

Application of Non-price Evaluation Criteria to Public Procurement in Ukraine: Role and Place of Forensic Economics

Volodymyr Lezhnin *

* Postgraduate Student at NSC «Hon. Prof. M. S. Bokarius FSI», Kharkiv, Ukraine,
ORCID: <https://orcid.org/0009-0007-6376-1711>,
e-mail: Lezhnin.Volodymyr@nncise.org.ua

DOI: 10.32353/khrife.2.2026.14

UDC 343.98:342.9

Received: 26.12.2025 / Reviewed: 15.01.2026 / Accepted for printing: 24.06.2026 /

Available online: 30.06.2026



This article is devoted to the administrative and legal aspects of reducing corruption risks when customers apply non-price criteria in public procurement. The purpose of the article is to summarize the theoretical provisions regarding the role and place of judicial economic expertise as a means of reducing corruption risks when customers use non-price criteria in public procurement, and to formulate practical proposals for reforming legislation in this area. To achieve this goal, a system of general scientific and special research methods was used: dialectical, legal modeling, statistical analysis, comparison, linguistic, formal-legal, economic-legal, etc. Statistical data and judicial practice on this issue were analyzed. A comparative analysis of the legislation of Great Britain, the European Union, and Ukraine was conducted. It was proposed to specify the mechanisms for applying non-price criteria (in particular, by obliging the customer to calculate the specific weight of non-price quality criteria and with a measurable economic impact). A scientific and legal assessment of the role and place of judicial economic expertise in the study of the application of non-price criteria by customers in public procurement is provided. Proposals for amendments to the draft law on public procurement are formulated.

Keywords: public procurement; horizontal targets; non-price criteria; forensic economic examination; corruption risks; quoted price.

This article is translation of the original Ukrainian content, which source is available at the link: <https://khrife-journal.org/index.php/journal> (translated by Andriy Bublikov). The author acknowledges translation as corresponding to the original.

© 2026 The Author(s). Published by National Scientific Center «Hon. Prof. M. S. Bokarius Forensic Science Institute» & Yaroslav Mudryi National Law University.

This is an open access article distributed under Creative Commons Attribution License (CC_BY_4.0.0) allowing unlimited use, distribution and reproduction on any medium, subject to reference to the Author and original sources.

Research Problem Formulation

European integration of Ukraine is impossible without the implementation of best practices, in particular, the rejection of an exclusive price criterion for the benefit of quality. Formal borrowing of foreign rules of law without taking into account the context of martial law and a rather short period (compared to the EU countries) of the existence of this legal institution can lead to an increase in corruption risks in this area.

Although Ukraine provides for non-price criteria for evaluating bids, in recent years the share of such procurement does not exceed 0.03% of the total number of bids. Since the formal availability of relevant legislation without developing an effective mechanism for justifying, applying, monitoring and verifying procurement with non-price criteria makes this method illusory.

Insufficient and contradictory legal regulation, the discrepancy between the explanations of the Ministry of Economy, the practice of the Antimonopoly Committee of Ukraine and the legal positions of the courts leads to the emergence of corruption risks in this area. Sometimes quite legitimate and reasonable conditions of the tender documentation of the customer are canceled due to far-fetched reasons. Otherwise, non-price criteria become a way for unscrupulous customers

to limit competition in favor of a certain participant.

This article examines the issues of administrative and legal aspects of the application of non-price criteria in public procurement, the latest recommendations of the European Commission, the experience of the European Union, the “phenomenon of Croatia” (almost 100% of procurement with non-price criteria), the directions of reforming Ukrainian procurement legislation in this area, the practice of the court and the Antimonopoly Committee of Ukraine, statistical information, features of forensic economic examination when determining losses in public procurement with non-price criteria, as well as promising directions for the development of forensic science in this area.

Therefore, there is a need for a comprehensive study of the basis and documentary justification for the use of non-price criteria in public procurement in conjunction with forensic economic examination.

Analysis of Essential Researches and Publications

The problem of public procurement as a subject of forensic economic examination was raised in their research papers by V. Khomutenko with co-authors ¹, O. Anishchenko and O. Danylchenko ², V. Ivankov ³ et al. Similarly, the theoretical and

- 1 Хомутенко В. П., Хомутенко А. В., Костін О. Ю. Проблематика проведення судово-економічних експертиз в умовах юридичної невизначеності окремих норм закупівельного законодавства. *Наукові записки Львівського університету бізнесу та права. Серія економічна. Серія юридична*. 2023. Вип. 38. С. 4–11. URL: <https://surl.luvn.org> (date accessed: 06.12.2025).
- 2 Аніщенко О. В., Данильченко О. Л. Збитки як предмет судової економічної експертизи у кримінальному провадженні. *Теорія та практика судової експертизи і криміналістики*. 2019. Т. 20. № 2. С. 367–377. DOI: [10.32353/khrife.2.2019.28](https://doi.org/10.32353/khrife.2.2019.28) (date accessed: 06.12.2025).
- 3 Іванков В. М. Еволюція предмету судової економічної експертизи. *Проблеми системного підходу в економіці*. 2023. Вип. 3 (92). С. 148–155. DOI: [10.32782/2520-2200/2023-3-20](https://doi.org/10.32782/2520-2200/2023-3-20) (date accessed: 06.12.2025).

practical principles of horizontal goals and non-price criteria in public procurement were studied by V. V. Malolitneva⁴, Ya. Korol and L. Korol⁵ et al.

However, the issue of applying non-price criteria in the context of forensic economic examination has not been sufficiently studied, which became the subject of this research.

Article Purpose

Summarize theoretical provisions on the role and place of forensic economic economics as a way to reduce corruption risks if the customer applies non-price criteria in public procurement, as well as formulate practical proposals for reforming legislation in this area.

Research Methods

Theoretical basis is the conceptual research of modern legal theory, legislative acts of Ukraine, the United Kingdom and the European Union, the public analytics module *BI Prozorro*, the Unified State Register of Court Decisions. To achieve the goal, general scientific and special research methods were used: dialectical, legal modeling, classification, statistical analysis, comparison, linguistic, formal legal, economic and legal, etc.

Main Content Presentation

Global trends in the development of the institute of public procurement indicate

a variety of tasks and types of procurement, which include, in particular, green, innovative and social procurement. The economic purpose of public procurement is not only to save money, but also to stimulate certain areas of management and the national producer, to solve environmental or social problems, etc.

In the 2025 report on Ukraine, European Commission rightly determined the direction of public procurement development aimed at expanding non-price criteria for evaluating bids of participants in order to ensure the quality of the subject of procurement⁶.

