated funds, it is essential that tenders are conducted by the administrations in a timely manner, and in projects spanning more than one year and of an investment nature (excluding those that must be carried out due to natural disasters), the tender should be finalized within the first nine months of the year. **(Added clause: 30/7/2003-4964/38 art.)** However, for the procurement of goods and services of a continuous nature to be carried out in the following fiscal year, tenders may be issued before the end of the previous fiscal year.

c) **(Amended: 18/4/2007-5625/5 art.)** In construction works, tenders cannot be issued before the land is acquired, ownership, expropriation and, where necessary, zoning procedures are completed, and implementation projects are prepared. In cases where the technical and financial characteristics of the construction work to be tendered cannot be determined with the necessary clarity due to its unique and complex nature, tenders may be issued based on preliminary or final projects. In construction works with existing implementation projects, it is mandatory to tender by obtaining lump-sum turnkey bids. However, in construction works where there is insufficient time to prepare an implementation project due to natural disasters, tenders may be issued based on preliminary or final projects; and in construction works, excluding building works, where an implementation project cannot be prepared before the tender due to the need for land and soil surveys at certain stages during the construction or the possibility of zoning and route changes during implementation, tenders may be issued based on preliminary or final projects.

⁶³ In accordance with Article 6 of Law No. 6761 dated 16/11/2016, this clause shall be effective from 1/1/2017. The phrase ", excluding investments or projects of strategic importance as determined in the central government budget law for that year," has been added after the phrase "Allocation foreseen for the first year."

Tenders can be issued based on the final project. For parts of these projects where an implementation project can be prepared, a lump-sum turnkey price can be used; for parts where an implementation project cannot be prepared, tenders can be issued by obtaining unit price bids for each item of work. The requirement for land acquisition, ownership, and completion of expropriation procedures is not required for dam and large-scale irrigation, drinking water pipeline, power transmission line, transformer, transformer substation, switchgear, water intake, water reservoirs, highway, port and airport, railway, oil and natural gas pipeline projects.

d) **(Amended: 30/7/2003-4964/38 art.)** The estimated cost determined for use in budget planning by administrations and for comparing bids submitted by bidders in tenders is not disclosed to the bidders.

e) **(Amended: 20/11/2017-Decree Law-696/83 art. Accepted as is: 1/2/2018-7079/78 art.)**⁶⁴

1) Public administrations listed in Annexes (I), (II), (III) and (IV) to Law No. 5018 (excluding the Undersecretariat of the National Intelligence Organization) and their affiliated revolving fund organizations, central and provincial organizations of the administrations listed in Annex (I) to Decree Law No. 375, provincial special administrations, municipalities and their affiliated organizations and local government unions of which they are members, companies whose capital is more than half owned by provincial special administrations, municipalities and their affiliated organizations, jointly or separately; cannot make service procurements based on the employment of personnel or procurements that would naturally lead to this result from the budgets of the central government, social security institution, fund, guarantee fund, investment monitoring and coordination presidency, provincial directorate of youth services and sports, local administration and company budgets or revolving fund budgets, and for other administrations within the scope of the said list, from their own budgets, and other legislative provisions that allow this shall not be applied.

2) In the application of this clause, service procurement based on the employment of personnel refers to service procurements where, in accordance with the provisions of this Law and other legislation, the number of personnel to be employed in the work subject to the tender is determined in the tender documents, all working hours of this personnel are used for the administration, at least 70% of the estimated cost consists of minimum labor costs, including in-kind meal and travel expenses if any, and the nature of the work is continuous. Procurements related to park and garden maintenance and repair, garbage collection, and cleaning of streets, squares, and similar areas, which are made from the budgets of local administrations or companies, continue throughout the year, are continuous in nature, and where all weekly working hours are used for the administration, are considered service procurements based on the employment of personnel. If the service procurement contract includes different types of services, the evaluation regarding whether it is based on the employment of personnel or not will be made separately for each type of service. Procurements related to consultancy services, hospital information management system services, and call center services are not considered service procurements based on the employment of personnel.

3) Whether the institution's service procurement is based on the employment of personnel or its nature

⁶⁴ Article 136 of Decree Law No. 696 dated 20/11/2017 stipulated that this amendment would enter into force on 2/1/2018, and subsequently this provision was adopted verbatim and enacted into law by Article 124 of Law No. 7079 dated 1/2/2018.

It is authorized to determine the procedures and principles by taking into account the criteria listed in subparagraph (2) separately or together, as to whether or not it produces this result.

f) No announcement can be made before the tender documents are prepared. The date of publication of the announcement is taken into account when calculating the announcement period; the tender day or the deadline for applications is not considered. In order to comply with the announcement periods specified in Article 13, it is mandatory to send the announcement texts to the places where the announcement will be made sufficiently in advance, taking into account the time that will pass until the announcement is made.

g) If the date set for the tender falls on a holiday, the tender will be held on the first working day following the holiday, at the same place and time, without the need for a new announcement, and bids received until that time will be accepted. The tender time will be determined taking working hours into account. Even if working hours change after the announcement, the tender will be held at the announced time.

h) **(Amended: 20/11/2008-5812/24 art.)** For engineers or architects without work experience, when applying for construction tenders suitable to their undergraduate education, each year elapsed after graduation, up to a total of fifteen years, shall be taken into account as similar work experience within the scope of Article 10, calculated as one hundred twenty-two thousand three hundred eighty-seven New Turkish Lira. This period does not apply to architects and engineers with work experience. The experience gained within the scope of this clause may also be used by legal entities in which the engineer or architect has owned at least 51% of the shares for five years. (...)6566

i) **(Added: 30/7/2003-4964/38 art.)** The total annual amount of expenditures to be made within the monetary limits in Articles 21 and 22 of this Law cannot exceed 10% of the appropriations allocated for this purpose in the budgets of the administrations, unless the Public Procurement Board gives its approval.

Regulations concerning domestic bidders Article

63 - (Amended: 6/2/2014-6518/51 art.)

Only domestic bidders can participate in the tenders, and only domestic bidders and those offering domestically produced goods can do so. The following regulations shall be taken as the basis for granting price advantages in favor of bidders:

a) In tenders where the estimated cost is below the threshold value, only domestic bidders will be considered.

Arrangements can be made regarding their participation.

b) Up to 15% price reduction in favor of domestic bidders in service procurement and construction tenders. an advantage can be gained.

c) **(Amended: 18/6/2017-7033/74 art.)** In procurement tenders, a price advantage of up to 15% may be provided in favor of bidders offering domestically produced goods. However, in tenders for goods included in the list determined by the Ministry of Science, Industry and Technology, after obtaining the opinions of relevant institutions and organizations, from among medium and high-technology industrial products and announced by the Institution, a price advantage of up to 15% may be provided for domestically produced goods.

⁶⁵ With the Constitutional Court's decision dated 10/7/2013, numbered E.: 2012/104, K.: 2013/87, the clause in this paragraph The clause "...or both partners being engineers and holding a 50%-50% partnership..." has been removed.

⁶⁶ For information regarding the application of the threshold values and monetary limits in this paragraph from 1/2/2025, please refer to the Public Procurement Authority's Public Procurement Circular No. 2025/1, published in the Official Gazette dated 24/1/2025 and numbered 32792.

A 15% price advantage must be provided in favor of bidders offering domestically produced software products.

d) **(Added: 18/6/2017-7033/74 art.)** A condition may be imposed requiring that all or a certain portion of the machinery, materials, equipment, and software to be used in construction works be domestically produced.

However, it is a condition that the machinery, materials and equipment to be used in the tender subject work are domestically produced, and are included in the list announced by the Institution, which is determined by the Ministry of Environment and Urbanization regarding materials and by the Ministry of Science, Industry and Technology regarding machinery and equipment, after obtaining the opinions of the relevant institutions and organizations, from among medium-low, medium-high and high-technology machinery, materials and equipment.⁶⁷

e) The procedures and principles for determining whether a product is domestically produced are determined by the Ministry of Science, Industry and Technology, taking into account the opinions of relevant institutions and organizations. The domestic origin of the product offered by the bidder is documented with a domestic product certificate issued in accordance with these procedures and principles.

f) For a joint venture to be considered a domestic bidder, all partners must be domestic bidders.

