

Foreign suppliers succeeding in Ukrainian public procurement: DLF for ITA

On 17 March 2026, Iurii Dynys, counsel, attorney-at-law at DLF Ukraine, spoke at the webinar "Infrastructure in Ukraine: four years later – estimated investments for rehabilitation, reconstruction and modernization", organised with the participation of the Italian Trade Agency (ITA). The event brought together representatives of the Italian government, Ukrainian public authorities and international financial institutions to discuss current and future opportunities in Ukraine's rehabilitation, reconstruction and modernization agenda.

According to the webinar agenda, the programme included remarks and presentations by Carlo Formosa, Ambassador of Italy to Ukraine, Alona Shkrum, First Deputy Minister for Development of Communities and Territories of Ukraine, Ivan Lukerya, Deputy Head of the Agency for Restoration of Ukraine, as well as representatives of CDP, SACE, SIMEST and the ICE Kyiv Agency Office.

As part of the event, Iurii Dynys delivered a presentation on a practical issue of immediate relevance for international business: how foreign suppliers can participate in public tenders in Ukraine successfully.

The presentation focused on a key commercial reality. In Ukraine, foreign companies are legally allowed to participate in public procurement. The real issue is not legal access as such, but how participation is structured in practice. For many foreign bidders, the main risks arise not at the pricing stage, but much earlier — at the level of documentation, timing, translation, digital setup, authority chain, banking logistics and compliance formalities.

Against this background, Iurii Dynys presented a practical roadmap for companies considering entry into the Ukrainian public procurement market.

One of the central points of the presentation was that Ukraine's procurement market remains active and operational even under wartime conditions. Prozorro continues to function as the country's central procurement infrastructure. As noted during the presentation, official reporting for the fourth quarter of 2025 showed that nearly 19.8 thousand buyers announced more than 207 thousand procurements with a total value of UAH 463.3 billion.

At the same time, the market is developing beyond urgent wartime demand. Public procurement in Ukraine is increasingly linked to reconstruction, infrastructure development, energy, public services and broader institutional reform. For foreign suppliers, this means that procurement opportunities should be assessed not only from the perspective of short-term supply, but also in the context of long-term

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recovery and investment processes.

The main issues covered during the presentation included the current procurement landscape in Ukraine, the legal openness of public procurement for foreign suppliers, practical participation models, wartime procurement rules, localization requirements, digital access to Prozorro for non-residents, authority chain issues, translation of tender and supporting documents, pricing, complaints mechanisms and additional origin, sanctions and eligibility requirements.

A significant part of the presentation was devoted to the choice of participation model. Iurii Dynys explained that a foreign company may in principle bid directly, and in some cases a consortium structure may also be possible. In practice, however, the decision is often more nuanced. Foreign suppliers typically choose between three models: direct participation, participation through a Ukrainian distributor, integrator or project partner, or a hybrid structure where the Ukrainian entity acts as bidder and the foreign company remains the manufacturer, licensor or upstream supplier.

As emphasized during the presentation, there is no universal solution. The correct model depends on the specific tender documentation, the customer's expectations, the required evidence, delivery terms, warranty obligations and the timeframe available for preparing the tender package. For that reason, the participation model should be determined at the outset, before tender preparation begins.

Another major focus was the wartime procurement framework. Public procurement in Ukraine currently operates under the general Law on Public Procurement, but also under special wartime rules. These rules affect procedures, exceptions, timing and, in certain sectors, the possibility of direct contracting. For foreign business, this means that understanding Ukrainian procurement law alone is not sufficient. The wartime regulatory layer must also be taken into account.

Particular attention was also paid to localization requirements. Iurii Dynys noted that this remains one of the most misunderstood issues for foreign companies. At the same time, official guidance confirms that localization requirements do not apply to goods produced in countries that are parties to the WTO Government Procurement Agreement, including EU member states. For many Italian manufacturers, the practical question is therefore not whether localization exists, but whether it applies in the particular procurement and whether origin is documented correctly.

The presentation also addressed the practical side of digital access. Ukraine's procurement system is digital, but digital access does not automatically mean simplicity for non-residents. Proper registration on an authorised electronic marketplace, a correctly configured bidder account and the proper setup of non-resident status are all essential for participation. As noted in the presentation, the relevant Prozorro guidance provides certain flexibility for non-residents in relation to electronic signatures, but this works smoothly only where the account has been set up correctly from the beginning.

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Another practical issue discussed during the webinar was the authority chain. Iurii Dynys focused on such questions as who signs the bid, on what basis, whether the signatory is a CEO, a board-authorized officer or an attorney-in-fact, and whether the power of attorney is acceptable in the form submitted. In Ukrainian tenders, even a commercially strong offer may fail where the authority chain is incomplete or presented in a format that the contracting authority does not accept.

Language and translation were also presented as a matter of legal and commercial risk, rather than mere administration. Tender documentation is usually in Ukrainian, while supporting documents issued abroad often require translation. A mistranslated technical term may create the appearance of technical non-compliance. A literal translation of a corporate document may raise doubts about authority. An incomplete translation of a certificate may create uncertainty about scope or validity. For this reason, translation should be approached as part of tender strategy.

Pricing was another important topic of the presentation. As Iurii Dynys explained, in Ukrainian procurement, price is never just price. A contract may be hryvnia-denominated, while the bid may need to absorb transport, customs clearance, insurance, duties, local expenses and delivery risk. Foreign bidders should therefore test the financial model in advance and assess whether the economics remain workable under Ukrainian procurement rules before submitting the bid.

The presentation also covered complaints and remedies. Ukraine has a functioning public procurement review system through the Antimonopoly Committee of Ukraine. At the same time, Iurii Dynys stressed that the best complaint is often the one that does not need to be filed. In practice, foreign suppliers can often achieve better results by reviewing tender documentation early, identifying problematic requirements in advance, submitting clarification requests on time and making an early decision as to whether the tender is genuinely suitable for a foreign participant.

An additional issue addressed during the presentation was the growing importance of origin, sanctions and eligibility rules in procurements linked to international financing instruments. In such projects, the compliance burden may extend beyond legal registration and technical qualification, and may include country-of-origin eligibility, documentary confirmation of origin, sanctions perimeter and financing-source restrictions.

In conclusion, Iurii Dynys recommended that foreign suppliers approach the Ukrainian procurement market selectively, with preparation and with structure. Among the practical recommendations outlined during the webinar were early tender review, careful selection of the participation model, advance preparation of corporate authority documents, a strategic approach to translation, financial modelling in hryvnia and on delivery terms, and verification of localization, origin, sanctions and funding-source restrictions before submission.

The key conclusion of the presentation was clear: Ukraine is a real opportunity market, but it is also a formal market. Success depends not

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only on offering a competitive product, but on turning that product into a fully compliant tender proposal.