As noted by V. Malolitneva, the institution of public procurement has a greater purpose than the purchase of goods, works, and services to meet the needs of the state and local communities. This institution is a means of implementing an additional goal of state policy, which is not limited to a purely economic “price-quality” approach, since the customer stands out among other buyers in the market in that it meets the needs of the state or local community (“satisfies the general interest”). From this, we conclude that in the context of public procurement, achieving economic efficiency alone is not the sole purpose of procurement. There are a number of targets that go beyond the concept of efficiency, including social protection, environmental aspects, ensuring sustainable development, supporting domestic producers, etc. These objectives of the public procurement institution are referred to as horizontal, as they are

4 Малолітнева В. К. Господарсько-правовий інститут публічних закупівель : монографія. Київ, 2020. 412 с. URL: <https://surl.lu/ylhcho> (date accessed: 06.12.2025).

5 Король Я., Король Л. Нецінові критерії як інструмент підвищення ефективності публічних закупівель. *Collection of Scientific Papers «SCIENTIA»* (Kraków, Poland; Sept 26, 2025). Kraków, 2025. Pp. 14–18. URL: <https://previous.scientia.report/index.php/archive/article/view/3022> (date accessed: 06.12.2025).

6 Ukraine Report 2025 / European Commission : web. 4 Nov 2025. URL: https://enlargement.ec.europa.eu/ukraine-report-2025_en (date accessed: 06.12.2025).

implemented in parallel with the main objective — the direct procurement of goods, works, and services to meet the needs of customers ⁷.

Normative confirmation of the existence of such goals in our state is the Constitution, according to which Ukraine is a social state with a social orientation of the economy, ensuring environmental safety and maintaining environmental balance on its territory ⁸. And although the “horizontal” goals are not directly provided for in the Law of Ukraine “On Public Procurement” (hereinafter referred to as the *Law on Procurement*), their application is conditioned by the Constitution of Ukraine as norms of direct action.

In the scientific literature, according to the criterion of “horizontal goals that are implemented in procurement”, the following types are distinguished:

- in order to protect the environment (green procurement);
- socially responsible;
- for the development of innovations;
- to protect national producers, individual territories, support small and medium-sized businesses, etc. ⁹

Turning to foreign practices in implementation of horizontal goals, it is worth noting: Article 67 of Directive 2014/24/EU of the European Parliament and of the Council (hereinafter referred to as *Directive 2014/24/EU*) of February 26, 2014 on

public procurement and on the invalidation of Directive 2004/18/EU provides for the possibility of applying non-price criteria (in particular, social, qualitative, environmental) related to the subject of the relevant public contract. In addition, the award criteria cannot provide the customer with unlimited freedom of choice aimed at effective competition and can be reliably verified ¹⁰.

In the practice of the European Union, the following requirements for non-price criteria have developed:

- Related to the subject of procurement;
- focus on choosing the most cost-effective offer;
- objectivity;
- non-discrimination and impartiality towards different participants;
- sufficient transparency;
- measurability (however, if the evaluation criteria and their weight cannot be measured accurately, the customer can prioritize them) ¹¹.

Directive 2014/24/EU does not provide a specific methodology for evaluating tenders using non-price criteria, so procuring entities develop them independently. This led to the variability of methods, which has both positive and negative consequences. Thus, the courts of the EU countries may invalidate the methodology for assessing non-price criteria, in particular, in case

7 Малолітнева В. К. Зазнач. твір. С. 26. URL: <https://surl.luhcbo> (date accessed: 15.12.2025).

8 Конституція України : Закон України від 28.06.1996 р. № 254к/96-ВР (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/254k/96-vp#Text> (date accessed: 06.12.2025).

9 Малолітнева В. К. Зазнач. твір. С. 41. URL: <https://surl.luhcbo> (date accessed: 15.12.2025).

10 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. *Official Journal of the European Union*. 28.3.2014. Pp. 65–242. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024> (date accessed: 06.12.2025).

11 Даценко В., Русіна К. Нецінові критерії у публічних закупівлях. Європейський досвід і поради для України. *Transparency International Ukraine*. 2023. С. 7. URL: <https://ti-ukraine.org/wp-content/uploads/2023/09/Netsinovi-kryteriyi-v-publichnyh-zakupivlyah.-YEvropejskyj-dosvid-i-porady-dlya-Ukrayiny.pdf> (date accessed: 06.12.2025).

of non-compliance with the principle of equal treatment and the selection of a proposal that is not economically most profitable (*Most Economically Advantageous Tender, the “MEAT”*)¹².

As stated in the report: *Non-price criteria in public procurement. European experience and advice for Ukraine*, in the 2010s, 99% of procurements in Croatia selected the winner based solely on price criteria, as Croatian law allowed the customer to choose which evaluation criteria to apply: price only or price and non-price. However, since July 1, 2017, i.e., with the adoption of the new public procurement law, price and other costs could no longer be the sole evaluation criterion. Their weight had to be a maximum of 90% and, with proper justification, could be reduced to less than 50% (i.e., non-price criteria became mandatory, which led to almost 100% of procurements being conducted with non-price criteria). At the same time, such an imperative and uncompromising method of introducing non-price criteria is questionable, since their application without analyzing the effectiveness of procurement or without determining the cost equivalent may not have a positive economic and social effect, but will lead to a restriction of competition and an increase in corruption risks¹³.

Analyzing the experience of the United Kingdom of Great Britain and Northern Ireland, we state that its legislation aims

to optimize the use of public funds by ensuring a balance between efficiency, effectiveness and economy, taking into account socio-economic and environmental benefits. This is done to prevent inefficient use of funds due to low cost and, moreover, low quality. Achieving the best value for money is always a priority in public procurement and is covered by the concept of the most advantageous tender offer (*Most Advantageous Tender, the “MAT”*).

The UK Public Services Social Value Act 2012 also obliges the public authorities of England and Wales (in part) to address the following issues at the preparatory stage:

- “How exactly can the intended subject matter of the procurement improve the economic, social and environmental well-being of the community concerned?”;
- “In what way, by carrying out the procurement procedure, can the authority contribute to achieving such an improvement?”;
- “Should there be any consultation on this?”

The answers to these questions are aimed at the following values:

- economic one (e.g. employment or internship / training opportunities, energy efficiency);
- social one (for example, activities that promote community cohesion);
- environmental one (for example, combating climate change)¹⁴.

12 Heard E. Price / quality evaluations — what legal considerations are there regarding choice of model, and what does recent analysis tell us about price evaluation in particular? // Bevan Brittan : web. 19/06/2017. URL: <https://www.bevanbrittan.com/insights/articles/2017/procurement-challenges-pricequality-evaluations/> (date accessed: 06.12.2025).

13 Даценко В., Русіна К. Зазнач. твір. С. 10. URL: <https://ti-ukraine.org/wp-content/uploads/2023/09/Netsinovi-kryteriyi-v-publichnyh-zakupivlyah.-YEvropejskyj-dosvid-i-porady-dlya-Ukrayiny.pdf> (date accessed: 06.12.2025).