Calculation of durations

Article 64 - In cases where there are no provisions in this Law regarding the calculation of the periods specified therein: The provisions of the Law of Obligations apply.

Notification and communication principles⁶⁸

Article 65 - (Amended: 20/11/2008-5812/25 art.)

All notifications and communications to candidates, applicants, and potential applicants must comply with the following points:

a) Notifications may be made by the administrations or the Institution using the following methods:

1) Hand delivery upon signature.

2) By registered mail with return receipt requested.

3) In electronic format.

4) Fax.

(...)⁶⁹ . For foreign applicants, the nineteenth day (...) ⁶⁹. If the notification reaches the addressee before this date, the actual notification date shall be taken as the basis.

b) Notifications made electronically or by fax by the administrations or the Institution.

⁶⁷ By Article 74 of Law No. 7033 dated 18/6/2017, the following is added after clause (c) of this paragraph.

Subparagraph (d) has been added and the existing subparagraphs (d) and (e) have been renumbered as subparagraphs (e) and (f).

⁶⁸ With Article 25 of Law No. 5812 dated 20/11/2008, the title of this article was "Notification", while the text was changed to:

It has been modified as processed.

⁶⁹ The Constitutional Court, in its decision dated 27/9/2012 and numbered E:2012/20, K: 2012/132, annulled the provision in this paragraph which stated that "In notifications made by registered mail with return receipt requested, the seventh day following the mailing of the letter" and "...the date of notification of the decision to the applicant shall be considered".

Price offers submitted electronically by bidders included in the framework agreement must be confirmed on the same day. In the case of notifications made electronically or by fax, the date of notification shall be considered the date of service.

However, confirmation is not required for transactions made using electronic signatures by administrations or the Institution and candidates, bidders, and potential bidders, as well as for transactions related to complaint applications and other tender processes conducted through the Electronic Public Procurement Platform.

c) The tools to be used in electronic communication and their technical specifications must be compatible with and easily accessible to commonly used communication and information technology products, and must ensure the principle of equal treatment.

d) In all types of information exchange and information preservation; data integrity and proposals And maintaining the confidentiality of application documents is essential.

The Notification Law applies to notifications in cases not covered by this Law.
The provisions apply.

Changes are to be made.

Article 66 - Amendments to the provisions of this Law shall be regulated only by adding provisions to this Law or by making amendments to this Law.

Updating threshold values and monetary limits⁷⁰

Article 67 - The threshold values and monetary limits specified in this Law shall be updated by the Public Procurement Authority based on the Wholesale Price Index of the previous year and shall be announced in the Official Gazette by February 1st of each year, effective from that date. However, amounts below one million Turkish Lira shall not be taken into account in the update. The threshold values and monetary limits specified in this Law may be updated, in extraordinary circumstances, by a Presidential Decree upon the proposal of the Authority, even outside the specified date.

PART SIX

Final Provisions

Provisions that will not be

applied Article 68- a) In tenders for works covered by this Law, the Law No. 2886 dated 8.9.1983 shall not apply.

The provisions of the State Procurement Law No. [number] do not apply.

b) Exemption from other laws from the State Procurement Law No. 2886 dated 8.9.1983.

Provisions that recognize or do not comply with this Law shall not be applied.

⁷⁰ For information regarding the application of the threshold values and monetary limits specified in this Law, please refer to the "Table Regarding Public Procurement Circulars Issued by the Public Procurement Authority Concerning the Application of Threshold Values and Monetary Limits Specified in Law No. 4734" located on the last page.

⁷¹ By Article 171 of the Decree Law No. 703 dated 2/7/2018, the term "Council of Ministers" in this paragraph was amended. The phrase has been changed to "President".

c) **(Added: 30/7/2003-4964/39 art.)** In projects within the scope of the Mass Housing Law No. 2985, tenders may be issued without requiring the conditions regarding expropriation, ownership, land acquisition, zoning procedures and implementation project in the fifth and sixth paragraphs of Article 5, subparagraphs (a) and (b) of Article 62 and subparagraph (c). However, in cases where an EIA report is mandatory, it is compulsory to obtain this report before signing the contract.⁷²

Electronic Public Procurement Platform⁷³

Additional Article 1 - (Added: 30/7/2003-4964/41 art.; Amended: 20/11/2008-5812/26 art.)

(Amended paragraph: 16/11/2022-7421/12 art.) Without prejudice to Article 13 of this Law, all processes related to the procurement, tendering, and contracting of all types of goods or services and construction works, including those exempted from this Law or other laws, and those carried out through direct procurement; such as the preparation of estimated costs and documents, publication of announcements, submission and evaluation of bids or qualification applications, finalization of tenders, signing of contracts, notification of results, preparation of progress payments, and all other transactions, approvals, notifications, and appeals, as well as complaints and objections, may be carried out partially or entirely through the Electronic Public Procurement Platform (EKAP) established and operated by the Institution.

(Amended paragraph: 16/11/2022-7421/12 art.) The Institution is authorized to determine the procedures and principles regarding the establishment and operation of EKAP, the transactions to be carried out within the scope of the first paragraph, the use of electronic tools in procurement, tender and contract processes, and the transactions that are mandatory to be carried out through EKAP.

All announcements to be made pursuant to Article 13 of this Law shall also be published electronically. It is also published on the Public Procurement Platform.

Systems may be established via the Electronic Public Procurement Platform to determine the qualifications of candidates or bidders in procurements within the scope of this Law. These systems...

The Institution has the authority to establish, oversee, and supervise the establishment of authorized organizations, to revoke their authorizations, or to take precautionary measures.

Framework agreements⁷⁴

Additional Article 2 - (Added: 1/6/2007-5680/2 art.; Amended: 20/11/2008-5812/27 art.)

Administrations may enter into framework agreements for the procurement of goods and services and construction works they need, provided that they apply the open tender or restricted tender procedure. Framework agreements cannot be used in a way that prevents, restricts, or distorts competition.

⁷² By Article 179 of Law No. 6111 dated 13/2/2011, the phrase "in mass housing projects" in this paragraph was changed to "in projects".

⁷³ The title of this article was changed as reflected in the text by Article 26 of Law No. 5812 dated 20/11/2008.

⁷⁴ With Article 27 of Law No. 5812 dated 20/11/2008, the title of this article was changed to "Framework Agreement". "Procurement of goods and services within the scope of" has been changed as reflected in the text.

Procurement of goods, services, and construction works to be obtained under the framework agreement shall be announced in accordance with Article 13 of the Law. The estimated quantities of needs planned to be met under the framework agreement shall be indicated in the announcement.

Except for provisions regarding the receipt of guarantees, framework agreements are signed for a period not exceeding forty-eight months, in accordance with the provisions of this Law concerning the awarding of contracts for tenders, and the results are announced in the Public Procurement Bulletin.

Framework agreements may be concluded with a single bidder, provided that all conditions are determined from the outset. In framework agreements with multiple bidders, the number of bidders who will be parties to the framework agreement shall be specified in the tender documents, provided that a sufficient number of bids meeting the required conditions are submitted. Except in cases where framework agreements are concluded with a single bidder, bidders whose offers are deemed valid as a result of the evaluation are listed in order of economic advantage, starting with the most advantageous offer. If the number of bidders party to the framework agreement falls below three, the parties shall be notified that the existing framework agreement has been terminated.

In procurements made under a framework agreement where all conditions are determined from the outset, bidders may be asked to submit new offers, provided they do not exceed their initial offers. In cases where all conditions are not determined from the outset, bidders may be asked to submit new offers, provided that no substantial changes are made to the terms of the framework agreement.

The complexity and uniqueness of the work to be tendered will be taken into consideration for the bidders. They are given sufficient time to submit their proposals.

Bidders shall document the continuation of their qualifications every twelve months. Framework agreements will be terminated for bidders whose qualifications are no longer valid or who fail to submit valid bids twice after being invited to do so.

