

ISTIR: 10.27.01

DOI 10.48501/vestnikkazgjiu.2021.90.82.001

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## FEATURES OF PUBLIC PROCUREMENT OF MEDICAL PRODUCTS

**Abstract:** The pharmaceutical market in Kazakhstan is one of the most developing and at the same time difficult to regulate, since it solves not only the problem of providing state organizations with goods, but also performs the social functions of providing citizens with the state. The article presents an analysis of the market of medicines in the market of Kazakhstan from the standpoint of the formation of relationships within the framework of public procurement. At the same time, the problem of the formation of the drug market was revealed - the predominance of imported drugs, the ratio of domestic and imported drugs in 2020 was 26.3% and 73.7%, respectively. At the same time, the question of the quality of imported goods arises. On the basis of the analysis, the main problems and ways of their solution within the framework of the new legislation have been formed.

**Key words:** government procurement, pharmaceuticals, medicine, law, contract, government needs.

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## Особенности проведения государственных закупок медицинских продуктов

**Аннотация:** Рынок лекарственных средств в Казахстане является одним из наиболее развивающихся и в то же время сложно регулируемым, поскольку решает не просто задачи обеспечения государственных организаций товарами, но и выполняет социальные функции обеспечения государством граждан. В статье представлен анализ рынка лекарственных средств на рынке Казахстана с позиций формирования взаимоотношений в рамках государственных закупок. При этом выявлена проблема формирования рынка лекарственных средств - преобладание лекарств импортного производства, соотношение отечественных и импортных лекарств составило в 2020 году 26,3% и 73,7% соответственно. При этом остро встает вопрос о качестве товаров импортного производства. На основе анализа сформированы основные проблемы и пути их решения в рамках нового законодательства.

**Ключевые слова:** государственные закупки, лекарственные препараты, медицина, закон, договор, государственные нужды.

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## Медициналықөнімді мемлекеттік сатып алу ерекшеліктері

**Аннотация:** Қазақстандағы фармацевтикалық нарық - бұл дамып келе жатқан және сонымен бірге оны реттеу қиын, өйткені ол мемлекеттік ұйымдарды тауарлармен қамтамасыз ету мәселесін шешіп қана қоймайды, сонымен қатар азаматтарды мемлекетпен қамтамасыз етудің әлеуметтік функцияларын орындайды. Мақалада Қазақстан нарығындағы дәрі-дәрмектер нарығына мемлекеттік сатып алу шеңберінде қатынастарды қалыптастыру тұрғысынан талдау жасалған. Бұл ретте дәрі - дәрмек нарығының қалыптасу проблемасы ашылды - импорттық дәрілердің басымдығы, отандық және импорттық дәрілік заттардың қатынасы 2020 жылы сәйкесінше 26,3% және 73,7% құрады. Бұл ретте импорттық тауарлардың сапасы туралы мәселе туындайды. Талдау негізінде негізгі мәселелер мен оларды жаңа заңнама шеңберінде шешу жолдары қалыптасты.

**Түйіндемe сөздер:** мемлекеттік тапсырыс, фармацевтика, медицина, заң, келісімшарт, мемлекеттік қажеттіліктер.

### **Introduction.**

All medicinal products for official circulation in the territory of the Republic of Kazakhstan are subject to mandatory state registration. State registration includes development, preclinical studies, clinical trials, expertise, standardization and quality control of a medicinal product. Information on the registration of a medicinal product must be available to the consumer.

Medicines are introduced into civil circulation on the territory of the Republic of Kazakhstan, if they are registered by the relevant authorized executive body. [1; 4]

### **Main part.**

The system of public procurement in our country dates back to the collapse of the USSR and the formation of a new state - the Republic of Kazakhstan. Its active development went through several stages. At the first stage, a definition and legislative approval of the state order system was given, which is a proposal of the authorized body represented by the state to economic entities to carry out the production of goods (services, certain types of work) for state needs and requirements. Subsequently, the public procurement system was reorganized into a public procurement system in accordance with global practice in order to optimally allocate public funds (Resolution May 13, 1996, Resolution June 24, 1996). The legal framework for the development of the procedure for organizing and carrying out public procurement was finally regulated in 1997 in the form of the Law of the Republic of Kazakhstan "On Public Procurement", which subsequently passed several new editions due to the increase in volume and the need to improve this system. In accordance with the interpretation presented in this law, public procurement is "the purchase by customers on a paid basis of goods, works, services necessary to ensure the functioning, as well as the performance of state functions or statutory activities of the customer." The role of the customer is played by state bodies (institutions or enterprises), as well as legal entities in which more than 50% of the shares are owned by the state. This legislation is based on the principles of the most optimal

and profitable distribution of funds allocated for public procurement; equal opportunities for potential suppliers in conducting public procurement with appropriate fair competition among them; openness and transparency of the procurement process. [2; 15]