14 PPN 002 Guide to using the social value model (HTML) : guidance / GOV.UK : web. 5 March 2025. URL: <https://www.gov.uk/government/publications/ppn-002-taking-account-of-social-value-in-the-award-of-contracts/ppn-002-guide-to-using-the-social-value-model-html> (date accessed: 06.12.2025).

UK Public Procurement Act 2023 *Procurement Act 2023*) gives customers flexibility in including social and environmental criteria in procurement. In addition, customers should:

- ensure that any evaluation criteria they apply are relevant to the subject matter of the contract and are a proportionate means of evaluating tenders taking into account the nature, complexity and value of the contract (Section 23(2)(a) and (d)). For example, if the procurement contract provides for high labor costs, the application of criteria to the personnel working on its implementation will be justified;
- ensure equal treatment of suppliers (Section 12(2) and 12(3));
- not to discriminate against suppliers from States that are party to trade agreements, i.e. suppliers who benefit from any free trade agreements concluded by the United Kingdom (Section 90) ¹⁵.

Foreign experience in the application of non-price criteria in public procurement indicates a significant spread of such practices in order to improve quality of procurement subject, as well as the fulfillment of social obligations of procuring entities.

In Ukraine, one of the mechanisms for implementing horizontal goals is the use of non-price criteria for evaluating the tender offer using the calculation of the reduced price. It should be noted

that the Ukrainian procurement legislation does not contain the term *non-price criteria*, but has the concept of *other evaluation criteria*.

In judicial practice, it has developed that the effectiveness of procurement is to fully meet public needs for the rational use of public funds. The implementation of the efficiency principle is reflected in the possibility of announcing a procurement, which will take into account not only the bid price, but also other factors (in particular, the quality of the goods, the warranty period, maintenance, the conditions for the fulfillment of contractual obligations, etc.) ¹⁶: that is, the non-price criteria of the institution of public procurement perform two functions: ensuring efficiency of procurement and implementation of horizontal goals.

The legislator has provided that evaluation of tender bids submitted by participants in open tenders or open tenders with special conditions (during the period of martial law) ¹⁷ may be carried out not only on the basis of the lowest price, but on the basis of life cycle costs or a combination of price and other non-price criteria. The latter include, in particular: environmental protection, warranty period, innovation, staff training, payment terms, social protection, etc. At the same time, such non-price criteria must be related to the subject of the procurement, directly specified in the tender documentation, and their weight in relation to the price

15 Procurement Act 2023 / Legislation.gov.uk : web. 26.10.2023. URL: <https://www.legislation.gov.uk/ukpga/2023/54/contents/enacted> (date accessed: 06.12.2025).

16 Рішення Київ. окруж. адмінсуду від 20.08.2023 р. № 320/28584/23. Провадж. П/320/28584/23/ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/112919233> (date accessed: 06.12.2025).

17 Особливості здійснення публічних закупівель товарів, робіт і послуг для замовників, передбачених Законом України «Про публічні закупівлі», на період дії правового режиму воєнного стану в Україні та протягом 90 днів з дня його припинення або скасування : затв. постанов. КМУ від 12.10.2022 р. № 1178. URL: <https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF#Text> (date accessed: 06.12.2025).

may not exceed 30% (except for competitive dialog, which is not applied during martial law; Article 29 of the Law on Procurement)¹⁸. In addition, the Ministry of Economy emphasizes that the list of such non-price criteria is not exhaustive¹⁹.

In addition, since April 19, 2020, the legislator has excluded the rule that the application of non-price criteria requires a combination of two prerequisites: the complex or specialized nature of the subject of the procurement and the absence of a permanent market for similar services²⁰. Such changes have expanded the list of procurements in which non-price criteria can be applied.

Non-price criteria can be classified as follows:

- have an additional economic effect for the customer (which can theoretically be calculated and verified);
- not related to the economic effect (social, environmental, innovative and other characteristics that do not have a direct impact on the productivity, economy and durability of the subject of procurement)²¹.

In the draft: *Approximate Methodology for the Application of Non-Price Evaluation Criteria* developed by the Ministry

of Economy, according to the method of determining the impact and calculating the specific gravity, non-price criteria are grouped as follows:

- criteria with a measurable economic impact that directly affect the cost of meeting the customer's needs (terms of payment or delivery, energy consumption of the goods, equipment performance, cost of additional service or cost of training the customer's personnel, etc.);
- quality criteria related to the quality of meeting the customer's needs (technical characteristics (specifications), additional equipment or functionality, reliability (reliability) of work or additional warranty obligations of the supplier, etc., provided that such characteristics have a significant impact on meeting the needs);
- social criteria and other criteria not related to the direct impact on the customer's needs (social inclusiveness, environmental friendliness, innovation, social impact, availability of specialized equipment, employees of appropriate qualifications, special experience, etc.)²².

18 Про публічні закупівлі : Закон України від 25.12.2015 р. № 922-VIII (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/922-19#Text> (date accessed: 06.12.2025).

19 Щодо критеріїв оцінки тендерних пропозицій : лист Мінекономіки України від 02.04.2021 р. № 3304-04/20327-06. URL: <https://me.gov.ua/InfoRez/DocumentsList?id=f2e30594-ba6c-420f-9c24-2a852415a884&tag=InforezKnowledgeDb&lang=uk-UA&Num=3304-04%2F20327-06> (date accessed: 06.12.2025).

20 Про внесення змін до Закону України «Про публічні закупівлі» та деяких інших законодавчих актів України щодо вдосконалення публічних закупівель : Закон України від 19.09.2019 р. № 114-IX (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/114-IX#Text> (date accessed: 06.12.2025).

21 Даценко В., Русіна К. Зазнач. твір. С. 14. URL: <https://ti-ukraine.org/wp-content/uploads/2023/09/Netsinovi-kryteriyi-v-publichnyh-zakupivlyah.-YEvropejskyj-dosvid-i-porady-dlya-Ukrayiny.pdf> (date accessed: 06.12.2025).

22 Примірна методика застосування нецінових критеріїв оцінки / Docs.google.com : web. 33 с. URL: <https://docs.google.com/document/d/1u3VQxRmFRYUBswCgWLTjh8pUTUI4q5Lp-poi1QeY07Y/edit?tab=t.0> (date accessed: 06.12.2025).

Analyzing the trends in the development of Ukrainian procurement legislation, it is worth noting the draft law on public procurement № 11520 dated on 23.08.2024 (hereinafter referred to as the *draft law*).

According to paragraph 3 of Part 3 of Article 32 of the Draft Law, the evaluation criteria are, in particular, the price together with other evaluation criteria that should be related to the subject of the procurement²³ (that is, examples of non-price criteria have been removed to eliminate disputes about their exhaustive nature).

As the Committee on Anti-Corruption Policy of the Verkhovna Rada of Ukraine rightly noted, the draft law contains corruption-related factors. In particular, unlike the provisions of the current Law on Procurement, the draft law does not contain a condition on the minimum specific weight of the price of at least 70%, which will allow to level the price of the goods and create artificial advantages in the form of non-price criteria for individual procurement participants²⁴.