If a bidder, despite being invited to sign an individual contract, fails to sign the contract within the time specified in the tender documents, the framework agreement will be terminated and the provisions of Article 58 will be applied to that bidder.

Articles 6, 38, 40, 41, 42, 43, 44, 45, 46, 54, 55 and 56 of this Law shall not apply to the individual contract stage. The Institution is authorized to determine the procedures, principles, quality and scope of procurements to be made within the scope of the framework agreement, including the matters specified in these articles, and to set limits, and to determine the form and scope of contracts when it is deemed necessary to draw up a contract.

The existence of a framework agreement does not obligate the administration to make purchases. The administration may also procure its needs within the scope of the framework agreement by using other methods specified in this Law.

Ek Madde 3- (Ek: 15/5/2008-5763/36 md.)

Works falling under clause (c) of article 3 of the Public Procurement Law No. 4734, and those within the same scope but outside the scope of the State Procurement Law No. 2886, whose tenders are subject to the provisions of the relevant legislation.

According to this article, the President is authorized to determine the principles of price difference and to issue decisions that allow for the amendment or termination of contracts for construction and construction-related service works that have been carried out up to the date this article enters into force and those that will be carried out after this date and whose prices are contracted in foreign currency at fixed prices.⁷⁵

Dynamic purchasing system

Ek Madde 4- (Ek: 20/11/2008-5812/28 md.)

The dynamic procurement system can be used for the electronic purchase of goods available as finished products in the market. Open tender procedures are applied in the establishment of the system. The dynamic procurement system cannot be operated in a way that hinders, restricts, or distorts competition.

The establishment of the system is announced through a notice in the Public Procurement Bulletin. The tender documents include information on the nature, type, and quantity of the planned procurement, as well as the procurement system, the electronic equipment to be used in the operation of this system, the necessary arrangements for technically connecting to the system, the rules governing the operation of the system, and other relevant matters.

All bidders who meet the eligibility criteria and submit preliminary bids that comply with the terms and conditions in the tender documents will be given the opportunity to be included in the system. Preliminary bids can be continuously improved as long as they comply with the terms and conditions in the tender documents.

The evaluation of preliminary proposals will be completed within fifteen days of their submission. If an invitation to bid has not yet been issued, the evaluation period may be extended once by up to fifteen days.

Bidders will be notified within three days at the latest whether the dynamic procurement system has been established or abandoned, and whether preliminary offers have been accepted or rejected by the system.

For each procurement, applicants accepted into the system are invited to submit bids. The procurements will be announced at least fifteen days prior to this invitation via a simplified notice. All applicants accepted into the system will be given sufficient time to submit their bids.
is invited.

The procurement process is finalized and a contract is signed after evaluating the bids according to the principles specified in the tender documents.

The duration of the dynamic procurement system cannot exceed forty-eight months.

The Electronic Public Procurement Platform is used for tenders conducted within the dynamic procurement system. No fees are charged for acceptance into or operation of the system.

⁷⁵ *With Article 171 of the Decree Law No. 703 dated 2/7/2018, the word "decrees" in this paragraph was amended. The phrase "the Council of Ministers to issue decisions" has been changed to "the President to issue decisions."*

Contracts must be drawn up for purchases to be made within the dynamic procurement system.

The Authority is authorized to determine the form and scope of these agreements under these circumstances.

Electronic auction

Ek Madde 5- (Ek: 20/11/2008-5812/28 md.)

Provided that it is stated in the tender notice and tender documents, electronic reverse auction may be conducted after the evaluation of bids in open tenders, restricted tenders, and negotiated tenders conducted in accordance with clauses (a), (d), and (e) of Article 21. Electronic reverse auction may also be applied in tenders conducted under dynamic procurement systems and framework agreements. However, electronic reverse auction may not be applied in consultancy service procurement tenders conducted in accordance with Article 48.

Electronic bidding is only possible if all the technical specifications of the procurement subject to the tender are clearly defined. It can be used when specified.

Before commencing the electronic auction, according to the conditions specified in the tender documents... The initial evaluation of the offers will be carried out.

Qualified bidders are simultaneously invited to resubmit their bids electronically. The invitation includes the start date and time of the auction, as well as all necessary information for the bidder to connect to the electronic system being used. A timeline showing each stage of the electronic auction is sent along with the invitation. The electronic auction can be conducted in multiple consecutive stages. The auction cannot begin within two business days of the invitation being sent.

In cases where the most economically advantageous offer is determined by considering non-price factors as well, the mathematical formula that ranks the offers based on the initial evaluation results and the new offers submitted during the auction is also stated in the invitation. This formula includes the relative weights, if any, of all the factors used in determining the most economically advantageous offer, as stated in the tender notice or tender documents.

At each stage of the electronic auction, bidders are immediately provided with the necessary information to learn their current ranking. If specified in the tender documents, information about the bids of other bidders and the number of bidders at any stage of the auction may also be announced. However, the identities of the bidders cannot be disclosed during the electronic auction.

Electronic auction will be held if one or more of the following situations occur:
terminated:

a) The expiration of the date and time specified in the invitation to participate in the auction, when the auction is to be completed.

b) Failure to receive bids meeting the minimum difference range within the waiting period stated in the invitation for new bids.

c) Completion of the number of tours stated in the invitation.

Financial leasing

Ek Madde 6- (Ek: 20/11/2008-5812/28 md.)

In the procurement of goods by administrations within the scope of the law through financial leasing

The principles and procedures to be applied are determined by the Institution.

Procurement of tenders for the common needs of multiple administrations

Ek Madde 7- (Ek: 6/2/2014-6518/53 md.)

For the procurement of goods and services, as well as maintenance and repair works, aimed at meeting the common needs of multiple administrations, a single tender may be conducted using the tender procedures set forth in this Law.

For works falling within the scope of the first paragraph, the administrations shall, through a protocol to be drawn up, appoint one of the administrations among themselves to carry out all tender procedures on their behalf, except for obtaining the performance bond and signing the contract.

With each administration that is a party to the protocol, it has been decided that the tender will be awarded to them.

Separate contracts are signed between the applicant(s).

Those who are excluded from tenders and cannot participate in tenders of other administrations party to the protocol, in accordance with Articles 10 and 11 of this Law, and those who are not allowed to participate in tenders in accordance with the third paragraph of Article 58, cannot participate in the tender to be conducted by the assigned administration.

Those involved in tender procedures under this article are limited to the procedures they carry out.
provided that, they are responsible for ensuring that the transactions comply with the legislation.

The procedures and principles for the implementation of this article shall be determined by the Institution.

Obtaining appropriate opinions and the responsibilities of officials.

Ek Madde 8- (10/9/2014-6552/11 md.)

(Amended first paragraph: 20/11/2017-KHK-696/84 art.; Accepted as is: 1/2/2018-7079/79 art.)⁷⁶ Before tendering for services based on the employment of personnel within the scope of subparagraph (e) of the first paragraph of Article 62 (excluding consultancy services procurement); within the framework of the General Investment and Financing Program Decision published in accordance with the Decree Law No. 233 on Public Economic Enterprises dated 8/6/1984, the public economic enterprises and their subsidiaries subject to Decree Law No. 233, from the Undersecretariat of Treasury, those included in the privatization program within the framework of the Law No. 4046 on Privatization Practices dated 24/11/1994, whose capital is more than 50% public

⁷⁶ Article 136 of Decree Law No. 696 dated 20/11/2017 stipulated that this regulation would enter into force on 2/1/2018, and subsequently, this provision was adopted verbatim and enacted into law by Article 124 of Law No. 7079 dated 1/2/2018.

The operating organizations belonging to the company are required to obtain approval from the Privatization Administration. The appropriate opinion also includes determining the ceilings for wages and similar financial payments to be specified in the tender documents, taking into account one, several, or all of the factors affecting the wage level, such as the number of personnel to be employed within this scope, the types of services, and the location where the work is performed.