The organization of public procurement is carried out in accordance with the annual plan, the formation and conclusion of contracts. The state provides training (advanced training) opportunities for specialists in the field of public procurement, consulting or information services in this area. The competitive method is the main one for public procurement in the Republic of Kazakhstan. In addition, there are procurement methods in the country through a request for quotations; procurement from a single source; purchases through electronic bidding; purchases through open commodity exchanges. [3; 1]

In recent years, in connection with the rapid development of information systems, an increasing role in the public procurement process is acquiring the possibility of using the electronic public procurement system, which greatly simplifies and increases the openness and transparency of the process. Any business entity, legal entity or individual has the opportunity to get acquainted with the information about competitive bidding through an advertisement on the Internet, to make sure of their validity and rationality. [8; 19] Such a system allows you to effectively fight corruption in public procurement, find and attract wide layers of suppliers, create equal conditions for competition between suppliers of services or products, speed up and facilitate the procedure for submitting or accepting tender documents, bids, questions and complaints, analyze and systematize procurement data, as well as actively integrate into the global e-commerce system with different countries. [9; 11] In the Republic of Kazakhstan, the electronic public procurement system began functioning in 2008 on the website [www.goszakup.kz](http://www.goszakup.kz). Since 2010, in order to eliminate corruption opportunities and increase transparency, price proposals for public procurement of goods,

works and services are carried out without fail through electronic systems. The quality of the functioning of the public procurement system is determined by the degree of efficiency and benefits for the consumer of services or goods; it is ensured through the mandatory compliance of potential suppliers with certain qualification requirements, which include the presence of legal capacity in relation to legal entities or legal capacity for individuals, the absence of financial debt; availability of sufficient material, financial and labor resources to carry out the assigned tasks. [4; 7]

The preferential support of the state in the implementation of public procurement should be enjoyed by domestic entrepreneurs or organizations - suppliers of works, services or products. Accordingly, if the declared notional value of goods is equal, preference is given to domestic suppliers, and the share of local content in the structure of public procurement should be dominant with a corresponding reflection of this process in the reporting. [5; 11]

Thus, public procurement serves as a promoter of the progression of the Kazakhstani drug market and a kind of buffer between changes in budgetary financing of the healthcare system and the provision of a guaranteed volume of free medical care to all patients in need of our country, possibly by revising purchases in favor of less expensive drugs. [6; 10]

To compete successfully with foreign pharmaceutical companies, products of Kazakhstan manufacturers must comply with the Good Manufacturing Practice (GMP) standards. This procedure makes it possible to increase the volume of production of pharmaceuticals and their entry into foreign markets. In addition, control and analytical laboratories that monitor the quality of manufactured drugs are also required to undergo accreditation for compliance with international laboratory practices (Pharmaceutical Review 2016). In 2016, the pharmaceutical market of Kazakhstan was attended by more than sixty industrial enterprises that successfully implemented international GxP standards, including Good

Laboratory Practice (GLP), Good Clinical Practice (GCP), Good Manufacturing Practice (GMP), Good Distribution Practice (GDP). Good Pharmacy Practice (GPP) and Good Pharmacovigilance Practice (GVP). These standards define quality criteria for the production, transportation, storage and sale of medicines. To promote domestic products, a thorough analysis of the current situation in the pharmaceutical market, the volume of the state in the procurement of medicines, the share of Kazakhstani and foreign funds is required. Such information contributes to the development of a forward-looking strategy, rational and competent planning and monitoring of sales, an objective assessment of the pharmaceutical market as a whole, drugs for the treatment of specific pathologies or classes of diseases, the allocation of the most popular drugs, the volume of retail and state markets.

The assessment of the pharmaceutical segment allows us to judge the steady growth in sales of medicines from Kazakhstani suppliers both in financial and quantitative terms, which indicates the effectiveness of legislative measures aimed at supporting Kazakhstani pharmaceutical manufacturers. [7; 12]

### **Conclusion.**

Thus, we can say the following: competent purchasing implies an understanding of its subject, as well as all sorts of nuances associated with it. It is to such goods that medical goods belong, my analysis allows us to talk about the specifics of the formation of this market and the use of special regimes for the procurement of medical products associated with the application of certain legislative acts at the state and regional level. I found that the development of the pharmaceutical market in the Republic of Kazakhstan is moving at a significant pace, so in 2020 the retail market grew by 16.4%, and the market as a whole 10.6%, in addition, one should not forget about a number of programs at the level of the Republic of Kazakhstan aimed at providing the population with medicines and the provision of benefits for certain categories of citizens. At the same time, the problem of the

formation of the drug market was revealed - the predominance of imported drugs, the ratio of domestic and imported drugs in 2020 was 26.3% and 73.7%, respectively. At the same time, the question of the quality of imported

goods arises. On the basis of the analysis, the main problems and ways of their solution within the framework of the new legislation have been formed. [10, 25]

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