Directive 2014/24/EU does not limit the weight of non-price criteria to 30%, as stipulated by the current Ukrainian procurement legislation, while focusing on procurement efficiency and requirements for non-price criteria.

Given the Ukrainian realities, the absence of such a fuse may lead to a restriction of competition.

If we analyze the mechanism for applying non-price criteria, the Law on Procurement provides for the automatic calculation of the reduced price through

the electronic procurement system (hereinafter referred to as the *Prozorro* system) based on the proposals of the participants. The winner of the bidding is determined at the lowest quoted price.

“Given price is a monetary amount specified by the bidder in the tender offer / proposal and recalculated according to a mathematical formula, taking into account the indicators of other evaluation criteria specified by the customer in the tender documentation / announcement of a simplified procurement” (clause 23 of Part 1 of Article 1 of the Law on Procurement)²⁵.

As determined by the Ministry of Economy, the e-procurement system calculates the given price automatically by the formula:

$$PP = P / (1 + (F1 + F2 + \dots F_n) / PV),$$

where:

PP is adjusted price

P is price

F1 ... F_n is the share of other evaluation criteria proposed by the participant;

PV is the specific weight of the *price* criterion²⁶.

Although the bidding is conducted at the lowest given price, however, the procurement contract does not indicate the given price, but the price offered by the bidder for the subject of procurement (that is, the given price is an intermediate monetary amount that is adjusted to non-price criteria and by which the winner of the bidding is determined).

An example of an algorithm for applying non-price tender evaluation criteria is indicated in Fig. 1.

23 Проект Закону про публічні закупівлі від 23.08.2024 р. № 11520. URL: <https://itd.rada.gov.ua/billinfo/Bills/CardByRn?regNum=11520&conv=9> (date accessed: 06.12.2025).

24 Там само.

25 Про публічні закупівлі ... URL: <https://zakon.rada.gov.ua/laws/show/922-19#Text> (date accessed: 06.12.2025).

26 Щодо критеріїв оцінки ... URL: <https://me.gov.ua/InfoRez/DocumentsList?id=f2e30594-ba6c-420f-9c24-2a852415a884&tag=InforezKnowledgeDb&lang=uk-UA&fNum=3304-04%2F20327-06> (date accessed: 06.12.2025).

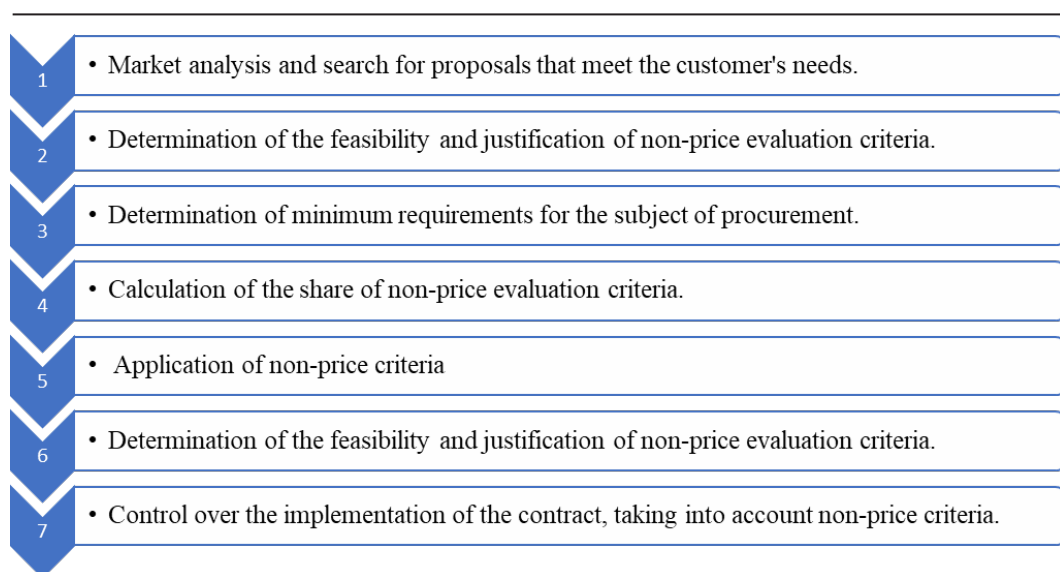


Fig. 1. Stages of the customer's application of non-price evaluation criteria

Note: Developed by the author of the article on the basis of the project “Approximate methodology for the application of non-price evaluation criteria”²⁷.

For example: in the procurement of lubricants for gasoline tools according to the procedure, bidding with features was opened (announcement № UA-2025-11-10-002611-a), the customer in the tender documentation identified three non-price criteria with a specific weight of 30% (price – 70%):

- deferred payment – 10% (of which 180 calendar days – 10%; 120 calendar days – 5%; 60 calendar days – 0%);
- delivery time – 10% (including 2 working days – 10%; 5 working days – 5%; 10 working days – 0%);
- warranty obligations – 10% (of which 3 years – 10%; 2 years – 5%; 1 year – 0%)²⁸.

If the participant chooses the maximum non-price criteria (deferred payment of 180 calendar days – 10%; delivery time of 2 working days – 10%; warranty obligations of 3 years – 10%), then the price of the participant who offered the price of UAH 1,000,000.00 will be UAH 700,000.00 (the price = UAH 1,000,000.00 / (1 + 30% ÷ 70%) = UAH 700,000.00), that is, 30% less than the price offered by the participant.

If such a participant is selected as the winner, the price proposed by the participant shall be UAH 1,000,000.00, as well as the pre-determined terms of payment, delivery and guarantee.

At the same time, the customer may use non-price criteria by mistake or in order to limit competition and winnings by a predetermined participant.

27 Примірна методика застосування ... URL: <https://docs.google.com/document/d/1u3VQx-RMrFRYUBswCgwLTjh8pUTUI4q5Lppoi1QeY07Y/edit?tab=t.0> (date accessed: 06.12.2025).

28 Мاستильні засоби для бензоінструменту : оголошення UA-2025-11-10-002611-a / Prozorro : вебсайт. URL: <https://prozorro.gov.ua/uk/tender/UA-2025-11-10-002611-a> (date accessed: 06.12.2025).

Thus, during the procurement of a diesel generator according to the announcement № UA-2024-08-16-010383-a under the open bidding procedure with features, the customer indicated in the tender documentation the criteria for evaluating the bids: compliance with the declared technical characteristics (40%); price (40%); reliability (reliability, safety, maintainability, durability) (20%), that is, with a violation of the price threshold limit of 70%.

In addition, the *Prozorro* system establishes other criteria for selecting the winner: price — 70%, compliance with the declared technical characteristics — 15%; maintainability — 15%.