No tender can be issued for these services without obtaining the appropriate opinion. **(Second sentence repealed: 20/11/2017-KHK-696/84 art.; Accepted as is: 1/2/2018-7079/79 art.)(...)**

Personnel employed within the framework of service procurement tenders based on the employment of personnel, as stipulated in subparagraph (e) of the first paragraph of Article 62, cannot be employed or assigned to any work other than the subject of the tender and contract. In this context, if a service procurement tender based on the employment of personnel is issued when it should not be issued, if a tender is issued without obtaining the necessary approvals, or if personnel employed under the tender are employed outside the scope of the contract, or if actions and deeds are carried out in violation of the seventh paragraph of Article 2 of Law No. 4857, and this results in damages to the administration, these damages shall be recovered from those found to have caused the damage. Furthermore, without prejudice to any penalties and disciplinary provisions applicable to these individuals, an administrative fine equal to five times their net monthly payments, including all salaries, allowances, raises, and compensation, shall be imposed on them. Those who do not appeal or pursue other legal remedies as stipulated in the second paragraph of Article 3 of Law No. 4857 shall be subject to an administrative fine equal to twice the amount of their net monthly payments, including all salaries, allowances, raises, and compensation.⁷⁷

The procedures and principles regarding the implementation of this article shall be regulated by a regulation issued by the President.⁷⁸

The use of public procurement for regional development and technological advancement.

Additional Article 9 - (Added: 31/10/2016-Decree Law-678/31 art.; Accepted as is: 1/2/2018-7071/30 art.)

The provisions of this article shall apply if the procurement of goods is aimed at achieving regional development, developing strategic sectors and domestic production based on technology transfer, promoting project-based investments, and encouraging research, development, and innovation.

Needs are met through one or more procurement processes, either by announcement or invitation, and divided among one or more bidders in terms of duration, quantity, or parts.

⁷⁷ *The first paragraph of Temporary Article 1 of Law No. 6645 dated 4/4/2015 stipulated that the provisions of this paragraph would not be applied until 31/12/2015, and subsequently, with Article 9 of Law No. 6656 dated 30/12/2015, the phrase "31/12/2015" was changed to "30/6/2016".*

⁷⁸ *By Article 171 of Decree Law No. 703 dated 2/7/2018, the phrase "the Council of Ministers upon the opinion of the Ministry of Labor and Social Security and the Undersecretariat of Treasury and the proposal of the Ministry of Finance" in this paragraph was changed to "the President".*

This is possible. Depending on the specifics of the need, technical specifications, cost and performance criteria, and contract terms can be negotiated, and cooperation can be established between the administrations and the bidders where necessary.

In procurements where domestic production and domestic content requirements are stipulated, the document will detail how these requirements will be met.

Procurement of goods under this article may only be open to bidders offering goods produced domestically or in provinces where regional development programs are implemented. In procurement of goods open to bidders offering domestically produced goods, a price advantage of up to 15% may be granted in favor of bidders offering goods produced in provinces where regional development programs are implemented.

In procurement documents, it may be stipulated that a certain portion of the required goods shall be supplied or obtained by the contractor from other natural or legal persons producing or operating in the provinces where the regional development program is implemented.

Purchase guarantees may be granted for goods procurement aimed at developing domestic production based on medium-high and high technology transfer in strategic sectors and where domestic production is absent or limited, promoting research, development and innovation, ensuring regional development, and for project-based investments, provided that one or more of the following conditions are met: domestic production, domestic contribution, investment, employment, export, and technology transfer, as well as meeting cost and performance criteria. Furthermore, purchase guarantees may also be granted for the Ministry of National Education's procurement of goods and services related to information and communication technologies for education and training.

Within the scope of regional development programs, the State Supply Office may procure goods not limited to those listed in its main statute to meet the needs of the administrations, and the monetary limit specified in clause (g) of Article 3 of this Law shall be applied as double the amount for these procurements.

The procedures, principles, and limitations regarding procurements to be made under this article, including the purchasing administrations, the products to be purchased, the products for which a purchase guarantee will be given and the guarantee periods, the domestic content ratio of the product, the rate and duration of the price advantage to be applied, the loading period, the quantity, monetary limits, the procurement methods and rules, price differences, increases and decreases in work, and matters related to the contract, shall be determined by a Presidential decree.⁷⁹

In procurements to be made under this article, the provisions of this Law and Law No. 4735 and related legislation regarding the duration, subject matter and other limitations related to the undertaking, except for the provisions regarding penalties, exclusion from tenders and notification of results, shall not apply.

The limitations and conditions regarding public procurement guarantees contained in other laws do not apply to procurements made through public procurement guarantees under this article. Similarly, the provisions regarding public procurement guarantees in this article do not apply to the public procurement guarantee provisions of other laws.

⁷⁹ By Article 171 of the Decree Law No. 703 dated 2/7/2018, the term "Council of Ministers" in this paragraph was amended. The phrase has been changed to "President".

This does not prevent the application of the relevant provisions.

Procurement of goods and services and construction works within the scope of the FATYH Project.

Ek Madde 10- (Ek: 2/12/2016-6764/52 md.)

With the goals of increasing domestic production and added value, achieving technological gains, producing products that were not previously produced domestically, continuing research and development activities for new technologies and products, and transitioning to an information society, the National

The procurement of goods and services and construction works by the Ministry of National Education within the scope of the Fostering Opportunities and Improving Technology in Education (FATYH) Project, aimed at providing information technology equipment, software, network infrastructure, and internet access to classrooms in pre-school, primary, and secondary schools under the Ministry of Education; providing e-content for online and offline lessons and establishing e-content infrastructure; and providing e-books, tablet computers, and similar necessities to teachers and students in formal education schools under the Ministry of National Education, are not subject to the provisions of this Law, except for the provisions regarding penalties and prohibitions from bidding. The procedures and principles regarding procurements to be made under this article shall be regulated in a competitive manner by a regulation prepared by the Ministry of National Education, after obtaining the opinions of the Ministry of Finance and the Public Procurement Authority.

Ek Madde 11- (Ek: 2/7/2018-KHK-703/171 md.)

Article 3, paragraphs (b), (d), (e), (f), (h), (i), (j), (k), (l), (n), (u), (y) and (z) of this Law

The procedures and principles regarding its clauses are determined by the President.⁸⁰

(Additional paragraph: 18/7/2024-7521/7 art.) The procedures and principles regarding the conduct and completion of the procurement process, including the procurement methods, for purchases to be made within the scope of subparagraph (m) of the first paragraph of Article 3 of this Law shall be determined by the President in accordance with the principles of market conditions, confidentiality, reliability, meeting needs in a timely manner and under appropriate conditions, and efficient use of resources.

It is determined.

Procurements to be made by the General Directorate of State Supply Office on behalf of the administrations

Ek Madde 12- (Ek: 27/12/2023-7491/39 md.)

The General Directorate of State Supply Office shall ensure transparency, competition, equal treatment, reliability, confidentiality, public scrutiny, timely fulfillment of needs under appropriate conditions, and efficient use of resources in vehicle procurement, vehicle leasing, fuel procurement, and procurement of medicines, medical supplies, and medical devices on behalf of administrations.

⁸⁰ With Article 31 of Law No. 7161 dated 17/1/2019, the phrase "and (y)" in this paragraph is replaced with ", (y)" and has been changed to "(z)".

Procurement can be carried out using open or closed bidding procedures in which all interested parties can submit offers, restricted bidding procedures in which open or closed bids are requested by sending invitations to interested parties, or negotiated procurement procedures where price negotiations are conducted with the invited interested party.

In procurements to be made under this article,

a) The framework, provided that the purchasing methods specified in the first paragraph are applied.

Agreements can be made.

(b) Except for the provisions relating to penalties, exclusion from tenders, and notification of results, the provisions of this Law shall not apply.

c) The procurement methods to be applied, the announcement and invitation periods and rules, the preparation of documents, the submission and evaluation of bids, and the procedures related to the tender process and framework agreements, including the finalization of purchases, shall be determined by regulation by the General Directorate of the State Supply Office, after obtaining the opinion of the Institution.

