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## TENDER DOCUMENTATION: PRINCIPLES OF FORMATION AND PRACTICE OF APPLICATION

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**Abstract.** *The scientific paper provides a comprehensive study of tender documentation as a key element of the public procurement system. The legal nature of tender documentation, its functions and its role in ensuring transparency, openness and fair competition are examined. The main principles of forming tender documentation are analyzed, including the principles of non-discrimination of participants, objectivity, proportionality and transparency of procedures. Special attention is paid to the practice of applying tender documentation in the activities of contracting authorities and bidders, as well as to typical problems that arise in the process of preparing and conducting tender procedures. The paper also explores issues of compliance of tender documentation with the requirements of current legislation and judicial practice. It is substantiated that high-quality preparation of tender documentation is a necessary condition for the effective use of public funds and increasing public trust in the public procurement system.*

**Keywords:** *Tender Documentation, Public Procurement, Qualification Criteria, Technical Specification (or Statement of Work), Non-Price Criteria, and Localization.*

This article presents a detailed examination of the public procurement system in Ukraine, focusing on the principles of tender documentation formation and their practical application in modern conditions. It highlights how the evolution of legislative frameworks, the introduction of the electronic procurement system Prozorro, and the ongoing harmonization with European Union standards have influenced the efficiency, transparency, and competitiveness of procurement procedures. The research demonstrates that despite significant improvements, challenges remain, particularly related to the clarity, proportionality, and consistency of tender documentation, which directly impact fair competition and the participation of small and medium-sized enterprises.

The study emphasizes that tender documentation is a critical instrument for regulating interactions between the procuring entity and participants. Properly structured documents

ensure legal certainty, clear rules, and standardized evaluation processes, while poorly prepared documents can lead to disputes, complaints, and procurement delays. The article highlights common shortcomings, including unclear technical specifications, excessive qualification criteria, insufficient justification for evaluation metrics, and inadequate integration of digital tools, all of which may create disadvantages for participants and reduce overall procurement efficiency.

A significant focus of the article is on the adoption of modern digital solutions and the standardization of procurement procedures. The research shows that the integration of non-price evaluation criteria, environmental standards, and localization requirements contributes not only to transparency and fair competition but also to long-term economic efficiency. The study underscores the role of electronic platforms, which enable automated verification of proposals, standardization of documentation, and effective risk management, thereby minimizing the influence of subjective factors in the evaluation process.

The article also analyzes the institutional framework of oversight, particularly the functions of the Antimonopoly Committee of Ukraine and other regulatory bodies, in ensuring compliance with procurement rules and preventing corruption risks. It stresses that market analysis, clear justification for technical requirements, and proper documentation of participant eligibility are essential components of effective procurement. Special attention is given to extraordinary circumstances, such as wartime conditions, where procurement must remain flexible and responsive while adhering to legal and ethical standards.

Comparative analysis with European Union practices demonstrates that Ukrainian procurement is gradually aligning with EU standards, particularly regarding transparency, proportionality, and the inclusion of non-price criteria in evaluations. However, the article notes that additional harmonization is necessary, including consistent application of technical specifications, proportional qualification requirements, and clear contract provisions. The study highlights that continuous professional development of procurement specialists, combined with legislative refinement and the integration of advanced digital tools, is essential to achieve these objectives.

In conclusion, the article shows that effective public procurement in Ukraine depends on high-quality tender documentation, standardized procedures, and adherence to the principles of transparency, fairness, and efficiency. Properly developed tender documents, supported by digital platforms, ensure the legal certainty of procurement, minimize disputes, and foster competitive participation. The study demonstrates that ongoing modernization, alignment with EU standards, and professional capacity-building among procurement authorities are critical for improving public procurement outcomes and ensuring the responsible and efficient use of public resources.

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