Consequently, the non-price criteria specified in the documentation did not meet the non-price criteria specified in the procurement procedure announcement. Under such circumstances, the Commission of the Antimonopoly Committee of Ukraine for Consideration of Complaints on Violations of Legislation in the Field of Public Procurement (hereinafter referred to as the AMCU Commission) concluded that the participants were deprived of the opportunity to properly formulate their proposals in connection with the existing discrepancies. This distorted the results of the bidding. That is why the AMCU Commission obliged the procuring entity to cancel the procurement procedure²⁹.

Analyzing another procurement (according to the announcement № UA-2024-05-17-008967-a), the customer established other evaluation criteria when purchasing fuel (in the form of coupons) to determine the most cost-effective tender offer, in addition to the price (specific gravity 80%). Namely, the distance from the gas station

(hereinafter referred to as the *gas station*) to the customer with a specific weight of 20%:

- if the distance from the gas station is less than 1.5 km, then 20%;
- if the distance from the gas station is from 1.51 to 2.50 km, then 10%;
- if the distance from the gas station is more than 2.51 km, then 0%.

This tender documentation defines the reduced price as the price specified by the seller in the tender offer and calculated taking into account the indicators of other evaluation criteria (distance from the gas station) according to the mathematical formula: the reduced price = the offer price/correction factor.

The Employer motivated the application of such a non-price criterion by the fact that it will incur additional monetary and time costs for the road, which will negatively affect the efficiency of the customer's work, and will offset the benefit of determining only the lower price of the tender offer of the potential winner. According to the author, such wording is not properly justified. This non-price criterion has an *additional economic effect for the customer*, so it could be calculated on the basis of an estimate of the average fuel consumption of the customer's fleet, multiplied by the distance.

Thus, during the appeal against this condition of the tender documentation, the AMCU Commission noted that such a criterion does not belong to other evaluation criteria provided for in paragraph 3 of Part 3 of Article 29 of the Law on Procurement, which, in the author's opinion, contradicts the inexhaustible list of non-price criteria, as evidenced by the use of

29 Рішення Комісії Антимонопольного комітету України з розгляду скарг про порушення законодавства у сфері публічних закупівель від 25.09.2024 р. № 15848-р/пк-пз / Prozorro : вебсайт. URL: <https://prozorro.gov.ua/uk/tender/UA-2024-08-16-010383-a/complaints> (date accessed: 06.12.2025).

the insert word “in particular” in this provision.

The Appellate Body also considers that such conditions do not allow participants to properly formulate their tender proposals, which is discriminatory, and obliged the customer to amend the tender documentation³⁰.

Subsequently, the customer canceled the open bidding procedure altogether due to a reduction in the volume of expenditures for the procurement of goods, works or services³¹.

As can be seen, an unreasonable determination of the share of non-price criteria can give significant competitive advantages to predetermined participants. That is why, in order to reduce corruption risks, the legislation should provide for the obligation of the customer to calculate the share of non-price criteria with a measurable economic impact.

Ministry of Economy proposes to apply the following formulas in the draft methodology:

$$1) F = Se / C \times 100 \%,$$

where:

F is calculation of the share of non-price evaluation criteria;

Se is amount of the economic effect of the non-price criterion in accordance with the planned indicators of supply and/or possession of the subject of procurement; estimated value of procurement;

In turn, Se is calculated by the formula:

$$Se = S_{B1} - S_{B2},$$

where:

S_{B1} is amount of the customer's expenses on terms that do not meet the non-price evaluation criterion (basic requirements);

S_{B2} is amount of the customer's expenses on terms that meet the non-price evaluation criterion (non-price criterion option);

2) by quality criteria:

$$F = \Delta C / C \times 100\%,$$

where ΔC is the difference in the value of goods on the market with different quality characteristics, which is calculated as follows:

$$\Delta C = C_1 - C_2,$$

where:

C₁ is average cost of goods (works or services) on the market with conditions (characteristics) that meet the non-price evaluation criterion;

C₂ is the average cost of goods (works or services) on the market with conditions (characteristics) that do not meet a certain non-price evaluation criterion.

C₁ and C₂ are defined as the average value of offers on the market with uniform conditions according to a certain non-price criterion³².

Use of calculations by customers will make possible to reasonably assess the impact of non-price factors on the procurement, make it effective and avoid corruption risks during its conduct.

If the determination of the specific weight of the non-price criterion is impossible, in particular for the application of social criteria, a threshold of the specific

30 Рішення Комісії Антимонопольного комітету України з розгляду скарг про порушення законодавства у сфері публічних закупівель від 08.07.2024 р. № 11754-р/пк-пз / Prozorro : вебсайт. URL: <https://prozorro.gov.ua/uk/tender/UA-2024-05-17-008967-a/complaints> (date accessed: 06.12.2025).

31 Бензин А-95 (талони); Дизельне паливо (талони) : оголошення UA-2024-05-17-008967-a / Prozorro : вебсайт. URL: <https://prozorro.gov.ua/uk/tender/UA-2024-05-17-008967-a> (date accessed: 06.12.2025).

32 Примірна методика застосування ... URL: <https://docs.google.com/document/d/1u3VQx-RMrFRYUBswCgwLTjh8pUTUI4q5Lppoi1QeY07Y/edit?tab=t.0> (date accessed: 06.12.2025).

weight of such factors should be set at the legislative level not more than 10% (that is, a threshold that will not have a decisive impact on the procurement results). A complete rejection of the application of social criteria will contradict the horizontal goals of public procurement.

Thus, when implementing the social functions of the state, procuring entities can provide non-price criteria that will contribute to the social integration of veterans, persons with disabilities, and internally displaced persons³³. In particular, the involvement of a certain number of veteran employees in the implementation of the procurement contract can become a competitive advantage of the participant as a non-price criterion and will contribute to the employment and integration of veterans. In the tender documentation, this may look like this: the share of the price criterion is 90%, and non-price — 10% (in terms of the number of veteran employees involved in the implementation of the contract, where 10% corresponds to more than 10 people inclusive, 5% — from 1 to 10 people, and 0% — 0 people).

Turning to judicial practice, it is worth noting that the courts generally support the reasonable and non-discriminatory application of non-price criteria.

Thus, Sixth Administrative Court of Appeal noted that the establishment of non-price evaluation criteria by the customer is the right of the customer in accordance with the Procurement Law. That is why the customer, during the development of ten-

der documentation and the publication of the procurement announcement, had the right to establish non-price evaluation criteria, which does not contradict the provisions of Article 19 of the Constitution of Ukraine³⁴. At the same time, such non-price criteria cannot duplicate the qualification criteria (personnel, financial, material and technological, experience in the implementation of similar contracts)³⁵.

Ya. Korol considers non-price criteria as an effective tool for increasing the effectiveness of procurement, and not as an unnecessary complication in the conduct of bidding³⁶.