Reciprocity in Public Procurement

Ek Madde 13- (Ek:24/7/2026-7590/13 md.)

The President is authorized to extend, partially or fully, the rights and advantages granted to domestic bidders, domestic goods, and bidders offering such goods in procurements under this Law and other laws, to bidders established in European Union member states, to goods originating from the European Union, and to bidders offering such goods, on a reciprocity basis, depending on the country and/or product.

Temporary Article 1 - Standard tender documents and

regulations to be issued for the implementation of this Law shall be prepared by the Public Procurement Authority, after obtaining the opinions of the relevant institutions and organizations.

It is prepared by [the relevant authority] and published in the Official Gazette until the date the law comes into force.

Until these come into effect, administrations will continue to apply the existing principles and regulations.

Ongoing tenders

Temporary Article 2 - Tendered in writing before the effective date of this Law

Announced or publicized projects are concluded in accordance with the relevant laws and procedures.

Update

Temporary Article 3 - The threshold values and monetary limits contained in this Law shall be determined in the Official Gazette of the Law.

It is updated by the Institution in accordance with Article 67 for the period between the date of its publication in the newspaper and the date it enters into force.

Principles and procedures regarding exceptions

Temporary Article 4 - (First paragraph repealed: 2/7/2018-Decree Law-703/171 art.)

(Second paragraph repealed: 2/7/2018-KHK-703/171 art.)

(Added: 12/6/2002-4761/18 art.; Amended paragraph: 30/7/2003-4964/40 art.) The goods and services within the scope of subparagraph (g) of Article 3 of this Law are determined by the Institution upon the request of the relevant organizations.

(Additional paragraph: 30/7/2003-4964/40 art.; (Fourth paragraph repealed: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 30/7/2003-4964/40 art.) Enterprises, businesses and companies operating in the energy, water, transportation and telecommunications sectors shall be subject to the provisions of subparagraph (g) of Article 3 of this Law until their special laws come into force, and to the other provisions of the Law for the procurement of goods and services and construction works not included within the scope of this subparagraph. **(Additional sentence: 22/12/2005-)**

(Article 13 of Law No. 5436) The monetary limit in subparagraph (g) of Article 3 of this Law, (...) ⁸¹ Türkiye

This provision shall not apply to all purchases of goods and services and construction works related to the exploration, drilling, production, transportation, storage and gasification activities of Petroleum Corporation and BOTAğ and their subsidiaries and companies established abroad, and to the purchases of agricultural products and related services made by the General Directorate of the Soil Products Office through import with the approval of the relevant minister and the assignment of the Board of Directors of the Soil Products Office, within the scope of the activities and duties of the General Directorate of the Soil Products Office .

⁸¹ With Article 85 of Decree Law No. 696 dated 20/11/2017, the phrase "the procurement of goods and services within the scope of the aforementioned clause by the Postal and Telegraph Organization Joint Stock Company" in this paragraph was repealed, and subsequently, this provision was adopted verbatim and enacted into law with Article 80 of Law No. 7079 dated 1/2/2018.

⁸² With Article 11 of Law No. 7257 dated 25/11/2020, the phrase "within Turkish territorial waters and international waters" in this paragraph was removed from the text of the article, and the phrase "production and transportation" was changed to "production, transportation, storage and gasification".

⁸³ With the Constitutional Court's decision dated 18/5/2023 and numbered E: 2020/11, K: 2023/98, the phrase "...; in the procurement of vehicles, vehicle rentals, fuel, and the procurement of medicines, medical supplies and medical devices that the General Directorate of State Supply Office will carry out on behalf of the administrations..." in the second sentence of this paragraph was amended. It has been cancelled.

⁸⁴ By Article 31 of Law No. 6475 dated 9/5/2013, the phrase "the monetary limit specified in subparagraph (g) of Article 3 of this Law" was followed by the phrase "the procurement of goods and services by the Postal and Telegraph Organization Joint Stock Company within the scope of the said subparagraph".

⁸⁵ By Article 45 of Law No. 7194 dated 5/12/2019, the phrase "; in vehicle procurement, vehicle rental, fuel procurement, and procurement of medicines, medical supplies and medical devices to be carried out by the General Directorate of State Supply Office on behalf of administrations" was added to this paragraph after the phrase "in construction works".

⁸⁶ By Article 11 of Law No. 7257 dated 25/11/2020, the phrase "and Pipeline and Petroleum Transportation Joint Stock Company and their subsidiaries and companies they have established abroad" was added to this paragraph after the phrase "Turkish Petroleum Corporation".

⁸⁷ With Article 8 of Law No. 7521 dated 18/7/2024, the word "and" in the second sentence of this paragraph The phrase "Petroleum Pipeline Transportation Joint Stock Company and its subsidiaries" is replaced with "and

(Additional paragraph: 14/7/2004-5226/24 art.; Repealed sixth paragraph: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 3/3/2005-5312/26 art.; Repealed seventh paragraph: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 27/12/2007-5726/24 art.; Repealed eighth paragraph: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 20/2/2008-5737/79 art.; Repealed ninth paragraph: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 20/11/2008-5812/29 art.; Repealed tenth paragraph: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 6/2/2014-6518/52 art.; Eleventh paragraph repealed: 2/7/2018-KHK-703/171 art.)

(Additional paragraph: 5/12/2019-7194/45 art.) The procedures and principles to be applied in procurements to be made

by the General Directorate of the State Supply Office within the scope of the fifth paragraph shall be determined by the General Directorate of the State Supply Office upon the opinion of the Institution. In procurements to be made within this scope, the tenders shall be carried out in a way that ensures the highest participation, in compliance with the basic principles determined in the first paragraph of Article 5 of the Law.

(Additional paragraph: 18/7/2024-7521/8 art.) The procurement methods to be applied in the purchases to be made by BOTAİ and the General Directorate of the Soil Products Office within the scope of the fifth paragraph, in accordance with the basic principles determined in the first paragraph of Article 5 of the Law, shall be announced.

The principles and procedures regarding the tender process and framework agreements, including invitation periods and rules, document preparation, submission of bids, evaluation, and finalization of purchases, are regulated by regulations to be issued by BOTAİ and the General Directorate of the Turkish Grain Board upon the opinion of the Institution, and the transactions in the tender process may be carried out partially or completely through EKAP, which is established and operated by the Institution.

Establishment of the Public Procurement Authority

Temporary Article 5 - The Public Procurement Board specified in Article 53 of this Law shall be appointed within thirty days following the date of publication of this Law in the Official Gazette. In the initial appointments to the Public Procurement Board, one member each shall be selected from among the candidates proposed by the Ministry of Finance and the Ministry of Public Works and Housing, and the Council of Ministers shall determine these members for a term of seven years.

does.

The Board shall assume its duties within sixty days following the date of its appointment as stipulated in the Law.

By establishing the organizational structure of the institution, it ensures that the institution becomes operational by this date.

The principles and procedures regarding the tenders that the institution will conduct until the effective date of this Law.

The procedures will be regulated by a regulation to be issued by the Council of Ministers upon the recommendation of the Board.

The regulations specified in Article 53 of this Law and the regulation mentioned in the third paragraph shall be issued before the date the Institution becomes operational.

The phrase "with BOTAİ and its subsidiaries" has been amended by changing the word "will be done" to "will be done," and the phrase "and in the procurement of agricultural products through import and related services within the scope of the activities and duties of the General Directorate of the Soil Products Office, with the approval of the relevant minister and the authorization of the Board of Directors of the Soil Products Office" has been added after the phrase "in construction works."

Until the institution reaches a stage where all its expenses are covered by its revenues, generally...
It is financed by aid provided from the budget.

