



Procurement.

Recommendations for private project partners.

This guide provides private project partners with recommendations on how to run the procurement procedure. It is an add-on document to the procurement chapter of the Programme Manual. These recommendations are dedicated mainly to project partners who are not subject to public procurement legislation. This guide helps project partners avoid errors and fulfil the principles of transparency, non-discrimination and equal treatment when dealing with procurement. This document is not an obligation but a piece of advice for carrying out the procurement procedure.

Disclaimer:

Please note that IB.SH cannot under any circumstances or for any reason whatsoever be held liable for completeness, correctness and up-to-dateness of these recommendations. The same applies with regard to its compatibility with EU and national law.

Recommendation no. 1: Preparation of the tender

- Define the need for the tender.
- Estimate the value of the tender. Value estimation can be done based on previous contracts, preliminary market research, professional experience, etc.
- Avoid artificial splitting of contracts.
- Prepare the terms of reference. The terms of reference (ToR) document specifies the conditions of the planned purchase. Thus, it informs about the actual subject of the procurement. ToR is also an instruction for contractors to prepare a valid offer.

Below you find the most essential elements of terms of reference that you should consider:

- The subject of the procurement: a detailed description of works, services or goods required.
- Timeframe: conditions for delivering the goods and/or providing the services and works.
- Price: limitation of the price if applicable.
- Other limitations: any restrictions related to the contracting procedure (e.g. time limitations).
- Eligibility criteria: specific requirements (objective, non-discriminating and relevant to the particular subject) that suppliers must fulfil to submit an offer.
- Assessment criteria for submitted offers: the criteria have to be objective, non-discriminating and relevant to the particular subject of the procurement procedure.
- Contracting and payment: details of the contracting procedure and payment information.
- Formal requirements: proceedings within the procurement procedure (e.g. details for submission, formal requirements for the compilation of offers).





Recommendation no. 2: **Publication of the tender notice**

- Publish the tender notice. A website is a suitable place for it (e.g. own project partner's website, platforms dedicated to procurement, industry services, etc.). If such publication is impossible, contact potential contractors directly via, e.g. e-mail.
- Think about an adequate degree of transparency regarding the subject, estimated values and the sector's specifics.
- Set duration of the publication and minimum time for submission of the offer(s).
 - o Duration of the publication: the recommended minimum duration is 7 calendar days for delivery of goods and services and 14 calendar days for works.
 - o Deadline for submission of the offer(s): the recommended minimum duration is 7 calendar days.

Recommendation no. 3: **Registration of offers**

Document the obtained offers (the whole communication, e.g. technical dialogue) and keep them for further control and audit.

Recommendation no. 4: **Assessment and decision**

Assess the offers according to criteria set in terms of reference only and select the supplier.

Recommendation no. 5: **Contract**

Sign a contract with the successful contractor.

Recommendation no. 6: **Documentation of the procurement process**

Document all procedure steps (including publication of the notice) and keep it for further control and audit. Keep the records until the deadline set for availability of project-related documentation in the Programme manual.

In case of no offers submitted in response to the notice or no offers fulfilling the eligibility criteria set out in terms of reference, repeat the procedure. Bear in mind that the initial terms of reference cannot be changed significantly. Check the publication options of the tender to reach the critical mass of potential bidders. If the new efforts fail, a negotiated procedure might be the more appropriate alternative instead of the bid-at-three rule.

Recommendation no. 7: **Procurement experts**

Contact national procurement experts as controllers or lawyers in case of doubts and questions concerning the procurement procedure.