In order to popularize the use of non-price criteria in Ukraine, the “Designer of non-price criteria” was developed, available at <https://nk.prozorro.ua> under the administration of the Prozorro State Enterprise.

This resource provides examples of non-price criteria depending on the type of procurement item (CPVcode). In particular, the characteristics given in Table are proposed for food products.

The constructor of non-price criteria immediately offers examples of justification for the expediency of application and confirmation of compliance with a certain non-price criterion.

The disadvantage of this system is the lack of an approximate calculation of the share of the non-price criterion, which would be useful not only for customers, but also during the audit or monitoring of the procurement.

33 Примірна методика застосування ... URL: <https://docs.google.com/document/d/1u3VQx-RMFRYUBswCgwLTjh8pUTUI4q5Lppoi1QeY07Y/edit?tab=t.0> (date accessed: 06.12.2025).

34 Конституція України ... URL: <https://zakon.rada.gov.ua/laws/show/254к/96-вп#Text> (date accessed: 06.12.2025).

35 Постанова Шост. апеляц. адмінсуду від 18.06.2025 р. Справа № 640/16892/20. Провадж. А/855/3096/25 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/128329329> (date accessed: 06.12.2025).

36 Король Я., Король Л. Зазнач. твір. С. 18. URL: <https://previous.scientia.report/index.php/archive/article/view/3022> (date accessed: 06.12.2025).

Table

Examples of non-price evaluation criteria for food³⁷

Characteristic name	Criterion Type	Criterion Example
Efficiency	Other criteria not related to the direct impact on the customer's needs (however, may be with a measurable economic impact depending on the wording)	Use seasonal or locally sourced ingredients in food preparation
		Energy efficiency of electrical equipment
	With measurable economic impact	Deferred payment
Quality	Qualities	Availability of an implemented quality management system or an integrated system, which is confirmed by a certificate in accordance with ДСТУ ISO 9001
Safety	Qualities	Availability of an implemented food safety management system, which is confirmed by a certificate in accordance with ДСТУ ISO 22000
Environmental precautions	With measurable economic impact	Use of reusable cutlery, dishes, tablecloths
	Other criteria not related to the direct impact on the customer's needs	Use of road transport
		Use of eco-friendly food products, eco-friendly paper products (paper napkins, paper towels), detergents
		Waste sorting
		Management of environmental aspects in the process of providing services
Innovativeness	Other criteria not related to the direct impact on the customer's needs	Use for cooking / availability of organic products in the menu in accordance with the Law of Ukraine: <i>On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products</i> ³⁸

Studying the statistics of public procurement with non-price criteria using the public analytics module of *BI Prozorro*, it should be noted that for the period from 01.01.2024 to 30.10.2025, 1.84 thousand lots of public procurement were conducted using non-price criteria for a total

expected value of UAH 14.38 billion (see Fig. 2). During this period, 31 complaints were filed with the AMCU Commission, 22 of which were resolved and implemented. The expected value of the lots with the complaint is UAH 1.97 billion, or 13.72% of the expected value of all purchases

37 Конструктор нецінових критеріїв / Prozorro : вебсайт. URL: <https://nk.prozorro.ua> (date accessed: 06.12.2025).

38 Про основні принципи та вимоги до органічного виробництва, обігу та маркування органічної продукції : Закон України від 10.07.2018 р. № 2496-VIII (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/2496-19#Text> (date accessed: 06.12.2025).

with non-price criteria for this period (see Fig. 3). At the same time, the total number of lots of competitive procurement conducted through the *Prozorro* system is 7.01 million, that is, the share of “non-price” procurement is 0.026% ³⁹.

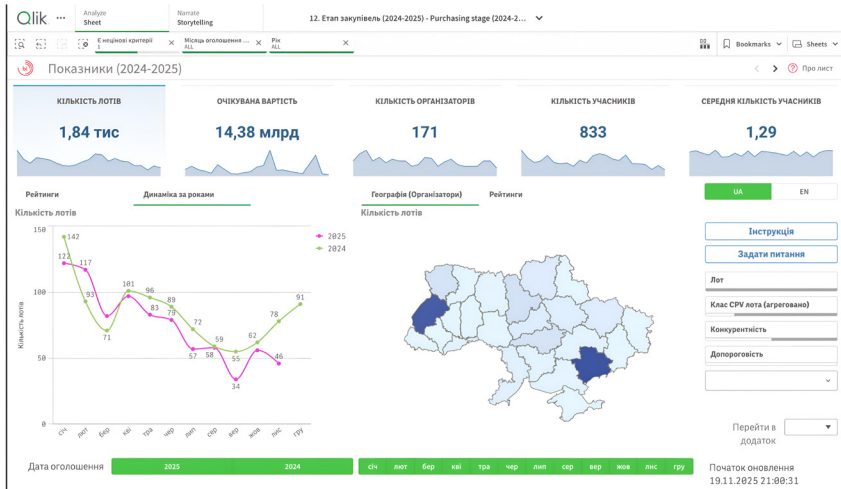


Fig. 2. Public procurement statistics with non-price criteria for the period from 01.01.2024 to 30.10.2025, generated using the public analytics module *BI Prozorro* ⁴⁰



Fig. 3. Statistics of complaints in public procurement procedures with non-price criteria for the period from 01.01.2024 to 30.10.2025, generated using the public analytics module *BI Prozorro* ⁴¹

³⁹ Публічний модуль аналітики / Prozorro : вебсайт. URL: <https://bi.prozorro.org/hub/stream/aaec8d41-5201-43ab-809f-3063750dfaf> (date accessed: 06.12.2025).

⁴⁰ Там само.

⁴¹ Там само.

Despite the small share of procurement with non-price criteria, participants filed complaints in 13.72% of lots (at the expected cost).

Given the imperfect legislative regulation, it is difficult for the customer to justify the expediency and non-discrimination of applying non-price criteria. At the same time, for those who inspect (the State Audit Service of Ukraine, the Antimonopoly Committee of Ukraine, the Accounting Chamber, public control, etc.) and law enforcement agencies, there are difficulties in proving violations and justifying the amount of damage for such procurement.

Only involvement of a forensic expert, in particular an economist, will make it possible to solve the problem of documentary justification of financial and economic transactions for the purchase of goods, works, and services; the documentary justification of calculations of the economic indicator of property damage (losses, lost profits) carried out by financial and economic control entities, pre-trial investigation bodies, or stated in claims; the documentary justification of the calculation of the specific weight of non-price evaluation criteria, etc.

Research within the scope of economic expertise is based on studying the economic activities of an enterprise, the processes of forming financial indicators for transactions carried out, and the correctness of their reflection in accounting.

In addition, the most common type of damage in public procurement is, in particular, *irrecoverable loss of assets*: payment for work that has not actually been performed (services not provided), purchase of goods (services) at above-market prices, theft (shortage, damage) of inventory, accounts receivable (in particular, current) of counter-parties⁴².