Temporary Article 6 - (Added: 12/6/2002-4761/19 art.) From the date this article enters into force within one year from now;

a) Personnel employed in public institutions and organizations who have graduated from the higher education institutions listed in paragraph (h) of Article 53 and entered the profession through a special competitive examination and have been appointed after a special qualification examination following a fixed-term in-service training, as well as judges, prosecutors and those considered to be in this profession,

b) At least a postgraduate degree in a field related to the institution's area of responsibility.
graduate university faculty members,

c) Those who have completed undergraduate education in engineering or architecture faculties and have worked for at least five years in public institutions and organizations in matters related to their field of duty, or those who have completed postgraduate education in any of these fields after their undergraduate education and have worked for at least three years in public institutions and organizations in matters related to their field of duty.

They may be appointed as public procurement experts by the Board, with the consent of their institutions, provided that they are under forty years of age and have worked on litigation, examination, auditing, implementation or consultancy matters related to public procurement legislation as listed in clauses (a) and (c).

Until December 31, 2003, personnel working in departments included in the general budget, supplementary budget administrations, public economic enterprises and their affiliated companies, legal entities established by special laws and assigned public duties, and independent budget organizations may be appointed to the positions of the Institution, excluding public procurement specialists and assistant specialists, upon their request and with the consent of their institutions.

Temporary Article 7 - (Added: 10/11/2004-5255/15 art.)

All procurement of goods and services and construction works to be carried out by the Executive Board and, upon the request of this Board, by other public institutions and organizations in connection with the 2005 World University Games to be held in Izmir, are exempt from the provisions of this Law, except for the provisions regarding penalties and prohibitions from bidding.

Ongoing tenders

Temporary Article 8 - (Added: 20/11/2008-5812/30 art.)

For tenders that have been advertised or announced in writing prior to the effective date of this Law, the provisions of the law in force on the date of publication of this Law shall continue to apply.

Until the date on which the provisions listed in subparagraph (b) of Article 35 of this Law come into force

Complaints and applications alleging violations of this Law and related legislation will be finalized in accordance with the legislation in force at the time the application was made.

Current assignments

Temporary Article 9 - (Added: 20/11/2008-5812/30 art.)

Those who were assigned as public procurement experts in the Institution pursuant to the last paragraph of Article 53(i) before 31/5/2008 and are still on duty may continue their assignments according to the needs of the Institution.

Terms of office of the board chairman and members

Temporary Article 10 - (Added: 20/11/2008-5812/30 art.)

The terms of office for the current chairman and members of the Board who were appointed before the effective date of this Law to complete the term of another member shall be five years from the date of their appointment.

Continuation of membership

Temporary Article 11 - (Added: 24/10/2011-Decree Law-661/58 art.)

Current Board members will continue in their roles until their terms expire.

Considered appointed as Presidential Advisor

Temporary Article 12 - (Added: 24/10/2011-Decree Law-661/58 art.)⁸⁸

The duties of those holding the titles of Vice President, Chief Legal Advisor, and Department Head within the institution shall terminate on the date this Decree Law enters into force.

These individuals are deemed to have been appointed to the titles of Presidential Advisor, established by the attached list (3), without any further action. The titles of Presidential Advisor established by this paragraph shall be deemed cancelled without any further action if they become vacant for any reason.

According to the first paragraph, if the total net amount of all payments received in the last month by those deemed to have been appointed to the title of Presidential Advisor, in accordance with the relevant legislation, for their former title as of the date of their appointment (this amount is taken as a fixed value), exceeds the total net amount of all payments received for their new title in accordance with the relevant legislation, the difference will be paid as additional compensation until the difference is eliminated, without being subject to any taxes or deductions. Payment of this compensation will cease for those who voluntarily change their appointed title or who are appointed to other institutions at their own request.

⁸⁸ Regarding the positions mentioned in this article, the Official Gazette dated 2/11/2011 and numbered 28103 (repeated) Check the newspaper.

Those deemed to have been appointed as Presidential Advisors pursuant to the first paragraph shall perform the duties assigned by the President within the units designated by the President.

Temporary Article 13 - (Added: 30/3/2012-6287/24 art.)

With the goals of increasing domestic production and added value, achieving technological gains, producing products that were not previously produced domestically, continuing research and development activities for new technologies and products, and transitioning to an information society, the National

The procurement of information technology equipment, software, network infrastructure, and internet access for classrooms in pre-school, primary, and secondary schools under the Ministry of Education, the provision of e-content for online and offline learning, and the creation of e-content infrastructure; and the provision of e-books, tablet computers, and similar necessities to teachers and students in formal education schools under the Ministry of Education, within the scope of the Fostering Opportunities and Improving Technology in Education (FATYH) Project, and the procurement of goods and services and construction works to be carried out by the Ministry of National Education and the Ministry of Transport, Maritime Affairs and Communications until the end of 2015, are not subject to the provisions of this Law, except for the provisions regarding penalties and prohibitions from bidding.

The procedures and principles regarding procurements will be regulated in a competitive manner through a regulation to be jointly prepared by the Ministry of National Education and the Ministry of Transport, Maritime Affairs and Communications, after obtaining the opinions of the Ministry of Finance and the Public Procurement Authority.

Ongoing tenders

Temporary Article 14 - (Added: 6/2/2014-6518/54 art.)

For tenders that have been advertised or announced in writing prior to the effective date of this article, the provisions in force on the date of the advertisement or announcement shall continue to apply.

Temporary Article 15 - (Added: 6/2/2014-6518/55 art.)

Within one year from the effective date of this article, the Presidency may appoint public procurement specialists from among those who have graduated from the higher education institutions listed in Article 53(h) and entered the profession through a special competitive examination and have been appointed as a result of a qualification examination following in-service training, and who have duties related to the examination, auditing, implementation or consultancy of public procurement legislation, as well as those who have completed their undergraduate education in engineering or architecture faculties and have worked in public institutions and organizations for at least four years in matters related to their field of duty, provided that the consent of their institutions is obtained and the number of such appointments does not exceed 5% of the number of professional staff positions, within the framework of the other principles in the last paragraph of Article 53(i). The appointment process may be terminated by the Presidency at any time without being bound by any time period. Those appointed in this way may, once only, meet the educational requirements for entry into the professional staff examination and not have reached the age of forty on the date of the examination, and may be appointed by the Institution.

If they successfully pass the examination to be conducted by the institution, they may be appointed to the position of public procurement specialist without the need for any further permission or procedure. Assignment to the institution does not constitute an acquired right or any priority right in appointment to institutional positions.

Temporary Article 16 - (Added: 10/9/2014-6552/12 art.)

(1) Within the scope of Türkiye's G20 Presidency in 2015, the procurement of goods and services and construction works to be carried out in 2014 and 2015 are not subject to this Law and the Public Financial Management and Control Law No. 5018, except for the penalty and prohibition provisions. The principles and procedures and other matters relating to the procurements and construction works to be carried out within the scope of this paragraph shall be prepared jointly by the Ministry of Foreign Affairs and the Undersecretariat of Treasury, after obtaining the opinion of the Ministry of Finance, and shall be put into effect by a decision of the Council of Ministers.

(2) Regardless of whether the workplaces are in the same place or not; workers employed in local administrations or affiliated organizations may be subject to a change of job or workplace with the same or similar positions, together with their positions or temporary job positions, within one hundred and twenty days following the date of publication of this article, provided that it is between the units of a local administration or its affiliated organization, or between a local administration and its affiliated organization, or between different affiliated organizations of the same local administration, with the approval of the highest-ranking official of the relevant local administration. The provisions of temporary article 1 of Law No. 6360 dated 12/11/2012, which are appropriate to their situations, shall apply in the same way to the wages and other financial and social rights, severance pay and other matters related to seniority of the workers who are subject to a change of job or workplace with the same or similar positions in accordance with this paragraph.

Temporary Article 17 - (Added: 31/10/2016-Decree Law-678/32; Repealed: 20/11/2017-Decree Law-696/85; Re-enacted: 1/2/2018-7079/80)

Temporary Article 18 - (Added: 2/1/2017-Decree Law-684/3; Accepted as is: 1/2/2018-7074/3)

The provisions of subparagraph (g) of the first paragraph of Article 11 shall not apply to companies for which the receivership authority has been transferred to the Deposit Insurance Fund or for which the Deposit Insurance Fund has been appointed as receiver, within the scope of Article 19 of the Law No. 6758 dated 10/11/2016 on the Amendment and Adoption of the Decree Law on Making Certain Arrangements within the Scope of the State of Emergency.

