***Guidance***

1. *This protocol applies to project partners not subject to public procurement legislation**and aims at supporting proper documentation of the procurement process in the following cases****:***

* *open procedure (where the tender value is at or above the national/EU public procurement thresholds), or*
* *the bid-at-three rule which was used because of a failed open procedure.*

1. *Specific value thresholds for EU wide tenders are set by the European Commission in Article 4 of DIRECTIVE 2014/24/EU and Article 15 of DIRECTIVE 2014/25/EU. For the national thresholds please carefully check national public procurement legislation.*
2. *This protocol is designed to provide the minimum requirements for documentation of the tender and* ***must be accompanied with other documents on request (such as terms of references, proof of publication, copies of offers, etc.).*** *Should any other protocol already be in use by the project partner, the same may be still used here, provided that it includes all the details stipulated in this template.*
3. *If needed, project partners may add further elements to the protocol; however, the original content of the protocol is the minimum that has to be kept in all cases.*
4. *All amounts (such as estimated contract value, value of the offers, etc.) shall be expressed in EUR. Please use the existing national public procurement laws to exchange the values from the national currency to EUR. If there is no such law then please use the exchange rate published by the European Commission in* t*he month that the contract value was estimated. Please find it under:* [*http://ec.europa.eu/budget/contracts\_grants/info\_contracts/inforeuro/index\_en.cfm*](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/index_en.cfm)
5. *It is important to indicate proper contract type (under point 2) as it determines minimum time for publication of tender and for submitting the offers. If contract type is combined (e.g. provisions of goods and services) it is possible to select more than one option.*
6. *If there are no offers submitted in response to the tender notice or none of the offer fulfils the eligibility criteria set out in the terms of reference, the project partner is allowed to use the bid-at-three rule instead. However, the initial terms of reference must not be changed significantly. The MA/JS protocol template shall be used to document both the failed procurement procedure and the resulting bid-at three selection.*
7. *This protocol shall be signed by person(s) performing as a decision maker in the project partner organisation as well as by all persons involved in the preparation of tender and or assessment of offers.*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project number:** | #R | **Project acronym:** |  | |
|  |  | | | |
| **Project partner number:** |  |
|  |  | | | |
| **Name of the project partner organisation (in English only):** |  | | |

1. **Title of tender**

|  |
| --- |
| *Please insert the title of the tender as specified in the tender notice (e.g. purchase of IT equipment).* |

1. **Type of contract**

**provision of goods**

**provision of services**

**provision of works[[1]](#footnote-1)**

1. **Specification of tender**
   1. **Subject of the procurement**

|  |
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| *Please provide a short description of works, services or goods and list all the requirements for the subject of the procurement (in case of larger contracts, a short summary of the terms of references).* |

* 1. **Time frame**

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| *Please specify if there were any specific conditions regarding the timeline for delivery of goods, services or works (e.g. the IT equipment must be delivered no later than 15 days after concluding the contract).* |

* 1. **Eligibility criteria**

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| *Please specify if there were any specific requirements that potential contractors had to fulfil in order to submit an offer. If no eligibility criteria were established please type not applicable.* |

* 1. **Assessment criteria**

|  |
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| *Please list all the assessment criteria set out in the tender notice (e.g. the only criterion is price - the cheapest offer wins).* |

1. **Estimation of contract value** 
   1. **Estimated contract value (excl. VAT)**

|  |  |
| --- | --- |
| EUR |  |

* 1. **Date of and method used for the estimation of the contract value**

|  |
| --- |
| *Please describe the date of and method used for the estimation of the contract value (e.g. the contract value was estimated on dd/mm/yyyy based on market research/similar purchased from the past/catalogue comparison, etc.).* |

1. **Publication of the notice**

|  |
| --- |
| *Please indicate where the tender notice was published and the deadline for submission (e.g. the tender notice was published in the national newspaper (name). The deadline was 7 days from the date of publishing).* |

1. **Assessment of the offers**
   1. **Comparison of the offers**

|  |  |  |
| --- | --- | --- |
| Name of the bidder | Offered price  EUR (excl. VAT) | Eligibility assessment result\* |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

\*Passed/failed/not applicable (if no criteria have been established)

* 1. **Decision (the winning bid)**

|  |  |
| --- | --- |
| Name of the bidder | Justification |
|  | *(e.g. according to the assessment criteria, the bidder >name< achieved the highest score, etc.)* |

1. **Other remarks**

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|  |

1. **Signature**

*I, the undersigned, having been involved in the preparation and or evaluation and or performed as a decision maker for the above mentioned tender, hereby declare that I have no direct or indirect links with any of the Bidders, whether companies, individuals or members of a consortium, who have replied to the tender announcement, nor with any of the subcontractors proposed.*

*I understand that if such a link would be detected, the relevant authority (e.g. The Managing Authority/Joint Secretariat of Interreg Baltic Sea Region, First Level Control, etc.) in line, may take the decision to apply the financial correction (up to 100% of eligible expenditure reported out of this tender).*

|  |  |  |
| --- | --- | --- |
| **Name and position** | **Signature** | **Date and Place** |
| **…………………………………………………..** | **………………………………….** | **……………………………………** |
| **…………………………………………………..** | **………………………………….** | **……………………………………** |

**Attachments[[2]](#footnote-2):**

1. Terms of references
2. Proof of publication of the tender notice
3. Submitted offers
4. Contract

1. *‘a work’ means the outcome of building or civil engineering works taken as a whole which is sufficient in itself to fulfil an economic or technical function;* [↑](#footnote-ref-1)
2. All listed documents must be available for the FLC check. [↑](#footnote-ref-2)