It should be noted that the resolution of issues falling within the competence of state financial control bodies (conducting audits by economic experts of certain aspects or specific issues of the financial and economic activities of institutions, organizations, and enterprises in order to identify violations of the law and establish the guilty officials and materially responsible persons involved in such violations), as well as legal issues, do not fall within the scope of forensic economics⁴³.

“Resolving issues that go beyond the qualifications of a forensic expert in the relevant field of expertise, including legal issues” is a disciplinary offense for a forensic expert (clause 5, part 3, Article 14 of the Law of Ukraine: On Judicial Examination)⁴⁴.

For example, a forensic expert may be asked: “Is there documentary evidence that the customer violated the principle of maximum economy and efficiency of public procurement when concluding a procurement contract, which resulted in damage? If so, what is the amount of damage?”⁴⁵. Such a question does not

42 Аніщенко О. В., Данильченко О. Л. Зазнач. твір. С. 368. DOI: 10.32353/khrife.2.2019.28 (date accessed: 06.12.2025).

43 Інструкція про призначення та проведення судових експертиз та експертних досліджень і Науково-методичні рекомендації з питань підготовки та призначення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту України від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 06.12.2025).

44 Про судову експертизу : Закон України від 25.02.1994 р. № 4038-XII (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text> (date accessed: 06.12.2025).

45 Хомутенко В. П., Хомутенко А. В., Костін О. Ю. Зазнач. твір. С. 7. URL: <https://surl.luh.gov.ua/zuny-jp> (date accessed: 06.12.2025).

fall within the competence of the expert, since the latter does not resolve legal issues regarding violations of procurement principles and does not have the authority to independently calculate the amount of damage.

The Central Expert Qualification Commission under the Ministry of Justice of Ukraine (hereinafter referred to as the Commission of Minjust) brought a forensic expert to justice on the basis of his performance of a task that falls within the competence of state financial control bodies, but not within the scope of forensic economic expertise (the expert also allegedly provided a legal assessment by identifying the person who caused the damage).

According to the expert's conclusion, material damage (losses) to the local budget of a certain territorial community was established as a result of the conclusion and execution of a contract for a construction project. In accordance with the *Methodology for confirming the amount of material damage (losses) of enterprises (organizations, institutions)* (registration code: № 11.0.57), when deciding on issues related to the application of such a form of civil liability as compensation for damages, an expert economist must bear in mind that the issue of the illegality of conduct in connection with its legal nature cannot be resolved during a forensic economic examination, since the resolution of such an issue is the competence of the investigator or the court.

At the same time, both the court of first instance and the court of appeal overturned the decision of the Ministry of Justice Commission to hold the expert

liable. The courts justified their decisions by stating that the initiator of the examination had in fact requested verification of the amount of damage caused to the local budget, as indicated in the conclusion of the construction and technical examination, namely to establish the correspondence of this amount to the primary accounting documents and to confirm or refute the existence of material damage in this amount. Since the initial data on the injured party and the amount of damage were contained in the question, during the examination the expert only verified the reliability and validity of these hypotheses, and the question posed to the expert did not go beyond his competence.

The Seventh Administrative Court of Appeal noted that the category of "questions of law" may include such expert conclusions in which the expert determines the composition of the offense (the guilty person, legal qualification, etc.), while the question of the amount of damage caused and to which budget is not a question of law. Such an approach would completely delegitimize the expert's authority when conducting any examination ⁴⁶.

Scientists share this opinion, noting that the subject of judicial economic expertise in determining damages is to establish the documentary validity of the economic component of the calculation of damages, carried out by the relevant supervisory (authorized) body ⁴⁷.

Conclusions of forensic economic expert reports on the calculation of damages, taking into account the conclusions of other experts, are mostly conditional rather than categorical. In addition, the terms of the procurement contract must

46 Постанова Сьом. апеляц. адмінсуду від 28.05.2025 р. Справа № 600/3728/24-а / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/127881751> (date accessed: 06.12.2025).

47 Аніщенко О. В., Данильченко О. Л. Зазнач. твір. С. 374. DOI: 10.32353/khrife.2.2019.28 (date accessed: 06.12.2025).

be taken into account in comparison with contracts concluded on market terms for private funds ⁴⁸.

As noted by V. Ivankov, the organizational and methodological support for forensic economic examinations belatedly reflects the wide range of requests and challenges facing forensic examination in modern conditions ⁴⁹.

Such challenges include, in particular, the specifics of conducting judicial economic expertise on procurement with non-price factors. Thus, it is necessary to develop and implement methods for calculating the specific weight of non-price quality criteria and measurable economic impact using modeling and economic analysis methods. Examples of formulas are provided in the research.

As for calculating the reduced price, in the *Prozorro* system it is calculated automatically using a single formula, and the customer cannot influence this calculation. That is why, as of today, developing a methodology for documenting the validity of non-price criteria calculations is not relevant.

As the research indicates, the use of non-price criteria and, as a result, the selection of the winner with the lowest discounted price is exclusively a method of conducting a tender procedure, which must be justified and aimed at the effectiveness of the procurement. The discounted price is an intermediate price and is not specified in the procurement contract. Thereby, while determining losses, an expert economist must apply the final

price of the procurement item specified in the contract (and not the discounted price), taking into account the terms of the contract (non-price quality criteria and measurable economic impact: warranty period, payment terms, quality characteristics, etc.).

In addition, forensic expert cannot take into account social and other non-price criteria that are not directly related to the customer's needs, as they have no economic effect and are aimed at implementing the horizontal functions of the state and the customer. Such criteria are legal in nature and cannot be assessed by forensic economist.

Conclusions

Enhancing ability of customers to use non-price criteria in a reasonable and non-discriminatory manner is one of the priority areas for the development of public procurement in Ukraine. Such non-price criteria should be used, first, to ensure the effectiveness of procurement by improving the quality of goods, works, and services; and second, to achieve the horizontal goals of the state and local communities: environmental protection, social adaptation, innovation development, etc.

At the same time, unjustified determination of the specific weight of non-price criteria may lead to restrictions on competition and the creation of artificial barriers for bona fide participants. In the long term, involving a forensic economist will be an effective way to reduce corruption

48 Олексієнко Т. Особливості проведення судових економічних експертиз у провадженнях щодо завищення вартості закупівель. *Діджиталізація судово-експертної науки в умовах воєнного стану* : зб. мат-лів Міжнар. наук.-практ. конф. (Харків, 08.11.2024). Харків, 2024. С. 245. URL: <https://drive.google.com/file/d/1cDRJ14KDOGIxe5Y6HdNVBzqAS7gbR-ML/view> (date accessed: 06.12.2025).

49 Іванков В. М. Зазнач. твір. С. 149. DOI: 10.32782/2520-2200/2023-3-20 (date accessed: 06.12.2025).

risks when a customer applies non-price criteria in public procurement. This requires both amendments to the current procurement legislation and the development of forensic science, in particular through the development of appropriate methods for conducting forensic examinations.