Temporary Article 19 - (Added: 28/11/2017-7061/68 art.)

Procurement of goods and services related to textbooks, student workbooks, and guidebooks to be distributed free of charge to students attending official and private schools affiliated with the Ministry of National Education, and to be distributed free of charge to relevant teachers, to be made until 31/12/2019, shall not be subject to the other provisions of this Law, except for the provisions regarding penalties and prohibitions from bidding.

This can be done by applying the first and fifth paragraphs of the relevant article.

The procedures and principles for the implementation of this article shall be determined by the Ministry of National Education, after obtaining the opinions of the Ministry of Finance and the Institution.

Implementation of procedures and principles

Temporary Article 20 - (Added: 2/7/2018-Decree Law-703/171 art.)

Until the procedures and principles specified in Annex 11 come into force, the procedures and principles put into effect pursuant to the first paragraph of Temporary Article 4 prior to the publication date of this article shall continue to be applied.

Temporary Article 21 - (Added: 16/11/2022-7421/13 art.) (Repealed: Constitutional Court's decision)
(With the decision dated 25/12/2024 and numbered E.: 2024/85; K.: 2024/229)

Force

Article 69 - Article 53 and temporary articles 1 and 5 of this Law shall enter into force on the date of its publication, and the other articles shall enter into force on January 1, 2003.

Executive

Article 70 - The Council of Ministers shall execute the provisions of this Law.

Provisions that could not be incorporated into Law No. 4734 dated 4/1/2002

1) This is a provision of Law No. 4761 dated 12/6/2002:

Article 20 - The monthly salaries, financial and social rights and benefits of the Chairpersons and members of the boards, supreme boards, institutions and organizations established by special laws with public legal personality and administrative and financial autonomy, or to be established by December 31, 2006, shall be determined by the Council of Ministers, taking into account the functions of these boards, supreme boards, institutions and organizations, wage fairness and the application of temporary article 1 of Decree Law No. 631.

The Council of Ministers is authorized to increase the representation and duty allowances paid to public officials by up to three times, when necessary to ensure wage fairness, and to make adjustments within the increased amount according to position and job title.

Until the amendment in the paragraph above is made, the Chairman of the Public Procurement Board shall receive a monthly net salary and other payments equal to the total of the monthly net salary and other payments made to the Chairman of the Energy Market Regulatory Authority, while the members of the Public Procurement Board shall receive a monthly net payment equal to ninety-seven percent of the total payments made to the Chairman of the Board.

2) This is a provision of Law No. 4964 dated 30/7/2003:

Temporary Article 1 - Standard tender documents, model contracts, and regulations that need to be revised due to the amendments made to Laws No. 4734 and 4735 by this Law shall be prepared and put into effect by the Institution within sixty days from the date of publication of this Law. The amendments made to the monetary limits in Law No. 4734 by this Law and the newly added monetary limits shall be deemed valid as of January 22, 2002, and shall be updated by the Institution as of January 1, 2003, in accordance with the principles in Article 67 of Law No. 4734. Until these regulations come into effect, administrations shall continue to apply the existing procedures, principles, and regulations.

The principles and procedures that need to be prepared and put into effect due to the amendments made by this Law to Articles 3 and Temporary Article 4 of Law No. 4734 shall be prepared and put into effect within thirty days from the date of publication of this Law. Until these regulations are published, administrations shall continue to apply the principles and procedures prepared and put into effect pursuant to Articles 3 and Temporary Article 4 of Law No. 4734, which were in effect before the amendments made by this Law.

Construction works procurements for which the organizations benefiting from the exception provision in clause (g) of Article 3 of Law No. 4734 are the contractors under contract are also subject to the exception provisions stipulated in the same clause for a period of ten years.

3) This is a provision of Law No. 5398 dated 3/7/2005:

Temporary Article 2 - The portion of all revenues obtained by the Istanbul Stock Exchange, the Radio and Television Supreme Council, the Competition Authority, the Capital Markets Board, the Banking Regulation and Supervision Agency, the Telecommunications Authority, the Energy Market Regulatory Authority, the Public Procurement Authority, and the Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority, accumulated until June 30, 2005, calculated according to the rates determined for each institution and organization upon the proposal of the Minister of Finance and the approval of the Prime Minister, shall be deposited into the account of the Central Treasury Directorate of the Ministry of Finance at the Central Bank of the Republic of Turkey within a period to be determined by the Minister of Finance, to be recorded as revenue in Schedule (B) of the budget. Furthermore, any cash surpluses in the treasuries of the aforementioned institutions and organizations until December 31, 2005, shall also be deducted according to the principles determined in this paragraph, after obtaining their opinions, and transferred to the relevant account.

The institutions and organizations in question shall report their accumulated income amounts and cash and bank balances up to June 30, 2005, to the Ministry of Finance by July 15, 2005; and their financial information showing their income, expenses, and cash and bank balances for each month shall be reported to the Ministry of Finance by the end of the seventh day of the following month. If the amounts specified in this article are not paid within the specified period, the unpaid amounts shall be pursued and collected in accordance with the provisions of Law No. 6183 on the Collection Procedure of Public Receivables, with the application of late payment interest.

**THRESHOLD VALUES INCLUDED IN LAW NO. 4734 ON PUBLIC PROCUREMENT AND
COMPARISON OF MONETARY LIMITS WITH THE PREVIOUS PERIOD
TABLE REGARDING THEIR VALUES**

Until 31/1/2025 WITH THE APPLIED THRESHOLD VALUES MONETARY LIMITS AND AMOUNTS (TL)	During the period 1/2/2025 – 31/1/2026 APPLICABLE THRESHOLD VALUES WITH MONETARY LIMITS AND AMOUNTS (TL)
THRESHOLD VALUES	THRESHOLD VALUES

ARTICLE 8

11.417.574	14.673.866
19.029.344	24.456.512
418.648.353	538.046.863

MONETARY LIMITS AND AMOUNTS	MONETARY LIMITS AND AMOUNTS
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ARTICLE 3 (g)

95.508.971	122.748.129
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ARTICLE 13 (b)

1.245.628	1.600.881
2.491.384	3.201.926
20.762.692	26.684.211

ARTICLE 21 (f)

2.076.108	2.668.214
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ARTICLE 22 (d)

622.756	800.366
207.453	266.618

ARTICLE 53 (j)/1

4.152.385	5.336.645
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ARTICLE 53 (j)/2

6.573.254	8.447.946
39.403	50.640
26.293.115	33.791.911
78.855	101.344
197.198.426	253.439.417
118.286	152.021
157.733	202.718

ARTICLE 62 (h)

2.304.515	2.961.762
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LEGISLATION ADDING TO AND AMENDING LAW NO. 4734

OR THE ENTRY INTO FORCE OF CONSTITUTIONAL COURT DECISIONS

LIST SHOWING ENTRY DATES

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
4761	Temporary Article 6, Unprocessable The ruling (Article 20 of Law No. 4961)	22/6/2002
	2, 3, 8, 10, 13, 53, 56, 62, Transitional Article 4	1/1/2003
4964	2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 16, 18, 20, 21, 22, 24, 25, 27, 28, 33, 35, 36, 39, 40, 41, 42, 46, 47, 48, 50, 53, 56, 58, 60, Articles 61, 62, 68, Provisional Article 4	15/8/2003
	Ek Madde 1	1/1/2004
5020	22	26/12/2003
5148	3	7/5/2004
5226	Articles 3, 4, 62 and Provisional Article 4	27/7/2004
5255	Transitional Article 7	13/11/2004
5312	Article 3 and Provisional Article 4	Three months from 11/3/2005 then
5398	Unenforceable Provision	21/7/2005
5436	Article 6 and Provisional Article 4	24/12/2005
5583	3	28/2/2007
5615	10	4/4/2007
5625	62	26/4/2007
5680	2, Ek Madde 2	7/6/2007
5726	3, Provisional Article 4	Six months from 5/1/2008 then