With the aim of implementing best international practices into Ukrainian procurement legislation and reducing corruption risks in this area, we propose the following in the draft law of Ukraine on public procurement:

- retain the condition regarding the minimum specific weight of the price of not less than 70%;
- directly indicate the inexhaustible list of non-price criteria;
- provide a classification of non-price criteria depending on the method of determining the impact and calculating the specific weight of non-price criteria;
- require the customer to include in the tender documentation a calculation of the specific weight of non-price quality criteria with a measurable economic impact;
- limit to 10% the weight of social criteria and those not directly related to the customer's needs.

Застосування нецінових критеріїв оцінки до публічних закупівель в Україні: роль і місце судово-економічної експертизи

Володимир Лежнін

Статтю присвячено адміністративно-правовим аспектам зниження корупційних ризиків під час застосування замовниками нецінових критеріїв у публічних закупівлях. Мета статті — узагальнити

теоретичні положення щодо ролі й місця судової економічної експертизи як способу зниження корупційних ризиків у разі користування замовником неціновими критеріями в публічних закупівлях, сформулювати практичні пропозиції щодо реформування законодавства в цій сфері. Для досягнення мети застосовано систему загальнонаукових і спеціальних методів дослідження: діалектичний, правове моделювання, статистичний аналіз, порівняння, лінгвістичний, формально-юридичний, економіко-правовий та ін. Проаналізовано статистичні дані та судову практику із цього питання. Проведено порівняльний аналіз законодавства Великої Британії, Європейського Союзу й України. Запропоновано конкретизувати механізми застосування нецінових критеріїв (зокрема, за допомогою зобов'язання замовника проводити розрахунки питомої ваги нецінових критеріїв якості та з вимірюваним економічним впливом). Надано науково-правову оцінку ролі й місця судової економічної експертизи під час дослідження застосування замовниками нецінових критеріїв у публічних закупівлях. Сформульовано пропозиції щодо внесення змін до законопроекту про публічні закупівлі.

Ключові слова: публічні закупівлі; горизонтальні цілі; нецінові критерії; судова економічна експертиза; корупційні ризики; приведена ціна.

Financing

This research did not receive any specific grant from funding institutions in the public, commercial or non-commercial sectors.

Disclaimer

Founders had no role in the research design, data collection and analysis, decision to publish or manuscript preparation.

Participants

Author contributed solely to the intellectual discussion underlying this document, case law

research, writing and editing and assumes responsibility for its content and interpretation.

Declaration of Competing Interest

Author declares no conflict of interest.

References

- Anishchenko, O., Danylchenko, O. (2019). Losses as a Subject to Legal Economic Examination in Criminal Proceedings. *Theory and Practice of Forensic Science and Criminalistics*. Vol. 20. No. 2. DOI: 10.32353/khrife.2.2019.28.
- Datsenko, V., Rusina, K. (2023). Netsinovi kryterii u publichnykh zakupivlyakh. Yevropeyskyi dosvid i porady dlia Ukrainy [Non-price criteria in public procurement. European experience and advice for Ukraine]. *Transparency International Ukraine*. URL: <https://ti-ukraine.org/wp-content/uploads/2023/09/Netsinovi-kryteriyi-v-publichnyh-zakupivlyah.-YEvropejskyj-dosvid-i-porady-dlya-Ukrayiny.pdf> [in Ukrainian].
- Heard, E. *Price / quality evaluations – what legal considerations are there regarding choice of model, and what does recent analysis tell us about price evaluation in particular?* (2017) // Bevan Brittan : web. URL: <https://www.bevanbrittan.com/insights/articles/2017/procurement-challenges-pricequality-evaluations/>.
- Ivankov, V. M. (2023). Evoliutsiia predmetu sudovoï ekonomichnoi ekspertyzy [Evolution of the Subject of Forensic Economic Examination]. *Problemy systemnoho pidkhodu v ekonomitsi*. Vyp. 3 (92). DOI: 10.32782/2520-2200/2023-3-20 [in Ukrainian].
- Khomutenko, V. P., Khomutenko, A. V., Kostin, O. Yu. (2023). Problematyka provedennia sudovo-ekonomichnykh ekspertyz v umovakh yurydychnoi nevyznachenosti okremykh norm zakupivelnoho zakonodavstva [Problems of conducting forensic economic examinations in the conditions of legal uncertainty of certain norms of procurement legislation]. *Naukovi zapysky Lvivskoho universytetu biznesu ta prava. Serii ekonomichna. Serii yurydychna*. Vyp. 38. URL: <https://surl.lu/zunyjp> [in Ukrainian].
- Korol, Ya., Korol, L. (2025). Netsinovi kryterii yak instrument pidvyshchennia efektyvnosti publichnykh zakupivel [Non-price criteria as a tool to improve the efficiency of public procurement]. *Collection of Scientific Papers «SCIENTIA»* (Kraków, Poland; Sept 26, 2025). Kraków. URL: <https://previous.scientia.report/index.php/archive/article/view/3022> [in Ukrainian].
- Malolitneva, V. K. (2020). *Hospodarsko-pravovyi instytut publichnykh zakupivel* [Economic and legal institute of public procurement] : monohrafiia. Kyiv. URL: <https://surl.lu/ylhcb> [in Ukrainian].
- Oleksiienko, T. (2024). Osoblyvosti provedennia sudovykh ekonomichnykh ekspertyz u provadzhenniakh shchodo zavyschennia vartosti zakupivel [Peculiarities of Conducting Forensic Economic Examinations in Proceedings on Overpricing in Procurement]. *Didzhitalizatsiia sudovo-ekspertnoi nauky v umovakh voiennoho stanu* : zb. matliv Mizhnar. nauk.-prakt. konf. (Kharkiv, 08.11.2024). Kharkiv. URL: <https://drive.google.com/file/d/1cDRJ14KDOGIxe5Y6HdNVBzqAS7gbR-ML/view> [in Ukrainian].
- PPN 002 *Guide to using the social value model (HTML)* : guidance (2025) / GOV.UK : web. URL: <https://www.gov.uk/government/publications/ppn-002-taking-account-of-social-value-in-the-award-of-contracts/ppn-002-guide-to-using-the-social-value-model.html>.
- Procurement Act 2023 (2023) / Legislation.gov.uk : web. URL: <https://www.legislation.gov.uk/ukpga/2023/54/contents/enacted>.
- Ukraine Report 2025 (2025) / European Commission : web. URL: https://enlargement.ec.europa.eu/ukraine-report-2025_en.
- Lezhnin, V. (2026). Application of Non-price Evaluation Criteria to Public Procurement in Ukraine: Role and Place of Forensic Economics. *Theory and Practice of Forensic Science and Criminalistics*. Issue 2 (43). Pp. 219–237. DOI: 10.32353/khrife.2.2026.14.