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
5737	3, Provisional Article 4	27/2/2008
5763	22, One Madde 3	26/5/2008
5784	3	26/7/2008
5812	Articles 3, 4, 22, 36, and 53, as stated in the following line: parts other than the Annex 1. Additional Articles 4 to 6 (Provisional) Article 4, Transitional Articles 8, 9, 10	5/12/2008
	41, the paragraph following subparagraph (9) of paragraph (b) of article 53, paragraph (j) of article 53, 54, 55	5/1/2009
	10, 11, 13, 20, 21, 26, 37, 38, 40, 42, 43, 47, 48, 52, 62, 65, I Article 2	5/3/2009
5917	3	10/7/2009
6093	3	30/12/2010
6111	2, 3, 63, 68	25/2/2011
KHK/638	3	After the parliamentary elections held on 12/6/2011 the first Council of Ministers established on the date of appointment of its members
KHK/661	Article 53, Provisional Article 11, Provisional Article 12	2/11/2011
6288	3, 48	4/4/2012
6287	Transitional Article 13	11/4/2012
6353	3, 28, 53	12/7/2012
6359	11	10/11/2012

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
6461	3	1/5/2013
6462	53	3/5/2013
6475	Transitional Article 4	23/5/2013
6496	3	31/7/2013
Constitutional Court's decision dated 27/9/2012 Decision No. E:2012/20, K:2012/132	65	26/7/2013
6504	22	28/11/2013
Constitutional Court's decision dated 10/7/2013 Decision No. E.: 2012/104, K.: 2013/87	62	From 10/12/2013 starting six months later (10/6/2014)
6518	Article 54, Additional Article 7, Provisional Article Article 14, Provisional Article 15	19/2/2014
	53	Thirty years from 19/2/2014 days later
	38, 43	ninety from 19/2/2014 days later
	3, 10, 63, Provisional Article 4	One hundred and eighty days after 19/2/2014
6552	Temporary Article 16	11/9/2014
	62, One Madde 8	Four months after 11/9/2014 (11/1/2015)
6637	3	7/4/2015
6645	One Madde 8	Effective from 11/1/2015 to 23/4/2015

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
6676	3, 10	At the beginning of the month following 26/2/2016
6719	3	17/6/2016
KHK/678	Article 11, Additional Article 9, Provisional Article 17	22/11/2016
6761	62	1/1/2017
6764	One Madde 10	9/12/2016
KHK/680	11	6/1/2017
KHK/684	Articles 3, 11, and Provisional Article 18	23/1/2017
7033	3, 63	1/7/2017
7060	3	18/11/2017
7061	Articles 4, 34, and Provisional Article 19	5/12/2017
	One Madde 8	1/1/2018
KHK/696	Transitional Article 4, Transitional Article 17	24/12/2017
	62, One Madde 8	2/1/2018
7071	11, One Madde 9	8/3/2018
7074	3, Provisional Article 18	8/3/2018
7079	62, One Madde 8	2/1/2018
	Transitional Article 4, Transitional Article 17	8/3/2018
7144	21	25/5/2018
KHK/702	3	Together on 24/6/2018 the Grand National Assembly of Türkiye As a result of the parliamentary and presidential elections On the date the President took office after swearing the oath (9/7/2018)

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
KHK/703	2, 3, 5, 11, 53, 54, 67, Ek Madde 3, One piece 8, One piece 9, One Article 11, Transitional Article 20	Together on 24/6/2018 the Grand National Assembly of Türkiye As a result of the parliamentary and presidential elections On the date the President took office after swearing the oath (9/7/2018)
7153	58	10/12/2018
7161	3, 10, One Madde 11	Article 10, paragraph 3. The third sentence of the paragraph On 18/3/2020, Article 10 Subparagraph 1, paragraph a), item 3), subparagraph 6, and article 10. sentences added to the paragraph On 18/5/2019, the other articles on the date of publication.
7194	3, Provisional Article 4	7/12/2019
The Constitutional Court Dated 14/11/2019 and E.: Case No. 2018/90, Decision No. 2019/85 The decision	11	13/2/2020
7257	3, Provisional Article 4	2/12/2020
7261	3	30/12/2020
7263	54	3/2/2021
7381	3	8/3/2022
7421	Article 53, Additional Article 1, Provisional Article 21	26/11/2022

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
7418	13	1/4/2023
Constitutional Court Dated 16/2/2023 and E: Case No. 2021/27, Decision No. 2023/26 The decision	3	21/7/2023
Constitutional Court Dated 18/5/2023 E: 2020/11, K: 2023/98 Decision No.	3, Provisional Article 4	12/9/2023
Constitutional Court Dated 11/10/2023 and E: 2021/14, K: 2023/173 Decision No.	3, Provisional Article 4	From 13/12/2023 starting nine months later (13/9/2024)
7491	One Madde 12	28/12/2023
Constitutional Court Dated 7/12/2023 Decision No. E.:2018/117; K.:2023/212	53	4/6/2024

The amending law/ Decree Law or the one that repealed it Constitutional Court Decision Number	Amended or Repealed Articles of Law No. 4734	Effective Date
7521	Article 3, Additional Article 11, Provisional Article 4	26/7/2024
7538	3	15/1/2025
Constitutional Court Dated 25/12/2024 and E.: Decision No. 2024/85; K.: 2024/229	53	The decision was published in the Official Gazette. nine months after its publication (26/12/2025)
	Transitional Article 21	26/3/2025
7548	53	30/5/2025
7557	3	24/7/2025
7571	53	26/12/2025
7590	3, One Madde 13	31/7/2026

Table of Public Procurement Circulars issued by the Public Procurement Authority regarding the application of threshold values and monetary limits specified in Law No. 4734.				
The notification Number	Implementation of the Circular Start Date	Relevant Articles of Law No. 4734	The announcement was published Official Gazette	
			Historical Number	
2003/1	1/2/2003	8, 13, 22, 47, 53, 62	21/1/2003	25000
2004/1	1/2/2004	3, 8, 13, 21, 22, 47, 53, 62 20/1/2004		25352
2005/1	1/2/2005	3, 8, 13, 21, 22, 47, 53, 62 19/1/2005		25705
2006/1	1/2/2006	3, 8, 13, 21, 22, 47, 53, 62 27/1/2006		26062
2007/1	1/2/2007	3, 8, 13, 21, 22, 47, 53, 62 25/1/2007		26414
2008/1	1/2/2008	3, 8, 13, 21, 22, 47, 53, 62 22/1/2008		26764
2009/1	1/2/2009	3, 8, 13, 21, 22, 47, 53, 62 30/1/2009		27126
2010/1	1/2/2010	3, 8, 13, 21, 22, 53, 62 21/1/2010		27469
2011/1	1/2/2011	3, 8, 13, 21, 22, 53, 62 23/1/2011		27824
2012/1	1/2/2012	3, 8, 13, 21, 22, 53, 62 24/1/2012		28183
2013/1	1/2/2013	3, 8, 13, 21, 22, 53, 62 30/1/2013		28544
2014/1	1/2/2014	3, 8, 13, 21, 22, 53, 62 30/1/2014		28898
2015/1	1/2/2015	3, 8, 13, 21, 22, 53, 62 29/1/2015		29251
2016/1	1/2/2016	3, 8, 13, 21, 22, 53, 62 29/1/2016		29608
2017/1	1/2/2017	3, 8, 13, 21, 22, 53, 62 21/1/2017		29955
2018/1	1/2/2018	3, 8, 13, 21, 22, 53, 62	19/1/2018	30306
2019/1	1/2/2019	3,8, 13, 21, 22, 53, 62	25/1/2019	30666
2020/1	1/2/2020	3,8, 13, 21, 22, 53, 62	29/1/2020	31023
2021/1	1/2/2021	3, 8, 13, 21, 22, 53, 62 26/1/2021		31376
2026/1	1/2/2026	3, 8, 13, 21, 22, 53, 62 22/1/2026		33145